

CITY OF SOUTH JORDAN
PLANNING COMMISSION MEETING
COUNCIL CHAMBERS
January 28, 2020

Present: Commissioner Sean Morrissey, Commissioner Michele Hollist, Commissioner Nathan Gedge, Commissioner Trevor Darby, Commissioner Steve Catmull, Assistant City Attorney Todd Sheeran, Deputy City Engineer Jeremy Nielson, City Planner Greg Schindler, Planner Brad Sanderson, Planner David Mann, Deputy Recorder Cindy Valdez.

Absent: Commissioner Mike Peirce

Others: Tom Buckley, David George, Humble Finsand

6:30 P.M.

REGULAR MEETING

I. GENERAL BUSINESS

A. Welcome and Roll Call

Chair Hollist welcomed everyone and noted that all Commissioners are present except Commissioner Michael Peirce, and he is excused from tonight's meeting.

B. Motion to Approve Agenda

Commissioner Morrissey made a motion to approve the January 28, 2020 Planning Commission Agenda. Commissioner Gedge seconded the motion. Vote was unanimous in favor.

C. Approval of the Minutes from the Meeting held on January 14, 2020.

Commissioner Gedge made a motion to approve the January 14, 2020 Planning Commission Minutes. Commissioner Darby seconded the motion. Vote was unanimous in favor.

II. INFORMATIONAL ITEMS AND OTHER BUSINESS

A. Staff Business

None

B. Comments from Planning Commission Members

None

III. CITIZEN COMMENT

Chair Hollist opened Public Comment. No speakers. She closed the Public 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: CLOVER RIDGE 5 PRELIMINARY SUBDIVISION
Location: 11709 South Halcom Dr.
File No: PPLPP201900609
Applicant: David George

Planner Brad Sanderson reviewed the background information on this item from the packet staff report. Several lots within the Clover Ridge subdivision (primarily lots 55 - 66) have been rezoned over the past several years, changing the zoning from the R-1.8 to the R-2.5 zone. Subsequently, portions of these lots have been amended resulting in Clover Ridge 2, 3, and 4. The Applicant is proposing to amend the Clover Ridge subdivision, by removing the east portion of lots 55 & 56 from the Clover Ridge subdivision, and further subdivide the east portion of the property into four new single-family residential lots. The remaining (west) portion of lots 55 & 56 will remain within the original Clover Ridge subdivision for the purpose of maintaining the minimum R-1.8 density. Each of the four new lots are designed to meet the minimum lot size, frontage, and density requirements of the R-2.5 zone. All of the proposed new lots will directly front onto a newly designed cul-de-sac, which will be developed at the south end of Halcom Drive. Because of the substantial topography change across the property, there may need to be some retaining walls and land drains installed, the design and review of which will be part of the building permit submittal. Our recommendation is in favor of the proposed application.

David George (Applicant) said we had some retaining walls on the plans that were on the property to the west that is not part of the subdivision but I was talking to the engineer to make sure that everything worked right. We did soils reports and is consistent with what we were anticipating.

Chair Hollist opened the Public Hearing. No speakers. She closed the Public Hearing.

Chair Hollist said I have a question for Jeremy. On something like this, would they be required to get a certified engineering certificate of some sort certifying that the structure is stable; the retaining walls that are needed are in place and does that remove any liability from the city, should one of the retaining walls fail?

Deputy City Engineer Jeremy Nielson said the Engineering department is going to require that the geotechnical engineer, as well as the structural engineer design the retaining walls, and that both of the engineers are stamping that design. There are code requirements that limit the maximum height of the retaining wall, and it has to be terraced. We have very good codes that are protecting us from liability. They will also be getting a building permit.

Chair Hollist asked Planner Sanderson if we have any requirements on the east side of this property for any fencing. Planner Sanderson said we don't. The remaining portion of the properties are .49 acres and they don't have the farm animal rights that the properties to the South has. They did that intentionally. The owner sized the properties just under the 1/2 acre to alleviate the fence requirement.

Chair Hollist said in the application it talked about how the property line would be up to the curb instead of the sidewalk. Does that mean that the City does not maintain that sidewalk?

