

CITY OF SOUTH JORDAN
PLANNING COMMISSION MEETING
COUNCIL CHAMBERS
January 8, 2019

Present: Commissioner Mark Woolley, Commissioner Julie Holbrook, Commissioner Earl Jolley, Commissioner Sean Morrissey, Commissioner Michael Haynes, Commissioner John Ellis, City Planner Greg Schindler, Deputy City Engineer Jeremy Nielsen, Staff Attorney Todd Sheeran, City Recorder Anna West

Others: Cory Stark, Zack Brimhall

6:30 P.M.

REGULAR MEETING

I. GENERAL BUSINESS

A. Welcome and Roll Call

Chairman Mark Woolley welcomed everyone present. He noted that all Commissioners are present except Commissioner John Ellis and he is excused from tonight's meeting.

Chairman Woolley said he would like to add an item to the end of the meeting under Other Business, that we do discussion and nominate officers for the Planning Commission.

B. Motion to Approve Agenda

Commissioner Holbrook made a motion to approve the January 8, 2019 Planning Commission Agenda as amended. Commissioner Morrissey seconded the motion. Vote was unanimous in favor. Commissioner Ellis was absent from vote.

C. Approval of the Minutes from the Meeting held on December 11, 2018

Commissioner Holbrook made a motion to approve the December 11, 2018 Planning Commission Meeting with one name correction on Page 7. Commissioner Haynes seconded the motion. Vote was unanimous in favor. Commissioner Ellis was absent from vote

II. INFORMATIONAL ITEMS AND OTHER BUSINESS

A. Staff Business

None

B. Comments from Planning Commission Members

None

III. CITIZEN COMMENT

Chairman Woolley opened the Citizen Comment. No speakers, He closed the Citizen Comment.

IV. SUMMARY ACTION

None

V. ACTION

None

VI. PUBLIC HEARINGS AND POTENTIAL **ADMINISTRATIVE ACTION ITEMS

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

**A.1 Issue: ELITE CHIROPRACTIC
SITE PLAN REVIEW
Location: 10434 South 4000 West
File No: PLSPR201800984
Applicant: Bangerter Homes, LLC**

City Planner Greg Schindler reviewed the background information on this item from the packet staff report. Application to construct an office building at 10434 S. 4000 W. There are four lots there that will eventually have office buildings on them. Two have been approved, one has been constructed and finished. There are a couple of changes to the staff report. It shows that it is a 2520 square foot building and it has a basement so the square footage is 4,919 square feet. He said the last building would not be able to exceed 2,400 square feet otherwise there would not be enough parking available. It meets all code and staff is recommending approval as presented tonight.

Adam Bangerter (Applicant), said they need to get approval ASAP to get started on the building quickly because their client's lease expires in August.

Commissioner Jolley asked if the basement will be built out. City Planner Schindler said yes, it will be.

Chairman Woolley opened the Public Hearing. No speakers. He closed the Public Hearing.

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

Commissioner Morrissey made a motion to approve file no. PLSPR201800984 for the construction of an office building located at 10434 South 4000 West as presented to the Planning Commission. Commissioner Holbrook seconded the motion. Roll Call Vote was 5-0 in favor. Commissioner Ellis was not present for vote.

**B.1 Issue: PANDA EXPRESS
SITE PLAN REVIEW
Location: 11513 South 4000 West
File No: PLSPR201800944**

Applicant: Henry Klover

City Planner Greg Schindler reviewed the background information on this item from the packet staff report. He said this did go to the Architectural Review Committee and recommended approval.

Commissioner Morrissey asked if the drive through next to the exit goes to the 40th street. City Planner Schindler said yes. Commissioner Morrissey said there is terrible congestion at the Wendy's that is north of there. He said the turning radius is not sufficient at the Wendy's and this may create the same congestion issue. He said the U-turn design is a safety hazard. If it is addressable, I would like to have a discussion about that now.

