

**CITY OF SOUTH JORDAN
ELECTRONIC
PLANNING COMMISSION MEETING
COUNCIL CHAMBERS
May 12, 2020**

Present: Commissioner Trevor Darby, Commissioner Michele Hollist, , Commissioner Nathan Gedge, Commissioner Steve Catmull, Commissioner Michael Peirce, City Attorney Ryan Loose, Deputy City Engineer Jeremy Nielson, City Planner Greg Schindler, Planner David Mann, Planner Brad Sanderson, City Recorder Anna Crookston, Deputy Recorder Cindy Valdez

Absent: Commissioner Sean Morrissey

Others: Greg Goffin, Pamela Neville, Steven Mccurdy, Jeff Tenney

6:30 P.M.

REGULAR MEETING

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

Chair Hollist welcomed everyone to the Electronic Meeting and noted that all Commissioners have joined the electronic meeting except, Commissioner Catmull, and Commissioner Morrissey.

II. Motion to Approve Agenda

Commissioner Gedge made a motion to approve the May 12, 2020 Planning Commission Agenda. Commissioner Hollist seconded the motion. Vote was unanimous in favor; Commissioner Catmull and Commissioner Morrissey was absent from the vote.

III. Approval of the Minutes

Commissioner Gedge made a motion to approve the April 28, 2020 Planning Commission Meeting Minutes as printed. Commissioner Hollist seconded the motion. Vote was unanimous in favor; Commissioner Catmull, and Commissioner Morrissey was absent from the vote.

Commissioner Catmull arrived at the meeting.

IV. STAFF BUSINESS - None

V. COMMENTS FROM PLANNING COMMISSION MEMBERS - None

I. SUMMARY ACTION – None

II. ACTION – None

III. ADMINISTRATIVE PUBLIC HEARINGS –

A. ALPHA WARRANTY PARKING LOT EXPANSION, SITE PLAN

Location: 11462 South Temple Drive
File No: PLSPR201900591
Applicant: Chris Poulsen

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

Chair Hollist said when this came through the Planning Commission it was before my time, and I am sure it was before the other Commissioners time, so has the section marked agricultural been rezoned officially.

Planner Mann said it was discussed with the property owner, that it was turned into service parking and it would be rezoned, but for some reason there was a step missed and they just submitted for the site plan. City staff has determined that a part of the recommendation for approval is that they need to work with the county to combine the three parcels into one parcel. At that point it will be part of the larger parcel that will be zoned agricultural, and the parking will be an accessory use to the main use, and that is the office that is in the office zone.

Chair Hollist said so is a parking lot a permitted use in an agricultural zone, and it wouldn't need to be rezoned.

Planner Mann said I spoke with staff about the need to do that, and they came to the conclusion from the ordinance that if the parcels are combined into one with the parking as an accessory-use, then it would meet all of the requirements in the code.

Chair Hollist said would it still have the underlying agricultural zone designation on that piece.

Planner Mann said it would be a portion of that parcel.

Planner Schindler said once the parcels are combined into one most of it will be zoned Professional Office, and the other will be zoned A-5.

Commissioner Catmull said with access to the underground retention has that been approved through UDOT.

Assistant City Engineer Nielsen said it is a UDOT retention pond, and it is my understanding that the property owner's entered into an agreement with UDOT for the maintenance of that, but I am not sure who will be responsible for it.

Chair Hollist opened the Public Hearing to comments.

Steven Mccurdy, South Jordan – said I am interested in this because my property abuts the property that is there. We received a letter written on May 1, 2020 saying that there was an application for a site plan amendment, and to me that means nothing should have been done until that site plan has been amended. They are currently working on this project like it has already been approved. One of the employees working on the project told me that they are in the construction phase as we speak, which is a disappointment. I thought that is what we were here to discuss tonight. The thing that discourages me the most about this, is that there are four of us on this street that are against this. One of them cannot be on the meeting tonight because he does not have a computer, one was supposed to be on the meeting tonight, but I haven't seen them, and the third one is out of town, but I know there are all opposed to this. When this was at the Planning Commission last time there were two things that were asked, do you have enough

parking, and they guaranteed us that that there was enough parking and they would not need any additional parking. The second thing was the Planning Commissioner that I knew at that time said he didn't think that they had gotten permission to destroy the greenspace, because they specifically asked if that would remain, and there was some opposition on the board at that time. Things have changed, and I am disappointed that they are removing the greenspace, and are adding in additional parking spaces that they said they did not need, and now there will be an additional 100 cars parked behind my house. I want to also clarify that the parking is over the retention pond, so it is one in the same.

Chair Hollist closed the Public Hearing.

Chair Hollist said can you tell me how many parking spots are being added, and what the total amount of parking spots will be.

Planner Mann said on the site plan it shows a table, and phase 2 will add 104 standard parking stalls and the combined total will be 399 stalls, which is about a 100 more stalls than what they need to meet the minimum.

Chair Hollist said so they are exceeding the parking for this use?

Planner Mann said yes. That is correct.

Chair Hollist said can staff address the construction that is already taking place.

