

CITY OF SOUTH JORDAN
PLANNING COMMISSION MEETING
COUNCIL CHAMBERS

July 28, 2015

Present: Chairman Russ Naylor, Commissioner Sean D. Morrissey, Commissioner Mark Woolley, Commissioner T. Earl Jolley, Commissioner Beverly Evans City Planner Greg Schindler, Planner Damir Drozdek, Planner David Mann, City Engineer Brad Klavano, Staff Attorney Steven Schaefermeyer, Deputy Recorder Cindy Valdez

Absent: Commission Richard Feist

Others: See Attachment A

6:30 P.M.

REGULAR MEETING

I. GENERAL BUSINESS

A. Welcome and Roll Call

Chairman Naylor welcomed everyone present. He noted that Commissioner Richard Feist is excused from tonight's meeting, and Commissioner Mark Woolley will be arriving late.

B. Motion to Approve Agenda

Commissioner Naylor said we have a room full of people here for item G.1 McKee Farms Subdivision Preliminary Plat, so I would like to entertain making a motion to move that item up to be heard after the Summary Action items A. and B.

Commissioner Morrissey made a motion to approve the July 28, 2015 Planning Commission Agenda with changes. Commissioner Jolly seconded the motion. Vote was unanimous in favor, with Commissioner Feist and Commissioner Woolley absent from the vote.

C. Approval of the Minutes from the Meeting held on July 14, 2015

Commissioner Morrissey made a motion to approve the July 14, 2015 Planning Commission meeting minutes as printed. Commissioner Jolley seconded the motion. Vote was unanimous in favor, with Commissioner Feist and Commissioner Woolley absent from the vote.

II. INFORMATIONAL ITEMS AND OTHER BUSINESS

A. Staff Business

There were (2) items given to the Commissioner's that were not added in your packet. One is for Item E, and the other one is for Item F on the Agenda. I am sure the presenter for each item will let you know what they are about.

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 LOT 7 CRABAPPLE COVE & PARCEL # 27-21-401-023

Address: 11503 South 2510 West & 11498 South 2510 West
Applicant: Doug Walker

Commissioner Woolley arrived at the meeting.

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

Commissioner Morrissey motioned to approve the Lot Line Adjustments on Item A. Lot 7 Crabapple Cove & Parcel #27-21-401-023 and Item B. Lot Line Adjustment Groves Subdivision PUD Amended, Lot 11 & Eddie Nelson Subdivision, Lot 1. Commissioner Jolley seconded the motion. Roll Call Vote was 4-0 unanimous in favor; Commissioner Feist and Commissioner Woolley were absent from the vote.

B.1 Issue: LOT LINE ADJUSTMENT GROVES SUBDIVISION PUD AMENDED, LOT 11 & EDDIE NELSON SUBDIVISION, LOT 1

Address: 1193 West Groves Crest Drive & 11721 South 1220 West
Applicant: Melissa McKay and Curt & Julie Evans

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

Combined motion made on Item A.2 that included Item A. and Item B. for Lot Line Adjustments.

V. ACTION

**G.1. Issue: MCKEE FARMS SUBDIVISION
PRELIMINARY SUBDIVISION PLAT**

Address: 10800 South 2700 West
File No: SUB-2015.33
Applicant: Randy Bowler, Bowler Properties L.C.

Planner Damir Drozdek reviewed background information on this item.

Lynn Bowler, 7095 S. 5490 W. West Jordan, Utah 84081- said I would like to thank you for allowing us to be here tonight to discuss the new neighborhood that we are proposing. We have enjoyed working in South Jordan and we have enjoyed the relationship that we have had in the past. I don't have anything to

add to the presentation, I think Planner Drozdek did a great job, but I am here to answer any questions that you may have for me.

Chairman Naylor opened the Public Hearing to comments.

Clint Sorenson, 11044 Amini Way South Jordan, Utah 84095- said we are excited for this development and we think it is a great thing to have. I represent the existing people in Palomino Cove and some of the concerns we have. I have here tonight a signed petition from the members of the Palomino Cove that we would like to submit that to the City Recorder's Office, as well as some letters from Ryan Paskett to the Mayor and Councilmen. We have some concerns about the safety of a road having only one point of an ingress, and egress, through our neighborhood. We looked at the options that are available as proposed, and we propose that with the density of the residents that we add at least one, if not two more roads. The concern that we have is that it is a straight shot in and a straight shot north. We will have a lot of traffic coming through as they develop it for the construction traffic, as well as the traffic that will be going through to Monte Vista. We currently have about 80 children and 42 of them live on the west end where the entry point is, and that is one of our major concerns. We are a front neighborhood community, and because we have this nice little neighborhood we get together and block the street off to have Street parties, monthly get-togethers, Christmas parties, summer parties, so we are excited to have that, but we propose that you do as you have done in other neighborhoods and put a vinyl fence across that southern access point, especially when they start the 3rd phase. There are friends and neighbors that live up there and we know that would be great way for them to get their kids to school. We are excited to have their kids walk through our neighborhood, but we are not excited about the traffic. We have a neighborhood watch for our neighborhood and safety is one of our big concerns, and some people have proposed closing off the street, or adding a cul-de-sac. We are ok with adding the development, but not the trough street. I was a young kid once and I like to drive fast through the straight roads, and that is a really straight road. Those are my concerns, thoughts, as well as others concerns.