Planner Sanderson said not necessarily. The dark areas on the map is the asphalt, and whatever falls in that dash line, is an easement for the public to access, as well as the City utilities, and the sidewalk specifically. The public has access around those properties and they would maintain the park-strips as they would in any other situation. The real difference is the property owner, owns the actual park-strip, as opposed to our City standard where that would be a City right-of-way. The reason for doing that is the shallow depth on Lot 503 and 502, and because the setbacks measure from the property line it will give them an additional 11feet.

Chair Hollis said so who would maintain the sidewalk?

Planner Sanderson said the property owners would maintain it just like any other subdivision.

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

Commissioner Gedge made a motion to approve File No. PLPP201900609, Clover Ridge 5 Preliminary Subdivision with the following requirements:

- **A six foot tall decorative masonry wall shall be required along the south property line due to the large animal rights on the adjacent property; and**
- **The developer of the property shall incorporate any additional design elements recommended by a geotechnical study or required by the City Engineer; and**
- **Prior to plat recordation, the Applicant shall secure any easements or agreements on adjacent properties pertaining to retaining walls, land drains, drainage swales, etc., as required by the City Engineer.**

Commissioner Catmull seconded the motion. Roll Call vote was 5-0 in favor. Commissioner Peirce was absent.

B.1 Issue: MY CHILD CARE ACADEMY CONDITIONAL USE PERMIT AMENDMENT
Location: 1325 West South Jordan Parkway
File No: PLCUP201900711
Applicant: Colby Ashby

Planner Brad Sanderson reviewed the information on this item from the packet staff report. In July 2018, the Applicant received conditional use permit approval to operate a daycare business known as My Childcare Academy, within a 4,030 square foot office space in the Urban Parkway Center, located at 1325 West South Jordan Pkwy. As part of the conditional use permit approval, the business was required to following an approved circulation and operation plan. The approved circulation plan included some parking lot re-striping, installment of some directional signs as well as designating drop-off/pick-up locations. The operation plan outlined the total number of employees (6 to 8) and the maximum number of students (up to 60 at any given point). The Applicant is now proposing to expand the daycare business by renovating and adding an additional 1,688 square feet of floor area from a portion of the adjoining unit, totaling 5,720 square feet of usable space. The Applicant is also proposing to increase the number of students from between 45 and 50 students to between 60 and 65 students. The Applicant has not proposed modifying the days or hours of operation, which is currently between 6am and 6pm Monday through Friday. The City's Engineering Department reviewed the proposed operation and current circulation plans, and provided its findings and recommendation of the proposed use at this location (see-attached

memo). In summary, the circulation plan, if enforced properly, should alleviate vehicle congestion from queuing or stacking onto the adjacent public streets. Since the parking area is privately owned, it is the City Engineering Department's judgement that the landowner is responsible to manage the site and individual tenant owners. The landowner has provided a letter agreeing to this responsibility. Staff is in favor of this proposed Conditional Use Permit.

Commissioner Gedge said has there been any discussion regarding the 1300 W. ingress /egress, regarding left turns in and out of the property.

Planner Sanderson said on the circulation plan you can see the direction of the arrows coming from 1300 West on the upper right hand corner. There has been some discussion. They are supposed to come in along the north property line and then turn south on the far left hand side, then egress back out onto 1300 W. They can also come in from the north. The idea is to not have traffic come in directly from 1300 W. and turn immediately south into that first access because the drop off zone is right there.

Deputy City Engineer Jeremy Nielson said as far as limiting the left turn onto 1300 W. at this point in time we were not planning on doing that, but that is something we are watching because that is close to the intersection. There may be a period where we may need to do a raised median or something to only allow right in and right out.

Colby Ashby (Applicant), anytime we enroll new parents we often remind them quarterly of traffic flow. As you can see, for parents that need to go south they can turn right on 1300 W. The other option as they are leaving our complex they can turn left that goes out to South Jordan Parkway to turn right.

Chair Hollist asked how long does the line get in the morning?

Mr. Ashby said at any given time the most we have clocked is 17 cars with an average time frame of 5 minutes per parent.

Chair Hollist said if you have 17 cars there, are you blocking the parking for the rest of the tenants in the building?

Mr. Ashby said that is in any given hour that we generally have about five cars. We open at 6:30 in the morning and most of the drop off is prior to the other tenants opening. At 8:30 am is our highest peak time and that is before the other tenants arrive.