Deputy Engineer Jeremy Nielson said the Engineering Department did look at this and we had the same concern but we didn't raise the issue with the applicant where this is on private property. It can be negotiated so this is a good question to raise. We can ask the applicant about this.

Ju Li (Klover Architects); during this process we did have our own concerns about the exit of the drive through. We did angle the exit to the left a bit to allow for a better right turn out of there.

Commissioner Morrissey asked Mr. Li to talk about the design and what affect it will have on our concern of the turning radius. Mr. Li said when we started this project, the configuration of where we can put the building and parking, was very limited because it was previously approved as a Popeye's. That was placed on us that we can't modify certain parts of the site plan from what was previously approved. This was the exact same configuration that was approved for Popeye's. We kept it because we felt it addressed all of our needs. We looked at configurations of where the building would be parallel with the main road but there was concern about our entry to our drive through versus the exit of the Papa Johns to our north. We felt this was the best configuration to move forward with. The only thing we can do is eliminate one parking stall along the east and angle the exit of the drive through so it allows for a softer sweep out of there.

Commissioner Jolley asked if it their intent to push them as they exit the drive-through to the north so they will re-enter 40th west at the north entrance where the Wendy's is. Mr. Li said yes. Commissioner Jolley asked if there are options for them to go down to the east further and use the other entrance on 40th west. Mr. Li said yes; he said once they exit the drive-through, they have the option to turn right and make a U-turn.

Commissioner Jolley asked Commissioner Morrissey which entrance would be used the most; north or south. Commissioner Morrissey said the furthest north entrance by Wendy's and DelTaco will have the heaviest traffic so it would be best to avoid that one.

Commissioner Morrissey said these things should be resolved by staff before they are brought to the Planning Commission for approval.

Chairman Woolley opened the Public Hearing. No speakers. He closed the Public Hearing.

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

Commissioner Holbrook made a motion to approve application PLSR201800944 to allow for construction of the Panda Express building located at 11513 S. 4000 W. Commissioner Morrissey seconded the motion. Roll Call Vote was 5-0 in favor. Commissioner Ellis was absent from the vote.

C.1 Issue: DAYBREAK SOUTH STATION PLAT 2

PRELIMINARY SUBDIVISION

Location: Southwest Corner of Daybreak Parkway/Grandville Ave
File No: PLPP201801134
Applicant: Daybreak Communities

City Planner Greg Schindler reviewed the background information on this item from the packet staff report. This meets all requirements and staff is recommending approval.

Gary Langston, Daybreak Communities; with regard to the M lots, our goal is to have Se-go Homes construct on the two M-Lots with 8-9 units. They will look similar to what is directly across the street. Along Putney Hill, we think there will be 11 or 12 units along there depending on the building configurations. The C-Lot in the middle, our plan right now is to put a two story office building on it that is up near the north-west corner of the property. It will likely be medical office of some sort.

Chairman Woolley opened the Public Hearing.

Zack Brimhall, SJC; I live across the street from M-102 is on the corner and I am opposed to having more townhomes there. Most of the people in that subdivision have voiced their concern over that. Makes more sense to continue with single family homes. I am opposed to tall buildings across the street from homes. He said the traffic in the area is very congested there also. He asked if there is any chance of having single family homes instead of townhomes.

Chairman Woolley closed the Public Hearing.

Mr. Langston said we talked about single-family homes there, however, our preference is to transition from single-family homes to townhomes and then to commercial. The roads are wide enough to handle the traffic in that area. He said the school there does create an impact on the traffic in the afternoon. Putting townhomes there will not contribute to the traffic; the lots to the south will exit to Verruca and then go north so they don't contribute to the congestion.

Commissioner Holbrook asked if they could have shorter townhomes in that area. Mr. Langston said yes.

Staff Attorney Todd Sheeran said the Daybreak area is governed by a Master Development Plan that the City approved many years ago. The layout and configurations are largely left to Daybreak Communities.