Commissioner Woolley arrived at the meeting.

Bruce Shively, 2847 W. Amini Way, South Jordan, Utah 84095 – said I am a resident of Palomino Cove, and I came to City Hall yesterday and visited with some of the planners trying to see if there are any other options that exist. One of the concerns that I have and I came to voice for the community is the congestion as a result of cars being in front of the grammar school. What we are finding is a stacking up of cars both dropping off, and picking up, particularly the picking up of kids, because they not only use 2700, but they also use Amini Way. They are adding another 100 and something homes just to the north of us, and it will be a logical point for those homeowners to pull into the street, park, and it becomes very difficult for us to get in and out the community at school times, and that becomes a safety issue for the community. We would like you to have some consideration for 2 things:

1. Adding another access off of 2700 W.
2. Instead of the access point to the west side of Palomino Cove, there is a second potential access point.

In talking to the planners they thought those were both good ideas, but the plan that is submitted meets all of the required codes, but we feel that maybe a better plan can be considered.

Joe Lindsley, 11002 S. Amini Way, South Jordan Utah 84095 – said we live on the edge of the development on the north side. I oppose this idea, because with 50 acres of land I can't believe there is only (1) entrance off of 2700 W. There is a perfect spot on the south side that the cul-de-sac could continue to go through to 2700 W so that the neighborhood could sustain its own traffic. There will be 109 lots coming across Lees Dream Drive, so there will be congestion with the school because everyone

will be coming from 3200 W to get to the school on this street. There is no reason that the new development cannot have that cul-de-sac cut through and go directly out and keep the traffic with its own neighborhood.

Jim Heine, 2909 W. 2909 W. 10755 S. South Jordan, Utah 84095 – said I live to the north of the development and my question for the developer is; what kind of fencing is going to be put up between your development and my property? I am also expressing a little concern about the amount of traffic that is going to come up 10755 S and drop into the development. I would also like to support my neighbors to the south and instead of a cul-de-sac, you continue out to the existing road that goes off of 2700 W. I think that is a better traffic flow, as well as I understand the safety issues for all of the kids.

Craig Bagley, 10861 Summer Land Cove, South Jordan, Utah 84095 – said my lot is just west of lot 332 in phase 3, and we bought this lot because of the view, so I would like to see some of the same restrictions placed on this development, that we have in our development in regards to the height requirement. I would like to know if we could put a restriction on lot 331, and lot 333, to have them put ramblers in there so we do not lose our view.

James Horsley, 109420 Scotty Drive South Jordan, Utah 84095 – said we agree with everything that has been said tonight, but I would like to bring up a concern that we have for our subdivision. When they started phase (2) I was part of the Remington Group that developed phase (1), and phase (2) of McKee Ridge. At that time we were forced to do ½ acre lots because they were bigger lot, so I would like to see the continuity of the subdivision continue on. We were promised by the owners that have been there for years, that there would be ½ acre lots there. I know they are talking about putting up a precast wall for the horses and the flies, but we all know that is not going to help. I think we need to have the ½ acre lots in that area that we have been promised for years. I like what was said about the detention pond, but I would like to see some amenities with the detention pond. I agree with the CC&R's. We have some pretty strict CC&R's, and as you can see there are (2) lots that are part of the upper phase, and they tie into our subdivision, so I would like to see their CC&R's match what we have. I know the developers are the ones that enforce those, so I would like to see if the committee that we have in our subdivision could enforce what we have established. My concern is that we have an applicant that isn't even developing the property, both of the properties are under contract with (2) different developers. We have someone here promising us things, and he not even going to be the one to develop it.

Jackie Hatch, 2660 W. 1095 S. South Jordan, Utah 84095 – said as I look at the map there are a couple of things that I am not sure about, on 2700 W there is a big chunk of land that is just left vacant, so I would like to know what is going to be in that area.

Chairman Naylor said there are homes in that area and nothing is going change.

Ms. Hatch said there are (2) areas on the map, one on the north side, and one on the south side, and the maps say it is dedicated to South Jordan City, what is going in that area?

Chairman Naylor said we have taken note and we will address your concerns after the Public Hearing.

Ms. Hatch said I would also want to mention that I am a little concerned about the traffic flow, because 10950 is a dead end street, and all the people that live on that street will be coming up to 2700 W to turn north or south. We have had a lot of challenges this summer because they have been putting in water lines, and things like that in the area, and it has been really tricky to get out of that street. I don't see it improving much with the additional traffic. I also would like to know if anyone has thought about irrigation water as they have designed this subdivision. Some of us down 10950 still get irrigation water

that comes from the canal, so I would like to know where it is going to be moved once the homes are put in there.

