

**CITY OF SOUTH JORDAN  
ELECTRONIC  
PLANNING COMMISSION MEETING  
COUNCIL CHAMBERS  
October 26, 2021**

Present: Commissioner Nathan Gedge, Commissioner Trevor Darby, Commissioner Steven Catmull, Commissioner Sean Morrissey, Commissioner Mike Peirce, Assistant City Attorney Greg Simonsen, Assistant City Engineer Jeremy Nielsen, City Planner Greg Schindler, Planner David Mann, Planner Damir Drozdek, IT Director Jon Day, GIS Coordinator Matt Jarman, Deputy City Recorder Cindy Valdez, Transcriptionist Diana Baun

Absent: Chair Michele Hollist

Others: Brad Neves, Alec Moffitt, Chris and Chrissy Cavin, Lexi McCarty, Sam Fankhauser, B. Shaver, Cecilia Uriburu, Danny Lange, Travis Christensen, Eric Moon, Spencer Connelly, Jill Lash, Mark Nelson, Tina Falk, Abhiram Guvvala, Tyler, Dave Rasmussen, Coleman Family, Mindi Butterfield, Jordan, Hali, Jordan Wouden, Danny Wehungue, Tricia Martindale, Steve Borg, Ashley Atkinson, Kirby Kirkman, Colemans, Rachel Rasmussen, Jeffrey Mathers, Jeff Siemen, Scott Howell

6:30 P.M.

**REGULAR MEETING**

**I. WELCOME AND ROLL CALL** – *Commissioner Nathan Gedge*

Commissioner Nathan Gedge welcomed everyone to the Electronic Planning Commission Meeting. He excused Chair Michele Hollist, who was absent.

**II. MOTION TO APPROVE AGENDA**

**Commissioner Morrissey motioned to approve the October 26, 2021 Planning Commission Agenda with the removal of Item VII, The Annual Moderate Income Housing Report. Commissioner Catmull seconded the motion, vote was unanimous in favor; Chair Hollist was absent from the vote.**

**III. APPROVAL OF THE MINUTES**

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

**IV. STAFF BUSINESS - None**

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

**VI. SUMMARY ACTION – None**

**VII. ADMINISTRATIVE PUBLIC HEARINGS –**

**A. SOUTH STATION PLAT 3 CONDOMINIUMS PHASE 1E  
CONDOMINIUM PLAT AMENDMENT**

Location: 5261 W Reventon Drive  
File No: PLPLA202100221  
Applicant: Holmes Homes

**Commissioner Gedge motioned to take a short recess. Commissioner Darby seconded the motion, vote was unanimous in favor; Chair Hollist was absent from the vote.**

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

Commissioner Nathan Gedge opened the hearing for public comment. There were no comments, public comments were closed.

**Commissioner Darby motioned to recommend approval of File No. PLPLA202100221, Condominium Plat Amendment as presented to the Planning Commission. Commissioner Gedge seconded the motion. Roll Call vote was 5-0, unanimous in favor; Chair Hollist was absent from the vote.**

**B. STARBUCKS DRIVE THROUGH SITE PLAN AND CONDITIONAL  
USE PERMIT**

Location: 1133 W South Jordan Parkway  
File No: PLSPR202100170  
Applicant: Cecilia Uriburu

Planner David Mann reviewed background information from the Staff Report. Staff is recommending approval with the condition that they get approval from UDOT to access existing utilities in South Jordan Parkway.

Commissioner Steve Catmull asked if the conditional use permit is approved for a drive through, could this potentially be a restaurant with a sit down option in the future.

Planner Mann said yes, however it would require additional site plan approval. Technically, the conditional use of a drive through at this location would run with the land; it can be revoked if there are detrimental impacts that appear that need to be mitigated.

City Planner Greg Schindler said only the drive through is getting the conditional use permit. If they added seats they would have to go through a separate site plan approval to meet additional requirements like parking.

Commissioner Catmull was thinking of a future site plan that might come up with plans for interior seating, and wondering if that would be a problem in that shared parking space.

Commissioner Nathan Gedge asked regarding the widening of access to South Jordan Parkway, is there a chance that people could be accessing this site via westbound traffic and could this cause potential conflicts along South Jordan Parkway that need to be addressed. With the elimination of the parking stalls, is there a way to prohibit any street parking on South Jordan Parkway during evening events.

Planner Mann said the renderings do show a walk-up window, so walk up traffic is a possibility; the likelihood of that happening along South Jordan Parkway isn't very high. As far as potential impacts for traffic danger, he's sure that was looked at by Engineering.

Assistant City Engineer Jeremy Nielsen said the access on to South Jordan Parkway will remain the same, a full access; however, that is something that UDOT monitors by watching accident data among other things. If that needs to be restricted in the future, that's something that UDOT can do and possibly restrict that to a right in/right out; it hasn't been a concern of theirs to date. He doesn't believe that stretch of road is marked as no parking, there is a bike lane but in this case we would watch it and if it became an issue we could mark it as no parking in the future if needed.

Commissioner Gedge said he wanted to make sure the concerns were on record and will be addressed if needed.

**Cecilia Uriburu (Applicant)** didn't have anything to add, she is just thankful that their project is being reviewed and she is excited on behalf of the owner to make this happen.

Commissioner Gedge opened the hearing for public comment.

**Steve Borg (Applicant)** is the owner of the property, as well as Schmidt's Pastry. They had that excess parking and were trying to decide the best thing to do for the community and for him, as well as the tax base for the city. They felt that having Starbucks there was strong move for the city and the property owners. It will improve the site and utilize property that isn't getting any extra tax base. The latest the bakery ever stays open is 7:00 or 8:00pm, Magnolia's weddings are at night usually; they wouldn't be doing this if they felt it was going to hurt their parking or Magnolia's.

Commissioner Gedge closed the hearing for public comment.

Commissioner Catmull said this does seem like a good synergistic use between the three businesses.

**Commissioner Gedge motioned to approve File No. PLSPR202100170, Starbucks Drive Through Site Plan and Conditional Use Permit, with the condition that the applicant must receive approval from UDOT for widening the access on South Jordan Parkway and**

**making utility connections in the right-of-way. Commissioner Darby seconded the motion. Roll Call vote was 5-0, unanimous in favor; Chair Hollist was absent from the vote.**

**C. JORDAN VALLEY WATER CONSERVANCY DISTRICT PUMP HOUSE SITEPLAN & CONDITIONAL USE PERMIT**

Location: 3580 W 10200 S  
File No: PLSPR202100208  
Applicant: Jordan Valley Water

Planner David Mann reviewed background information from the Staff Report.

Commissioner Nathan Gedge asked if there is anything similar to this conditional use that would allow another business to come in and use the property.

Planner Mann said it would have to be similar to the current site plan with the pump house, any changes would require a new site plan approval and any potential impacts of those changes could cause the conditional use to be re-evaluated.

