

CITY OF SOUTH JORDAN
PLANNING COMMISSION MEETING
COUNCIL CHAMBERS
April 23, 2019

Present: Commissioner Earl Jolley, Commissioner Sean Morrissey, Commissioner Michael Haynes, Commissioner Julie Holbrook, City Planner Greg Schindler, Deputy City Engineer Jeremy Nielson, Staff Attorney Todd Sheeran, Deputy Recorder Cindy Valdez

Absent: Commissioner Mark Woolley, Commissioner John Ellis

Others: See Attachment A

6:30 P.M.

REGULAR MEETING

I. GENERAL BUSINESS

A. Welcome and Roll Call

Vice-Chair Earl Jolley welcomed everyone present. He noted that Commissioner Woolley, and Commissioner Ellis will not be present and are excused from tonight's meeting.

B. Motion to Approve Agenda

Commissioner Haynes motioned to approve the April 23, 2019 Planning Commission Agenda. Commissioner Morrissey seconded the motion. Vote was unanimous in favor. Commissioner Woolley and Commissioner Ellis were absent.

C. Clarification discussion on conditions for File No. PLCUP201900265 – Detached Garage Conditional Use Permit by Applicant Tony Passey.

Staff Attorney Todd Sheeran said last meeting we had a discussion on Tony Passey's conditional use permit, which had (2) things that he was asking for your approval on. The first one was to have an increased wall height, and the second one was to have a window on the second story. Mr. Passey wanted it to be clear that it was a see through (clear window) so he can see his kids through it. Based on the discussion it seemed like the Planning Commissioners were ok with him having a clear window, instead of an opaque window, but when the motion was made it seemed to conflict with the discussion, and it was approved that way. It was after the motion was made that Commissioner Haynes received a text from the applicant that said, "He was a little bit surprised with the discussion, versus the motion." There was a conversation with the Commissioner's after the meeting and it seemed like there was some confusion on what conditions staff was requesting, versus what Mr. Passey did not want. Based on that I wanted to bring this forward and if it was your intent to allow him to have a see through window, then you could clarify it now when you make the motion for the meeting minutes from April 9, 2019 that this will be part of that approval.

Vice-Chair Earl Jolley said I know we had that discussion and Commissioner Haynes you made the motion, so what is your thought on that?

Commissioner Haynes said I recall Mr. Passey's neighbor that would be most affected by the window stated that she did not have a problem with it, but when the motion showed that the window was opaque and not useable, I was surprised to see that in the verbiage. I am fine with the clear glass window. I thought it made sense and I didn't think it would have any detrimental effects.

Commissioner Jolley said during our discussion it was very clear that there was a safety issue for Mr. Passey, and I don't recall anyone having an issue with it. I think it was clear to all of us that it was just stated incorrectly. If we are good with that, we will clarify that when we make the motion to approve the minutes.

Staff Attorney Sheeran said I would like to clarify that staff was requesting that the window be fixed so it could not be opened, and with a material that he could not see through. We didn't really have much discussion on whether the window should be fixed, versus it being able to open. If you want, it fixed and for him to be able to see through the window, let us make that clear when we approve the minutes. I don't know why we should have it fixed. I think an operating window that is clear would be appropriate for that. Does anyone have any other corrections to the minutes besides what was addressed in our discussion?

D. Approval of the Minutes from the Meeting held on April 9, 2019

Commissioner Haynes made a motion to approve the April 9, 2019 Planning Commission Meeting minutes with the clarification of Mr. Passey's window. It is not required to be opaque or fixed it can be clear and functional. Commissioner Morrissey seconded the motion. Vote was 3-0 unanimous in favor. Commissioner Holbrook abstained from the vote because she was not in attendance at the April 9, 2019 Meeting. Commissioner Woolley and Commissioner Ellis were absent.

II. INFORMATIONAL ITEMS AND OTHER BUSINESS

A. Staff Business

None

B. Comments from Planning Commission Members

Commissioner Holbrook asked has the Combined City Council and Planning Meeting been rescheduled yet?

City Planner Schindler said I have not heard of them rescheduling it, but the next meeting that is scheduled is in August.

III. CITIZEN COMMENT

Chairman Woolley opened the Citizen Comment. No speakers. He closed the Citizen Comment.

IV. SUMMARY ACTION

None

V. ACTION

None

VI. PUBLIC HEARINGS AND POTENTIAL **ADMINISTRATIVE ACTION ITEMS

**Administrative Action = Less Discretion, Substantial Evidence (Objective Standard)

**A.1 Issue: THE RISING CHURCH
CONDITIONAL USE PERMIT**
Location: 10702 South 300 West
File No: PLCUP201900296
Applicant: Joshua Blair

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

Vice-Chair Earl Jolley said when does this application go before the City Council.

City Planner Schindler said it has not been scheduled yet, but it is likely that it will be on the May 21, 2019 Meeting.

