

**CITY OF SOUTH JORDAN
ELECTRONIC
PLANNING COMMISSION MEETING
COUNCIL CHAMBERS
June 22, 2021**

Present: Commissioner Michele Hollist, Commissioner Nathan Gedge, Commissioner Trevor Darby, Commissioner Steven Catmull, Commissioner Sean Morrissey, City Attorney Ryan Loose, Assistant City Engineer Jeremy Nielsen, City Planner Greg Schindler, City Planner David Mann, IT Director Jon Day, GIS Coordinator Matt Jarman, Deputy Recorder Cindy Valdez, Transcriptionist Diana Baun.

Others: John and Karla, Craig Johnson, Jason, Dan, Ryan Holt, Cindy Holt, Steve and Stacey Stewart, Bruce Cowdele, Steve Bianchi, Marianne Densley, Trent Smith, Bob Burns, Bill Water, Larry Afleck, Lex Waterson, Richard Tripp

6:33 P.M.

REGULAR MEETING

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

Chair Michele Hollist welcomed everyone to the Electronic Planning Commission Meeting. Commissioner Steve Catmull joined the meeting via Zoom.

II. Motion to Approve Agenda

Commissioner Gedge motioned to approve the June 22, 2021 Planning Commission Agenda. Chair Hollist seconded the motion. Vote was 5-0 unanimous in favor.

III. Approval of the Minutes

Commissioner Gedge motioned to approve the June 8, 2021 Planning Commission Meeting Minutes as printed. Chair Hollist seconded the motion. Vote was 5-0 unanimous in favor.

IV. **STAFF BUSINESS** - *None*

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

VI. **SUMMARY ACTION** – *None*

VII. **ACTION** – *None*

VIII. **ADMINISTRATIVE PUBLIC HEARINGS** –

A. DRIVE THROUGH ADDITION, CONDITIONAL USE PERMIT

Location: 10309 S. Redwood Rd.
File No: PLCUP202100114
Applicant: Robert Moore

City Planner Greg Schindler reviewed background information from the Staff Report.

Chair Michele Hollist noted we have had recent issues in the city with space for cars waiting in drive through lines, specifically with Raising Cane's at The District.

Planner Schindler said they are unaware of who the future tenant is, but they don't believe it will be anything like Raising Cane's.

Chair Hollist asked if this parcel was separate from the Smith's and other properties, or if there is an agreement for the parking lot.

Planner Schindler believes there is a shared access driveway there, but he thinks it is a separate piece of property under different ownership than Smith's.

Robert Moore (Applicant) said the prospective tenant was there and plans to open a restaurant business that sells boba drinks, snacks and similar items.

Commissioner Steve Catmull joined the meeting in person.

Commissioner Nathan Gedge said with Redwood Road being a major thoroughfare, if a future tenant has a popular enough business that the queue backs up he is concerned about that. He asked if they can impose a circulation plan to include future tenants to protect themselves from issues in the future.

Planner Schindler said they could approve it subject to all future tenants, but he is not sure if the conditional use permit could be revoked if there were issues.

Chair Hollist asked to be educated about the situation at Raising Cane's off 11400 South.

Planner Schindler said South Jordan Police is controlling traffic on River Heights Drive because people are queuing down the center lane (suicide lane), sometimes as far down as Costco at the beginning. This week it doesn't go past the townhouses there.

Assistant City Engineer Jeremy Nielsen said the property owner is paying for the police presence and their overtime.

Chair Hollist asked if there were any recommendations to mitigate this potential issue.

City Attorney Ryan Loose said the analysis is whether they have a reasonably anticipated detrimental effect. Looking at the location and the site plan, the fact that they have the road system and parking lot the way it is, the shared access agreement, this is different from the

concerns on River heights Drive. Even if this restaurant was just as successful, the city does have public safety power and the ability to go in and require them to do things to mitigate problems at the time. He would need to find out whether Raising Cane's, with this specific location, had to have a Conditional Use Permit (CUP); if so, did we impose any conditions upon them.

City Planner David Mann said the only recommendation of staff was to require evergreen trees by the speaker to muffle any sound from the drive through. In terms of stacking, they didn't anticipate the amount of volume that they have had.

Attorney Loose said we have multiple drive through places in the city and he doesn't believe we have, on a regular basis, any issues like this; this is a unique situation. He thinks we can leave it to the city's public safety powers to work it out if there is a situation like this.

