

**CITY OF SOUTH JORDAN
ELECTRONIC
PLANNING COMMISSION MEETING
COUNCIL CHAMBERS
February 9, 2021**

Present: Commissioner Michele Hollist, Commissioner Nathan Gedge, Commissioner Catmull, Commissioner Trevor Darby, Commissioner Sean Morrissey, Staff Attorney Greg Simonson, Assistant City Engineer Jeremy Nielsen, City Planner Greg Schindler, Planner Brad Sanderson, Planner David Mann, Deputy Recorder Cindy Valdez

Others: Gary Langston, Dale Hull, David Dixon, Malena Murray, Matt Meade, Brady Morris

6:30 P.M.
REGULAR MEETING

I. Welcome and Roll Call – *Commission Chair Michele Hollist*

Chair Hollist welcomed everyone to the Electronic Planning Commission Meeting and noted that 4 of the 5 Commissioners are present, Commissioner Morrissey has not arrive yet.

II. Motion to Approve Agenda

Commissioner Gedge motioned to approve the February 9, 2021 Planning Commission Agenda. Commissioner Hollist seconded the motion. Vote was 4-0 unanimous in favor; Commissioner Morrissey was absent from the vote.

III. Approval of the Minutes

Commissioner Gedge motioned to approve the January 26, 2021. Planning Commission Meeting Minutes as printed. Commissioner Hollist seconded the motion. Vote was 4-0 unanimous in favor; Commissioner Morrissey was absent from the vote.

IV. **STAFF BUSINESS** – *None*

V. **COMMENTS FROM PLANNING COMMISSION MEMBERS** - *None*

Chair Hollist said I will entertain a motion to continue to have electronic zoom meetings for the next 30 days.

Commissioner Gedge motioned to continue to hold the Planning Commission Meeting virtually for the next 30 days. Commissioner Hollist seconded the motion. Vote was 4-0 unanimous in favor; Commissioner Morrissey was absent from the vote

Chair Hollist read the Notice of Meeting without an Anchor Location due to Substantial Risk to Health and Safety.

I, Michelle Hollist, Chair of the South Jordan City Planning Commission, hereby determine that conducting the Planning Commission meeting at an anchor location presents a substantial risk to the health and safety of those who may be present at the anchor location. The President of the United States, The Governor of Utah, the Salt Lake County Health Department, Salt Lake County Mayor, the South Jordan City Mayor and City Council, and the World Health Organization have all recognized a global pandemic exists related to the new strain of the coronavirus, SARS- CoV-2 and outbreaks of the coronavirus disease COVID-19 that has now spread globally including in the State of UTAH. Due to the State of emergency caused by the global pandemic, the current situation in Utah and specifically in Salt Lake County, and the manner in which the COVID-19 virus spreads in groups, I find that conducting a meeting at an anchor location under the current state of public health emergency constitutes a substantial risk to the health and safety of those who may be present at the anchor location. According to information from State Epidemiology, the State is currently in an acceleration phase, which has the potential to threaten the State's healthcare system. This determination not to meet in an anchor location shall be valid for thirty days.

VI. SUMMARY ACTION – None

VII. ACTION – None

VIII. ADMINISTRATIVE PUBLIC HEARINGS –

**A. DAYBREAK VILLAGE 8 PLAT 5A 2ND AMMENDED SUBDIVISION
AMENDMENT**

Location: Lots 826 through 828 Daybreak Village 8 Plat 5A
File No: PLPLA202000376
Applicant: Daybreak Communities

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

Gary Langston, Daybreak Communities – said Planner Schindler did a great job with the review, so I don't have anything more to add.

Commissioner Gedge said this is just for my own information. I'm assuming it's by City Code that we have to do subdivision amendments, or is there any way that this can be done administratively. This is a minor change in my opinion, I'm just wondering if having to make the

applicant submit an application and come before the Planning Commission could there be a change for the future, or does that have to be done by City Council.

City Planner Schindler said actually, there are two ways to do this now. If it is by a subdivision amendment, and as long as they're not changing the boundaries of a subdivision they can do it through sort of outline adjustment, which is administrative. However, when a lot line adjustment is recorded with the County, the original outlines remain, and additional ones are added, so it makes it quite confusing for anybody who's looking at a map. In this case, you would end up with six separate parcels. We as staff would prefer that they continue to do subdivision amendments, and unfortunately subdivision amendments have to come before the Planning Commission for approval, but they do have the option to do it as a lot line adjustment.

Commissioner Gedge said thank you for explaining that in case these come up in the future.

Chair Hollist said I have a question for Mr. Langston. Can you tell me what changed between when you applied for this and now, does your builder come in or do you get a feel for what is a popular product and then adjust what you plan on building.

