

**CITY OF SOUTH JORDAN  
ELECTRONIC  
PLANNING COMMISSION MEETING  
COUNCIL CHAMBERS  
August 11, 2020**

Present: Commissioner Michele Hollist, Commissioner Nathan Gedge, Commissioner Sean Morrissey, Commissioner Michael Peirce, Staff Attorney Greg Simonson, Assistant City Engineer Shane Greenwood, City Planner Greg Schindler, Planner David Mann, Planner, Damir Drozdek, Planner Brad Sanderson, Deputy Recorder Cindy Valdez

Absent: Commissioner Stephen Catmull, Commissioner Trevor Darby

Others: Brad Robins, Riaz Sait, Sundar Bose, Charlie, Steve McDowell, Steven Loudon, Rajeev Sood, Ryan Landis, Michael Butler, Jaime Mencie, Carrie Butler

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 (3) of the Commissioners have joined the electronic meeting, Commissioner Catmull and Commissioner Darby may be late joining the meeting. We have been holding our meeting in an electronic format since the Governor gave an Executive Order and declared a State of Emergency, which has allowed us to do so.

II. Motion to Approve Agenda

**Commissioner Gedge made a motion to approve the August 11, 2020 Planning Commission Agenda. Commissioner Hollist seconded the motion. Vote was unanimous in favor; Commissioner Catmull and Commissioner Darby were absent from the vote.**

III. Approval of the Minutes

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

IV. **STAFF BUSINESS - None**

V. **COMMENTS FROM PLANNING COMMISSION MEMBERS**

**Chair Hollist read the Notice of Meeting without an Anchor Location due to Substantial Risk to Health and Safety.**

I, Michelle Hollist, Chair of the South Jordan City Planning Commission, hereby determine that conducting the Planning Commission meeting at an anchor location presents a substantial risk to the health and safety of those who may be present at the anchor location. The President of the United States, The Governor of Utah, the Salt Lake County Health Department, Salt Lake County Mayor, the South

Jordan City Mayor and City Council, and the World Health Organization have all recognized a global pandemic exists related to the new strain of the coronavirus, SARS- CoV-2 and outbreaks of the coronavirus disease COVID-19 that has now spread globally including in the State of UTAH. Due to the State of emergency caused by the global pandemic, the current situation in Utah and specifically in Salt Lake County, and the manner in which the COVID-19 virus spreads in groups, I find that conducting a meeting at an anchor location under the current state of public health emergency constitutes a substantial risk to the health and safety of those who may be present at the anchor location. According to information from State Epidemiology, the State is currently in an acceleration phase, which has the potential to threaten the State's healthcare system. This determination not to meet in an anchor location shall be valid for thirty days.

**VII. ACTION – None**

**VIII. ADMINISTRATIVE PUBLIC HEARINGS –**

**A. HIGHRIDGE RETAIL BUILDING C, SITE PLAN AMENDMENT**

Location: 3537 West 11400 South  
File No: PLSPR202000253  
Applicant: Charlie Openshaw

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

Chair Hollist said with the shared parking that they have with SOJO Remax, do both facilities meet the parking requirement?

Planner Sanderson said will both meet the requirements.

Chair Hollist said the spots at the very end of the property are beyond what this unit needs for their parking requirements, is that correct?

Planner Sanderson said that is correct.

Chair Hollist said what are the parking spots on the east side of the private drive for?

Planner Sanderson said it is part of the conceptual plan, they do not exist, they are showing how they could exist in the future.

Chair Hollis said who owns the private drive?

Planner Sanderson said it is part of the commercial properties.

Chair Hollist opened the Public Hearing to comments.

**Brad Robbins, South Jordan** – said I live in the Highridge development south of the commercial area that we were just talking about. I would like to know if the entrances, and exits are final, or are there going to be additional ones put in the communities, I am mainly talking about the one on SOJO Drive that goes north, and south, because it looked like there was an additional inlet on Loma Linda Lane.