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

Commissioner Jolley made a motion to approve File No. PLPP201801134 Daybreak South Station Plat 2 Preliminary Plat. Commissioner Haynes seconded the motion. Roll Call Vote was 5-0 in favor. Commissioner Ellis was absent from the vote.

**D.1 Issue: PDQ RESTAURANT
SITE PLAN REVIEW**
Location: 3788 West 11400 South
File No: PLSPR201700832
Applicant: Richard Piggott

City Planner Greg Schindler reviewed the background information on this item from the packet staff report.

This meets all requirements and staff is recommending approval as proposed. He said this went to the ARC and they recommended approval also.

Commissioner Jolley asked what was their motivation regarding landscaping and maintenance of the property. City Planner Schindler said we pushed them to do it. In return they got some concessions for putting the landscaping in and maintaining it.

Deputy Engineer Jeremy Nielson said they have an agreement for Impact Fee Credit as concession for maintaining the property.

Logan Johnson (Applicant), said we were involved with the PDQ construction and the reason this has taken so long was we were ready to move forward a number of months ago and then the City came to us and said you need to incorporate this into your project. We went to PDQ and said you need to add this and they said they did not want to pay for any more land. We tried to acquire the piece and put parking on it but by adding an additional building we couldn't fit it. After a long process we ended up agreeing with the condition of Impact Credit to install and maintain the landscaping there. It will probably be constructed early spring.

Chairman Woolley opened the Public Hearing. No speakers. He closed the Public Hearing.

D.2 Potential Action Item – (See VII.C.1)

Commissioner Haynes made a motion to approve File No. PLSPR201700832 for the construction of a restaurant with a drive through located at 3788 West 11400 South, as presented to the Planning Commission. Commissioner Holbrook seconded the motion. Roll Call Vote was 5-0 in favor. Commissioner Ellis was absent from the vote.

VII. PUBLIC HEARINGS AND POTENTIAL **LEGISLATIVE ACTION ITEMS ****Legislative Action = More Discretion, Reasonably Debatable (Subjective Standard)**

E.1 Issue: TEXT AMENDMENT **AMENDING TITLE 17 OF THE CITY CODE TO CHANGE** **REFERENCE TO CITY DEPARTMENTS AND DISCUSS OPTIONS** **FOR ADDING FLEXIBILITY FOR LOT SIZES**

File No: PLZTA201900029

Applicant: City of South Jordan

City Planner Greg Schindler reviewed the background information on this item from the packet staff report. He said I am assuming that you have read through this information. Basically there are three things we are looking for. There is an A, B, and C. A & C are the easy ones. Section A is getting rid of all references to the Community Development Department, Community Development Director and changing them to Planning Department and Planning Director. Section C is a requirement that has been in our code for many years, about the separation of buildings on a residential site. First it was 6 feet then we changed it to 5 feet. Now the building code does not require a minimum separation on site. It was for safety reasons. That is now left to the property owner. Every time the building code changes, we have to change our code. We want that whole section removed from our code. Part B has different options that we are proposing to give some flexibility to our code if you see fit for infill development. There are different proposals to consider. You have the option to recommend approval of any combination of the three options separately.

Chairman Woolley opened the Public Hearing. No speakers. H closed the Public Hearing.

Chairman Woolley said I went through this very extensively and the first Item A. makes sense and Item C. makes sense to do that also. When you get to the language and options in B.”, this is one of the components of the general plan revision as we are looking at tools to put into place that will help the City develop appropriately and not have some of the issues we have had. The question is, how to deal with properties that deal with infill. This will start taking place heavily over the next number of years east of Bangerter. He said I find it interesting that if an area is already zoned or the General Plan calls for a specific zone, then the density of that zone does not change by this language. It simply allows for some lot size adjustment and some setback adjustments, which we have already seen and has been problematic. I like the fact that we would have a tool here that we can do something that will allow for the flexibility. I am not sure if we should recommend that we do this legislatively or administratively. If it is legislatively, it allows for us as a body to review and to recommend or to deny to City Council. Staff obviously prefers administratively, because then it is clear cut when they are working with an applicant it gives very little flexibility should they need it. The Planning Commission is stuck with the same issue that staff is that we can't modify from the written code. I like the idea of the Planning Commission having the approval and I think it is one of those items that in most cases works well. When we are looking at specific properties with specific issues and surrounding properties, I like the legislative option so we can look at it and staff can look at it and we can make recommendations or deny based on information we have. Let's have a discussion to hear how you feel.