Gary Langston, Daybreak Communities – said that's a great question. So when we're putting together the plat we try to anticipate any and all types of homes that could fit on those lots for each builder. In some cases they elect to put something a little bigger, or smaller on the lot, and therefore, on occasion it does require that we do a plat amendments. It is not ideal, and it is not preferred, but it does happen on occasion and it's usually dictated by the homebuilder and their builders trying to put a certain size home on the lot.

Chair Hollist opened the Public Hearing to comments. There was none. She closed the Public Hearing.

Commissioner Gedge motioned to approve File No. PLPLA202000376 as presented. Commissioner Hollist seconded the motion. Roll Call Vote was 4-0 unanimous in favor; Commissioner Morrissey was absent from the vote.

B. DAYBREAK VILLAGE 11A PLAT 8 PRELIMINARY SUBDIVISION

Location: Generally 11710 South 6905 West
File No: PLPLA202000374
Applicant: Daybreak Communities

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

Commissioner Gedge said it looks like there is a small park lot on the south west corner and looks like there's a future intersection, right there too, so if I'm reading that right, are there any potential traffic concerns with having that little parking lot right there on the corner of an intersection.

Assistant City Engineer Nielsen said that is a good question and maybe Mr. Langston can chime in on this, but I don't, I don't see any concerns. They are going to be local streets and there isn't

going to be a traffic intersection or anything there, so I don't see any issues, but it may be a question for the applicant as well.

Commissioner Gedge said I will reserve that for Mr. Langston if he wants to chime in. It looks like it might not even be a four way stop sign but, the park is used for soccer practice or something like that, so what would street parking be like in this area.

Mr. Langston said relative to the other lots that park it may look bigger than what it actually is, it's not big enough to be a ball field, it's literally just a little local pocket park that will have grass and most likely place structure of some sort. It is not very big in size. I was trying to read what it says, but I think it's just under an acre. It's really meant more to be as the open space for the kind of the homes that front on to it, which are that particular type of product so, we agree with Mr. Nielsen that there's not a concern there, the traffic volumes on these roads are pretty slow.

Chair Hollist said on the satellite pictures it looks like there's something there right now, maybe construction? And some service to the west of this.

Mr. Langston said currently we have a couple of different things going on. You can kind of see three different rectangles, the two to the south, are where we currently have just storage yards for materials for construction activities. The one that's a little further to the north that outside of the project boundary is actually, a concrete wash out for the concrete trucks to wash out rather than just dump it in the storm drain and all the other weird places they tend to put that stuff, so it's a part of our normal operations for daybreak.

Chair Hollist said this is really far west, and there's a lot of land that hasn't been built in between where Daybreak is in there. Do you tend to build in continuously, and will there be things built before you get out there, or are you making a leap and jumping out west.

Mr. Langston said we're making a little bit of a jump, some of the maps that I've showed you guys in the past will show that there is a water tank that's kind of to the middle of this aerial photo, so from there back to prosperity were leaving it somewhat open at this point. It is reserved for a future village center that could have potentially some small commercial or retail in it. As you can see in the area where Village 11 A Plat 8 is, and 11 A Plats 1-7 were already approved, and all 7 of those are under construction. In this area that you're seeing from Daybreak Parkway to roughly South Jordan Parkway, which is off the screen. Over the course of the next 12 months we're going to construct about 1800 lots in this area and expect to have a handful of homes under construction by the end of the year that are for sale. We will also have 2 model home parks, one will be in what's called Village 11A plat 1, and the second one is in Village 11A Plat 6. It looks wide open and a bit of a jump right now, but I think if you were to drive out along Daybreak Parkway or 11800 south, you would realize that we're moving that way very quickly, and it will fill in quickly.

Chair Hollist opened the Public Hearing for comments. There was none. She closed the Public Hearing.

Commissioner Gedge motioned to approve Project No. PLPP202000374 subject to the following:

- **That all South Jordan City requirements are met prior to recording the plat.**

Commissioner Hollist seconded the motion. Roll Call Vote was 4-0 unanimous in favor; Commissioner Morrissey was absent from the vote.

**C. RIDGEPPOINT LOT 201, FIRST AMENDMENT – SUBDIVISION
AMENDMENT**

Location: 11439 South Andover Way
File No: PLPLA202100016
Applicant: Copperleaf Master Association

Planner Brad Sanderson reviewed background information on this item from the staff report.

Chair Hollist said so this would be a three way light, is that Correct?

Planner Sanderson said that is correct.

Chair Hollist said in part would it have specifically a crosswalk for pedestrians that are trying to use the South Jordan canal trail.

Planner Sanderson said I don't know for sure, maybe Jeremy could answer that better.

Assistant City Engineer Nielsen said it should, but I haven't seen the details of that design. Typically, UDOT will do that to try and promote pedestrian activity, active transportation, and those types of things.

