

**CITY OF SOUTH JORDAN
ELECTRONIC
PLANNING COMMISSION MEETING
COUNCIL CHAMBERS
October 12, 2021**

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

Absent: Commissioner Sean Morrissey

Others: Clint Carron, Brooke's iPhone

6:30 P.M.

REGULAR MEETING

I. WELCOME AND ROLL CALL – *Commission Chair Michele Hollist*

Chair Michele Hollist welcomed everyone to the Electronic Planning Commission Meeting, she excused Commissioner Sean Morrissey who was absent.

II. MOTION TO APPROVE AGENDA

Commissioner Gedge motioned to approve the October 12, 2021 Planning Commission Agenda as published. Chair Hollist seconded the motion, vote was unanimous in favor; Commissioner Morrissey was absent from the vote.

III. APPROVAL OF THE MINUTES

Commissioner Gedge motioned to approve the September 28, 2021 Planning Commission Meeting Minutes as published. Chair Hollist seconded the motion, vote was unanimous in favor; Commissioner Morrissey was absent from the vote.

IV. STAFF BUSINESS

Chair Michele Hollist reminded everyone that she will not be at the next Planning Commission meeting in two weeks. She has reached out to Commissioner Peirce and hopes he can attend, Commissioner Gedge will conduct that meeting.

V. COMMENTS FROM PLANNING COMMISSION MEMBERS - *None*

VI. SUMMARY ACTION – *None*

VII. ACTION – *None*

VIII. ADMINISTRATIVE PUBLIC HEARINGS –

A. MUNCH KART RESTAURANT CONDITIONAL USE PERMIT

Location: 1776 W 10610 S
File No: PLCUP202100206
Applicant: APS Construction

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

Chair Michele Hollist asked if the applicant or an agent was present, no one was in-person or online on their behalf to answer questions. She asked staff if it would be a separate permit to request a drive-thru in the future.

Assistant City Attorney Greg Simonsen said yes, they would need get a modification to their conditional use permit.

Chair Hollist asked about serving alcohol.

Planner Schindler said no, they would have to get the alcohol license through the city; it is not a conditional use permit to serve alcohol at a restaurant.

Chair Hollist asked if the neighbors would be notified and given a chance to express their concerns if they applied for an alcohol license.

Planner Schindler said no, he doesn't believe so as it's up to the city council and the state.

Chair Hollist said with conditional use permits, if they can identify a detrimental effect they can impose mitigation to limit that. She asked if that included specifying in the conditional use permit that they cannot operate past 9:30 pm, as they have already indicated that is their intention.

Planner Schindler said they would have to have evidence that operating until 10:00 pm is detrimental.

Attorney Simonsen said his concern is that they haven't had any evidence of a detrimental effect. Without any evidence, just speculating that's too late doesn't satisfy the standard.

Chair Hollist verified weekday noise ordinance hours are 10:00 pm.

Commissioner Nathan Gedge said the city has recently been posting on social media, reminding residents of quiet hours in the city being 10:00 pm – 7:00 am. Since this is within 100 feet of a residential neighborhood, he assumes that citizens could make complaints and then the police and city would follow up. When this unit was originally approved it was intended to be a restaurant, he asked why a conditional use permit wasn't applied for at that point.

Planner Schindler said it was only intended to be a restaurant because they put the patio in, and through their site plan reviews they said they intended to have this as a restaurant. It took a long time to get a tenant so he doesn't believe they had anyone in mind at the time.

Commissioner Gedge said last year, just to the south of this location, they approved a sushi restaurant that has not happened yet. He remembers the neighborhood had some concerns regarding smell and lighting. Staff hasn't identified any concerns with this applicant, but wouldn't those same concerns with smell, garbage, etc., still apply with this location.

Staff located the dumpster on the aerial photos included in the Staff Report.

Chair Hollist said it is as far away as it could be from homes, on the northeast end of the lot.

Commissioner Gedge asked if there would even be access for a drive-thru on this property from the rear.

Planner Schindler said no, they couldn't have a drive-thru here.

Chair Hollist opened up the hearing to public comment.

Clint Carron (Resident) lives just south of where this restaurant is going in. His comments have more to do with questions and making sure certain things are addressed, he is not necessarily opposed to this, he just wants to make sure that he and his neighbors' concerns are addressed. Some of the concerns have already been discussed. The sushi restaurant was mentioned and the concerns of waste and smell, he has the same concern here. As long as they use the dumpster that is currently there and further away from the homes, not a garbage can outside the back door or anything like that, he doesn't have any concern with that. The use of alcohol was mentioned, he doesn't know if there is anything that can be said or done about that legally, other than to say as residents they hope that doesn't happen. The nature of the restaurant doesn't indicate this is the type of thing they would serve, but he wants it known that would be a neighborhood concern if that were to happen. For the development in general, they have ongoing concerns about parking. On the street just to the west, behind this building, during the day that's where all the employees park and it congests the street. His biggest concern is that he has young children and those children get bussed to school; the bus stop is right on the intersection of Haven View Road and 1790 W. The kids have to walk along that road in order to get home to his house and there are

always cars that are parked there, which can be potentially dangerous. Along with that, he also wonders if there is anything that can be done about the workers coming out and having their smoke breaks out there. He does have the concern also about cars possibly parking along 10610 S on the corner, again it's a similar concern with cars parking along that road instead of in the parking lot. He notes that the parking lot is generally fairly full, about 75%. He doesn't know if a restaurant that only seats 20 people is going to fill that up, but that could potentially lead to more cars parked on the road.