**Travis Christensen (Applicant)** said the reason for this station is to continue to be able to support their pipe that runs under 10200 South that supports West and South Jordan. This pump station will allow them to continue to supply and meet the demands for the meter stations that are along that pipeline.

Commissioner Gedge opened the hearing for public comment. There were no comments, public comments were closed.

**Commissioner Darby motioned to approve File No. PLSPR202100208, Pump House Site Plan and Conditional Use Permit as presented to the Planning Commission. Commissioner Gedge seconded the motion.**

Commissioner Catmull corrected the address stated during the motion.

**Commissioner Darby amended his original motion to include the correct address as listed above. Commissioner Gedge seconded the amended motion. Roll Call Vote 5-0, unanimous in favor; Chair Hollist was absent from the vote.**

**D. DISTRICT HEIGHTS RESIDENTIAL DEVELOPMENT CONDITIONAL USE PERMIT**

Location: 11210 S. River Heights Dr.  
File No: PLCUP202100227  
Applicant: Ashley Atkinson, Sequoia Development

Planner Damir Drozdek reviewed background information from the Staff Report.

Commissioner Steve Catmull asked if there is any limitation as to when a development agreement expires, either in this case or for future development agreements.

Planner Drozdek said sometime we include time limitations, but it varies from agreement to agreement.

Commissioner Catmull asked about the 10 year span which spans the full iteration of the general plan, as it would be nice to have reasonable time limits on development.

Commissioner Nathan Gedge asked staff to point out where the third section of parking stalls for visitors will be, other than the ones on the north and south ends. They pointed to the northwest quadrant, in the space between the farthest northwest building and the most northern cluster; there are four parking stalls located there dedicated as visitor parking.

**Ashley Atkinson (Applicant)** is really excited to be back. She worked to develop the hotel and office building just to the south of this. They feel like this residential use really blends in with the surrounding areas, and they know the city needs more attached and for sale housing. This is a great fit for this area due to the walkability with the retail and The District. Regarding density, with the development agreement they are allowed 140 units, however they are not proposing that high of an amount because they really want this “for sale” product here. She pointed out that they have units facing Bangerter because they were more interested in the facade on River Heights Drive and they wanted to keep the project uniform. By keeping these rear loaded units, they were able to make sure River Heights Drive kept that facade. They are also working with UDOT on the sound wall, they will protect those back units to make sure they are desirable with views of the temple.

Commissioner Gedge said there are some trees abutting the sound wall on Bangerter Highway, he asked if they knew what type of foliage they are going to use.

Ms. Atkinson said she doesn't know yet, they are still in negotiations with UDOT regarding where exactly the wall is; they are planning on it being just in line with the property to the north, which gives them more buffer. They do plan on landscaping and trees back there no matter what.

Commissioner Gedge opened the hearing for public comment. There were no comments, public comments were closed.

Planner Drozdek added that if the conditional use permit is approved tonight, the applicant will have to come back with subdivision plans since these are going to be for sale as townhomes.

**Commissioner Peirce motioned to approve File No. PLCUP202100227, for a Conditional Use Permit on a multi-family residential project as listed above. Commissioner Gedge seconded the motion.**

Commissioner Catmull suggested amending the motion to reference the development agreement, given that's what is governing and allowing this.

**Commissioner Catmull motioned to amended Commissioner Peirce's motion to additionally state that this is defined by the existing development agreement dated 2010 and on file. Commissioner Gedge seconded the amended motion. Roll Call vote was 5-0, unanimous in favor; Chair Hollist was absent from the vote.**

#### **E. SOJO CENTRAL LOT 2 SMITH STUDIO SITE PLAN AMENDMENT**

Location: 10738 South Beckstead Ln.  
File No: PLPA202100190  
Applicant: Nate Reiner, CIR Engineering

Planner Damir Drozdek reviewed background information from the Staff Report.

**Kirby Kirkman (Applicant)** is the architect on the project. He thanked the commission for their consideration on the project. The building footprint increased a little bit, but the height was taken down to a one story. Parking still is well within all the ratios and it looks like its brothers on the site.

Commissioner Nathan Gedge opened the hearing for public comment. There were no comments, public comments were closed.

**Commissioner Gedge motioned to approve File No. PLPA202100190, Site Plan Amendment, as presented to the Planning Commission. Commissioner Catmull seconded the motion. Roll Call vote was 5-0, unanimous in favor; Chair Hollist was absent from the vote.**

## VIII. LEGISLATIVE PUBLIC HEARINGS –

### A. HARVEST POINTE WEST LAND USE AMENDMENT AND REZONE

**Amending the land use designation from Economic Center to Mixed Use and rezoning from Commercial Community (C-C) to Commercial Community PlannedDevelopment (C-C-PD).**

Location: 3773 W South Jordan Parkway  
File No: PLZBA202000247  
Applicant: Peterson Development

**Commissioner Gedge motioned to take a five minute recess. Commissioner Darby seconded the motion. Vote was unanimous in favor, Chair Hollist was absent from the vote.**

Planner David Mann reviewed background information from the Staff Report.

**Jeff Siemen (Applicant)** said it's good to be back. They preferred to do this about a month ago, but this gave them a chance to have another neighborhood meeting with some of the residents. They had two people attend, they were able to answer some questions and concerns they might have and it was beneficial for them to see what their revision is. As you can tell, from the old to the new concept, this is a much better flow and addresses more of the concerns of the residents as far as privacy, safety and a number of other things. By doing this refresh, they were able to shift the entrance of these townhomes further to the north, away from the residents and helping to alleviate some of their traffic concerns. Having the frontage and facade along Harvest Pointe Drive, in talking to Jeremy Nielsen, typically adds presence which helped drivers slow down which was big concern of the neighbors to the south. They have been cognizant of what the neighbors want and tried to address it in the concepts. The elevations are three stories, they are

about 30 feet which is about the same size as the existing residents there who have pitched roofs; these townhomes will have flat roofs. To be aware and address their concerns on privacy, on the third level they have taken the windows that face the residents and shifted those windows up, so no one will be looking out those windows into somebody's backyard. It fits well, the setbacks are exactly what the existing residents have at 25 feet from fence line to the back of the building. By turning the buildings perpendicular to where they were, they will see the side of a building as opposed to a garage which adds another benefit to them as a neighborhood. Getting rid of the commercial also allowed them to put driveways in there; in addition to two car garages there are two car driveways. The required parking for multi-family for the city in the code is 2.5, immediately off the bat they will exceed that with four reserved spaces per unit, along with additional parking spread throughout for a total of 188 total parking spaces with overflow. In the overall concept, the funky nature of this parcel is such that you see the 24 and 23 spaces are part of this project. They hope the commission can see they have taken the residents' concerns seriously, and with their help this project is much better.

Commissioner Nathan Gedge opened the hearing for public comment. He reminded everyone that due to the number of potential comments they will be sticking to the three minute rule for each person. Also, the commission members have the minutes from the last time this was heard in May and most of them were in attendance at that time and familiar with this.