Chair Hollist said did this qualify for a light here even though it's not going to go through all the way across 11400 S just because of the size of the development?

Assistant City Engineer Nielsen said yes, because of the number of trips that will be coming out of that of that stub street it did warrant a traffic signal, and UDOT is pretty restrictive on traffic signals, so they considered it necessary.

Commissioner Catmull said I assume that these are both state roads (Redwood Road and 11400 S) so, will they synchronize the light between Redwood, 1300 S, and this road.

Assistant City Engineer Nielsen said yes, UDOT will be responsible for the signal coordination.

Commissioner Catmull said okay, I just wanted to make sure it was the same system, or could get kind of messy there.

Commissioner Gedge said I know that there's Hawthorn Academy elementary school just to the east of this property, and it looks like a triangle where the parking is, so is there any way to have their exit to be shared with this future light to minimize the point of access?

Assistant City Engineer Nielsen said I think we would love it if we could, but there's a canal that makes that pretty difficult, and pretty costly to be able to make that happen.

Commissioner Gedge said historically, has the City ever approved something similar to this type of subdivision amendment, and parcel off a small chunk and sell it to the state (UDOT).

Commissioner Morrissey arrived at the meeting.

Planner Sanderson said I I'm not aware of any, I'm sure it's probably happened, but I can't think of any off top my head.

Commissioner Gedge said I'm assuming they've done it in other Cities, because I know they've done it in another City where I served on the Commission, but I was just wondering if South Jordan had any historical precedence.

Assistant City Engineer Nielsen said I don't recall any issues like this. I think as staff we were trying to encourage UDOT to accept an easement, so that we wouldn't need to go through this process, but they wanted the full property, so they wouldn't accept an easement.

Commissioner Gedge said just worst case scenario, if we were to deny this and they would have to go through the easement process, would they be able to go above the City to force us to go this route. I know they've done that with other projects in the past but I'm just wondering if they didn't want to take the easement route, do they have it in their scope to do that.

Assistant City Engineer said this is kind of a project where the developer is funding it, it's not UDOT funding this because there's a great need. It's more that UDOT is approving this work, and so the city's trying to work with the developer to make this happen because we can see the need for it. This isn't a big ticket item for UDOT, so there's not a lot of motivation for them to put in this traffic signal.

Commissioner Catmull said do we have a pretty good handle then on how this subdivision, the Academy, and the title company to the east will be offsetting times on the peak load, it is a two block area, and it could get pretty interesting.

Assistant City Engineer Nielsen said there is going to be 15 minutes in the morning, and 15 minutes in the evening it's going to look like a mess when they do the school pickup, and drop off. That's how it is with every school. I hate to say it that way, but there's just a flood of cars that come to the school at the same time, and so it makes it challenging. In some respects it could improve the situation, because it would break up the traffic. The overall the traffic in this area on 11400 S, this is such a massive arterial and these are adjacent to commercial, and residential, that we're adding and it's already built into the capacity of the road.

Chair Hollist opened the Public Hearing to comments. There was none. She closed the Public Hearing.

Commissioner Gedge motioned to approve the Ridgepoint Lot 201 First Amendment, Subdivision Amendment, file number PLPLA202100016 as proposed. Commissioner Hollist seconded the motion. Roll Call Vote was 5-0 unanimous in favor.

**D. JORDAN VALLEY TECHNOLOGY CENTER PHASE 1 SECOND
AMENDED SUBDIVISION AMENDMENT**

Location: 698 W. 10000 S.
File No: PLPLA202100010
Applicant: David Dixon, Dixon Architecture

Planner Damir Drozdek reviewed background information from the staff report.

Chair Hollist said is the owner of the land being brought into this development agreeable to this?

Planner Drozdek said yes they are. I think I included with the staff report, or the subdivision amendment the site plan owners' affidavit. It's from Mike Roderick, and he is over the Pheasant Hall development, which is where they're getting the property from.

Chair Hollist said I saw that there was a letter that indicated what size of area was going from one to the other. I just wanted to make sure I understood that there was an agreement that this exchange was going to happen.

Commissioner Gedge said approximately how many new parking stalls will be created by this application.

Planner Drozdek said roughly about 250 extra stalls.

Commissioner Gedge said and just because I can generally see this out of my bedroom window and this lot has a lot of empty space during the day, so what is maximum allowed parking? It just seems like another 250 stalls just seems a little excessive.

Planner Drozdek said we don't have a maximum so it's not something that we can enforce as the city, we have minimums but we don't have maximums. In this case I think the building is switching ownership and the new owner, feels like they need more parking. I don't know if that's due to they're going to be having more employees, or its going to be more dense within the building, I don't know what they want to do.