Planner Mann said when I spoke with Mr. Mccurdy he expressed concern that they were performing construction on the area that has not been approved. I have not driven by the site, so I cannot confirm that, so maybe Assistant City Engineer Nielson could address that situation.

Assistant City Engineer Nielson said I learned today that they had started some grading, and an inspector questioned them on it and they realized they hadn't received all of their approvals yet, so I believe they have stopped the grading.

Chair Hollist said were there any portions in the original approvals that pointed to maintaining the greenspace.

Planner Mann said at the time it was owned by UDOT, but I don't ever remember hearing anything about open space for the City. It was always used for detention ponds, which there are detention ponds all over the City that are not open for public use. In the initial concept stage this has always been in the plan to convert this to parking.

Commissioner Gedge said I would like to follow up on what Mr. Mccurdy said about the previous Commissioner saying they wouldn't have voted on it if it wasn't going to be greenspace. Is there anything noted by staff in the minutes from the previous discussion that stated that.

Planner Schindler said since we just received the email from Mr. Mccurdy we haven't had time to check the minutes, or anything else. I would like to check with Mr. Mccurdy and see if he would like for me to read his email for the record.

Mr. Mccurdy said yes, I would like that read for the record.

Planner Schindler read Mr. Mccurdy's email from 5-12-20- (Attachment A)

On May 1, 2020 a letter was drafted by the South Jordan Planning Commission, to all residents within 300 feet of the Alpha Warranty Building at 11462 South Temple Drive, for a site plan amendment for additional parking -- above the water collection basin and green area that was on the site. I am dismayed that construction has already begun on the parking site/retention pond for a plan that has not yet been approved and the destruction of the green area. The fact that construction has already started gives the impression that the builder is confident that approval, from the South Jordan Planning Commission, is only a formality, despite any objections from citizens. I question whether or not an agreement has already been made? And if we really have no input, as one neighbor has stated, why a letter was sent to the parties? Now that the building is well under construction one can see that the building itself is not what the developers made it out to be: I would ask that in the future the South Jordan Planning Commission reduce the number of site amendments and hold developers, who manipulate the system to get their plans incrementally approved, more accountable. No one in the neighborhood is happy that the building is:

- Larger, and bigger than the building across the street with which it was most often compared. (especially height) —It is more than two stories which is what I believe is what was initially approved.
- It has fewer parking spaces than needed (which necessitates the amended site plan) which was originally confirmed as adequate when approval was initially granted.

This new amended plan is going to destroy the little green space in the area. This was also of concern to the original planning commission and I believe would have faced some opposition had that initially been the plan, none of this is acceptable. All except for this final public notice, the changes have been made without my being aware. I have an information request pending, that should in fact demonstrate when and where Notices of Public Hearings on the changes were made. I hope that in fact they were done lawfully and that I failed to do my duty as a citizen and take notice and not a failure on the cities part. I have a hearsay notice from one of the employees on the property that they are putting in a multi-level parking garage, I hope that is not the case. If it is I strongly voice my disapproval. Even if it is only surface parking I would ask that the SJ planning commission approval be denied. That the green space be restored. Short of that, I would ask that if any laws/ agreements were made in advance that "that agreement" be made public, that construction on the water retention pond and parking be halted and that any irregularities be adequately dealt before continuation. I ask that these issues be addressed at tonight's planning commission meeting, that these comments be read into the minutes, and that they be responded to in a formal letter

Chair Hollist said it sounds like this the parking has been addressed and this project is not over parked. The original parking plan meets the requirement for the current use as proposed. I cannot comment on what was originally approved and been changed, but the notices were sent out within 300ft every time there was a revision, or an amendment was made.

City Planner Schindler said every time there is a Public Notice it is required to send a notice out within 300ft. of the project, and it will be sent at least 10 days before the Public Hearing.

Chair Hollist said if there was a change in the height, would that have triggered a Public Notice.

Planner Schindler said there would have to be a change in the stories, and that would be a minor site plan amendment, but I don't think anything changed on this. The original approval if I remember right, was 2 stories on one side, and 3 stories on the other, and they had met all the requirements.

Chair Hollist said can you also address the concern that there may be a multi-level garage, and would that be allowed.

Planner Mann said there has never been a discussion about a parking garage there. They have sufficient surface parking, and the bottom level of the building there is a large gym, and a full size basketball court. There is no plans for that area to be parking, which is typically where it would be with a property like this, where the grade changes from one site to the next. That comment was total news to me. It could be allowed, but it would have to go through a site plan review and they would have to meet all of the requirements.

Commissioner Gedge said does this applicant have any other developments in the City, and has there been any history of them performing work prior to approval being granted.

Planner Mann said I can't speak to the specific development group, or construction companies, but there have been reports, and instances where construction companies have jumped the gun and started working before they have had the necessary approvals. It is part of our job to make sure they go through the necessary processes.

Commissioner Catmull said if there was a problem with the Public Noticing, what is the remedy?