**Jeffrey Mathers (Resident)** owns two condos near here. He has two objections, one is the density this is bringing to the community. The traffic there is almost overwhelming now. He bought these properties back in 2005, he has seen a lot of growth in the area. He paid a premium for the view of the mountains and the valley, which is slowly eroding away. Along with the density and congestion, his biggest objection is the height of the buildings and how it restricts his view of the valley and mountains. As he looked at the elevation, it is 30 feet high; to him, that seems to be the highest project in the whole area at eight to ten feet higher than everything else around there. He is here on behalf of everyone who lives along that creek that faces the mountain they paid considerable premiums for, and now are being jipped.

**Rachel Rasmussen (Resident)** said she was sorry she missed the developer's meeting, they were given two days' notice and it was at 5:00pm on a weeknight which is difficult to make. She appreciates this opportunity to discuss some of the concerns about this development with everyone here. She also appreciates the efforts that they have made to improve this proposed rezone. That said, she keeps asking herself "why are we trying to do something better that we maybe shouldn't be doing at all." She thinks this property zoned as commercial needs to stay zoned as commercial. She appreciates the parking stalls that have been added and all the efforts, but there is no guaranteeing conversion of this to a residential area won't have parking and traffic overflow in to their already busy and congested neighborhood. As has been stated before, there has been all kinds of news stories about traffic problems in their neighborhood. Any sort of additional parking on their neighborhood will be detrimental. She has five young kids, her neighbor has five young kids, her other neighbor has two young kids, across the street has two young kids, and they live right where the walkway is. Her fear is they will have to deal with parking permits which changes the whole value and function of her home. If this is a commercial development, someone visiting a business will access it from the main road where they see the sign, and even if they have to park a few stalls back they are going to park in the parking lot. If

turned into a residential, all of a sudden those townhouse that are right by the walkway don't want their friends having to walk a long way so they'll tell them to park on their street and come in closer. That is her concern, regardless of how many parking spots there are here, turning this into residential is going to create additional parking problems on their already dangerous streets.

**Mark Nelson (Resident)** is speaking on behalf of many of his neighbors, he has been asked to speak to the fact that they want this to stay commercial. When they moved here they knew it would be commercial, they knew there would be high density at the south end, they knew what they were getting to. Those that live on the north end are OK with the commercial, they like the commercial, they walk to the commercial. They also know that commercial has set hours, patterns that coincide with their lives; at night there is no street parking. Nielsen's Frozen Custard is busy, but at night it is closed and not a big deal; they love it and they go there. One thing they've all assumed, this piece has sat there for so long waiting for the 10400 S construction to be completed. They thought that is smart to wait until that is done because once they have this beautiful new intersection and everything is revitalized, it will be a main point of the city just like 11400 S is. People will want to flock to this area in his opinion and they would like to see commercial stay there. As far as the housing goes, the density still seems too high and they would love to know garage sizes, how they will do street parking on Harvest Pointe as there is 15-20 cars at the park at all times. The east of that road is red zoned at this point, that means if this is built they will have red zones right in front of their own properties and won't be parking right in front of their buildings; there is no way to get a third car through there. The walkway as it sits now will have five units on the other side of it, the walkway is for them as residents at this point and they like it and want it; this turns it around on them and it becomes the walkway to park cars in front of their homes. They also feel that this boxes them in on both ends with high density and feels like a third strike. They had the high density that turned into permit parking at the south, then 11 homes being torn down in the community for reconstruction of Bangerter, now they're looking at this. They have a lot of people looking to move and he really doesn't like that. Where is CCPD in the code, where can they reference that. They appreciate all the work that has been put into this and they would love everyone's feedback.

**Brittany Coleman (Resident)** said her backyard is against VASA. Like Rachel and Mark, some of her concerns are with parking, especially with that five strip on the east side that Mark just referenced. She thinks that will encourage people to come and park down on Grassy and Poppy Meadow via the walkway. She is not sure that parking signs will help, they have that on the south end of the neighborhood by the townhomes and it's not patrolled, people are still parking in those areas. She sees people walk to VASA and the Puddle Jumpers Preschool through that walkway every day, she doesn't want to see it closed off, she is hoping that maybe those parking stalls can be removed. They are counting 47 stalls in that commercial property that are already there. She goes to the Puddle Jumpers three times a week and that parking area is always at least halfway full with people going to the dental, Puddle Jumpers, and all the other buildings in there. She feels like they can only count those stalls between 5:00pm-8:00am, she doesn't think those should be allowed to count. Parking on Grassy, with their homes being as close together as they are, is already pretty tight. She has received two messages from her mail lady because they had a guest park on the street for two days and was made to go down to the post office to pick up mail. They have received other nasty letters from her that they can't park there ever and there is no

parking on the street, usually they don't even have a car there. She is very concerned with the parking and how it will influence the neighborhood.

**Brad Neves (Resident)** echoed some of the comments we've already heard. They have people parking in front of his mailbox as well and they don't have teen drivers or anyone from their own home parking there. Parking is an issue. Similar to Mark Nelson's argument, he'd like to go back a step; there are a lot of objections he has to the proposal itself. If we look at the South Jordan City Code 17.22.030, the rezoning application, it reads that a rezone not initiated by the city may not be reinitiated for a parcel of property for which rezoning has been considered within the last year. This has already been considered within the last year and this should not be happening tonight under code 17.22.030 without the city council's approval for a second application within the same year. The purpose of rezoning should be to improve the community. As most of the neighbors have already stated, they would suggest that commercial is a better use for that property. He understands as an entrepreneur and small business owner the need to try and make businesses profitable, he doesn't fault Peterson for that; however, if they reference another company that the same people own, the Nielsen's Custard is owned by the very same people trying to push this through. They have created a parking issue, drive through issues, traffic issues that back up onto South Jordan Parkway because their customers are trying to enter from Harvest Pointe. They have been a bit better this year, but he doesn't know if that's to any credit of Peterson or Nielsen's Frozen Custard. He would suggest still that the parking and traffic is not their concern because they don't live in our community, they live in some of the nicest areas of the valley in homes that are tucked away and not part of these high density areas. He doesn't believe they related to the pain that we feel in this community. We like our community and he's just asking that the commission vote to deny this once more and not keep wasting everyone's time to guide them into an approval. The city council, the planning commission, you are all working with and for them as taxpayers in their city, not for this developer, so please consider their opinions a little bit stronger than this application. He cannot find anything for CCPD. He can find planned development stuff, the CC stuff, but the density is an issue. The minimum size for a CC rezoning should be five acres, this is too small for a CCPD. He believes they are trying to get this in as mixed use or something that they aren't being forthcoming about to get more flexibility in the zoning requirements. We need them to start over with a little more forthcoming clarity. The documents that were posted tonight are different than they were this afternoon and than they were last month, they are not seeing a consistent set of supporting documents and he feels like they need more clarity before a motion is really considered there.