Commissioner Gedge said with 250 additional parking stalls and this is off shields lane, which is a 25mph road, so what is going to be the potential impact for the road there? I am just a little concerned assuming at least 250 more trips each way, a day.

Assistant City Engineer Nielson said with shields lane being the minor collector, it's going to continue to see more trips as time goes on and development continues, but that has been accounted for in our transportation master plan, so we didn't have a concern with this.

Chair Hollist said how many parking spots are on this property at this time.

Planner Drozdek said their survey showed 457 stalls, and the site plan shows 689, so it's a net gain of 232. It sounds like it's 50% more from the existing.

Commissioner Catmull said it looks like at least a sizable portion of them would be closer to the building. If I'm reading this right there's a lot of parking that's added close to the building with clusters between those two buildings, and then there's a bunch of parking added at the end of the parking lot, or the property, and the subject area today. If that's the case, I imagine that they will build another building out in that area, so I guess I'm just trying to figure out how that a parking lot might get divided. I guess if we divided the property and they divided the parking agreement, then it would not an issue. If that's a new building is there something that we need to be aware of from a code perspective that might factor into tonight's decision.

David Dixon, South Jordan – said I am representing the applicant, but I don't know too much about the new tenant other than their required requirement was for 700 parking stalls, and that is what they requested. There was some negotiation that went on to reduce that number to the number that we were able to provide them, along with a couple of amenities that they asked for such as: pickup ball court and a half- court basketball court, so we got those things included on the site, and that's about as far as we could go with what they had requested and they were agreeable to what we provided.

Commissioner Gedge said I know they've requested 700 stalls and this is within walking distance of the South Jordan front runner station. Are they going to be in any discussion regarding the need for 700 stalls and mass transit being within walking distance?

Mr. Dixon said they didn't mention that, they just told us what their requirement was in order to occupy the building. We did question whether they really needed all 700 stalls, because it's unusual for a tenant to need that many, but that's what they required.

Commissioner Gedge said I assume it would have to be in industrial use to be able to occupy this building, so can staff confirm that?

Planner Drozdek said I don't know if we're getting ahead of ourselves, that's probably something we can talk about with the site plan application. The next application is the site plan amendment, but to answer your question, "office uses" is a permitted use.

Chair Hollist opened the Public Hearing to comments. There was none. She closed the Public Hearing.

Commissioner Gedge said I was blind copied from a resident today on this application, I'm not sure if anyone else was notified from Mr. Mark Halliday, so I want to make sure that it is put into the record because he had some questions about this application, or it might be for the next application regarding the site plan.

Chair Hollist said let's read it in to the record now, before we vote on this item.

Commissioner Gedge read the letter from Mr. Halliday (Attachment A):

Upon review of the development plans for the David Dixon parking lot expansion I could not see any indication of the piped irrigation ditch that is located on the East side of the proposed development area. This ditch carries water from the East Jordan canal into Dry Creek (at the location of the proposed development) then into the Jordan River.

1. Was it an oversight in not indicating this ditch on the architectural plans?
2. How/will this ditch be impacted in the development?
3. Has the Weir Master of this ditch been contacted about the development?

Thank you for all you do and for addressing these issues.

Marc Halliday
561 West 10000 South
South Jordan, Utah 84095

Chair Hollist said thank you for presenting that to us.

Chair Hollist said Planner Drozdek or Mr. Simonson can you direct us, if this is an issue that we need to address on this application or the next one.

Planner Drozdek said in my opinion, it would be the next application. It is a subdivision plat amendment and it is going to record a new property line. When it comes to improvements, a site plan application would be more appropriate to address any improvements existing or proposed.

Assistant City Attorney Simonson said I have the same opinion as Planner Drozdek.

Okay, if there's no concerns or discussion on this issue then I will entertain a motion.

Commissioner Catmull motioned to approve the Jordan Valley Technology Center subdivision plat amendment, File No. PLPLA202100010. Commissioner Hollist seconded the motion. Roll Call Vote was 5-0 unanimous in favor.

E. IVANTI AT JORDAN VALLEY TECHNOLOGY CENTER SITE PLAN

Location: 698 West 100000 South
File No: PLSPR202000372
Applicant: David Dixon, Dixon Architecture

Planner Damir Drozdek reviewed background information from the staff report. There was an email mentioned in the previous application and I was contacted by a water user, or a ditch user that reached out to us asking if we knew about an irrigation pipe. We do not know, we don't have any records of any irrigation pipes on that property. We've reached out to the applicant and their

project designer engineer to see if they had any knowledge of the pipe, and they got back to us saying that they would have to look into that, but as of today they had no knowledge of any irrigation pipes that were mentioned in the email. In that case, if there is an irrigation pipe and there's any substantial changes to the site plan, we will bring the site plan back to the Planning Commission, but if the irrigation pipe doesn't exist and the changes are minor, I don't see a need for this to come back if it gets approved tonight.