Deputy City Engineer Neilson said I did put a traffic camera out there and watch the pick-up drop-off for several hours and it is exactly as the applicant has described. There were at most, five cars in the parking lot and the parking lot was never full. It seemed like an ideal site for this type of use.

Commissioner Catmull said do you have an idea of where your customers are coming from geographically.

Mr. Ashby said the majority of our customers come from Herriman and the District area. The majority of our clients come from the west side, to the east side flowing from the developments in that direction.

Chair Hollist opened the Public Hearing.

Garn McMullin (Landlord), I just wanted to note that if there were any problem with the parking we would be the first ones to know since we have the lease agreements with the other tenants. They are happy and have no complaints with the traffic flow.

Chair Hollist closed the Public Hearing.

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

Commissioner Catmull made a motion to approve the Conditional Use Permit application, File No. PLCUP201900711, allowing the My Child Care Daycare business to expand within the current building located at 1325 W. South Jordan Pkwy, with the following conditions:

- **The applicant shall follow the approved circulation plan and proposed operation plan; and**
- **Both the business owner and property owner shall proactively monitor and enforce the approved circulation plan, and as may be further directed by the City Engineer.**

Commissioner Darby seconded the motion. Roll Call vote was 5-0 in favor. Commissioner Peirce was absent.

**C.1 Issue: SMALL CELL ANTENNA CONDITIONAL USE PERMIT
Location: 3595 W South Jordan Parkway #100
File No: PLCUP201900495
Applicant: Keri Heflen**

Planner David Mann reviewed the background information on this item from the packet staff report. He said the Applicant is seeking approval for a conditional use permit (CUP) to install a roof-mounted small cell telecommunications facility on top of the suite where the Sprint store is located. This type of wireless communication device requires a CUP according to Section 17.112.030 of the City Code. There are two sections of the City Code that outline the requirements or the type of device and installation that the Applicant desired to use at the subject location. Section 17.60.020.G.1 states “all mechanical equipment, antennas (**where possible**), loading areas, and utility areas shall be screened from view at ground level along the property line of the subject property with architectural features or walls consistent with materials used in the associated buildings.” Section 17.112.030.C states “antennas, dishes, supports and related equipment shall be mounted inside a completely enclosed decorative masonry building, or made stealth within a steeple, flagpole, utility pole, or other stealth structure **unless adequate justification for wall or roof mounting can be provided.**” Both of these requirement allow the Applicant to provide justification that additional screening is not necessary. The Applicant provided a letter that describes the small size (similar to a residential satellite dish) and inability for the technology to work properly if significant screening is required. The nearest residential subdivision is over 800 feet away.

Chair Hollist said did I understand the diagram right? will it only extend 3ft. above the existing structure.

Planner Mann said yes that is correct.

Chair Hollist said at this point would it be located against the building on the edge.

Planner Mann said yes.

Commissioner Gedge said because this is a conditional use permit, does this tie to the applicant? If so, and they were going to sell this business, would the pole need to be removed.

City Planner Schindler said a conditional use permit runs with the land, so the next owner could keep the antenna up, but if they were to put up something bigger, they may be in violation of the conditional use approval.

Assistant City Attorney Todd Sheeran said I would encourage you to make your motion the way it was presented to you in your staff report.

Chair Hollist opened the Public Hearing. No speakers. She closed the Public Hearing.

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

Commissioner Gedge made a motion to approve File No. PLCUP201900495, for the installation of a roof-mounted small cell telecommunications facility located at 3595 W. South Jordan Parkway as presented to the Planning Commission with the condition that the specs of the antenna be as applied on page 35 of the Planning Commission packet. Commissioner Darby seconded the motion. Roll Call Vote was 5-0 in favor. Commissioner Peirce was absent.

VII. PUBLIC HEARINGS AND POTENTIAL **LEGISLATIVE ACTION ITEMS

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

**D.1 Issue: BENTLEY AND LAMBORGHINI FRANCHISE REZONE
Location: 1231 W South Jordan Parkway
File No: PLZBA201900715
Applicant: Thomas Buckley**