Planner Schindler said the only time he can remember that a business opened with that many people in a drive through lane was when the Chick-fil-A opened up at The District. They are within The District however so they did not queue up on any public streets.

Attorney Loose said they also dealt with a shared parking agreement, so it is more similar to this application than Raising Cane's.

Planner Schindler said Dutch Brothers Coffee in West Jordan had a similar large opening when cars lined up on 7800 South for almost a quarter of a mile for over a week, but now it is not an issue.

Chair Hollist opened the public hearing for public comment. There was no public comment so it was closed.

Commissioner Gedge said overall he thinks it is a good fit, he has no concerns at this time.

Commissioner Catmull said from what we can tell, the large lines tend to be temporary or the business will find a more efficient way to move people through the lines.

Commissioner Darby motioned to recommend approval of File No. PLCUP202100114 to allow for the addition of a drive through window and lane. Chair Hollist seconded the motion. Vote was 5-0, unanimous in favor.

**B. DAYBREAK COMMERCE PARK PLAT 5A – 1st AMENDMENT,
SUBDIVISION AMENDMENT**

Location: 6351 W Crimson View Drive
File No: PLPA202100093
Applicant: Nate Reiner

Planner David Mann reviewed background information from the Staff Report.

Chair Michele Hollist asked if this is being done to allow each lot to be sold separately to individual businesses.

Planner Mann said yes, he believes that is the reason.

Commissioner Nathan Gedge asked if there are any concerns regarding traffic with this split.

Assistant City Engineer Jeremy Nielsen said no, they have no concerns as this is adjacent to a collector street.

Chair Hollist opened the public hearing for public comment. There was no public comment so it was closed.

Commissioner Gedge motioned to recommend approval of File No. PLPA202100093, amendment to subdivision amendment. Chair Hollist seconded the motion. Vote was 5-0, unanimous in favor.

C. FERRAN COMMERCIAL BUILDING, SITE PLAN AMENDMENT

Location: 11336 S Beckstead Lane
File No: PLSPR202100144
Applicant: Travis Ferran

Planner David Mann reviewed background information from the Staff Report.

Chair Michele Hollist asked what the parking requirement is for office buildings.

Planner Mann said this building will be mixed use, they used the tenant information given by the applicant to calculate what the parking requirements would be and they do meet the minimum requirements.

Chair Hollist opened the public hearing for public comment. There was no public comment so it was closed.

Commissioner Steve Catmull asked if a building had changes in the future and needed more parking, who in the city would deal with that.

Planner Mann said if they needed more parking, their only remedy would be to get an allowance for less than the minimum parking requirement from the city council. Our city code allows the city council to make specialized decisions on a case by case basis.

Commissioner Catmull asked if there is a new owner and this becomes an issue, would someone have to file a complaint and then it would eventually come to the council for review?

Planner Mann said the Planning Department, in conjunction with other departments, reviews business licenses so the use is something that would be evaluated during the application process along with the required parking.

Commissioner Darby motioned to recommend approval of File No. PLSPR202100144, Ferran Commercial Building site plan amendment. Chair Hollist seconded the motion. Vote was 5-0, unanimous in favor.

IX. LEGISLATIVE PUBLIC HEARINGS –

D. HOLT (HIDDEN VILLAGE 2) REZONE, Rezoning the subject property from Agricultural (A-5) to residential (R-M-5).

Location: 10291 South 1230 West
File No: PLZBA202000378
Applicant: Ryan Holt

City Planner David Mann reviewed background information from the Staff Report. He also referenced emails that had been sent in relation to this issue (Attachments A, B, C, E and F).

Commissioner Nathan Gedge asked if there had been any estimate of option two, how much it would cost the city to assume public ownership of the road with a purchase agreement and annual costs; also, will that be done before the city council reviews this.

Planner Mann said those discussions have been started, he has not been a part of that; it ultimately will come from the city and HOA sitting down and working out an agreement.

Chair Michele Hollist asked if the roads are up to standard.

Assistant City Engineer Jeremy Nielsen said there is a process for going from private to public streets. Before the city takes ownership a committee is formed to evaluate the streets. That committee looks at the condition of the street, if it's not up to the city standard they make it known what it would take to get there, estimated costs, etc. Once that is done the committee creates a report that goes before the city council and they can determine whether or not they will accept ownership of the streets. This all starts with the HOA submitting an application saying they want that to happen; he has not seen an application as of yet from the HOA.

Commissioner Gedge asked which streets would become public.