Chair Hollist said who is responsible for recording and maintaining the water right related to ditches, and etc., if for some reason it hasn't been recorded correctly, but it does exist. Is this like roads where they have certain rights just because it does exist, and it needs to be protected even if it hasn't been officially recorded?

Assistant City Attorney Simonson said am not sure how to answer your question. In general, water rights are managed by the state engineer, and as far as the actual right to divert water and use it, we may be talking about an easement, or drainage, I'm just not sure what we're really dealing with, so I would really need some clarification on that.

Chair Hollist said I'm not exactly sure precisely where he's claiming the ditch is, but it is obviously concerned to him.

Commissioner Gedge said I have a feeling he just blind copied me. I represent his district, but I have no further insight. I don't think there's any reason in my opinion, why this should hold up with this project, just because of the water issue. Planner Drozdek said if it looks minor enough it is something that can be resolved, or if it is bigger it would come back to us anyway.

Chair Hollist said so staff can you confirm that should this residents concern be valid, that his water would not be cut off.

Planner Drozdek said we wouldn't let that happen if they have water rights, we will not just cut them off, they will have to keep getting their water as they have been so far so. But, if that forces a change to the plans then then you would see it again, and we would have to bring it back to you to get it reviewed, and approved again.

Chair Hollist opened the Public Hearing to comments. There was none. She closed the Public Hearing,

Richard Dixon, South Jordan (Applicant) – said just one thing that we noted today. The existing property line has a barbed wire fence along the east side of the property, and we would like to take out the barbed wire fence in conjunction with this project and put in a 4ft. tall black coated chain link fence along the East revised property line, if that's acceptable the City.

Planner Drozdek said p per city code, I think that's fine.

Commissioner Gedge said my only concern is the number of stalls, and what will happen if this changes tenants. In the last little while it's been vacant and now we would have nearly 700 blacktop parking spaces that are right along the Jordan Parkway not being used. That's my only

concern, the sheer number. I don't think there is anything we can do to prevent it, I would just like it stated for the record.

Commissioner Gedge motioned to approve application PLSR202000372 to allow for construction of additional surface parking area on property located at 698 West 10000 South with a condition:

- **That existing water rights be honored as currently used.**

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

F. HULL PRELIMINARY SUBDIVISION

Location: 9811 S Dunsinane Drive
File No: PLPP202000356
Applicant: Dale Hull

Planner David Mann reviewed background information on this item from the staff report.

Dale Hull, South Jordan (Applicant) – said I just want to tell the staff thanks very much for their cooperation and hard work on all that they do to help citizens like me to make these kind of things happen. And just so the commission knows, I am already under contract with a builder to put two very nice homes on these lots, and so it will actually make the entire area consistent with the nice subdivision that is already is.

Chair Hollist opened the Public Hearing to comments. There was none. She closed the Public Hearing.

Chair Hollist said we've seen this and discuss this one, and it looks like this is about what it was like when it came for the rezone. Do you have any concerns that we need to work through before we make a motion. If not, then I will entertain a motion on this item.

Commissioner Catmull motioned to approve File No. PLPP202000356 to create a 3-lot subdivision, located at 9811 S Dunsinane Drive, as presented to the Planning Commission. Commissioner Hollist seconded the motion. Roll Call Vote was 5-0 unanimous favor.

IX. LEGISLATIVE PUBLIC HEARINGS –

A. MUSICH PROPERTY REZONE

Rezone from A-5 (Agricultural) to R-1.8 (Single-Family Residential)

Location: 11350 South 2270 West
File No: PLZBA202000385
Applicant: Jeremy Johnson

Planner Brad Sanderson reviewed background information on this item from the staff report. He included (Attachment B) and email from a resident.

Chair Hollist said thank you Mr. Sanderson. Let me restate something you said to make sure I understood it. What we're deciding tonight is just a rezone. If we were looking at frontage, or if a road was going through, or things like that, that would be addressed in a future application. We're not making decisions like that tonight.

Planner Sanderson said that is correct.

Chair Hollist said I have a follow up question. We have seen applications from staff that are zoned for a specific zoning, and the applicant is obviously trying to get as many subdivisions as they are allowed based on the zoning. It seems like sometimes staff works with them to be creative to get that maximum lot number. If we give them this zoning are we committing to in the future of having to make exceptions for frontage requirements so that they can gain this second lot?