**Carrie Butler, South Jordan** – said I live in Highridge as well, and I am wondering about the additional parking inside that was created for both of the commercial properties. Will that eliminate the need for

street parking on SOJO Drive? I know that some of the residents are concerned about that. The concern is for residents traveling east, and west on SOJO Drive, because there is an area where people will flip a U-Turn and take advantage of the on-street parking. There is a safety concern in that area with on-street parking, because we have a lot of kids that live in that area. I would also like to know if there is going to be any more additional accesses put in.

Chair Hollist closed the Public Hearing.

**Charlie Openshaw (Applicant)** – said I would like to speak to the question about additional access off of SOJO Drive. I do not own the property on SOJO Drive that far down, so it would not be part of this site plan, or application tonight. We have no plans to put in any other accesses on SOJO Drive.

Chair Hollist said Planner Sanderson can you comment on the street parking on SOJO drive, and have you heard anything about it being stripped as parking spots?

Planner Sanderson said what was approved on the SOJO site plan is on the south side of SOJO Drive, they have proposed to pull the curb and gutter, so it will allow for some wider asphalt on the north side where they will allow for some parallel parking, but it will only be on the north side. The inside parking will not eliminate the on street parking, so nothing is being eliminated or changed.

Assistant City Engineer Greenwood said I think the Remax site has an additional access that will be installed at the east end.

**Commissioner Gedge motioned to approve File No. PLSPR202000253 for the proposed Highridge Retail Building C site plan amendment, located at 3537 West 11400 S, as presented to the Planning Commission. Commissioner Hollist seconded the motion. Roll Call Vote was 3-0 unanimous in favor; Commissioner Catmull and Commissioner Darby were absent from the vote.**

#### **B. CANYON VIEW SUBDIVISION**

Location: Approximately 11044 South Temple Drive  
File No: PLPLA202000082  
Applicant: Jaime Mencia

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

Commissioner Gedge said I have a question regarding the new street in the cul-de-sac, is that cul-de-sac large enough to handle snow removal and garbage collection?

Planner Mann said this new street and cul-de-sac will be a public street, so there will be trash pickup and there will be room for snow maintenance. It was reviewed by engineering to make sure it met all of the minimum requirements for the width, and cul-de-sac.

Chair Hollist said the arm that comes off of the cul-de-sac will it be a private lane that they will maintain themselves, correct?

Planner Mann said that is correct. It will be something that will need to be worked out by the owners.

Chair Hollist said is lot parcel (3) going to be responsible for the snow removal and maintenance of the park-strip around the entire cul-de-sac?

Planner Mann said the private drive is primarily on lot (4), and there is a part of the hammerhead that will be increased as required by engineering to meet the requirements, and the maintenance would need to be arranged privately.

**Jaime Mencia (Applicant)** – said I am the applicant and the agent for the owner, and I would request that the City approve our subdivision. As stated in the staff report we are in compliance with the zoning, and all of the City conditions. This is a relatively unique site, and if you look at the shape it was hard to work something out, but I am glad that we have something that is going to be attractive and a benefit for the City. I would like to thank Jared, and David, because they helped assist us in this project, it was quite controversial because of the shape. The maintenance on the snow removal for the private lane will be worked out when the properties are ready for sale.

Commissioner Gedge said did the Fire Department sign off the on emergency access for the private lane?

Mr. Mencia said the Fire Department did review it and they allowed for the hammer head to have a larger access for emergency vehicles. There is a slight issue in terms of the length that still needs to be resolved, but as for the emergency vehicles they would have the ability to turn around there.

Planner Mann said there is also a proposed installation of a fire hydrant right next to that private drive.

Chair Hollist opened the Public Hearing to comments.