Assistant Engineer Nielsen said it depends as different HOAs request different things, sometimes the city approves it and sometimes it is denied.

Commissioner Gedge asked if the roads are adequate to accommodate construction access for the six potential homes.

Assistant Engineer Nielsen said the road's capability will be evaluated as part of the process. Even though they are private roads, they should have been built to city standards.

Commissioner Gedge said on the map it looks like the lots will be similar in size to the surrounding neighborhood, he asked to confirm this.

Planner Mann said they will be similar density and there are design requirements that were taken from the original development agreement, this includes detailed concept plans for the architecture. The development agreement can be as specific as necessary if they desire it to achieve the same look and feel as the rest of Hidden Village.

Commissioner Gedge said there are neighboring agricultural properties to the north, if those were to become a future phase what would the access look like?

Planner Mann said the property directly to the north has already done a flag lot subdivision to build a house on that back lot. There really isn't anything else they can do without significantly changing what's already there. There is a large piece of property just east that does have access to Mabey Lane. In terms of future development, a lot of the access issues have already been taken care of.

Chair Hollist said in the current land use plan we discourage private roads. She asked if this changes with the decisions of the city council.

Planner Mann said he thinks private roads have become more discouraged over time, this is why we got rid of the PUD subdivision process. Over the years a lot of these private roads end up applying to have the city take over, but these are roads that weren't built up to the same standards as other subdivisions. Because of this, the city then has to go back in and either do the work or use funding to bring them up to the current standards. The other option is they accept them the way they are. This is why the city heavily discourages private roads, to avoid complications like that in the future.

Chair Hollist asked why staff allowed a hammer head versus a cul-de-sac in this case.

Planner Mann said it is based on what the applicant is proposing, they could not have as many lots with a Cul-de-sac.

Assistant Engineer Nielsen said both the cul-de-sac and hammer head are acceptable to the city and meet the fire requirements, as well as garbage pick-up and snow removal requirements.

Chair Hollist said she feels this is premature, that either the discussion with the city to make these roads public or an agreement between the applicant and HOA would be desirable to see before doing this.

Planner Mann said he thinks her concerns are justified. If the applicant wants to move forward that is their choice, but they can also table this and work further with staff to come to a better agreement.

Chair Hollist asked what happens if the road issue isn't resolved with either of the two options presented.

Planner Mann said if this moves on to city council, staff will continue to work on the development agreement. With the current status it might make it more complex in terms of drafting language in the development agreement to ensure this is resolved before it goes too far. This is eventually going to have to be resolved, so it's up to the commission to take staff's opinions.

Chair Hollist said it sounds like they need to separate the issues and just focus on the rezone.

Planner Mann said with the original development agreement, two amendments and meeting minutes he was able to see that the developer said this was the most complicated development agreement he had ever seen. Even with that, adding this on top of this history is going to further complicate things unless resolved.

Attorney Loose said he doesn't believe it is as complicated as it seems regarding what they are being asked to do tonight. There are different issues and you rule on those issues at different times. The road connection issue is a subdivision plat issue, which would come back here and at that time the applicant is required to show the connection, otherwise it can't be approved. The commission is just being asked to rezone right now. The question tonight is rezone, the standards are arbitrary, capricious, or illegal. As long as none of these things apply here the recommendation goes to the council and is defensible. The rezone is what the commission is reviewing right now, that could be in part due to the roads, but they already know the ultimate decision on access is going to be a subdivision where if there is no access it cannot be approved.

Chair Hollist said it looks like this is supposed to be phase 3 of something that has been agreed to, why is it not already approved?

Attorney Loose said there were different land owners at the time and the plan was ultimately to connect through, that is why the stub road was required there. On a bigger map you can see there are also opportunities, such as the school district owning a piece; if they don't build a school the road can be connected through. The other property to the north, at one time, had been discussed as possibly being connected through the stub road as well but they ended up deciding to build a flag lot. When you are dealing with different land owners and development at different times, these kinds of problems arise; however, we have dealt with similar issues in the city and will be able to handle it.