Planner Sanderson said in the R.1-8 zone they do require a minimum 90 feet of frontage that's supposed to abut a public right away. We've talked about this internally, but I don't know if we're going to require it at this point, or at a later point for them to dedicate their portion of that road and just not improve it, or not fully improve it. If the adjacent property to the east and others on that lane, if they were any development opportunities, or if the city needs to come in at a future date to acquire property, I don't I don't anticipate that there's going to be any special requirements. The only thing I anticipate, is that that city code requirement does require 90 feet of frontage abutting a quote, unquote public right away. I know the engineer has a little bit of discretion when it comes to those roads, but I really don't know how that's going to play out with respect to the code requirement, other than, on a very strict review they could possibly have to dedicate some frontage there to meet that requirement. It's not ideal for the city to own a piece of right-of-way that you have to kind of leapfrog over private property to get to. We certainly don't want to be stuck with a liability of maintenance of that until it is improved to our standards. There is a lot of back and forth discussion, and I just don't have an answer for you on that. But as far as the lot size goes, they wouldn't be able to get more than two lots period in this zone, and the density wouldn't allow it anyway.

Chair Hollist said I have one follow up question. In your justification for proving this, you cite the general plan, and it meets what our land map shows. When they come and want to give us their sub-development plan, are we going to cite the general plan, and its goal for having two access points for all neighborhoods. I am guessing that that's going to be the main issue tonight, when we hear from the public.

Planner Sanderson said if it's not an issue tonight, it probably ought to be raised at the subdivision process. Again, even if it is raised at tonight's meeting I just don't have an answer on whether that road to the north that is a very long dead end road, whether it was intended to connect through or not. But unless the ones that acquired additional property on this private lane, or if those land owners are willing to dedicate that property, I just don't anticipate that this road would connect as a result of this development. I think adding one more lot, really doesn't have a substantial impact that would warrant that.

Chair Hollist opened the Public Hearing to comments.

Richard Murray, South Jordan – said I just wanted to clarify to the commission that this is a dead end road and there is one point of access to it. I think you mentioned it's a private road and it's not maintained by the city, the state, or anybody else. We know the intent is to build another home on the north side of the lot, are there restrictions that the City places on hours of building to control the noise and access. Ours is a private road, as I mentioned, it's not maintained by the government in any way. It's a narrow road, it's an old road, and we have concerns about the impact of a 60,000 pound cement trucks, and shuttles, and what it may do to the road, and who is responsible for any damage to the road. Also, I mentioned it's a dead end street, it's very difficult to get small vehicles let alone big vehicles down to the end without using our private property to turn around on. I will reiterate, I don't want 60,000 pounds cement trucks on my property. They've already moved heavy equipment onto our property when they removed trees this last weekend, so I was wondering what avenues I have as a resident to prohibit that with the builder, and is there any enforcement provided by that by the City. And then lastly, I would just like the name of an actual person, or an office, so if the contractors damage property, or trespass on to our property. You really have to see it, there's literally no way you could build a big house there without accessing our property. There was a question that came up during the hearing, and Planner Sanderson mentioned something about it being new, and I'm sure it is new to the residents of Triple Crown as well. I understand that there may be a requirement that our property could be seized to widen the road, or to provide access into that neighborhood. I would like someone to elaborate on that.

Sandy Ewing, South Jordan – said I live three houses just north into the next subdivision. We are concerned that this paves the way for a two way access, and the road to go through making that a thoroughfare. We have a very quiet wonderful street right now and we're very concerned that there would be an access to 11400 south, which would be bad for this street.

Thayne Sanders, South Jordan – said I am two houses north of the property being discussed. I just want it on the record that I have the same concerns that Sandy Ewing mentioned. I heard this is not being addressed tonight, In terms of the street, and what might happen to that, but I want to make sure that we are made aware as neighbors of when that next meeting would be held to address the street.

Chair Hollist closed the Public Hearing.

Chair Hollist said the first concern was from Mr. Murray, and he was worried about the restrictions and the hours during construction. Would you enlighten us as to what the city's code is on this issue? And the second question was, when would building begin and how long would it

last? I don't even think they can move forward until they get this rezone and then bring us a subdivision plan staff can you elaborate.

Planner Sanderson said I really couldn't answer that question, but they would not be issued a building permit until the property was rezoned and it was legally subdivided. We anticipate that depending on the outcome of this meeting and whether you forward a recommendation City Council, or if it gets tabled, that there will be a follow up City Council Meeting on March, 2, 2021. A new notice will go out probably tomorrow, but again that is pending the outcome of this meeting, but the same residents that received the first time notification, will be notified again. I don't know when subdivision date will be, because they will have to get a survey of some kind and that could take some time, it could possibly take two or three months, so it may not be till spring, or summer before you see a third notice come out on this application, so then we can maybe attempt to address a lot of these other questions.

Planner Sanderson said I will continue with the rest of the questions if that is ok.

Chair Hollist said yes, proceed.