**Jill Lash (Resident)** agrees with everything everyone has said. She sent a very lengthy email on September 28 that she was assured would be included in the meeting minutes for the last meeting that was supposed to be scheduled and got delayed, so she isn't going to go through all of her concerns because she hopes that email is included. Peterson's website claims "when you choose Peterson you choose peace of mind," and she has seen throughout this entire project development that that is completely opposite. There is no peace of mind with this development. She does appreciate the updates and how they have claimed to be listening to the concerns of the residents, but she doesn't feel like any of the changes that have been made truly address the safety concerns they have for their children, those driving through their neighborhood, as well as the traffic increase. She also wanted to mention the intersection at Harvest Pointe and South Jordan Parkway, if this does not remain as a commercial development and becomes residential,

she feels that intersection will have to be changed or widened in the future as there is only one left turn lane for residents to turn left heading south into their neighborhood. She doesn't feel like one lane during rush hour traffic is going to handle that amount of increased traffic coming into their neighborhood. Also, as you turn left and get along that road where Nielsen's Frozen Custard is, if you have all these townhome residents also trying to turn left off of Harvest Pointe into their residential area that's going to create a backup clear up to that intersection and then impatient cars will try to swerve around those cars waiting to turn left into the townhomes and residents like her who are trying to get through to the neighborhood. It is already a very congested road with really only one lane of traffic on both sides, there are not multiple lanes or a left turn lane, and she feels like those issues would have to be updated.

**Danny Wehungue (Resident)** has shared some of his concerns before, but given where his house is in the neighborhood he has a firsthand view of the intersection. Traffic is an issue, everyone has referenced that, he just wanted to give his personal experience. They had both of their cars destroyed the first night they moved into the neighborhood when a driver crossed the intersection, both of their cars were totaled. They filed a police report and the driver was never found. It's an issue, they have been personally and financially impacted by it already. He walks his daughter to the bus stop every morning on Grassy Meadow, just this morning his three year old son was with him. He was holding his hand to cross the street walking back and someone blew through the stop sign, followed by four more people as they just waited for the people to cross. It's only a matter of time until something that can't be fixed happens on this road. It's a little scary, regardless of whether this is approved or not as it is already a problem, he just wanted to share his firsthand experience. Another thing that hasn't been brought up yet is there are a lot of kids in the neighborhood, multiple bus stops and busses that come through the neighborhood morning and afternoon. He watches the bus 1455 come around the corner every day and it just narrowly makes it through the cars that are already parked there, adding more cars is definitely a risk and safety issue. He hopes we can do as much as they can now to prevent any further problems or disasters from happening.

**Tricia Martindale (Resident)** thinks part of the traffic issue is going along Harvest Pointe. When they gets residents into those townhomes, if they are wanting to avoid the busy intersection on 10400 S, many of them will be using Harvest Pointe Drive to cut through their neighborhood and get over to 4000 W if they are heading south. That will increase the traffic flow a ton on that road, which is already super busy as mentioned.

**Lexi McCarty (Resident)** shared an experience she had last week that illustrates being on Harvest Pointe. She was going to pick up carpool with some of her junior high kids and she rounded the corner on Harvest Pointe, was the only one on there, and she looked out and there was a little three year old boy standing in the middle of Harvest Pointe, holding his mom's keys and standing next to the van. There was no one coming, she pulled over and took up part of the lane so no one could go around and she yelled at that mom to come and get the little boy. As the mom came to get the little boy there were four people on either side of her van; if she had not been there, that little boy would have gotten hit. If they add any more people and have the park, and Nielsen's and another development, she thinks they are just asking for a lot of things happening to kids with having the park, Nielsen's, their neighborhood and the townhomes behind them, and then putting townhomes in front of them the density is just so high. It's a safety

issue. At one point, she turned around and saw her little boy heading in that direction. She can't say how many times she has been at that park and seen that. She just thinks having those townhomes right next to the park and Nielsen's would be too much.

**Jordan Wouden (Resident)** came to speak to the traffic on Harvest Pointe. When you come through the park, the added parking stalls have made it near impossible to see coming around the stop sign. She goes to Puddle Jumpers in the morning, and when she comes out there are people flying through because they are trying to go around the cars. Further south on Harvest Pointe in front of her house, cars come through frustrated, stop at the stop sign and then zoom. She and her three young children hardly ever play in the front yard because cars zoom by and she has tried to motion people to slow down, but they just slow down and wave. When she goes on walks she can see people are frustrated by Nielsen's, frustrated by the park and people coming out of the gym and Puddle Jumpers parking lot, then a stop sign, and it's just a free for all and usually they just blow through the next stop sign. She doesn't remember who said it, but someone mentioned the increased traffic with construction, and if people are trying to avoid it they are going to use her street and they are going to use it to cut through to 4000 W; it just increases the traffic on her street. She sent a pretty lengthy email, but they were the three story townhomes in a previous neighborhood in Riverton and they claimed parking stalls based on the garage and the driveway, so they had four parking spots. They failed to require parking in those spots. Eventually they had to have board meetings and HOA meetings and complaints to change it where you had to park in your garage, there was no storage. For them as a young couple, they were there temporarily, they didn't want to be there forever and they didn't have a lot so they could park in their garage. Many, many families had to move because once they said nothing in the garage it became an issue, they couldn't get in there because they just didn't have enough room. If this were to be approved, they would propose that there be some sort of HOA mandate that they have to use their garage as those two designated parking spots.

**Tina Falk (Resident)** said her property is just to the south of the property line, next to the walkway. She voiced that she is in alignment with everyone else in her neighborhood that's spoken. The residential is just a different stressor. There will be residents here that will use that pedestrian crosswalk more than if it was commercial, there will be more foot traffic crossing this already really confusing space with a park, it just doesn't make sense. It's scary as a driver going through there, let alone being on foot and being an adult and going for a walk. If this was to get passed, this is exhausting. The thought of this turning residential is beyond frustrating for them because that's not why they purchased this property here on Grassy Meadow as they knew it was going to be commercial. The three story units, the last time this plan was proposed they were two story, now they are three story and it looks like they have bumped it back a foot further away from her fence. A three story unit overlooking two story houses along the fence line is concerning, it's a wall that they get to look out their bedroom windows at. You can't put trees in there that will give them any sense of privacy. She understands that there are trees they want to put there to protect their backyards, but what about her bedroom, does she have to live with her blinds closed. This changes their way of living in her neighborhood and she is just not a fan. She thinks it is so fitting that on their plan the blue line designs logo is how she feels, very blue about this whole experience. She hopes that everybody survives Halloween and the safety of all of this and they can come up with a better idea, there has to be something better.

**Mindi Butterfield (Resident)** wanted to make it perfectly clear that the traffic along Harvest Pointe isn't just for their neighborhood. The neighborhoods to the south of them, going all the way down to 11400 S, people are cutting through and going through Harvest, they are not taking 4000 W.

Commissioner Gedge closed the public comment portion of the hearing.