Ryan Holt (Applicant) – This property used to have their mink farm on it when Hidden Village was developed. At that point, they were not ready to be involved in the development, which is why phase 3 is worded the way it is, addressing it as being a future phase. There were some considerations made with the developer at the time with a lot line adjustment that was made on the south side of the property with the adjacent property. They needed some additional land to facilitate putting houses between Aunt Mame's house and his father's property. This substantially altered the square footage on those four lots that border that. In exchange for that, the city asked the developer to put that stub road in, as well as a stub road that goes into the west side, the Bergen property. At that point, in the development agreement future use was not necessarily time based, it was situation based as there was a substantial investment that had to be made to move the farm out to accommodate the encroachment of the houses onto the farm. His

father then decided he didn't want to deal with it. He passed away in November, so they are now trying to separate the house from the property for estate purposes. The development of the property itself would fall into a different timeline. He was involved since day one with this development and the intent was for the roads to be public until they were changed.

Attorney Loose said he thinks the roads at one time were public roads and constructed as such with laterals for utilities being built underground and stubbed to each lot. The developer then came in at a later date and in an amendment got a rezone from the council for a different density which shifted the lots and they had to re-cut the laterals to the lots. At that point they rendered the roads not up to our standards to accept so the developer had to either bring them up to standards or keep them private; the developer chose to keep them private.

Mr. Holt said the HOA was always there as far as maintenance.

Attorney Loose said at the time the developer made that choice there weren't any lots occupied; that developer also sold it so there were now two developers involved (Arbor and Castlewood).

Mr. Holt said the intent and conversations between the family, developer and the city all indicated that those were to be public roads at the time; all agreements and access were based on that. He believes that was where there was some last minute negotiating that didn't go the way everyone had hoped. He believes there is a movement right now to address that going forward with the city council, but that is a separate issue. Phase four is the piece that was supposed to go between 1300 West and the piece on the west of Hidden Village.

Chair Hollist opened the public hearing for public comment.

Trish Smith (Arbor Commercial Properties) said she is here on her dad's behalf. Arbor Commercial Properties, one of the developers at Hidden Village, is in support of the rezone. She read the letter sent by her dad (Attachment E). Her dad was the key person for Castlewood and her knowledge is limited on the earlier agreements.

Bill Water (Resident) said he moved in seven and a half years ago. He doesn't believe it's in the CC&Rs that the roads would be private and there is nothing indicating that there would be any extension of the Hidden Village Development. His knowledge is limited strictly to the minutes from City Council and what they have received through GRAMA requests. He is here as a homeowner, but he is also a board member; he is not here representing the board. He read a statement from the board that was emailed to Greg Schindler today right before the meeting (Attachment A).

Larry Afleck (Resident) said all of this was entered into some years ago now and Mr. Holt has passed on, but he wanted to say thank you to him as this is a beautiful place. If it weren't for 2008 and the failure of everything there would be some big homes down there, but the homes they have are so manageable and beautiful. Sooner or later, something is going to go in as was intended by the Holt Family. If whatever goes in could be kept to the standards of the present properties and the rules by which they are maintained he thinks that would be a positive thing. He doesn't think the roads as they currently are can withstand construction equipment. They are already severely sunken from all

the cutting. His main concern is that they would like to be harmonious with those people that made this property available to us years ago and that their righteous desires could go forward in an appropriate way with everyone's agreement. He believes this is premature, the Holts should visit with the HOA and get this settled to everyone's satisfaction and that will be a chore. They have tried to get the 57 homeowners to agree on things before and that wasn't doable. He wants to get everyone on board and do it right, he doesn't believe there is any urgency. He understands the Holts wanting to settle the legacy of their inheritance and no one is getting any younger. After settling everything he wants to come back to this meeting unified.

Steven Stewart (Resident) said he believes the cart is before the horse now, the road issue needs to be addressed. The Cowdele property, which is adjacent to this property, had a home built there in the past. Without coming to the HOA or neighbors they brought heavy construction equipment through the neighborhood, they took down the wall that separates the two properties; it took quite some time to respond to putting that wall back. He wonders if there isn't some other way to enter this property, maybe off of 1230 West, for this development. In their neighborhood there is a city park and they have constant traffic from the public all the time; not just people wanting to see their homes and neighborhood. This last week there was a wedding reception held at Aunt Mame's house; cars, trucks, trailers were parked on their streets making it hard to navigate and they have lots of children in their neighborhood. It will take 65% of the homeowners to change the roads from public to private and he isn't optimistic that will happen. He is not on the HOA board and is just a homeowner.