Chair Hollist closed the public comment portion of the hearing.

Chair Hollist asked if they needed to specify that the dumpsters stay where they are, or is that a given.

Planner Schindler said you could specify it, but it's probably a given since there really isn't anywhere else to put a dumpster there without losing parking spaces. The dumpster also has to be somewhere that can be accessed for trash pick-up. They would also have to go through a site plan amendment, and it's probably where it is in the first place because it's the furthest spot from the residential area.

Chair Hollist asked to be reminded of the parking requirements for this size of a restaurant.

Planner Schindler said it's one space for every four seats, it is designed to hold up to 20 people at a time.

Chair Hollist asked if there is a shared parking agreement.

Planner Schindler said there is a shared access agreement, the only way to get there is through the parking lot of the credit union. He doesn't know for sure if it is a shared agreement. They would probably spill over into the parking lot of the credit union since they don't have very many customers. Most of their parking is used for employees at the credit union.

Assistant City Engineer Jeremy Nielsen said, regarding parking on the street, he has looked at this area a few times with a few complaints over the past few years regarding employees parking on 1790 W. When he has gone out there the cars are legally parked, it has not created a hazard for emergency responders as they are set back far enough from the crosswalks that they weren't violating any codes with their on-street parking; there were no changes recommended to the neighborhood. About 18 months ago, a neighbor spoke with the barber shop and asked them to park on the east side of 1790 W and she let him know that is working out.

Chair Hollist asked if an alcohol license was applied for, does staff think the council would take into account the proximity of residential homes.

Planner Schindler said he doesn't know, all alcohol licenses have to be approved through the city council at some point and we are limited to how many we can have in the city. If it was more like a bar he doesn't think they'd approve that, but just serving alcohol with a regular license is not

any different than going to the grocery store and buying it there. If a conditional use permit is giving at this time, it can be used by any restaurant in the future.

Commissioner Gedge asked, regarding parking calculations, if there is an allowance for the employees working there; we are focusing on the customers, but employees have to get there as well. If there is not, can he make a recommendation to re-visit that and have something brought to them for future developments.

Planner Schindler said it doesn't include employee parking. Another option they have for calculations is they can require one space for every 100 square feet, so then they would need 14 spaces. If we think they are going to have too many employees in there it can be discussed, but there are 43 on-site parking spaces on their side and he doesn't believe the other uses are requiring nearly as many as 14.

Commissioner Gedge suggested the neighborhood parents go to the school community council and work with the district on a new circulation pattern, if that's a concern.

Planner Schindler said they drop off on a corner, and regardless of whether there are cars parked on 1790 W, if they are going to the cul-de-sac to the south they will have to cross 10610 S. They shouldn't be walking in the road where the cars are parked, as there is a sidewalk there. Cars parked there aren't traffic, however if cars end up parking on 10610 S that may be something they need to look at as they could block the views of the kids trying to cross there.

Commissioner Gedge assumes that due to the small amount of kids, this would not warrant a crossing guard.

Planner Schindler said probably not, but he doesn't know what their highest volume of traffic is, it's probably not at school drop-off or pick-up.

Chair Hollist asked if they wanted to try and impose specific restrictions, if they had identified anything that necessitates mitigation.

Commissioner Gedge had concerns about noise, but if they comply with local state and federal laws with regards to noise and alcohol that are already established there shouldn't be any issues. He wishes the developer or owner of the property was here so they could be reminded to tell all their employees to try and use the parking stalls in the development.

Planner Schindler said the hours of operation don't mean they have to close at 10:00 pm, we have businesses all over the city that are open past that; between 10:00 pm and 7:00 am there are set restrictions on things like deliveries and trash pick-up, things that make noise outside. Odors and smells from cooking could be an issue, but hopefully the dumpster is far enough away they won't smell any of that.

Commissioner Catmull mentioned dumpsters usually have a cover on them. He searched and doesn't see an ordinance regarding odor, so he's not sure what could be enforced if that became an issue.

Commissioner Trevor Darby said it comes from the health department, they will visit a restaurant if there are complaints of smells because they consider it a sanitation issue.

Commissioner Gedge motioned to approve File No. PLCUP202100206, conditional use permit for a restaurant as presented to the Planning Commission. Chair Hollist seconded the motion, Roll Call Vote was 4-0; Commissioner Morrissey was absent from the vote.

IX. LEGISLATIVE PUBLIC HEARINGS – *None*

X. OTHER BUSINESS –

ADJOURNMENT

Chair Hollist motioned to adjourn the October 12, 2021 Planning Commission meeting. Commissioner Catmull seconded the motion, vote was unanimous in favor; Commissioner Morrissey was absent from the vote.

The October 12, 2021 Planning Commission Meeting adjourned at 6:57 p.m.

Meeting minutes were prepared by Deputy Recorder Cindy Valdez

This is a true and correct copy of the October 12, 2021 Planning Commission minutes, which were approved on October 26, 2021.

**Cindy Valdez
Deputy Recorder.**