Planner David Mann reviewed the background information on this item from the packet staff report. On January 2, 2020, the Applicant submitted a complete application seeking approval to rezone the Property with the Planned Development floating zone. The Applicant met with the City Council in a work session, as required by City Code, to discuss his proposal to operate a Bentley/Lamborghini franchise within the existing Gun Vault building on South Jordan Parkway. The use being proposed for the subject property is not listed as a permitted use in the current zone. The PD floating zone is used “to allow for flexibility in the application of zoning regulations and development provisions of this title to advance a public interest through prescriptive requirements of a development plan and development agreement approved by the City Council.” (City Code § 17.130.050.010) The Applicant is seeking to rezone the subject property to allow him to operate a small vehicle dealership. The building that is currently occupied by the Gun Vault would be reused for this proposal. There would be little to no cars stored on the property. The franchise owner would typically take orders at his showroom and the vehicles would be directly delivered to the customer’s residence. The Applicant has stated in his application that this use has the potential to decrease traffic to the subject property and significantly increase tax revenue for the City. The approval process for the floating zone would include a development agreement that lists the proposed use as allowed at this location, restricts the location of any vehicle storage, and possibly grant some flexibility on the design of wall signage on the building. The rezone and development agreement is specific to the Applicant’s proposal and would not allow a similar use—a car dealership—if the Applicant changes his plans or stops operating this specific dealership. Staff is recommending approval.

Thomas Buckley (Applicant) said one thing that was not mentioned is that this is a temporary location. We are not seeking to turn this into an automobile dealership. Both manufacturers view themselves as more of a luxury brand than an automotive manufacturer. This would be a 2-3 year temporary facility. We will outgrow this location. The traffic count for the current existing business is between 45 to 50 tickets per day. We would see about 4-5 people per day. This is an ideal location for us temporarily.

Chair Hollist asked where do you anticipate being located permanently?

Mr. Buckley said we would like to stay in South Jordan. A freeway view is not as important for our brand as it would be for a higher volume manufacturer. We have looked at a couple sites in South Jordan, possibly off the corridor.

Commissioner Catmull said do you have a sense for how much transition this is going to take to move to this location.

Mr. Buckley said the interior and exterior would get a face-lift. The marble and travertine interior will be like walking into a high-end jewelry store. We would need to have a water run-off separation that would be needed for washing the cars. The clean up to get into the site would require lead remediation which would have to be extracted with an environmental approval.

Chair Hollist asked how many vehicles do you anticipate having on site at any given time and where would they be. Mr. Buckley said typically inventory would be 35-45 vehicles. All new cars would be kept indoors. There would be approximately 20 vehicles outside and 20 inside. We pick up cars from the customers and deliver the cars to our customers. The vehicles being stored would be waiting on parts.

Chair Hollist opened the Public Hearing. No Speakers. She closed the Public Hearing.

Commissioner Gedge said there used to be a state law restricting car dealerships, which I would think this would fall under, from being within certain perimeters of State Street, or the freeway. Is that still valid.

Assistant City Attorney Sheeran said I am not aware of a requirement like that, In fact, I think there are dealerships on the Sandy City side, and the South Jordan side right off the freeway.

Chair Hollist said I would like to make sure that we have an agreement in place that would limit this to this specific applicant, especially because it will be just a temporary use.

Assistant City Attorney Sheeran said there is a development agreement required with the floating zone and will be part of the presentation to City Council. What is in the staff report is appropriate.

Chair Hollist asked if we would see a site plan on this in the future. City Planner Schindler said yes.

Assistant City Attorney Sheeran said the reason they are doing the floating zone is because in this current zoning car sales is not allowed. The City Council will negotiate some of the terms such as fencing. You will see a site plan associated with it and it would be in the form of a development agreement as well as the other requirements.

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

Commissioner Gedge made a motion based on the staff report and other information presented to the Planning Commission during the public hearing and the Planning Commission's discussion, to forward a recommendation to the City Council to approve the proposed rezone from C-C to C-C-PD. Commissioner Catmull seconded the motion. Roll Call vote was 5-0 in favor. Commissioner Peirce was absent.

VIII. OTHER BUSINESS

None

ADJOURNMENT

Commissioner Morrissey motioned to adjourn the January 28, 2020 Planning Commission meeting. Commissioner Gedge seconded the motion. Vote was unanimous in favor.

The January 28, 2020 Planning Commission Meeting adjourned at 7:23 p.m.

Meeting minutes were prepared by Deputy Recorder Cindy Valdez

This is a true and correct copy of the January 28, 2020 Planning Commission minutes, which were approved on February 25, 2020.

Anna M. West
South Jordan City Recorder