Austin Torrison, 2734 W. Amini Way South Jordan, Utah 84095 – said I am actually excited about the new development because of the future roof top it will be good for my future business plans. I am the second house on the right, and I think I see more traffic in this neighborhood than anyone else. I have been there for 4 years and there had been a lot of vacant lots, so I have seen our development grow and I have seen our community develop in a really strong way. My biggest concern for my family is my kids playing outside in the front. My concern is them tying into the new development and dump trucks, cement trucks, contractors, and construction workers going up and down the street and parking on the street if they cannot find parking. It is already very busy with the amount of homes that we have and all the kids we have in the neighborhood. My biggest concern is the traffic. I am really just hoping we can keep this development in place the way that it already is.

Brady Haider, 10787 S. Lees Dream Drive, South Jordan, Utah 84095- said I am on the corner of this development at the dead end road, and the kids have been used to not having traffic in there. One of the things that the City has done over on Lizzy Cove is during the construction process they put up some barricades. The road still goes through, but there are some barricades there so when the majority of the construction workers are there it is not in the development. I think what they did on Lizzy Cove would be great to have at the end of Lees Dream during the construction process.

Terry Summerville, 2929 W. 10755 S. South Jordan, Utah 84095 – said in the back section of my property there is a ditch, there is a ditch in the front that goes down to the neighbors, and then to the back there is also a surplus ditch that goes along the back section of the property that needs to be addressed, and what we need to do with the water that goes down to the canal and runs into the canal for overflow.

Brent Bowles, 10755 S. 2989 W. South Jordan, Utah 84095- said I called South Jordan City to see if there was anything in the meeting minutes when the grounds were changed from acre lots to 1/3 acre lots, and 1/2 acre lots along the back of us in the Majestic Subdivision. There was nothing in the minutes, so I guess it was a gentlemen's agreement. I called Randy and talked to him about it, but the concern I have is that I am the only one on the street that has horses, and I will end up with 3 lots behind me. You have one lot on the west corner that is 174' wide in the back, and then you have a 40' gap there, so that puts half that lot on the Barnes property, and half way on the new people property that bought the Tomlins home, and then I get part of that lot. There are 3 lots that are 112 widths in the back, and one of those lots that is 112' is directly in back of me where my barn is, and then other 112' fits on the west corner of my lot where I have my arena. Randy who lives right next door to me has horses too, so we have four of those lots behind us. I told Randy that all through the years that we have lived there it was common knowledge that when Jack developed that property, he was going to see that we got 1/2 acre lots that bordered us back there. I know that legally there is nothing that can be done to force them to do that, but it would be nice if they would consider re-aligning some of them lots, because with me having animals, and animals bring flies, and I am getting to the age that I don't want to fight with neighbors. I also have a concern about the waste water. I think that also needs to be addressed. When the City put in 3200 W and widened the road they made changes to the irrigations water that fed Jacks farm, and there are some gate valves that they neglected to take care of, and I have called them for 2 years to get them to flush them out, or do something with them. If they don't get them flushed out and they quit farming that ground, the water will start coming down to our property and when we can't get it shut off they are going to have water in that subdivision. The City needs to be aware of that, and they need to get up there and get that taken care of. I am also a little concerned about the traffic because I have seen an influx of traffic down 10755 S, and now with this additional traffic I think they need to look at another alternative.

Chairman Naylor closed the Public Hearing.

Chairman Naylor said I would like to make sure everyone knows that this is a preliminary subdivision plat, so none of the engineering has been worked out at this point. A lot of the comments that you had in regards to protecting existing irrigation lines and the valves, the developer will be required to provide detailed engineering plans that will be reviewed and coordinated with City staff. As a practicing architect who has completed a number of projects in South Jordan City I can tell you that our staff is very thorough.

Chairman Naylor said of course we cannot enforce verbal agreements that were made with previous project approvals, but I would like the applicant to come to the podium and address the concerns from the residents that spoke during the Public Hearing.

Mr. Bowler said I will address the issues and concerns brought up in the Public Hearing:

- Safety Concern regarding additional traffic:

I certainly don't qualify as a traffic engineer, but we do develop quite a bit, and have done so in South Jordan City as well as other Cities, and as a road pattern, the ingress and egresses that go into this subdivision seem ideal from my perspective. I know that it is not completely ideal or we wouldn't be talking about it, but from a traffic flow standpoint you can go north, south, east, or west, and there are at least a couple of options, that was how we looked at it, and that was the approach we took.

- Fencing on the North side:

There are 2 different kinds of fencing that have been proposed, on the north side of the property east of the canal is a 6' vinyl fence, and on the west side of the canal there is a 6' precast wall. Mr. McKee and I met earlier today and talked about some of the concerns with the horses and the animals, and we have agreed to put an 8' wall instead of the 6' wall to alleviate some of those concerns. We would also like to build a 6' masonry wall along the McKee Farms Phase (1) properties, because they also have animal rights. In the other areas where they do not have existing fences we are putting in 6' vinyl fences.

- Restrictions on the heights of homes:

That is something that we do hear from time to time and we do understand the concern, but it would be difficult to restrict someone from building only one type of home.

- Amenities to the park:

We have already talked to City staff quite a bit about the Park and what can go in there, and we are open to that so we will continue to work with them on the amenities.