City Planner Schindler said if there was a notice that was missed or someone did not get it on time, it has been so long now that the appeal process has passed, and there is no remedy at that point. I am pretty sure we can show copies of the mailing lists, and we have all of the notices that were sent out for all of the Public Hearings. There were two rezoning applications that were noticed for both Planning Commission and City Council. There was a site plan application, and now there is a site plan amendment. There were four times that we would have noticed things, and I believe that was everything, because there was no changes to the original approval that would warrant another notice.

City Attorney Loose said there is a remedy if someone appeals it in the time that is allowed, which then it would go to a hearing officer, or they can legally challenge a notice because they didn't feel that it was done right. Planner Schindler is correct that if they do not do anything within the time allowed, then the time is expired. We have had an issue where it was noticed a day late due to a holiday or something like that, so we tabled it, re-noticed it, and we would be done with it.

Chair Hollist said is there a way to look up the motion and see what was voted on?

City Attorney Loose said I have not looked at the request, but regardless of what that motion was it was on that application, and that application did not include this being a parking lot. I think it is good to know what the motion was, but the question is, is this allowed under the current application or not.

Planner Mann said for the five previous hearings that were held there was not development agreement that was required, and on all the motions there were no conditions, and it was never tabled. It pretty much went straight through without any major concerns. There was some questions on the site plan for the original building regarding the shared access on 11400 S between the school and the building, but that was only major topic of discussion, as I went through the minutes while the Commissioners were talking.

Chair Hollist said "thank you" Mr. Mann that was very helpful.

Commissioner Gedge motioned to approve File No. PLSPR201900591 for the construction of a parking lot located at 11462 S. Temple Drive as presented to the Planning Commission, with the following provision:

- **That the Applicant records a document with the Salt Lake County Recorder's Office to consolidate the three parcels associated with the subject development before further commencement of development on that parcel and the City Issues a certificate of occupancy.**

Commissioner Catmull seconded the motion. Roll Call vote was 5-0 unanimous in favor; Commissioner Morrissey was absent from the vote.

B. TENNEY SUBDIVISION, PRELIMINARY SUBDIVISION

Location: 10505 South Temple Drive (1300 West)
File No: PLPP202000080
Applicant: Abraham Lopez

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

Commissioner Catmull said does it need a 90ft. frontage?

Planner Sanderson said it does.

Commissioner Gedge said I have a question about the recommended requirement in the motion. Could you speak to the geotechnical aspect that you are recommending in the motion?

Planner Sanderson said normally we do conduct the geotechnical report prior to getting to this point of the Public Hearing, but being that this is adjacent to the canal, and being that we aware of these adjacent lots, and that there is some ground water issues with some of them, we felt it was imperative to hold off on the geotechnical study until the water had been turned into the canal for a period of time. The water has been in the canal since April 15, 2020, so what were are doing is making this subject to whatever recommendations and requirements that may come from that geotechnical study.

Chair Hollist said would those recommendations only apply to only Lot 2, since it is the only lot that doesn't have a home on it.

Planner Sanderson said normally yes. It would apply to (1) and (2), and if (1) was to ever go in and tear down the house then maybe, but it wouldn't be the intent to go in and metro the house that is existing, but if that was to happen something would have to be considered.

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

Jeff Tenney (Applicant) – said I have been trying for a couple of years to develop this entire lot for my retirement. I would like to put it up for sale, or put another house on the lot, that is my desire.

Commissioner Gedge said I would like to make note that we receive an email from Mr. Ursenbach earlier today, and make sure that it is reflected in the minutes, and that he is in favor of this application.

Chair Hollist said I did not see the email, is this a neighbor? Could you elaborate on this?

Commissioner Gedge said it looks like he is a neighbor that is in full support, and he has some professional experience as well.

Commissioner Catmull motioned to approve the Tenney preliminary subdivision plat, file number PLPP202000080, subject to the following requirements:

- Prior to plat recordation, the applicant shall obtain a geotechnical study and make necessary improvements recommended by the soils engineer and as determined by City Engineer.

Commissioner Hollist seconded the motion. Roll Call Vote was 5-0 unanimous in favor; Commissioner Morrissey was absent from the vote.

C. 106 EXCHANGE II OFFICE CONDOMINIUMS, PRELIMINARY SUBDIVISION

Location: 489 West South Jordan Parkway
File No: PLPP202000067
Applicant: Greg Goffin

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

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

Commissioner Catmull motioned to approve the 106 Exchange II Office Condominium preliminary subdivision, File No. PLPP202000067, as proposed. Commissioner Hollist seconded the motion. Roll Call Vote was 5-0 unanimous in favor; Commissioner Morrissey was absent from the vote.

IV. LEGISLATIVE PUBLIC HEARINGS – *None*

V. OTHER BUSINESS – *None*

ADJORNMENT

Commissioner Gedge motioned to adjourn the May 12, 2020 Planning Commission meeting. Commissioner Hollist seconded the motion. Vote was unanimous in favor; Commissioner Morrissey was absent from the vote.

The May 12, 2020 Planning Commission Meeting adjourned at 7:30 p.m.

Meeting minutes were prepared by Deputy Recorder Cindy Valdez

This is a true and correct copy of the May 12, 2020 Planning Commission minutes, which were approved on May 26, 2020.

Cindy Valdez

South Jordan Deputy Recorder