Lex Waterson (Resident) said he is a member of the HOA Board, they have spoken with Mr. Holt and looked at all these issues. It is very possible that there is a path forward on this that is good for everyone. For them as an HOA Board, the big concern is the condition of the roads. When heavy equipment goes over those roads, after all the lateral cutting, there are dips and bumps in the roads. Any agreement that they make with the Holts for access has to include a way to remediate the damage that would be done by the construction on those homes. A developer can do that from the proceeds of the development, they have to come back and make things right. They don't have that money and it wouldn't be fair to put that on the HOA's shoulders. The discussions they have had with the city in these past few weeks are positive and the timeline is appropriate with their annual meeting being on August 4, 2021 which the city manager is allowing them to do here at City Hall so they have room to accommodate their group. He doesn't personally have a problem with the zoning being done before the subdivision is approved for the reasons the staff has outlined, that is the order in which things are done. They will discuss all these things with their homeowners and then they will see what happens.

Richard Tripp (Resident) said he has the Holt Family behind his house and appreciates them allowing him to live on their land there. When he moved in he had no idea there were private roads, there wasn't anywhere he read that indicated the roads were private and he believes that is the issue here; they need to get those roads public. In his opinion there is no reason for these not to be public, all of this would be a moot point if that were done. They need the city to come forward to take care of that and he thinks those are the discussions that need to be had, an agreement where the city takes over those roads and the problems go away.

Chair Hollist closed public comment.

Chair Hollist asked staff what was contained in that original development agreement, if it was written down that this third phase was a part of that.

Attorney Loose said that at different points references were made to future phases, he was just not sure where those references came from.

Planner Mann pulled up the original agreement and Item 11 under the developer's requirements says regarding Phase 3 "should the owners of the property included with Phase 3 (which is noted on the concept plan) choose to develop at some future date, it is the intent of the developer and the Holts that the Phase 3 property be developed in a manner consistent with the density and open space in Phases 1 and 2. The developer also agrees to allow the use of the approved plans for Hidden Village Historic PUD at no charge if the owners of the Phase 3 property decide to use such plans. The approximate location of the Phase 3 property is shown in Exhibit B." Item 14 regarding access to vacant parcels states "the developer agrees to design the project so as to provide public right-of-way access to the vacant parcels owned by the Bergen and Holt Family. Prior to plat approval for the project, the developer shall record access easements to such vacant parcels for current and future uses. Such easements shall regulate or otherwise restrict access for agricultural and other offsite construction purposes."

Chair Hollist asked Planner Mann to read the last part one more time.

Planner Mann re-read the last few sentences.

Chair Hollist asked to define restricting offsite construction access.

Planner Mann said the easements shall regulate or otherwise restrict access, so it depends on the language in those easements. He doesn't know how specific those easements were. There was a reference made on the plat, as part of the owner's dedication, which allows a blanket access easement over the roads for city vehicles for access to the park, things like that. He doesn't know if there are additional easements that were recorded that go into more detail referencing that item in the development agreement.

Attorney Loose said there are a number of easements recorded on plat, specific to different uses, which would fall within that. Also, there are amendments to the agreement and he would have to see if the original supersedes anything. He doesn't believe that weighs in on the question before the commission today, as far as zoning. It does weigh in heavily on the development question for a plat when we get to that stage. They will make sure they go through everything and work that out at that time. It sounds like there are several possible resolutions, if you look at the piece there are multiple ways that could be accessed and Mr. Holt did not indicate an immediate time frame so a lot of these things can be worked on through the process.

Chair Hollist said she heard that the HOA requires a 65% vote on an issue to approve it and that they have a meeting coming up on August 4. She asked if they are on the city council agenda in the near future for this issue, or if it is for something else.

Planner Mann said they are tentatively scheduled for the July 20 City Council meeting for this application.

Chair Hollist asked for staff to comment on construction access. Should it happen in the future, can it access this property a different way, can the city have a role in that. Can the development agreement moving forward stipulate what happens if the only way to access the area is through Samuel Holt Drive, what happens if equipment does damage the road?

Assistant Engineer Nielsen said with a typical development there is a warranty period on roads, so the city doesn't accept the roads until after that warranty period is over; he believes this is a one year warranty period. During that one year the developer goes in, builds homes, and if the road is damaged or found defective during that time they are required to go in and make repairs. After that warranty period is up, if there is damage and the city can find who is responsible they will require whoever got the permit to do the work to do the repairs. It varies on a case by case basis, but in this case, if this road was public and the road started failing due to the equipment the city would go in and make those repairs; it should hold up to the weight of equipment driving over it. If a backhoe were to drive with tracks and damage the road, that's a different story, they would hold them responsible for the damage.

Chair Hollist said a commenter said in their HOA agreement they require the same thing, if you damage it you fix it, and they believe they should be able to decide who they grant access to. She asked if that is legally defensible.