- Contracts to sell the property:

Currently we are not under contract with anyone to purchase the property from us. I don't want to mislead anyone into thinking we are the builder, because we are not. We have developed 300 lots in South Jordan in the last 2 years. We did develop them ourselves, and we did sell them off to builders, but we did not build any of those homes. We do have offers to sell, so once engineering is approved there was always the intention to do that.

- Parcels A and B:

Those are the Park, and the Detention Basin, and I think Planner Drozdek covered that in the staff report.

- Irrigation and the ditches on the property:

We are aware of several ditches on the property. Joe was kind enough to walk us out there and show us the irrigation ditches and what needed to be done with them. He also came in with us to speak with staff and go over the same things. We are aware of that, and are more than happy to deal with it.

- Concern with construction traffic:

I thought that Mr. Haider's idea of putting up construction barricades was a good idea. We did that in Rushton Meadows when we developed the west side of Bangerter Highway and I think it worked well. We would be happy to do that under your direction.

- Concern about horse and flies:

I really don't think there is any real good answer regarding this.

Mr. Bowler said I think that I covered all of the issues that were brought up in the Public Hearing.

Commissioner Naylor said are you intending to develop CC&R's to control the development as you sell these lots off to the builders?

Mr. Bowler said yes, absolutely, our intent is to get with the builders once we are ready to do CC&R's. This is a beautiful area and we do not want to detract from the existing neighborhoods, so the CC&R's will be very similar.

Commissioner Morrissey said did you have any neighborhood or town meetings to discuss these issues before tonight?

Mr. Bowler said no, we did not have town meetings before tonight.

Commissioner Jolley said I see that the bridge will be on the canal, will that be built in phase 2 or 3?

Mr. Bowler said that will be built in phase 3.

Mr. Bowler said there was a question that came up about the irrigation for these homes. We will be putting in a secondary irrigation system which will be built as part of phase 2 and phase 3.

Chairman Naylor said while the road meanders a little bit, the primary access that goes north and south does seem to be straight enough to be a raceway running north and south.

City Engineer Brad Klavano said they put wiggles in the street so that it would not be a straight shot. I think they did a fairly good job trying to put some meander to it, and more than likely we will have a 4 way stop that will provide a break there. I did take a look at the Palomino Cove, and I was here when that was developed, and I think it was always the intent for that street to have lots on the other side of the street like they are proposing, and it would be connected to the north. When I first came to the City we formed a traffic committee and one of the things we did was develop a "level of standard" for the residential

streets. We have adopted these level of services with (A.) being the best, and (D.) starting to have problems. If you looked at Palomino Cove now at 2700 W it is probably at 300 to 310 trips a day, which is a level of service (A or A-). This subdivision will generate about 1,000 trips a day at build out. When you have the different connections the trips per day will increase from 310 trips a day to 530 per day, which still keeps it in level (B) so I think it is something we can monitor as we go. I also wanted to let the residents know that on the 2700 West project, staff and the City Council have been pushing for years to get it done because of the safety, children, and the walkability to the school. We were able to get a million dollar grant from the State, and a million dollars from our own City funds, so we are getting that project completed. It took us a little longer than we thought because there were a lot of utility conflicts out there.

Chairman Naylor re-opened the Public Hearing.

Clint Sorenson, 11044 Amini Way South Jordan, Utah 84095- said Mr. Klavano mentioned that there will be approximately 300 trips a day through Palomino Cove with 29 homes. Yet, if we were to split phase 2 in half using the road that goes across the bridge, there is about 42 more homes, is that correct?

City Engineer Klavano said single family homes generate about 10 trips a day, so I counted it at 30 lots, so that's how I came up with 300 trips per day. It still may be higher or lower depending on what happens. As far as the new subdivision, not all of it will go down to Palomino Cove, in my past experience only about 25% will do down through there.

Chairman Naylor closed the Public Hearing.

Chairman Naylor said it sound like there are a lot of issues. I would personally like to see another way to get out to 3200 West, if there is a way to do that. Other than that I think all my questions have been answered.

Commissioner Woolley said some of the comments that were made during the Public Hearing were regarding the elementary school and the staging and stacking of the cars. We have had some of the same concerns about other schools that we have talked about recently. I don't know what we can do to work with the school district to find a resolution to that situation. I have been down in that area a couple of times, and it is a problem. It doesn't just get stacked up at the pickup area, but around the entire school. It definitely will get worse with the new subdivision, so I think that is something that we need to address and mitigate as much as we can. This is very much a safety issue, but more so for the children that walk to school. I cannot approve this item in good conscience without trying to come up with a good solution.

Commissioner Evans said it would be nice if we had a little more input on what they do, but that is a school district issue.

Commissioner Woolley said but we own the street so we are a party to it in my opinion.

City Engineer said to be quite honest with you, we have problems with every elementary school at pick up and drop off time, but we can certainly bring this up in our traffic committee. We have a policeman on the committee, and we can bring the resource officer in and see if they have any ideas about how to address it. A lot of times it is the parent's that are the problem because they are not doing what they are supposed to do.

Commissioner Jolley said I do know that the school district has been very proactive in the past in making improvement to the property regarding staging and stacking issues.