Mr. Siemen discussed the height of the buildings, they are not 38 feet tall, they are 30 feet tall with the architectural element that adds a few feet. Garage sizes depend on the unit, corner units are 20 feet wide and interior units are between 16 and 18 feet wide, all have a depth of 22 feet; this fits within the city code. Regarding parking, the city code is 2.5 per unit and they are providing above and beyond that, not with just the four spaces that each individual unit has, but also the additional parking around it; this isn't counting the 47 spaces that are already there as part of the commercial. Those commercial spots are being counted because they are part of the parcel. If the complaint is that there isn't enough parking, but then parking is supplied, those two things cross and they definitely provided more than enough parking. We have designed this to be an integral part of the community. There is the beautiful park, and to have a commercial building across from the park doesn't make as much sense as having residential where families can be close and enjoy the park. They have committed to the flashing crosswalk, as well as spoken with Traffic Engineer Jeremy Nielsen about traffic calming measures as part of this. Some of them would be covered by the city, because they don't own that side of the road. Some things Peterson can do are shifting the crosswalk to the south a little more, and then building out the curb and gutter to narrow the road at that point, it indicates for drivers that you're entering a residential area. Regarding the traffic trip generation memo, the methodology behind that is studies going back 40-50 years that show a typical commercial building generates a certain amount of traffic, a typical residential generates a certain amount of traffic. For a 20,000 square foot commercial retail building, which they are already entitled to build on this piece of land, that would generate 755 traffic trips per day. Per city staff, Harvest Pointe Drive can handle that capacity as it is right now. The residents may not agree, but they are trying to help that since residential is a less intense use with only 205 trips.

Commissioner Sean Morrissey asked, if this is a safer plan, why did they wait until now to propose it.

Mr. Siemen said they were not the original developers of this property. The grocery store was lost and the Bangerter expansion took out part of the shopping center as well, those things have decimated that commercial center. You need an anchor tenant to support the junior anchors. We are in the middle of a housing crisis and we need more places to live.

Commissioner Morrissey said we're also in the middle of a construction crisis, Daybreak is going to build 20,000 more homes. The houses are going to come, it's a matter of mixed use and more density. That's the issue right here with this area. He lives next to this area and went through the first buildout that all these residents described, those were the scenarios that went through his mind before it was built; those concerns have come to fruition, that it would be even worse because originally there were no houses. That was originally going to be apartments and townhomes, the whole area. That was stopped, there was compromise, but we are hearing about

safety issues and he can see a lot of the testimony foreseeing those safety issues escalating to potential hazards, kids being hit by cars, etc. He has gone through this area on his way to the UPS Store, which is a great tenant in that area because it has been there for a long time. He usually goes around to get back, but it's an easy drive from his house to that area. Going through that area they've added multiple stop signs because of the issues, there used to be none. He's glad they're talking about a potential flashing crosswalk and there should be more of those in that area based on what he's heard tonight. Even if this doesn't go through, the city should be looking into that right now and adding one or two so we reduce the safety issues there. Looking at this as a potential fix to the situation of a "housing crisis" doesn't feel like a solution. This development isn't going to solve that crisis as again, Daybreak is building 20,000 units, half will be mixed use and townhouse style like this one which comes with huge density issues out there as well. Why add it to this particular parcel at this time. The Bangerter expansion did remove a key lot where Cypress Credit Union and a vacant pad were. He asked how many commercial or office buildings are being built right now in the city. Peterson claims they can't fill this space, because there isn't opportunity or it isn't the right opportunity, but there is retail and office space being built here in South Jordan because those applicants are coming to the planning commission.

Mr. Siemen said commercial and retail space is overbuilt in the southwest side of the valley by over a million square feet. This site has been marked for quite a while, and it sat vacant. Because of the synergy that was lost with the expansion of Bangerter on that other pad they haven't found anyone willing to fill this space.

Commissioner Morrissey said it comes down to economic opportunity. Peterson says it would be great to have townhouses across the street from the park, but residents testify that it wouldn't because it's going to create more density issues. When he drives by the park, it is already filled up by residents which is great. These townhouses are not going to fill that need right now, because it is already being filled. Peterson is asking the commission to make this change in land use designation, as well as zoning, to allow them to move forward with this project and that is an uphill discussion for them to prove to the commission. He is trying to figure out what the new development is providing, if those changes are made, that isn't already there.

Mr. Siemen said that's probably something for the 28 people who would move in there to respond to. They would have great access with a park across the street, right there by commercial with walkability. It helps the commercial sustain themselves with the current tenants who are part of the tax base.

Commissioner Morrissey asked if there is concern about the commercial base in those pads right now. There is Sherman-Williams, but he doesn't see those 28 residents going there very often.

Mr. Siemen said no, there are no concerns. While they might not be the customer base for Sherman Williams, they could be for Mountain Mike's, Roxberry, Dominoes, Puddle Jumpers and VASA.

Commissioner Morrissey said they have a huge base here that is opposing it that probably uses all those facilities too.

Commissioner Mike Peirce said he has a bigger concern with the density issue, the city council will not approve it with this kind of density.

Mr. Siemen said density is a key factor, but he has been told that they need to look at the whole project, how it fits on the land. This is a change and different from what's there now, and he accepts that the neighbors don't like that, but this gives every concession to fitting on the project. If they cut down on four or five units to add parking, excess parking, when there is already adequate parking provided, it doesn't make sense.

**Barrett Peterson (Applicant)** said there are a lot of opposing viewpoints here, it needs to be recognized that there is a developer on one side, and neighbors on the other side. They hope to get some sort of recommendation this evening, but they know it is an uphill battle. He is not here to litigate it or go back and forth. The commission knows the history. They have been out here a long time, developed the Albertson's Center which is now a VASA Center. He has owned this piece of property longer than a lot of the neighbors. He has his property rights, the neighbors have their property rights. Regarding safety, they have the right to build something right now that would bring more traffic than what they are proposing, he doesn't want to lose sight of that. The neighbors might debate them on that, but Mr. Siemen cited traffic studies going back many years to support that. He thinks neighbors generally just don't want change and they are concerned about busses, cars, and kids getting hit which is a real thing. Something will get built here, they are making the decision to petition the city council to build housing. It may not solve the housing crisis, but little by little we need to add more housing. Daybreak was mentioned, but this is a statewide problem. Where are kids and grandkids going to live, that's where they are taking a principled stand saying eight units to an acre shouldn't be the limit. They want to build a quality product on the site with slightly more density than that, along with offering workforce housing. They would offer three units of workforce housing like Bingham Court. Commercial has changed so much in the last 20 years that sometimes you need to ask for a change and housing has flipped since 2008. We go through these patterns in our societies and communities that have to be adjusted to. They have been patient with this property, but they are taking the approach that they have the right to petition the council for this and they know it's an uphill battle. They understand the neighbors aren't happy, but they have certainly solicited input over the last year and a half and they are happy to hold more community meetings. In the end, they may not see entirely eye to eye. They think this is a quality product, it is something that is needed in the area. He appreciates the tough decision for the planning commission.

