

**CITY OF SOUTH JORDAN
ELECTRONIC
PLANNING COMMISSION MEETING
COUNCIL CHAMBERS
JUNE 23, 2020**

Present: Commissioner Michele Hollist, Commissioner Nathan Gedge, Commissioner Trevor Darby, Commissioner Steve Catmull, Commissioner Sean Morrissey, City Attorney Ryan Loose, Deputy City Engineer Jeremy Nielson, City Planner Greg Schindler, Planner David Mann, Planner David Mann, Deputy Recorder Cindy Valdez

Absent: Commissioner Michael Peirce

Others: Marrissa Muha, Vince Craig Rich Piggot, Devin Parsons, Lauren Foster, Chris Bick, Luaron McCormick, Matt Browning, Jason Mark Aimie T, T. Woody

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 Peirce

II. Motion to Approve Agenda

Commissioner Gedge made a motion to approve the June 23, 2020 Planning Commission Agenda. Commissioner Hollist seconded the motion. Vote was unanimous in favor; Commissioner Peirce was absent from the vote.

III. Approval of the Minutes

Commissioner Gedge made a motion to approve the June 9, 2020 Planning Commission Meeting Minutes as printed. Commissioner Hollist seconded the motion. Vote was unanimous in favor; Commissioner Peirce was absent from the vote.

IV. STAFF BUSINESS

Chair Hollist said could City Attorney Loose give us an update on what we are doing for the future meetings.

City Attorney Ryan Loose said our new staff attorney Greg Simonson was not able to be in attendance at tonight's meeting, because he is on vacation with his family. He had a week in between starting with South Jordan, and leaving his other position, so he thought he would take some time and take a vacation with his family before starting his new job with South Jordan. He will be with us for the next Planning Commission Meeting on July 15, 2020, so I will introduce him then. In regards to the future meetings, last week there was a Special Meeting held at the Legislature and they passed house bill H.B. 5002 (Open Public and Meeting Act Amendments). What this does, is it gives the Chairperson of any-body the ability to make a written determination, and it has to have facts as to why they are doing it, and that having someone in the anchor position would pose a risk to those in attendance at the anchor location. If you do that, then you can without an anchor location for your meeting for up to 30 days, and you can keep doing that until the substantial risks of health and safety are gone. I know that the Chairperson for the City Council (Mayor Ramsey) would like us to draft up a written determination for her to review. They have indicated that because of the increased cases of Covid 19, the age of the Council Members, and the safety for the public, they would like to stay having electronic meeting for the month of July. If you would like, I would be happy to do the same for the Planning Commission. If you would like to think about it, we can talk in the next day or two and you can let me know.

Commissioner Hollist said I would feel most comfortable doing whatever the City Council has decided to do, I think it makes sense to be consistent.

City Attorney Loose said I agree. We are drafting one for the City Council, so we will do one specific to the Planning Commission too. If I have questions, I will reach out to you Chair Hollist, and will get the draft to you in the next few days. This will need to be noticed before the next meeting to meet the noticing requirements.

V. COMMENTS FROM PLANNING COMMISSION MEMBERS

Chair Hollist said Commissioner Morrissey has joined the meeting.

VI. SUMMARY ACTION *None*

VII. ACTION – *None*

VIII. ADMINISTRATIVE PUBLIC HEARINGS –

A. DAYBREAK VILLAGE 8 PLAT 5A AMENDED, SUBDIVISION AMENDMENT

Location: Lots 798 through 803 Daybreak Village 8 Plat 5 11258-11284 S.
Willow Walk Drive
File No: PLPLA202000142
Applicant: Daybreak Communities

City Planner Greg Schindler 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 Gedge motioned to approve File No. PLPLA202000142 as presented. Commissioner Hollist seconded the motion. Roll Call Vote was 5-0 unanimous in favor; Commissioner Peirce was absent from the vote.