City Engineer Klavano said in the last year we have met with the district and have made a lot of headway, even on how we process the safe walking routes, and instead of them handing them to us at the last minute, we are actually collaborating with them.

Commissioner Jolley said I do see the concerns of the citizens on Lees Dream Drive, but the property owner does have the right to develop this property, and he is following the ordinances that we have set for him. I think to close down either end is just not feasible. We all agree that it would be an advantage to have another access on to 2700 W, but I do not see a solution.

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

Commissioner Evans motioned to approve File No.SUB-2015.33 to allow for subdivision of property into single-family residential lots to be located at 10800 S. and 2700W.with the (1) requirement by staff.

Commissioner Morrissey said I asked a specific question to the developer about holding a neighborhood or town meeting. The reason I asked that question is because we had a similar issue up where I live in the Rushton area. The reason I brought it up is, as a suggestion going forward. I think it would be better to get community involvement before we get to this stage, so that you have more input and more collaboration. I think what I liked about the Rushton project was that we had community input with a town meeting. My suggestion in moving forward is to try and work with the neighbors as much as possible in the community of South Jordan so they can feel a part of it. What is great about tonight is that this is democracy at its finest. That is what makes South Jordan great is that the people care. You have legitimate concerns, and I understand your concerns with your children. I have young children starting elementary school soon and it is a big concern for me. I have sympathy for the situation, but at the same time they have met all of the codes. I hope that everyone understands the problems that we are facing.

Commissioner Evans said I think with the dialogue that we had tonight a lot of concerns were answered by the developer, so I think as this project moves forward it will be good to keep the dialogue in the continued process.

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

C.1 Issue: WELLNESS LIFE ZONE – HOME OCCUPATION APPEAL

Address: 9414 South 2100 West

File No: AP-2015.07

Applicant: Amber Jensen

City Planner David Mann reviewed background information on this item. He also noted that there was a typo on the staff report regarding the address, the correct address is 2100 W.

Chairman Naylor said the staff report says she can have; (6) customers, visitors, vehicle round trips and/or deliveries are generated by the home occupation three days a month, so can she have (6) people if they come in (1) car?

City Planner Mann said it is (6) visitors total, so if she had (2) deliveries, (3) visitors and (1) round trip, that is (6) right there. If she had a vehicle with (7) visitors, that is over the requirement, they are all considered in conjunction.

Amber Jensen, 9414 S. 2100 W. South Jordan, Utah 84095 – said I do have another business license that I have been using it for the past 8 years. We did start a school, and I put it on the application that we would be using a convention center location, and when we had a smaller group it would be at my house on the weekend once a month, not 3 times a week. We did have a few traffic issues when we were starting. I have a neighbor that lives two doors down that was in that class and she has offered her side of the street for parking. I do have 6 children of my own that come and go, one is a teenager, one is a college student, and the other 4 are married and do not live with me. I did hear from one of my neighbors that there was a complaint that was going to be filed, but they didn't say who it was. There may be some confusion with some of my kid's cars because it is on the weekend. I have a notarized letter from Gary Howland who is a property developer and lives at the end of the subdivision. He has a business called Eagles Point, it is a couple of blocks east of my home and he has offered for me to use his business parking for my clients on Friday and Saturday as needed. I would pick my clients up in his parking lot that is just down the street and take them to my home, so that is what I am petitioning for at this time.

Chairman Naylor said do you understand that you have to follow the ordinance the way it is written, so if it appears that you are not going to be able to meet the restrictions that are imposed by the ordinance, then there is no real justification to grant your appeal.

Ms. Jensen said yes, I understand. I have a business license, but for tax purposes I am trying to separate it because of the Academy I created. I do have a business partner her name is Sharla, she is my dear friend and she has been to and from my house for the last 10 years. She was in those pictures, but I did not realize that I could not have her come and assist me for that.

Commissioner Morrissey said so in the past when you have been operating out of your home have you had more than 6 visitors?

Ms. Jensen said there may have been more on that first round, but we don't have that now.

Commissioner Morrissey said do you still have a business partner?

Ms. Jensen said yes, she is here with me tonight.

Commissioner Morrissey said you know that is against the code if we grant this license.

Ms. Jensen said I understand that now.

Commissioner Morrissey said what are your plans to remedy that situation if we grant this license?

Ms. Jensen said we plan to start using conference rooms now that it is starting to get bigger.

Commissioner Morrissey said there was also another issue with a Thursday night class that was held until 9:00 pm and was advertised on a public website. Is that still going on, and since when?

Ms. Jensen said yes we are still having that Thursday night class and we have been since last September.

Commissioner Morrissey said do you have any plans to change that?

Ms. Jensen said I can, and will change that.

Chairman Naylor said I think we would all like to grant you this variance, but I think there would need to be an understanding that you would be in compliance with the ordinance.

Commissioner Morrissey said I know we have pictures regarding the cars in the driveway, but did we have anyone investigate the allegations?

Planner David Mann said in the presentation I stated that I checked her social media (Facebook page) and that is where I saw pictures of more than (6) people in the home participating in the classes. I did want to let the Commissioner's know that staff is perfectly ok with you approving this variance if the applicant is willing to meet the criteria of the things in violation.