Commissioner Morrissey asked about the density currently.

Mr. Peterson said they are asking for 28 units, he believes 25 would put it closer to a number they'd be comfortable with. He thinks the neighbors don't want to see even one unit there. Maybe if they get to the city council they can talk about that and see how close they can get. It's not a huge gap to get to the eight number.

Planner Mann discussed boundary lines and current parking potentially being included in calculating density. It will ultimately be up to the city council with their approval, they will decide what the density technically is based on what's developed and the parking. Using just the

potentially developed property the density is 10 to 11 units per acre, if they include the entire property as shown on the visuals that's where they get closer to the eight units per acre numbers.

Commissioner Peirce said they are still over the numbers that city council will approve, regardless of how it's calculated. If worst case they are at 10.89 units per acre and best case they are at 8.8 units per acre they are still over the limit.

Mr. Peterson said they are taking the principled stand saying eight seems very arbitrary, they are saying this is what fits on the parcel and it's a nice product. They've turned the units sideways so there are only four units backing those neighbors to the side, they've increased the setbacks. If they decrease the density do they just make more parking, they already have over 100 stalls. This is an infill piece, it's a little unusual, but that's going to be up to the city council. They want to take this to them, they also want to show that they are providing three units as workforce housing. If the council comes back and says the density needs to be lower, they may not be able to do that workforce housing.

Commissioner Gedge asked questions to staff regarding noticing and whether or not it has all been done correctly.

Assistant City Attorney Greg Simonsen discussed an email from Brad Neves (Attachment A) who questioned whether noticing complies with applicable statutes. His concern was that the notice does not comply with the city notice statute 17.04.60; he has reviewed that and he believes the notice is fully in compliance with every requirement. Mr. Neves had a concern that the address in the notice for the property is not accurate because it should have been changed as access is from Harvest Pointe, rather than South Jordan Parkway. In his own email, he notes that the address given it what you would find if you went to the county. The law is that the notice needs to be reasonably calculated to give notice of the property under consideration. If you look up the address and go to the county records, it will point to this exact property; this gives reasonable notice in his opinion. The address has not changed, so the address used is accurate.

Commissioner Gedge asked about the concern raised by Mr. Neves about hearing this item again. He knows there was no action made in May, the item was tabled and a recommendation was not forwarded of any type to the city council. In turn, the city council has not made any action.

Attorney Simonsen said he is correct. We need to keep in mind, this is just a recommending body, this has not made it to the city council yet who is the actual decision maker.

Commissioner Gedge said a few residents mentioned the Commercial Community Planned Development (CCPD) zone and asked for a reference to the location in code for this.

City Planner Greg Schindler said the CCPD is not a zone listed in the code. The CC part identifies it as being Community Commercial, which is the underlying zone that it currently is. PD is the Planned Development overlay zone that is listed in Title 17.130 and explains the process of obtaining a PD overlay zone. In this case, they have applied for the overlay zone to have residential over the CC zone since generally residential uses are not allowed in the CC

zone. This section of the code was set up to give opportunity at some point to have residential in certain areas where it is not specifically zoned for it. It is still up to the city council to approve what the density is, what it will look like, the type of units, etc. There is a development agreement that goes along with the PD zone, which becomes the actual language of the zone. If the council decides to approve it, they would then approve a development agreement that will list what the density actually is, the number of units, how tall the units are, etc.

Commissioner Gedge encouraged staff to look at traffic enforcement and calming measures, safety issues, even if the project isn't approved to hopefully prevent items in the future. If the city council were to deny this, he asked what the possibilities in the future could look like with this currently being a commercial zone. What types of commercial could this be, other types of uses that could fall under this zone.

Planner Schindler said it's whatever is allowed in the CC zone, and it's quite a list. This includes what's already in the shopping center, along with many other things that are not currently there.

Commissioner Catmull asked if residents can call the Planning Department if they are unable to find information they are looking for, like the CCPD issue tonight.

Planner Schindler said they can call the Planning Department in the future, or if it's for a specific project they can call the planner that's handling that project. There haven't been a lot of things like this, but they are happy to explain where to find the specific parts in the code and list the process of what each applicant would have to go through to get that approval.

Attorney Simonsen discussed what should be considered as evidentiary considerations. This is a legislative matter, the earlier items on this agenda were administrative. The evidentiary standard in administrative matters is substantial evidence, you must have substantial evidence to rely on when making your decision. A legislative standard is the reasonably debatable standard, which is a much more flexible standard, for you to be able to consider everything even if it wasn't backed by scientific studies. He believes those that drafted the code for a planning commission were looking for the commission to give their honest, own personal judgment on a matter and make that recommendation as you are focused on planning. It is somewhat a red herring to speculate on what the city council will or will not do; what they want is this commission's professional opinion after sitting here and hearing all the testimony. He believes whether Peterson gets a negative or positive recommendation they're going to take it to the next step, to the city council.

Commissioner Trevor Darby asked the difference between a residential development and a commercial development in terms of tax base. To him, it seems like the commercial would generate more tax revenue.

Planner Schindler said generally residential, especially single family, doesn't pay for itself through property taxes. Multi-family is better when it comes to tax generation because the property values will be higher with the number of units. However, the commercial is generally higher as it brings in property tax as well as sales tax. They also have to look at what the city provides for residential, like police and fire protection, same with commercial. Residential usually requires more city services in regards to those things mentioned, but they haven't done

research on this in a long time and this is just based on what he has read from different sources. Either one would be of some tax benefit to the city, either multi-family residential or commercial.

Commissioner Darby said he lives in a place where his view was disrupted when they built out beyond his house and it was disappointing to him as well. He learned at that time that the city doesn't typically, and can't, protect views. It's frustrating when you buy or build a property and then your views are obstructed. He wanted to bring that up so that concern was answered, because it is a real concern but unfortunately they can't make their decision based on views.

Commissioner Catmull asked if Daybreak has workforce housing currently.

Planner Mann said he doesn't believe there is anything designated at this time.

Commissioner Catmull asked if a property is difficult to develop or undevelopable, is a redevelopment agency (RDA) an option.

Planner Mann said it could be, but that would be more of a question for the economic development department. They have worked in partnership with other projects, but ultimately it's their decision.

Planner Schindler doesn't believe an RDA would apply here since there isn't a "blight" impeding their development, just a lot that hasn't been developed.

Commissioner Catmull said they've heard a lot of comments about the traffic going through the neighborhood to get to various locations. There are estimates of what that traffic should look like, is there a way to do a study to compare the actuals in that interior neighborhood versus the expected; if that were to be done, who would fund that.

Engineer Nielsen addressed validating trip generation numbers. He doesn't know who would pay for that, presumably the city if we are questioning the validity of our numbers. They have done some tests over the years and they have always come in pretty accurate, with single family homes in particular around 10 trips per day is pretty accurate. For townhomes it's a little bit less than that, and that's what they used in their study. They have not done a formal study to validate that those numbers are exactly correct.