Planner Sanderson said regarding the question about the business hours. The hours of operation the city has are generally from 7am to 10pm, and they can operate as far as building construction goes, whether that be for road improvements, or just building a house, or whatever it might be. Generally, our business hours prohibit night time hours. As far as the private road goes, it is a private road, I don't know that I have a real good answer on this one. My suggestion would be to take some pictures or some video of the road that you currently have before any construction starts, maybe fly a drone over if you have access to water, and document what condition that roads in, and then again after the construction. This is assuming that this gets approved, and they get that far.

Assistant City Engineer Nielson said the only other thing I would add, is where it is a private road, the city would not get involved because it would be a private matter that would need to be resolved with the owners.

Assistant Attorney Simonson said I agree with what has been shared, but we've got to keep focused on the fact that what we're here for is a rezone. I think all the concerns that have been raised by the neighbors are legitimate. I think if I lived there I'd be asking myself that the same questions, but all we're dealing with tonight is whether this is a reasonable use, and subdivision of this property. We are going from an agricultural zone to a zone that is anticipated by the general plan of the city, and if they weren't allowed to rezone to this particular zone that they're asking, it's hard to see that they would qualify for anything other than just continued agricultural. So, it is true that when we shifted from an administrative hearing to a legislative hearing, which Commissioner Hollist plainly noted that we were doing, the standard for determining a rezone under a legislative hearing and is just whether it's reasonable debatable. In other words, if it goes before the Council and they didn't deny the rezone, they don't have to show all the substantial evidence that you have to show under an administrative hearing. All you have to show is that what they have done is reasonably debatable, as reasons for doing that, and that same standard ought to be applied for the recommending body, the Planning Commission. So, tonight, you have

to assume that they have access to the property. If they don't have access to the property, then that's a substantial problem, but as Jeremy indicated that's not a city issue.

Planner Sanderson said so with that said, I'll, just skip over questions 4, 5, and, 2, because I don't have the answers, and maybe, now's not the appropriate time to address those. As far as number 6 goes, the applicant on file for this reason application is Jeremy Johnson. If you want to call me tomorrow or sometime later on I can certainly pass along his contact information. There was a question about property acquisition and if the government would seize property. There's a whole procedure for that, and if that were to happen there would be just compensation, but there are a whole bunch of statues that go into that. There was also a question brought up by Sadie about the road going through. And again, I just don't have an answer for that. At this time, I really focused on the use of the property being changed from A-5 to an R-1.8.

Chair Hollist said the last question was about the noticing, which I think you addressed at the beginning, but I assume everybody who was noticed about this evening would be noticed again for the City Council hearing of this rezone, as well as the subdivision that would come back before us at some point.

Planner Sanderson said yes, that's correct. It's the exact same mailing list that went out the first time and it would be repeat unless someone moves or something, then it's obvious that list to be updated, but it's the exact same area.

Assistant Attorney Greg Simonson said I would like to speak to the issue of taking of the property that was raised by one of the residents earlier. I think that Jeremy in engineering and myself and legal would be the first staff people to learn about anything brewing about an upcoming condemnation. The city does from time to time exercise its power of eminent domain to widen a road or, or serve the public interest, but the city doesn't like doing that. I can tell you that I have heard nothing about anything having to do with this private road, and exercising the power of eminent domain. So, I think that unless the owners of the road wanted to dedicate it to the city voluntarily so the City maintained it, it would be highly unlikely that powers of eminent domain would be exercised on this road.

Commissioner Catmull said would it makes sense to add to a paragraph from stable neighborhood from the general plan I think there's an instruction in there that provides significant enough criteria to measure our decisions tonight, especially at the end of that paragraph.

Chair Hollist said are you saying you have it open?

Commissioner Catmull said, I do have it open, I can read it.

Chair Hollist said why don't you share with the Commission the part that you believe is pertinent.

Commissioner Catmull said it says: a stable neighborhood doesn't preclude any change. It just tries to hold it fairly consistent, any new development, redevelopment, or rezoning within this

designation shall be consistent with the surrounding land use in order to maintain existing character, and quality of life for adjacent property owners.

Chair Hollist said the staff report included e what the zoning is adjacent to this. I don't feel like it is out of character. My main hold up is the concern and it may not even be the concern for tonight, but should this become rezoned, the difficulty that may occur with accessing that further portion of the property with a road, and giving it the frontage that it would require. I don't know that that is something that weighs into tonight's decision, so if you any one on the Commission has thoughts on that I'd like to hear them, but that is my one point of concern this evening.

Commissioner Darby said I think I'm inclined to approve this, mostly because it doesn't immediately authorize them to start building, it just gives them that next step. If they can work out the details within other current laws and regulations, then they can move forward from that point. But right now, all we're changing, and all we would be changing if we approve it is the zoning, which actually doesn't change very much it just gives them the opportunity to start exploring whether they can make this happen, or not.