Attorney Loose said if the access is granted through this, over a private road, and they work out some agreement that can be addressed there. They can tailor make that agreement to cover any foreseeable issues. If the city were to take over these roads, the city would have to make arrangements based on the situation. He said no matter what happens, either way it will be appropriately addressed.

Commissioner Gedge asked if Holt Farm Lane is a public road, or if it is part of the HOA?

Planner Mann said there was an easement for access to the park, emergency vehicles, etc.

Assistant Engineer Nielsen said it is a public road down to the entrance to the parking lot, then east of that parking lot entrance it becomes a private road owned by the HOA.

Commissioner Gedge then asked if the HOA chose, could they put up a gate at that point where the road becomes private or would that not be allowed to maintain the protections of their property.

Attorney Loose said they could put up a gate, but they'd have to leave it open most of the time or at least get the city access because there is an access easement for use of the park in that area. To get to the park you'd have to get through the gate. Regarding restricting parking during events or for the general public, he would have to look at the access agreement and plat to see what it allows.

Commissioner Gedge said he was just clarifying to make sure they were following the rule of arbitrary, capricious or illegal. He has no concerns regarding the rezone, he likes that the plan is to have homes similar to what is already there in lot size and look.

Commissioner Catmull asked about the intent for Phase 3 in the development agreement, if it supersedes the general plan since it's in the development agreement. Both documents signal intent and he is wondering which document would have the final say.

Planner Mann said the general plan is just that, general; it gives the summary of each future land use, but land uses can change with an application and with the development agreement it is a little more specific. In this case, this is the original development agreement for Hidden Village, it doesn't apply to the subject property for the rezone, but it does reference the intent that supports the rezone application before us.

Attorney Loose said the general plan was done later, the land use on the properties is the same. When a general plan is created, we should be taking into account any commitments we have. Also, there have been amendments to the development agreement and they would have to look at those amendments to see what has changed.

Commissioner Catmull asked to clarify the future land use is historic, however the historic zone doesn't support residential anymore and that's the reason for the rezone.

Planner Mann said the MU Historic Zone that the Hidden Village subdivision is under no longer supports residential uses, but the land use is different. The land use would fit with the overall development being consistent in that area.

Commissioner Catmull referred to the comments about using the city facilities for the annual HOA meeting, he mentioned there are probably other city facilities that can be used if they'd like to have the meeting earlier. A member of the HOA board mentioned they cannot meet earlier, they have to meet on the day listed in their bylaws. Commissioner Catmull then asked when we have these types of issues, taking over private roads, how long it takes to resolve.

Assistant Engineer Nielsen said this is a little different since they are working directly with the City Manager and Engineer. Typically they receive an application from the HOA, then a committee is formed to evaluate it and after a lot of back and forth it usually takes around 60 days before a final determination is made. After all the back and forth, a report is made and that goes to the city council at the next available meeting.

Commissioner Catmull said he looked at the goals, future land use maps, and based on what he read there and other conversations that have been shared here, he is generally in favor of the rezone.

Commissioner Trevor Darby said he is in favor of the rezone.

Commissioner Sean Morrissey said the issues at hand still need some resolution revolving around the different development agreements, as well as the use of those private roads, but those are future

discussions. As far as the issue at hand, the rezone, he doesn't have any questions. It seems like from the intent when the original property was developed, this was intended to be included in a similar type of fashion.

Chair Hollist said she is feeling like this isn't being objected to, it was always intended that this would be a part of the neighborhood, including allowing access with the stub road. She agrees with the other commissioners, and that moving forward there will be additional answers needed. The main issue was road access, and moving forward that will either be addressed by the HOA or the city. Should there be damage, there should be a way to address that as we go forward. She would favor the rezone this evening.

Commissioner Gedge motioned to recommend approval of File No. PLZBA202000378, rezone of property from Agricultural to Residential. Chair Hollist seconded the motion. Roll Call Vote was 5-0 unanimous in favor.

Commissioner Gedge reminded everyone that this will be presented to the City Council at their meeting on July 20, 2021.

X. OTHER BUSINESS – *None*

ADJOURNMENT

Chair Hollist motioned to adjourn the June 22, 2021 Planning Commission meeting. Commissioner Darby seconded the motion.

The June 22, 2021 Planning Commission Meeting adjourned at 8:14 p.m.