Commissioner Catmull said he was referring to this specific area because of the comments of neighbors today, such that if those numbers were higher than expected and they changed the current estimates, how might that impact where they are today.

Engineer Nielsen said they have counts from 2019 on Harvest Pointe Drive, during the peak hour they saw about three vehicles per minute; it is a residential collector street that is constantly used. On a daily basis it's about 1900 vehicles, and that has probably gone up a little bit as there have been a few more homes built to the south since this study was done.

Commissioner Catmull said Bangerter is not complete on 10400 South. He asked the applicant if he thinks anything will change with new traffic patterns and their ability to develop.

Mr. Peterson said his answer is given through their actions. The center was designed with Albertsons as anchor, which went out and is now VASA, and then two junior anchors. Junior anchors within the industry have become less and less because of Amazon. When the junior anchor got taken out with Bangerter, usually you have two to accompany the one main anchor. That caused them to rethink this, they've been waiting on this for 15 or so years, and they have tried many different approaches on this. This is a different tact, to rezone it to residential, but it has a lot to do with the fact that Bangerter came in and wiped out one pad which they had been in limbo with for a number of years knowing that Bangerter was coming in. They weren't going to build a building there, get a tenant and a lease, knowing there was going to be a freeway there. They don't have a way to know exactly what will happen after Bangerter is completed, but he does think something will develop there eventually. He doesn't think it's "blighted" and appreciates the questions about the RDA, but they think that a higher and better use is residential and that's not a popular opinion. They are developing the 55+ community, the Villas, south of Costco. At one point in time they did a study looking at the space being developed as office versus residential. It was surprising to them that residential developed over a shorter period than office, which would take longer to absorb as 25-30 acres of office, the tax impact was more favorable to the city with the residential; maybe they need to look at a study like that for this project.

Commissioner Catmull asked if they can sell the parcel undeveloped.

Mr. Peterson they have marketed it in a number of different ways over the years. Yes, they could sell it, but there is a higher and better if they develop themselves. They'd like to control what's going in there because it needs to fit with the rest of their center. They are either looking for the right group to buy it or the long-term lease, it just depends who comes along; they haven't put a sign up and prefer to take a more patient approach.

Commissioner Catmull asked to confirm the taxable value at about \$2 million.

Mr. Peterson said that sounds about right, but he doesn't know off the top of his head.

Commissioner Catmull asked if there was an opportunity they passed by in the last 20 years to either sell part of the land or get a tenant in.

Mr. Peterson said to be honest, there aren't a lot of people that call on junior anchor space. They put a lot of money into that center over the years because it went through a pretty rough period when Albertson's went out. There could have been a blight there, but they kept things going and it's standing tall today. In full disclosure, they do not own the VASA nor the pads out front; they own the surrounding retail, are part owners in the Nielsen's Custard and Mountain Mike's. Having this open space is not from lack of trying, he is sincere when he says that Amazon has changed things. They're grateful they didn't have to sell the space, they were able to hold it long-term and look for the highest and best use.

Commissioner Gedge reminded the commission there are two motions they are considering tonight. He reminded the public in attendance that they are only a recommending body who will be making a recommendation to the city council; no matter which way they vote this evening, there is still another phase to this process and he encouraged the residents to reach out to their elected representative for their district and attend the city council meeting when this is up for a vote. Also, if the recommendation in the motion is to deny, the commission should remember they are voting on whether or not they agree with the denial. He feels that the applicant is close to the desired density, but still a little higher than what the council used to consider. He believes it's close enough that they might be able to do some changing to make it work, possibly reconsider the amount of units in each building or the height as that seems to be a point of contention with neighbors. He also feels like this space can't be empty forever, something will go in and at least this will be a smaller number of homes for this area. A future council could end up approving high density in this area, which is what was originally planned. He is in favor of the development, just not the number of units and type of design with three stories, but he feels they are close. He is torn between a positive and negative recommendation based on the total number of units, also it depends on the acreage they are using for the calculations; the parking lot isn't really part of the actual homes on the northern piece of the property. He thinks he would lean towards a negative recommendation, but he believes if they work with the council this could become a project that could work for the community.

Commissioner Catmull thanked the applicant for patiently answering all his questions. He spent a considerable amount of time evaluating definitions of the future uses and zones, as well as their purposes. He went through each of the LIVE goals in the general plan and marked each one that he thought was relevant. He listened to the comments today, and he is leaning towards a recommendation to deny. He feels the applicant has other options still that they can pursue, and that the overall benefit to the city isn't compelling enough to justify altering both a future use map and a rezone of this area for a planned development overlay zone. He feels altering the future use map is a huge deal as a planning commissioner, especially the signal that developers and people that move in use in that designation. He also struggled with a rezone for this 3.1 acre property for a planned development overlay zone based on his research.

Commissioner Peirce is sympathetic to the residents and their concerns with what this may bring, but Mr. Peterson made a great point that sometimes people are afraid of change. We need to take into consideration that something is eventually going to go in this space. Looking at the trip generator that was run, it looks like if something commercial went in there it could very likely bring even more traffic. The residents need to take that into consideration too and realize that, unfortunately, something is going to go in there and it is going to bring more traffic. They may view it as trying to pick the lesser of two evils, and this might not be the more evil choice. His biggest concern is with the overall density everywhere in the city, and any time we start running up over those numbers that's concerning to him. If this could get down to where it was below or in that six to eight units per acre range he would be more comfortable with that. If they are using the actual functioning acreage, this gets up closer to 11 and that's his biggest concern. We are making a lot of speculation about when these people are going to come and go, where they will park, how fast they will drive; it's a lot of speculation that just isn't known. Anything going in there is going to bring some negative consequences, as well as positive, and they will have to deal with that.

Commissioner Darby thanked all the residents who have come tonight and expressed their views. There are some serious concerns about safety and he seconded what Commissioner Morrissey said earlier, that regardless of whether this development is approved or not, he would encourage the city to look more into those concerns and ways they can improve safety in this area. It seemed that the speed of the traffic was a real concern, with lots of bad experiences shared. He has six kids himself and you never want to hear about kids, or adults, in danger. He doesn't know that the developer particularly has that responsibility, especially right now because they don't have anything there; those events aren't necessarily because of something they've done. The other issue brought up was parking in the neighborhoods. He is a lazy person generally, if he has four parking spots in his home he's not going to park on another street and walk to his house, that doesn't seem logical; that argument does seem strange to him. His biggest concern is probably that historically the city doesn't approve a density above six to eight, so why are we looking at eight to 11; this is tough for him to approve because typically the city council hasn't approved that. His inclination is to deny, but he really likes the look of the project and it might be beneficial to have something there. He doesn't want to overrule what the city council has done in the past, he wants to leave that in their lap to decide.

Commissioner Peirce said he liked the comment about the speed. If we are looking at traffic studies, and they are saying that commercial is going to bring in more cars, that is a valid concern. However, if they are residents we may make the assumption that they are going to drive more slowly than if it's commercial, but we don't know that. He doesn't believe that is Peterson's responsibility, that is a city responsibility. The city needs to address the residents' concerns as far as safety and traffic, and Peterson's just needs to get something done with their lot of land.