B. SOUTHTOWN BUSINESS PARK LOT 3B AMENDED, SUBDIVISION AMENDMENT

Location: 919 West Baxter Dr.
File No: PLPLA201900112
Applicant: Brad Christensen

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

Commissioner Gedge said I live outside of the noticing of this subdivision, I just live north of this property. I know that the underground storm drain system gets overflowed as it flows into Mulligans Golf Park, so I am concerned if this will be able to adequately handle a torrential down pour, particularly with the field that is on the map. There is a 5 acre farm that also flood irrigates, so you will have those two elements together. I am just concerned if the underground drain will be able to handle the flow and not flood my neighbors.

Deputy City Engineer Jeremy Neilson said when we do the site plan review we will insure that the underground storage chamber is adequately sized to handle the runoff that it needs to receive it. It will drain like a bathtub, and there is going to be a release that will release into the South Jordan Parkways storm drain system. It is just a matter of making sure those underground chambers are sized to receive the initial surge, and then it will slowly drain into the storm drain system. At this time we don't have a Site Plan that has been approved, but it is in review.

Chair Hollist said how wide of area is the property responsible for providing the drainage on? Is it responsible for the entire commercial area around it?

Deputy City Engineer Neilson said currently there is a detention basin, and so right now that water pours into that pond, and then it slowly releases. There is a plate with a small hole in it that slowly drains into this drainage system in South Jordan Parkway. As you can see, it is taking in a lot of area and draining from the east, north, a little bit off of Baxter Drive, and then to the west. This is the way they have been handling the drainage, and now they are changing to a different system, and it will be put underground. It is a little costly to do it that way, but this is the last parcel in this area of the development.

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

Commissioner Gedge motioned to approve the Southtown Business Park Lot 3B Amended Subdivision Plat Amendment, File No PLPLA201900112 as presented. Commissioner Hollist seconded the motion. Roll Call Vote was 5-0 unanimous in favor; Commissioner Peirce was absent from the vote.

**C. AWAKEN CHURCH AND COMMUNITY EVENT CENTER,
CONDITIONAL USE PERMIT**

Location: 322 West 11000 South
File No: PLCUP2020.00168
Applicant: Vince Craig

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

Commissioner Gedge said I believe there is a Charter School on the other side of 11000 S so, I would like to confirm with the applicant that this is for Sunday's only. I am concerned about the drop off, and pick up from the school. I believe this particular school is a school for special needs children, so I am concerned about extra traffic during the week.

Planner Sanderson said you are right, there is a school on the south side of 11000 S. but, we can confirm with the applicant that they will only be having these services on Sunday's. If, that is the case we shouldn't have any conflict with the school. It is a legitimate concern and I would invite you to confirm that with the applicant when the time comes.

Chair Hollist said the operation and circulation plan that was presented, does that somehow get attached to this conditional use permit.

Planner Sanderson said yes. They are part of the conditional use, they will both go in the file and will remain there.

Chair Hollist said I would assume that this being a religious organization it would be tax exempt, but if they are operating this with a property that is not tax exempt, and they are with a business for profit, how does that work? Will the City still receive tax revenue for the events that are held during the week for profit?

City Attorney Loose said I can give you my best guess. It will depend on who the owner is, and if they are leasing the building, or if they own it. If they are renting the building they would most likely have to pay taxes. If the religious institution owns the property and they use the building during the week, or just on Sundays, and they don't use it for any profit reasons then it would be tax exempt. The applicant would be able to let you know if they out right own the building and if they will be using it for profit during the week.

Commissioner Catmull said I am looking at the zoning map and this is currently zoned Commercial CF, and I am assuming the Event Center is an allowed use in that zone, correct?

Planner Sanderson said it is a conditional use for the Event Center that runs with the land. What you are approving tonight could be considered an amendment, or an additional conditional use.

City Attorney Loose said they can do anything they are allowed to do by their conditional use permits, or anything on the permitted use zone.

Vince Craig, (applicant) – said we do plan to operate as a church only on Sunday, and any other meeting that we would have during the week would be few and far between and small (10 or 15 people). We will make sure that the way we function will follow the tax laws, because we want to make sure we are above reproach regarding that. We are planning to take the title as a church, and then function as a for profit business throughout the week that would pay taxes on that portion.

Chair Hollist said I noticed that you will only be operating during the week between the hours of 8:00 a.m. to 8:00 p.m. Is that what you were intending to do? I just seems like 8:00 p.m. is a little early for a reception to be ending.