Meeting minutes were prepared by Deputy Recorder Cindy Valdez

This is a true and correct copy of the June 22, 2021 Planning Commission minutes, which were approved on July 13, 2021.

**Cindy Valdez
South Jordan Deputy Recorder.**

6-22-21 PC Meeting
Attachment A

Cindy Valdez

From: David Mann
Sent: Monday, June 21, 2021 8:53 AM
To: Cindy Valdez
Subject: FW: Comment for planning commission meeting

Thanks,

David Mann | Planner II | City of South Jordan
1600 W. Towne Center Drive | South Jordan, UT 84095
O: 801.253.5203 ext. 1221 | F: 801.253.5235



From: Cassandra Romine <cb_romine@yahoo.com>
Sent: Sunday, June 20, 2021 7:34 PM
To: David Mann <DMann@sjc.utah.gov>
Subject: Comment for planning commission meeting

I would like to express concerns regarding Ryan Holt's application for the re-zoning of 10291 South 1230 West and the associated city staffs' summary report. The application itself is premature given that the property is land-locked with no access. Secondly, the associated analysis written by South Jordan City staff is nonobjective, misrepresentative, and inaccurate in its content. "Hidden Village" is referenced 16 times in the 3 page report, yet Hidden Village has zero formal connection to Ryan Holt and his planned development. As an original homeowner of the Hidden Village development, I have never been informed of a potential extension of our development. For city staff to reference Hidden Village 16 times, in an attempt to make a "sale" for the proposed rezoning, is inaccurate and unfair to Hidden Village residents. Please consider denial of the re-zoning request until a more objective analysis can be made and until issues surrounding access have been addressed.

Sincerely,
Cassandra Romine
10286 South Samuel Holt

6-22-21 PC Meeting
Attachment B

Cindy Valdez

From: David Mann
Sent: Monday, June 21, 2021 8:53 AM
To: Cindy Valdez
Subject: FW: Holt Rezone

Thanks,

David Mann | Planner II | City of South Jordan
1600 W. Towne Center Drive | South Jordan, UT 84095
O: 801.253.5203 ext. 1221 | F: 801.253.5235



From: Christine Burns <christine.burns@hsc.utah.edu>
Sent: Sunday, June 20, 2021 9:33 PM
To: David Mann <DMann@sjc.utah.gov>
Subject: Holt Rezone

David,
I appreciate speaking with you last week. . As I will be unable to attend the public hearing on Tuesday, June 22nd, I would like my comments to be included in the record.

Ryan Holt has apparently submitted an application requesting his property be rezoned from Agricultural (A-5) to Residential (R-M-5).

To reference an old cliché, putting the cart before the horse, that is exactly what is happening here. There is no access to this property, It cannot be subdivided into 6 lots without access. The city needs to have Mr. Holt resolve the access issue PRIOR to being granted the rezoning request.

After I received a notice of the public hearing on Mr. Holt's application I called David Mann with a few questions. I appreciated the time he spent talking with me. He indicated to me that I could request documents pertinent to this rezoning request under GRAMA; however, he indicated that a summary would be provided with the agenda of the meeting on Friday, June 18th and could be found on the website for the planning commission.

I downloaded the agenda and staff "analysis". I believe that this is not a summary but rather a biased representation of the facts.

For example, the planning commission report references the application as Holt (Hidden Village 2) Rezone. There is NO Hidden Village 2 to my knowledge. The application should have read Holt Rezone. The document refers on multiple occasions to Hidden Village. Mr. Holt's property is not part of Hidden Village. We purchased our home here in Hidden village in 2014, and were never informed of any future phases of development.

The planning commission report states that city staff have approached the Hidden Village HOA to explore converting Hidden Village's streets from private to public. . This conversation needs to happen and decisions need to be made PRIOR to any consideration of Mr. Holt's request for rezoning.

I recognize that there is a complicated history; however, without access to one's property, Mr. Holt's application should be denied until the access issue is resolved.

Christine W. Burns

10212 S. Samuel Holt Drive

South Jordan, Utah, 84095

6-22-21 PC Meeting
Attachment C

Cindy Valdez

From: David Mann
Sent: Monday, June 21, 2021 8:53 AM
To: Cindy Valdez
Subject: FW: Rezoning hearing comment for Tues., June 22, 2021

Please add this to the minutes for tomorrow's meeting.