**Steve McDowell, South Jordan-** said I am here tonight representing (3) other people due to the short notice they could not be here tonight. I have a lot of property myself adjoining this development. I am on the corner north of the cul-de-sac, so I am concerned about snow removal, because the initial place I received did not show a sidewalk. I am worried about my fence being taken out by snowplows, because I just spent \$7,000 on a new fence. I have a very sharp corner coming into the cul-de-sac, so I would like to know the proximity of traffic coming to that corner. It was mentioned that there is a 6ft. vinyl fence and I am not quite sure where that fence is going to go, but there are animals on (3) sides of this property. In the past we have been fencing to keep our animals in, but know we are going to have neighbors and we don't want anyone dumping grass in there to feed the horses, because grass can poison them. They could also try petting the horses and possibly getting bit, so that is a concern for all of us that have horses, so it is a concern of ours regarding a barrier fence from the subdivision site. On the south-east corner of the cul-de-sac there is a larger corner that I am think is going to become a weed patch, so I would like to know who is going to maintain that. On the hammer road the snow removal is going to be a major problem because there is a fence there and I don't know if there is going to be the room to remove the snow, it will probably get pushed up against the fence and cause issues. I think we need better protection there, and possibly a concrete fence. I would like to know about the storm drains, and drainage that is part of the subdivision. I don't see anything mentioned about it in anything that I have received. This is all agricultural land and horse property and they have to know coming in here there is going to be flies. Everyone that already lives here is good about picking up their manure, but the previous land owners made a mess of the place. The new owner has been good about mowing it, but there are some tall weeds behind my house now, but it is appreciated that he did do that. There is also a power pole that sits in the corner of the cul-de-sac, so I would like to know what is going to happen there, is he crowding the road to my property so he doesn't have to move that pole?

Chair Hollis said what kind of fence do you have on your property?

Mr. McDowell said I have a very expensive galvanized metal horse fence with 2x3 grids in it.

Chair Hollist said is it the kind that someone could stick their hand through?

Mr. McDowell said yes, they could, but I don't think that should be our responsibility. I am hoping that access road can be moved from my fence. I appreciate the sidewalk there, but I am very concerned about the corner.

**Steven Loudon, South Jordan** –said I have some of the same concerns that Mr. McDowell has brought before you tonight. My property is to the south-east corner off of 1300 W. so the vinyl fencing is a concern of mine, because vinyl fencing degrades in the sunlight, and will eventually need to be replaced. My current fencing now due to the previous landowner is built a foot inside the property line, so I am concerned that it will make the property line skewed during construction. I am also concerned about the lighting in the area. I know the City has gone down 1300 W. and Temple Drive and put new light poles, but they are not active yet. There are round circles on the map around the cul-de-sac and I am not sure what those even are, and on the drawing that was sent to us with those circles don't even exist. On the south-east corner of the cul-de-sac, I would like to know who is maintaining that, because the previous landowner made a mess of that property and didn't take care of it, or the animals on it. There is also a privacy issue, because it is right in my backyard. I have dogs, and I don't want people throwing stuff over the fence, and I have a concern of people antagonizing my dog. This is really an odd shaped parcel and I think it would have been a better fit to not develop it and let Mr. McDowell, Mr. Kennedy, and Mr. Christenson expand their property and incorporate what was already there. I think that would have been a better use, than trying to cram (3) house back there in an area that should have been developed differently, so it wasn't a little island of open-space. That was lack of planning on the City's part. These additional homes are going to bring traffic, noise, and disruption to this area.

Mr. McDowell said I would really like to see more than a vinyl fence for the animals, and a traffic barrier.

Chair Hollits closed the Public Hearing.

**Jaime Mencia, (Applicant)** – said I would like to address some of the issues that the adjacent owners have discussed. In terms of the fencing we are proposing to put fencing around the new lots that we are creating, so our fencing is not going to disturb any of their fencing. Their fencing already exists, and our fencing is going to be in addition to their fencing, and it is going to be a solid fence. They have a galvanized fencing, and down on the south end there is a goat wire and typical fencing for livestock settings. In terms of Mr. McDowell's concern about the corner, keep in mind the roadway doesn't touch his corner, there is a parkway that is larger than normal and a standard radius. What we are proposing is something that is done typically. The roadway does not touch his fence, and there is a parkway and sidewalk. I understand the concern regarding the snow removal and maintenance on the hammer head, but other than a maintenance agreement that is subject to the future property owners. Having large private drives in Utah is not uncommon, and they have the same issues, and I am talking about the private drive, not the main streets. Mr. Loudon mentioned that we were crowding (3) homes on this property, but we are not cramming anything, because our (3) homes are on 50,000 sq. ft. of land, so we are not pushing the density.