Commissioner Jolley said this seems like a thriving business. I was in a similar situation years ago when I started an office out of my home. I had a partner in the business and as it grew and he needed to visit the office more, we decided it was time to get an office. That was the purpose of the Home Occupation, so we could transition.

Commissioner Woolley said we have a lot of home based businesses in our community, it is part of the fabric of our community, it gives us strength and I applaud it. I have a home based business and one of the things we have to be careful of, is when our businesses start to grow and they begin to thrive there are those thresholds and limitations, and as Commissioner's we have the task of monitoring that. On the same token I hate to penalize their zealously. I think tonight I am on the side of helping them make their business be successful, but we need to make it clear that they need to comply, and we need to move on.

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

Commissioner Woolley motioned to approve File No.AP-2015.07 for the proposed home occupation located at 9414 South 2100 West with the following conditions and that they all are met:

- **All standards with the business license are met immediately**
- **No classes are held after 7:00 p.m.**
- **There is never more than (6) customers, visitors, vehicle round trips and/or deliveries are generated by the home occupation three days a month**
- **The business partner situation is address to meet code (No outside employees)**
- **Staff to follow up on a frequent basis to make sure the business is in compliance**

Commissioner Morrissey seconded the motion. Roll Call Vote was 4-1 in favor Commissioner Jolley voted no; Commissioner Feist was absent from the vote.

VI. PUBLIC HEARINGS AND POTENTIAL **ADMINISTRATIVE ACTION ITEMS

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

**D.1 Issue: DAYBREAK VILLAGE 5 PLAT 5
PRELIMINARY PLAT**

Address: Approximately 10700 South 5200 West
File No: SUB-2015.39
Applicant: Kennecott Land

City Planner Greg Schindler reviewed background information on this item.

Gary Langston, 4700 Daybreak Parkway South Jordan Utah 84095- I really don't have anything more to add to Planner Schindler's presentation.

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.SUB-2015.36 with the (1) requirement by staff. Commissioner Woolley seconded the motion. Roll Call Vote was 5-0 unanimous in favor; Commissioner Feist was absent from vote.

**E.1 Issue: WASATCH MEADOWS SOUTH PHASE 4
SUBDIVISION AMENDMENT PLAT**

Address: 4349 West Lennox Drive & 4353 West Lennox Drive
File No: SUB-AMEND-2015.42
Applicant: South Jordan City, Engineering Department

City Engineer Brad Klavano reviewed background information on this item.

Chairman Naylor opened the Public Hearing to comments.

James Saltas, 4349 W Lennox Drive South Jordan, Utah 84095 – said I would like to thank all of you for creating a safe walking path for the community. Those of you that have seen it know that it was a mess and we do appreciate you doing so. We have had a lot of compromising going on through this whole year of trying to put this together. I have even given extra land to this project so that it would be wider at the bottom, so the compromise that I would like to see is under the “notes” is to take out the first paragraph and put it back to our first original plat. It seems kind of strange to me that if you take out invisible lines and no property is lost, we should be able to have the original plat. I would also like to know if on this amended plat, shouldn't there be a stamp to make it official. I am really glad that you cleaned up the area. We have bent over backwards, you have bent over backwards, but this last little issue makes this look like “buyer beware” and a red light flashing. That paragraph wasn't on the original plat, so I would just like to finish this completely and have that added paragraph completely removed.

Chairman Naylor said as an architect I see that similar paragraph on a lot of plats that we work with, it is a pretty typical thing to advise somebody that is purchasing your property that there are easements on the property that they need to be aware of.

City Engineer Klavano said we have discussed this in house with our legal department and this is a standard note that we use on all of our plats, and we think it is important to leave on the plat. When you pull a title report in most cases now, you will have a note very similar to that on the title report. I don't see it as being damaging at all, it is very standard.

Dee Torres, 4353 Lennox Dr. South Jordan, Utah 84095- said we have lived here for a year in April, and what started this whole thing was that we had submitted a GRAMA Records Request and there were some errors. We were trying to see where that property went on that path because we were concerned about liability. In working with the City, we found out that this area was South Jordan City property. We asked them to come out and get rid of the weeds, they came out and they told us they couldn't because it was on our property, and that is what started all of this. I was concerned because I work with children, and we received a note from about 40 of our neighbors thanking us for being concerned about their children's safety on the path to their school, so I would like to thank South Jordan City for that. I would also like to thank Mr. Saltas for allowing that easement to be moved. However, when our home was built somehow the lines were drawn

incorrectly when they set the house on the property. The front easement crosses 6 inches on the front of our garage. We did not know that until South Jordan City came out and surveyed the property. I asked your engineering department "what happens if you have to come in and dig" and he said: "we will be as careful as we can, but we are not going to guarantee it." I know it was a shock to us, and I know it was a shock to South Jordan City. I know it was an error on somebody's part, but I don't ever want to have to worry about my property. If you could move it 6 inches away from my garage and back I would be happy.

Chairman Naylor closed the Public Hearing.

City Engineer Klavano said I don't mean this in a bad way, but Ms. Torres is a little in error. When we had it staked out it does go right to the edge of her home. When we staked it, it didn't go 6 inches into the property. We can look into this, but that would be very difficult to do.