City Planner Schindler said just to be clear, none of this would change the density of a property. If it is zoned R-2.5, it would remain R-2.5.

Commissioner Haynes said Chairman Woolley mention that there is no current tool that allows for this to ease the burden we have had recently. Does this allow a simplification to make your job or the Planners job easier? City Planner Schindler said not necessarily easier; we still have to review it. It gives more flexibility to the actual property owners and the developers.

Commissioner Morrissey said my concern is not knowing the outcome. If we leave this option open to administrative, we find ourselves in positions that are unfavorable to the city because if the applicant meets all of the requirements, what are our options; we end up having to approve something that we really don't want to and we won't have any recourse. My preference would be having the legislative option so we have an opportunity to have an option to provide feedback, changes, and modifications.

City Planner Schindler said Commissioner Morrissey if probably correct on that. With the administrative option you can only modify three things; the square footage of the lot, the frontage, and the lot width. Nothing else can be modified.

Commissioner Morrissey said we are coming to a point where there are certain pieces of land and land shapes that are looking to be developed that have restraints and this would provide some wiggle room. In your opinion are we at that point to make this change, facilitate, and develop those lands.

City Planner Schindler said that is a good question. There are several properties. I am not sure that the 10 acres is the right number for this. Maybe it should be smaller than 10 acres.

The Commissioners asked why this is being brought forward to them right now. They want to know what “infill” means to the Planning Department. City Planner Schindler said infill is undeveloped lots surrounded by other developments. The Commissioners though that 5 acres would be a better number than 10 acres.

Commissioner Holbrook said maybe this is not the time to be changing this with us working on the General Plan Revision. I think I heard you say that this is not a pressing issue at this time.

Commissioners continued discussing reasons for this coming forward at this time. They all seemed to be leaning toward approving parts A and C, and just tabling Part B. They want to have more thorough discussion on Part B. City Planner Schindler said this has not been scheduled to go to City Council yet. If you have concerns and want to take longer, it is not a problem; you don't have to make that decision tonight.

Chairman Woolley said I would entertain a motion for Item A and Item C and to table Item C.

E.2 Potential Action Item – (See VII.B.1)

Commissioner Holbrook made a motion that the Planning Commission recommend to the City Council that it recommend approval of Item A and Item C; and to table Item B of Ordinance 2019-01, for the next Planning Commission Meeting on January 22nd. Commissioner Morrissey seconded the motion. Roll Call Vote was 5-0 in favor. Commissioner Ellis was absent from the vote.

VIII. OTHER BUSINESS

Chairman Woolley said it is time to nominate appointments for a Chair, Vice-Chair and Architectural Review Committee.


- Mark Woolley was re-appointed as Chair – vote was 4-0 in favor
- Earl Jolley was appointed as Vice-Chair – vote was 4-0 in favor
- Michael Haynes was appointed to be on the ARC – vote was 4-0 in favor

ADJOURNMENT

Commissioner Jolley motioned to adjourn the January 8, 2019 Planning Commission meeting. Commissioner Morrissey seconded the motion. Vote was unanimous in favor.

The January 8, 2019 Planning Commission Meeting adjourned at 8:25 p.m.

This is a true and correct copy of the January 8, 2019 Planning Commission minutes, which were approved on January 22, 2019.


South Jordan City Recorder

Recorder Anna West prepared the meeting minutes