Mr. Vince said what I was meaning, was that we would not start any of the events after 8:00 p.m. They would still be having the reception after 8:00 p.m., they just wouldn't be starting that late. I don't know if we need to change that, I don't want to be held to 8:00 p.m.

Chair Hollist said what does their conditional use allow them at this time?

Planner Sanderson said it doesn't address the Event Center. It only addresses the architecture and landscaping, there are no limitations on the original conditional use permit.

City Planner Schindler said isn't the parking plan and operations plan in place for the church use, not the Event Center?

City Attorney Loose said it would be addressing only the church, because that is what is before you tonight as a conditional use. The conditional use for the Event Center has already been established, and they are not seeking to change what has already been there. They can operate it the way it has already been operating.

Commission Gedge said on the first part of the motion ready, unless the church name is Awaken Church and Community Center, would we need to add that this is just the church portion in the motion.

City Attorney said you could change the part of the motion that says "business" to "church operations, and that would be clear enough.

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

Commissioner Gedge motioned to approve Conditional Use Permit application, file number PLCUP202000168, for the Awaken Church and Community Event Center, subject to the following condition:

- 1. The religious assembly shall closely follow the proposed Operation and Circulation plan as proposed or as otherwise modified in writing by the City Engineer.**

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

D. RAISING CANES RESTAURANT, SITE PLAN AND CONDITIONAL USE PERMIT

Location: 3788 West 11400 South
File No: PLSPR202000064
Applicant: Richard Piggott

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

Chair Hollist said does a use like this require them to come up with a proposed traffic plan, in case the drive thru was to get backed up.

Planner Mann said no, because part of the requirement for a drive thru needs to show enough room for stacking cars, and with the dining room not being open, it will be just a drive thru, so it is a unique situation. The parking does show a sufficient area where they could re-route and go through the parking lot if necessary. I would like make the Commission aware that we do have the project architect on the meeting tonight that can answer any other questions that you may have.

Commissioner Gedge said there were 4 or 5 other attempts to develop this property, do we know which ones were approved or denied, and why.

Planner Mann said 4 of them were restaurants, and 1 of them was a pharmacy. I think the pharmacy and a couple of the restaurants backed out before it came to the Planning Commission, and the other 2 restaurants did come to the Planning Commission and were approved, but they pulled out just before they were to submit the building permits.

Marrissa Muha (PM Design Group) – said I am in Centennial Colorado, and I am the architectural representative for the Raising Canes Restaurants, and we are very excited. This is going to be our very first restaurant in Utah, and we are very excited to come to South Jordan. I wasn't sure if the Planning Commission knew anything about Raising Canes, so I will give you a little history about them. We think South Jordan is a very beautiful location and we are very excited to be expanding up to the north-west part of the country. Todd Graves is the owner and CCO of Raising Canes Chicken Finger Restaurants. In college he had a business plan and was told this plan would never work, and the banks told him it would never work. He went out to earn his own money to fund the first restaurant in 1996, which he built by hand. There focus is to be an active part of the community. There will only be 6 items only such as: chicken fingers, crinkle cut fries, coleslaw, Texas toast, the Amazing Canes sauce, and drinks. Todd's focus is to do it right, and that is why there is a limited amount of items that they provide.

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

Commissioner Gedge motioned to approve File No. PLSR202000064 for the construction of a restaurant with a drive through located at 3788 West 11400 South as presented to the Planning Commission, with the following condition:

- **That the developer provide easement release letters before the City issues a building permit.**

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

IX. LEGISLATIVE PUBLIC HEARINGS – *None*

X. OTHER BUSINESS – *None*

ADJOURNMENT

Commissioner Catmull motioned to adjourn the June 23, 2020 Planning Commission meeting. Commissioner Hollist seconded the motion. Vote was unanimous in favor.

The June 23, 2020 Planning Commission Meeting adjourned at 7:25 p.m.

Meeting minutes were prepared by Deputy Recorder Cindy Valdez

This is a true and correct copy of the June 23, 2020 Planning Commission minutes, which were approved on July 14, 2020.

Cindy Valdez

South Jordan Deputy Recorder