Commissioner Morrissey said I share similar sentiments as Commissioner Darby as far as how we express that. I feel like this is a move that that meets and moves in the same direction as the surrounding neighborhoods and doesn't alter, or change the current condition in that area. It provides that next step, so I'm inclined to actually approve this as well, unless other evidence is brought forth at this time that would make me reconsider.

Commissioner Gedge said I agree with Commissioner Darby and Commissioner Morrissey. The surrounding area to the west, and to the north is R-1.8, so the only possibility that this could ever be rezoned to is R-1.8, which is under consideration. All the concerns that have been raised, or will be raised, will be addressed in the future processes, so I see no reason why a rezone would not be warranted in this area. Unfortunately, it's not going to stay agricultural forever. I know its right by the equestrian park and all the homes fronting 2200 West there as well, but this seems to be doable and I would be inclined to favor a positive recommendation to City Council tonight.

Commissioner Catmull said I have very similar thoughts, as far as I zoom out and I look at the zoning and it looks more consistent, so it feels more consistent to me, and that we should address the problems that come up. If they come up in the future processes we can we can choose to approve or deny. I think in this case, based on what might happen. It is just whether it is consistent with the general plan, its land-uses, and the other criteria that we have for rezoning recommendations.

Commissioner Gedge motioned to forward a positive recommendation to the City Council to approve Ordinance No. 2021-01-Z, approving the zone change. Commissioner Hollist seconded the motion. Roll Call Vote was 5-0 unanimous in favor.

**B. TEXT AMENDMENT OF CITY CODE §§ 17.30.020.H, 17.40.020.H
(ELIMINATING RESIDENTIAL FENCE PERMIT REQUIREMENTS)**

Ordinance No.: 2021-06

Applicant: South Jordan City

Planner Damir Drozdek reviewed background information from the staff report.

Commissioner Gedge said I know this evening we talked about the one item (chain-link fence) and the last meeting we talked about the property abutting Temple Drive, and we actually needed a condition to make sure the fence got installed. So, by adopting and recommending this change to city council, how would that apply to these applications we've seen in the past where we've actually required them, or they were previously part of the City Code and we've had that discussion with the applicants about installing a fence between, residential and agricultural. , I am just afraid that maybe the previous discussions we've had might get skipped. I know you said there will be an educational campaign but I am wondering how that flows down to those previous applications, and how we can ensure that the fences are enacted as what we discussed about those people.

Planner Drozdek said so this only pertains to residential and agricultural property, so it will be fencing between two neighbors, that's what we're eliminating. When it comes to development, either commercial or multifamily that is still going to be enforced, that's not being changed.

Chair Hollist said is this mainly for replacing existing fencing, and new fencing, so let's say you have a new house that goes in and your new homeowner is going to want to have fencing right.

Planner Drozdek said it is for both replacing existing fencing and new fencing. A new home owner is going to want to have new fencing, so in that case they will be required to get a fence permit from the city as well, but with this amendment that would go away.

Chair Hollist said what are the requirements for fencing? I have seen plenty that that opted not to put fencing up but is there.

Planner Drozdek said we don't have any requirements when it comes to fencing materials for side and rear yards, the maximum height allow the six feet, and then the front yard fencing is pretty much prohibited by the City.

Chair Hollist opened the Public Hearing to comments. There was none. She closed the Public Hearing.

Commissioner Morrissey said I don't have any concerns at this time, as far as approving this and updating this change based on the facts that were presented by City staff, limited complaints, and a limited force mechanism in place, I am comfortable with the changes, as well as making a recommendation to City Council.

Commissioner Catmull said I have similar thoughts in the sense that if there's little or no risk you can still enforce what was intended or what's necessary to keep people happy. If it is not being used, why not simplify.

Chair Hollist said I have nothing more to add. I agree with everything that has been said.

Commissioners Darby said I don't think I have anything significant to add. I am in agreement with making the change.

Commissioner Gedge motioned to recommend that the City Council approve Ordinance No. 2021-06 amending Sections 17.30.020.H and 17.40.020.H of the South Jordan City Municipal Code eliminating residential fence permit requirements. Commissioner seconded the motion. Roll Call Vote was 5-0 unanimous in favor.

X. OTHER BUSINESS – *None*

ADJOURNMENT

Commissioner Gedge motioned to adjourn the February 9, 2021. Planning Commission meeting. Commissioner Hollist seconded the motion. Vote was unanimous in favor.

The February 9, 2021 Planning Commission Meeting adjourned at 8:40 p.m.

Meeting minutes were prepared by Deputy Recorder Cindy Valdez

This is a true and correct copy of the February 9, 2021 Planning Commission minutes, which were approved on February 23, 2021.

**Cindy Valdez
South Jordan Deputy Recorder**