Commissioner Jolley said regarding the note on the plat, if I was the buyer I would appreciate that being on there, and I don't think it will depreciate the property.

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

Commissioner Jolley motioned to approve subdivision plat amendment File No.SUB-AMEND-2015.42 to allow for modification of pedestrian access easements. P.U.E easements, and vacate certain portions of easement on properties located at 4349 W Lennox Drive (Lot411) and 4353 W Lennox Drive (Lot 412) in Wasatch Meadows South Phase 4 subject to City Council review and approval. Commissioner Woolley seconded the motion. Roll Call Vote was 5-0 unanimous in favor' Commissioner Feist was absent from vote.

**F.1. Issue: HARVEST CROSSING VILLAS
SITE PLAN AMENDMENT**

Address: Southwest corner of South Jordan Parkway and 3200 West
File No: SP-AMEND-2015.26
Applicant: Warren Kirk (Peterson Development)

City Planner Damir Drozdek reviewed background information on this item

Warren Kirk 225 S. 200 East, Salt Lake City Utah – said I would like to thank you for your time tonight, and we really don't have anything more to add.

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

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

Commissioner Woolley motioned to approve application SP-2015.26 to allow for construction of gates at the entrances to Phases 1 and 2 of Harvest Crossing Villas at the east access point on 3200 West and the west access point on Willow Valley with the following:

- **The applicant shall provide means of access through the gates for emergency service providers' that is acceptable to both the City and other emergency service providers.**

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

**G.1. Issue: MCKEE FARMS SUBDIVISION
PRELIMINARY SUBDIVISION PLAT**

Address: 10800 South 2700 West
File No: SUB-2015.33
Applicant: Randy Bowler, Bowler Properties L.C.

This item was moved up after Item B.

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

**H.1. Issue: RIVERTON CHEVROLET
CONDITIONAL USE PERMIT AND SITE PLAN**

Address: Southwest corner of 11000 South and Jordan Gateway
File No: SP-2015.24
Applicant: Christopher B. Page (Riverton Chevrolet)

Planner Damir Drozdek reviewed background information on this item.

Brandon McDougal, 215 S. State Salt Lake City, Utah – said I apologize that Chris with Riverton Motors could not be here tonight. They are attending other meetings, but they are happy to be here in South Jordan.

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

Chairman Naylor said I was at the Architectural Review Meeting when this was presented and it is a very attractive building.

Chairman Naylor said what about the turning movement, do we have that north access as a right in, and right out. I also noticed when I went by there that there is island.

City Engineer Klavano said the island ends just south of the drive approach. At first when Shane Greenwood was reviewing this we were looking at this as a right in, right out, but we had a meeting and talked about leaving it more open, and evaluating it as time goes on in case we need to do something different there. I don't think that information got translated over to the staff report, so I apologize for that. They are putting a little island there to force the traffic to make a right out, the other access is a little further to the south, and they do have another access in the back where the school is at.

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

Commissioner Evans motioned to approve application SP-2015.24 to allow for construction and operation of an auto dealership to be located at the southwest corner of 11000 South and Jordan Gateway with the following:

- **Plan and maintain bushes to form a hedge along 325 West that when mature and pruned will be at least six (6) feet high and will help screen the service bay doors.**
- **The access needs to be monitored as we continue the process**

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

**I.1. Issue: HARVEST VILLAGE AT SOUTH JORDAN PHASE 1
AMENDED SUBDIVISION**

Address: 10462 South River Heights Drive
File No: SUB-AMEND-2015.38
Applicant: Glenn Anderson

Planner David Mann reviewed background information on this item.

Tim Anderson, 6043 S Sweet Basil Dr. Taylorsville Utah 84129- said City Planner Mann pretty much covered everything, the only thing I would like to clarify is on Lot 4B there will be development of the drives and the planters along River Heights Drive during the development of Lot 4A, so all the roads are functional and in place.

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

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

Commissioner Evans motioned to approve File SUB-AMEND-2015.38 to allow lot 4 of the Harvest Village at South Jordan Phase 1 Subdivision to be subdivided, provided that:

- **All applicable City Department Requirements, as stated in the Municipal Code, are met.**

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

J.1. Issue: SPORTSMAN’S WAREHOUSE SITE PLAN

Address: 10462 South River Heights Drive
File No: SP-2015.23
Applicant: Glenn Anderson

Planner David Mann reviewed background information on this item.

Tim Anderson, 6043 S. Sweet Basil Dr. Taylorsville Utah 84129 – said City Planner Mann did a great job on the review, so I really don’t have anything to add, but I am here to answer any questions you may have.

Commissioner Jolley said on the entrance for the loading dock in the back will there be a shared access?

Mr. Anderson said we have our loading dock where you will pull in from the north and back in from the south. The other tenant will also follow the same path.

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

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

Commissioner Evans motioned to approve File No. Sp-2015.23 for a retail building located at 10462 S. River Heights Drive provided that:

- **All applicable City Departments Requirements, as stated in the Municipal Code are met.**

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

**K.1. Issue: OQUIRRH PARK PHASE 1
SECOND AMENDED SUBDIVISION**

Address: 10432 South 4000 West
File No: SUB-AMEND-2014.69
Applicant: John Davis

Planner David Mann reviewed background information on this item.