Joshua Blair, Bluffdale (Applicant) – said Planner Greg Schindler did a great job reviewing the project, so I don't have a lot to add. I was hoping that it would be a consideration of the Planning Commission to approve this without having to go to City Council. The additional time that it would take to go to City Council would delay us being able to do all of the things we need to do. We are in a temporary meeting situation right now, which is less than ideal. We are going to hire architects and do a construction remodel that is already going to take months, so we wanted to find out if that is even a possibility.

City Planner Schindler said I wanted to clarify that you can make the approval tonight, but it is the approval subject to the conditions. The Planning Commission does not have the authority to give a reduction in the amount of parking stalls, only City Council can do that.

Commissioner Julie Holbrook said even though there is on street parking this still has to go to City Council.

City Planner Schindler said it has to go to City Council to get a reduction on the amount of parking stalls, because our ordinance says, "The required parking has to be on site."

Vice-Chair Earl Jolley opened the Public Hearing.

Rod Booyesen, Bluffdale – said my wife and I resided in Bluffdale Utah but we will be attending the Rising Church. There is plenty of on street parking on 300 west. It is owned by UDOT, but South Jordan controls the street. There is part of the parking lot that is too restrictive, and excessive for the neighborhood, and a small church. We have had our church nearby for eleven years, and our members really like and want to stay close.

Grant Schwartz, South Jordan – said I really hope that you will consider this application, because not only is our home in South Jordan, but we are members of this thriving church. As it was said earlier, we are not in an ideal situation, but we are grateful to have the opportunity to be in this building to grow and progress. We already have the availability and permission from the neighbors for parking. I hope this approval will move forward and won't be delayed. We are very excited to get into our building, so we appreciate your consideration on this.

Tamara Anderson, Riverton – said I am on the board at the Rising Church and I want to thank you for having us here tonight to consider this application. We have a great desire to be good citizens and brings things to your community, and we think our church will do that. We have great faith in our people and we

know they are assertive as well. We don't want to be a church that just resides there, but we will be involved in the community, so it is our desire to get going on this. We thank you for using your influence in whatever way you are able to give us this permit with reduced parking, because there is plenty of parking on site.

Marie Cannon, Draper – said I am a resident of Draper Utah where our church is moving from, and moving to South Jordan. I would like to go on record requesting that you approve this conditional use permit. I would also like to thank City Planner Schindler on presenting the information so well for us.

Vice- Chair Earl Jolley closed the Public Hearing.

Mr. Blair said I would just like some clarification on the “Alternatives” on page 3 of the staff report it say (Denial) which we hope is not the case. If we modify the conditions of approval, can we not strike the request to go to City Council, or is a mandated thing because our numeric number of parking stalls has not being met?

City Planner Schindler said the Planning Commission cannot approve this Condition Use Permit if there is not the required amount of parking stalls. This is a legislative item and this body cannot approve it without the required number of parking stalls. It will need to go to City Council, because they have the authority to do that.

Commissioner Holbrook said are you going to have fixed seating in the future.

Mr. Blair said no.

Vice-Chair Earl Jolley said do you have any written parking agreement with the adjacent parking lots.

Mr. Blair said we have an agreement with the hotel to the north, and a verbal agreement with the hotel to the south.

Vice-Chair Earl Jolley said you said you have about 90 member, but do you know about how many cars will be parking there.

Mr. Blair said I did a count a couple of weeks ago and we had 42 cars show up on that Sunday.

Commissioner Morrissey said do you plan to have any activities during the week as well.

Mr. Blair said the bulk of the people come on Sunday's, but we have bible study and youth services during the week, but it is only about 10 people.

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

Commissioner Morrissey motioned to recommend approval of File No PLCUP201900296 for the operation of a church in and existing building with the following conditions:

- **That the City Council grants the Applicant's petition to reduce the minimum parking requirement for the proposed use.**
- **If the City does not grant the reduction, then the Applicant will apply for a site plan amendment to add more parking stalls to the subject property.**

Commissioner Holbrook seconded the motion. Roll Call Vote was 4-0 unanimous in favor; Commissioner Woolley and Commissioner Ellis were absent from the vote.

VII. PUBLIC HEARINGS AND POTENTIAL **LEGISLATIVE ACTION ITEMS

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

None

VIII. OTHER BUSINESS

None

ADJOURNMENT

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Commissioner Holbrook motioned to adjourn the April 23, 2019 Planning Commission meeting. Commissioner Morrissey seconded the motion. Vote was unanimous in favor. Commissioners Woolley and Commissioner Ellis were absent.

The April 23, 2019 Planning Commission Meeting adjourned at 7:00 p.m.

Meeting minutes were prepared by Deputy Recorder, Cindy Valdez.

This is a true and correct copy of the April 23, 2019 Planning Commission minutes, which were approved on May 14, 2019.

Anna M. West
South Jordan City Recorder

Deputy Recorder Cindy Valdez prepared the meeting minutes



APRIL 23, 2019

PLANNING COMMISSION MEETING SIGN IN SHEET

PRINT NAME

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