Chair Hollist said what fencing is required in this zone with animal rights?

Planner Mann said we typically see neighborhoods that come into agricultural properties that are subdivided in a way that the future landowners will no longer have property rights. In this case the (3) properties will all be over a ½ acre, and in the R-1.8 Zone they will all continue to have farm animal

rights, so there is no requirement for fencing between these properties. The applicant has been generous enough to install vinyl fencing all the way around the property to help support the development.

Chair Hollist I think you said in the staff report that this does meet the requirements for snowplowing and garbage collection, so that shouldn't be an issue, but if they snow plow were to damage Mr. McDowell's fence, what would happen?

Planner Mann said if it was something that the City damaged, I am sure the City has something in place to address those types of things. There is about 12, or 15 ft. here, there is not going to be cars going 40 mph around this turn, so I would anticipate that there won't be anything getting that close to his fence.

Chair Hollist said will lot (1) have access to the road?

Planner Mann said yes. There are curb cuts so they can access.

Chair Hollist said Mr. McDowell also asked about storm drains. I assume that the City Engineers addressed the drains.

Planner Mann said there were 4, or 5 reviews done before this came to the Planning Commission, so any concerns that the City had for meeting the minimum standards for storm drainage, or anything associated with the utilities have all been addressed.

Chair Hollist said what is someone moves in and there is a complaint about flies?

Planner Mann said there is really nothing they can do if they are meeting all of the requirements for animals based on the County Health requirements. They should know when they move in that this is an agricultural area, and the existing property owners are allowed to do what they have been doing by having horses, and animals.

Chair Hollist said so they are protected by the zoning, so complaints won't change that.

Chair Hollist said there was a concern about a power pole in the corner of the property and it being moved.

Planner Mann said I am not sure where the existing power pole is and the Jeremy Nielsen is on vacation, so he is not here to answer that question. There was a question about the lighting, and there is some lighting proposed in that area, so that should provide lighting and will help with safety. We don't want any dark corners that would lead to crime or any vehicle incidents with not enough light on the street.

Chair Hollist said what are the circles on the map in the cul-de-sac?

Planner Mann said they are trees.

Chair Hollist said what would happen if someone was to put their arm through a property owner's fence and gets injured?

Planner Mann said I don't know how that would be handled, but I don't think it is something that would be in the City's control with this application process.

Chair Hollist said Mr. Loudon has a concern because his property line sits a foot inside his property, and what that will do if the fence is put inside his property.

Planner Mann said this development is all done by an engineering firm and surveyed to locate the current property lines, so I don't anticipate that there would be any issues, because what will be installed will be done with the surveying measurements.

Chair Hollist said what should he do if he has concerns after things are going in?

Planner Mann said would advise him to be in contact with Mr. Mencia and make sure there is an open dialog to make sure that any concerns in the process are being addressed.

Chair Hollist said do you know of any history on the development of this property, and if any of the adjacent properties had the opportunity to bid on this land.

Planner Mann said I would think that Mr. McDowell is much more familiar with this land than I am, but I anticipate that these were parcels that were farmed and built decades ago, and over time there have been developments that have been proposed and built. It is one of those things that as a planning department with the City, we do our best to anticipate these changes and try to put in ordinances, and processes, to protect property owner's rights, as well as guide the development to make the best developments that we can, but there are just things that are out of our control.

**Commissioner Gedge motioned to approve File No. PLPLA202000082 to create a 5-lot subdivision, located at approximately 11044 S Temple Drive, as presented to the Planning. Commissioner Hollist seconded to the motion.**

Commissioner Morrissey dropped off the Zoom Meeting. They are trying to see if he can get back on the electronic zoom meeting to vote on this item.

**Commissioner Gedge motioned to take a 10 minute recess, and will reconvene at 8:10 p.m. Commissioner Hollist seconded the motion.**

**Chair Hollist motioned to reconvene the 08-11-2020 Planning Commission Electronic Meeting at 8:10 p.m.. Commissioner Gedge seconded the motion.**

Commissioner Morrissey is back on the electronic zoom meeting.