John Davis, 2005 E 2700 S Salt Lake City, Utah 84065- said I am architect on this project and I am here to represent Chris Lane Associates. I would like to thank you for your time tonight, and I think Mr. Mann did a great job on reviewing the project. I really don't have anything to add, but I am here to answer any questions you may have for me.

Chairman Naylor opened the Public Hearing to comments.

Steve Smith, 10429 S Shady Plum Way South Jordan, Utah 84095 – said I live directly west from this project behind the 7-11. When they split this property into 2 separate parcels it was our understanding that they were going to have a dental office, and there hasn't been any discussion about the right-of-way that hooks into the 7-11, so I would like to know where the exits and entrances will be.

Chairman Naylor said they will be off of 4000 West.

Mr. Smith said is there going to be anything put in place to stop the trucks from cutting through the 7-11, because there are trucks that come through there at all hours of the night and it is loud. The fence back there is a 6ft fence, but the way they landscaped the fence back there it is only 4ft on our side, as well as our neighbor's side. I can walk up to it and look over it. I do realize that the building that are going to be there will not be open at night, and will probably close at 6:00 p.m., but that is not going to stop trucks from cutting through, so that is my biggest concern. The fence that is directly behind 7-11 is a 12ft fence, so they will have some of the sound knocked out.

Commissioner Jolley said I think you will get some of these questions answered on the next item on the agenda for the site plan.

City Planner Schindler said we should find out what kind of trucks are coming through there because we have an ordinance that does not allow delivery truck to come through there between 10:00 p.m. and 7:00 a.m., so it would be a violation of our code. If that happens there is nothing we can do, you will need to call the cops because they would be in violation of the code.

Chairman Naylor closed the Public Hearing.

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

Commissioner Woolley motioned to approve File No, SUB-AMEND-2014.69 to allow lot 4B of the Oquirrh Park Phase 1 Amended subdivision to be subdivided with the following requirement:

- **That all City requirements are met.**

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

**L.1. Issue: OUT OF THIS WORLD DENTISTRY
SITE PLAN & CONDITIONAL USE PERMIT**

Address: 10432 South 4000 West

File No: SP-2015.25

Applicant: John Davis

Planner David Mann reviewed background information on this item.

Chairman Naylor opened the Public Hearing to comments.

Anthony Johnson, 10431 S. Shady Plum Way, South Joran, Utah 84095- said I live directly south of Steve Smith, and the fence that we currently have is only 4 feet tall. Our properties sit about 3 or 4 feet above this lot, so it provides very little shielding to this development. The fence that backs the 7-11 is a 10ft. precast wall, and I would like to request that something be done with that, because right now there is not separation, and no shielding. I would also like to know if the north side of the parking lot will be developed at first.

Chairman Naylor said yes, the north side parking will be developed first, that is what they have indicated on the site plan.

Mr. Johnson said I also wanted to know how tall the buildings are going to be.

Planner Mann said the maximum is 25ft. and this building will be 21ft.

Commissioner Jolley said so your property sits 3 feet above this lot?

Mr. Johnson said yes that is correct.

Chairman Naylor said so, the effective height for commercial side is 6ft, is that right?

City Planner Schindler said it should be 6ft. in this section, because the 7-11 was required to build it higher. The developer of their subdivision partnered with 7-11 when they built this, and their developer determined that they did not need a higher fence on the south end, but this area was always intended to be office use. I am surprised it is only 4ft on their side. That means they used a grading wall as a retaining wall, which isn't appropriate either. The developer probably shouldn't have been allowed to do that, but they have already done it, and their properties should be in violation as well.

Chairman Naylor can we require the developer to add 2 feet?

City Planner Schindler said I don't think we can allow it, or require it.

Staff Attorney Schaefermeyer said our ordinance talks about allowing up to an 8ft fence, but again, that goes before the City Council.

Chairman Naylor said has your client actually purchased this property yet?

Mr. David said yes, he has.

Chairman Naylor said was it purchased from Perry Homes?

Mr. Davis said it was not purchased from Perry Homes.

City Planner Schindler said Perry Homes never owned this property.

Mr. Davis said I think the best option on the fence would be to increase the landscaping along the fence, opposed to a masonry fence, because those fences are very costly.

Chairman Naylor closed the Public Hearing.

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

Commissioner Evans motioned to approve File No. SP-2015.25 to allow the construction of office buildings on property located at 10432 South 4000 West, in the C-N Zone, provided that:

- All applicable City Department Requirements, as stated in the Municipal Code, are met.
- A shared parking agreement is recorded for the 4 proposed lots in the Oquirrh Park Phase 1 Seconded Amended Subdivision.

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

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.

The July 28, 2015 Planning Commission meeting adjourned at 9:40 p.m.

Meeting Minutes were prepared by Deputy Recorder Cindy Valdez.

This is a true and correct copy of the July 28, 2015 Planning Commission meeting minutes, which were approved on August 25, 2015.

Anna M. West

South Jordan City Recorder