Thanks,

David Mann | Planner II | City of South Jordan
1600 W. Towne Center Drive | South Jordan, UT 84095
O: 801.253.5203 ext. 1221 | F: 801.253.5235



From: Leo Quick <leo.quick@yahoo.com>
Sent: Saturday, June 19, 2021 2:20 PM
To: David Mann <DMann@sjc.utah.gov>
Subject: Rezoning hearing comment for Tues., June 22, 2021

Attn: David Mann

With reference to the proposed rezoning and development of 7 single family lots at approx. 10292 So. 1230 West in South Jordan:

1. Will this construction involve opening and extending Neve lane
To access the homes planned there?
2. Will there be road improvement and an access entry into this development from the Street 1230 West,
and/or Mabey Lane (10175 South).
3. Will this new development include access to the Private School planned for the open field at approx. 1160
West between 10175 So. & 10290 So.?

My concern here is the additional traffic, both personal car and construction equipment and its impact on the Hidden Village residents, environmentally, congestion, noise, and damage to the streets as it is a HOA, and we presently own the surface streets in this residential neighborhood.

We are having a hard enough time now, trying to slow the through traffic of cars and delivery vehicles. As the City owns and maintains the Holt Farmstead Park, with its entrance being Holt Farm Lane at approx. 10300 entering off 1300 West, it puts a lot of traffic and parking congestion into our neighborhood already.

Has the City made an offer to Buy and maintain our streets to offset this impact?

With the short notice of this planned public hearing, I will unavoidably not be able to attend.

Please present these questions for me.

Also, please record and send me a written reply.

Sincerely,

Leo Quick
1211 W. Holt Farm Lane
South Jordan, UT 84095

Sent from Yahoo Mail on Android

6-22-21 PC Meeting
Attachment D

Hidden Village HOA Board Statement to the City Planners, City Council, and Hidden Village Membership:

The Hidden Village HOA Board is currently working on a plan and proposal to submit to the Hidden Village HOA membership, based on our own ongoing due diligence performed over a period of several months, to resolve several issues regarding the Holt Property and other attendant issues:

These issues are:

- There is no recorded easement or signed contract granting access.
- There is only evidence of some past intent, but this does not meet the requirements of the Statute of Frauds that requires real estate agreements to be in writing, and is not binding.
- The recorded plat only grants the City or Public, "Blanket emergency access easement for police, sheriff, fire protection, ambulance and all other similar emergency agencies or persons per this plat over all lots and parcels."
- In the absence of documentation of an easement, access can only be granted by vote of the Hidden Village HOA members, and by Utah Law and our own CC&Rs, this requires affirmation by 65% of the members
- The City has proposed a solution, which is the City taking over the roads and making them public.
- The HOA Board, in conjunction with South Jordan City Staff, has calendared and plans to make a recommendation and proposal to the Hidden Village HOA homeowners on August 4, 2021, during the Annual Homeowners Meeting, where we will take a vote.

While we are actively pursuing a resolution, we believe approval of this rezoning and subdivision is premature until this resolution.

Sincerely,

Bill Waters
Hidden Village HOA
Acting President

6-22-21 PC Meeting Attachment E

6/20/2021

Re: Planning Commission

Meeting Date - 6/22/21 Agenda Item #4 HOLT (HIDDEN VILLAGE 2) REZONE, Rezoning the subject property from Agricultural (A-5) to residential (R-M-5).

Dear Planning Commissioners;

Subject: Hidden Village

I am writing to ask you to support the rezoning of the subject property from Agricultural to (A-5) in your decision making about Hidden Village. I believe the Holt family is asking for is reasonable and is cohesive with Hidden Village to the South.

Regarding Hidden Village's initial conditional use approval project, did you know that;

- Hidden Village was requested at the time of development that the Holts & the Burgon's Properties that the PC and City Council required said development provide access to their property from the Hidden Village subdivision.
- Hidden Village lost two buildable lots to accommodate the PC and City Councils request.
- Hidden Village was also required that both these property owners have access from the West and North ends of the Hidden Village subdivision.
- The Holt Family entered into an agreement with Hidden Village to accommodate a lot line adjustment that provided substantial square footage to the adjacent lots on the South lot line that was required to meet the minimum square footage by the city.
- The Holt property as called Phase 3 which is in the Development agreement which is between Hidden Village and the city. which provided additional time until the Mink Farm was relocated or The Holt was ready for future development.

Arbor Commercial Properties is in full support of this rezone and ask the PC and City Council honors all prior agreements that were set in place with the original approval of the Hidden Village Subdivision

Sincerely,

John Gust
President
Arbor Commercial Properties