**Commissioner Morrissey voted "yes". Roll Call Vote was 3-0 unanimous in favor; Commissioner Catmull and Commissioner Darby were absent from the vote.**

**C. DAYBREAK COMMERCE PARK 5B SUBDIVISION AMENDMENT**

Location: 6153 West Broken Rock Circle  
File No: PLPLA202000190  
Applicant: Nate Reiner

Planner David Mann 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 Michael Peirce arrived at the meeting.

Chair Hollist said I assume this fits in with the Daybreaks overall plan and meets their requirements, as well as the City requirements.

Planner Mann said that is correct. With the site plan review, as with all projects in Daybreak the civil plans need to have initial approval by Daybreak, so the plans have been approved before the City began reviewing it. Daybreak has given their blessing on this subdivision and any development on these lots to continue based on their Master Plan.

**Commissioner Gedge motioned to approve File No. PLPLA202000190 to amend lot C-122 of the Daybreak Commerce Park 5 subdivision, located at 6153 W. Broken Road Circle, to create two commercial lots, as presented to the Planning Commission. Commissioner Hollist seconded the motion. Roll Call Vote was 4-0 unanimous in favor; Commissioner Catmull and Commissioner Darby were absent from the Vote.**

## **IX. LEGISLATIVE PUBLIC HEARINGS**

### **A. THE CLIFFS AT JORDAN STATION REZONE**

#### **Rezone from C-F (Commercial – Freeway) Zone to MU-TOD (Mixed Use – Transit Oriented Development) Zone**

Location: 10448 S. Jordan Gateway

File No: PLZBA202000215

Applicant: Chris Simms, GMC Turtle Creek LLC

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

Chair Hollist said what uses are allowed in the Mixed Use Zone that are not allowed in the Commercial Freeway Zone?

Planner Drozdek said I had a conversation with the applicant in regards to this, and I think how this came about was stemming from the Lender and them thinking that apartments were allowed in the MU-TOD Zone, which is not the case. The Lender was under the assumption that in the C-F Zoning that this project was a non-conforming use, and being in a non-conforming use their preference was to be in the type of development that this use is allowed. However, with the recent changes we made to the code, not even the MU- TOD Zone would you be able to have apartments without the PD Overlays on them. At this time I haven't heard back from the Lender, so I don't know how they are going to proceed, so he said he will talk to the Lender and let me know what he wants to do.

Chair Hollist said so you are saying, that both zoning are a non- conforming use.

Planner Drozdek said that is correct. It used to be conforming, but due to the changes that have been made it is not anymore.

Commissioner Gedge said if they were individually owned and not apartments, would they be conforming at that point?

Planner Drozdek said any kind of Multi- Family is not allowed in either zone.

Commissioner Gedge said would the TOD Zone change the parking density at all?



Planner Drozdek said it does not. Parking standards are a separate requirement for the zoning ordinance.

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

**Commissioner Gedge motioned the Planning Commission recommend that the City Council approve the following rezone Ordinance No. 2020-06-Z. Commissioner Hollist seconded the motion. Roll Call Vote was 4-0 unanimous in favor; Commissioner Catmull and Commissioner Darby were absent from the Vote.**

**X. OTHER BUSINESS**

The Commissioner's had a brief discussion about Planning Commission Attendance.

**ADJOURNMENT**

**Commissioner Gedge motioned to adjourn the August 11, 2020 Planning Commission meeting. Commissioner Morrissey seconded the motion. Vote was unanimous in favor; Commissioner Catmull and Commissioner Darby were absent from the Vote.**

The August 11, 2020 Planning Commission Meeting adjourned at 8:37 p.m.

Meeting minutes were prepared by Deputy Recorder Cindy Valdez

**This is a true and correct copy of the August 11, 2020 Planning Commission minutes, which were approved on August 25, 2020.**

*Cindy Valdez*

**South Jordan Deputy Recorder**