Commissioner Catmull wonders, in regards to traffic, if it is commercial versus residential, how much of it comes in off of South Jordan Parkway versus Harvest Pointe.

Commissioner Morrissey is sympathetic to both the developer and the residents. However, he wonder if changing the future use of this land and rezoning it the best way to benefit the city in the long run. He is reluctant to make those changes at this point in time because of the density. Density has always been a concern of his and he has strongly opposed situations where people are trying to change the use of the zone to create more density; he is reluctant to vote for those changes at this time.

**Commissioner Gedge motioned to recommend a decision to deny File No. PLZBA202000247, the proposed land use amendment from Economic Center to Mixed Use, based on the information from the Staff Report and other information that was presented during the public hearing. Commissioner Morrissey seconded the motion. Roll Call vote was 5-0, unanimous in favor; Chair Hollist was absent from the vote.**

**Commissioner Gedge motioned to recommend a denial of File No. PLZBA202000247, proposed rezone from CC to CCPD. Commissioner Peirce seconded the motion. Roll Call Vote was 5-0, unanimous in favor; Chair Hollist was absent from the vote.**

**IX. OTHER BUSINESS –**

City Planner Greg Schindler said the first meeting in November has more items than tonight's agenda, however tomorrow planners will decide when they want to bring those items forward.

**ADJOURNMENT**

**Commissioner Darby motioned to adjourn the October 26, 2021 Planning Commission meeting. Commissioner Morrissey seconded the motion, vote was unanimous in favor; Chair Hollist was absent from the vote.**

The October 26, 2021 Planning Commission Meeting adjourned at 9:14 p.m.

Meeting minutes were prepared by Deputy Recorder Cindy Valdez

**This is a true and correct copy of the October 26, 2021 Planning Commission minutes, which were approved on November 9, 2021.**

**Cindy Valdez  
Deputy Recorder**

10-26-21 PC Meeting  
Attachment A

Cindy Valdez

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**From:** Greg Schindler  
**Sent:** Wednesday, October 27, 2021 12:47 PM  
**To:** Cindy Valdez  
**Subject:** FW: 2nd Improper Notice Given to the Public for File PLZBA202000247

Cindy,

I couldn't get hold of David. He must be at lunch. I will try later. Below is the email that Mr. Neves sent yesterday.

Thanks,  
Greg

**Greg Schindler, AICP | City Planner | City of South Jordan**  
1600 W. Towne Center Drive | South Jordan, UT 84095  
Office: 801.254.3742 | Direct: 801.253.5203 ext 1291



**From:** Brad Neves <[bradneves@gmail.com](mailto:bradneves@gmail.com)>  
**Sent:** Tuesday, October 26, 2021 11:53 AM  
**To:** Steven Schaefermeyer <[SSchaefermeyer@sjc.utah.gov](mailto:SSchaefermeyer@sjc.utah.gov)>  
**Cc:** Sean Morrissey <[SMorrissey@sjc.utah.gov](mailto:SMorrissey@sjc.utah.gov)>; Michele Hollist <[MHollist@sjc.utah.gov](mailto:MHollist@sjc.utah.gov)>; Nathan Gedge <[NGedge@sjc.utah.gov](mailto:NGedge@sjc.utah.gov)>; Trevor Darby <[TDarby@sjc.utah.gov](mailto:TDarby@sjc.utah.gov)>; Steven Catmull <[SCatmull@sjc.utah.gov](mailto:SCatmull@sjc.utah.gov)>; David Mann <[DMann@sjc.utah.gov](mailto:DMann@sjc.utah.gov)>; Jason McGuire <[JMcGuire@sjc.utah.gov](mailto:JMcGuire@sjc.utah.gov)>; [marknelson801@gmail.com](mailto:marknelson801@gmail.com); [davecrasmussen@gmail.com](mailto:davecrasmussen@gmail.com); [seanmccarty@gmail.com](mailto:seanmccarty@gmail.com); [cloudwalker1977@gmail.com](mailto:cloudwalker1977@gmail.com); Jeremy Nielson <[JNielson@sjc.utah.gov](mailto:JNielson@sjc.utah.gov)>; Greg Schindler <[GSchindler@sjc.utah.gov](mailto:GSchindler@sjc.utah.gov)>  
**Subject:** 2nd Improper Notice Given to the Public for File PLZBA202000247

Hello again Mr. Schaefermeyer,

We had an email exchange last month on September 28, 2021, titled "Improper Notice Given to Public for September 28, 2021 (Peterson Development's Proposal)", in which you responded to my request to reschedule the discussion for the Peterson Development Proposal on Harvest Pointe Dr.

I am writing once again to request that the Planning Commission Meeting scheduled for tonight, October 26, 2021, remove the item for Peterson Development, File PLZBA202000247 (Salt Lake County parcel 27171760310000), that is scheduled on the agenda tonight, to discuss the rezoning of this parcel.

I am contesting that the notification of this hearing is once again improper under SJC Code 17.04.060 for the following reasons:

The notice states the property is located at 3773 South Jordan Parkway. While this is accurate according to the parcel information recorded at the county level, my argument is that the address is inaccurate in itself. If not, it is considered a landlocked parcel at this point with no street access, therefore, the applicant would have thereby falsified its intentions on the application and proposal, showing access from Harvest Pointe Dr, which thereby further supports my argument that the proposal/application does not properly notify the whole public.

If it is not considered landlocked, which I would argue it is not because of the access from Harvest Pointe Dr, then the address assigned to this parcel should have been changed when the land was last divided and Jordan Parkway access was removed, as it currently is, to assign it a Harvest Pointe Dr address. If the proposal suggests access to the parcel via Harvest Pointe Dr, then Harvest Pointe, LLC also would agree it needs to be changed.

While the applicant followed procedures to notify those of us within 300 ft of the property of discussion, it still didn't allow for proper notification to the public at large, which it is not excused from doing so. There are other citizens of South Jordan City that are concerned about this as well and they have the same right to proper notification, of which does not fall on the shoulders of any opposed to the application.

If the Planning Commission proceeds with the agenda as notified, they should do so with the understanding that either A) they believe the parcel to be properly addressed, meaning it is landlocked, or B) they are willingly proceeding knowing the address doesn't properly notify the public, therefore in violation of SJC Code 17.04.060 and the proper notification required thereunder, and will therefore be subject to the penalties of SJC Code 17.04.090.

To sum up my argument, in order to properly notify the public regarding anything required for this parcel, it must be properly assigned a new address on Harvest Pointe Dr before any notice would be able to be sent out. This item should be removed from the agenda and not placed on it again until a proper address can be established.

Please let me and the other people copied on this message know whether the Planning Commission will remove the item from the agenda or not.

Sincerely,

Brad Neves  
10637 S Harvest Pointe Dr  
South Jordan, UT 84009