

**CITY OF SOUTH JORDAN
ELECTRONIC
PLANNING COMMISSION MEETING
COUNCIL CHAMBERS
January 12, 2021**

Present: Commissioner Michele Hollist, Commissioner Nathan Gedge, Commissioner Catmull, Commissioner Trevor Darby, Commissioner Sean Morrissey, Staff Attorney Greg Simonson, Assistant City Engineer Jeremy Nielsen, Director Steven Schaefermeyer, City Planner Greg Schindler, Planner Brad Sanderson Deputy Recorder Cindy Valdez

Others: Gary Langston, Errol Balfour, Aaron Pacini, Greg McKinney, Ryan Rasmussen, Morgan Frampton, Kevin Funk, Derek Mears, Jeff

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 of the Commissioners have joined the meeting tonight, and she welcomed the staff that was in attendance.

Chair Hollist said I will entertain a motion to continue to have electronic zoom meetings for the next 30 days.

Commissioner Gedge motioned to continue to hold the Planning Commission Meeting virtually for the next 30 days. Commissioner Hollist seconded the motion. Roll Call Vote was 5-0 unanimous in favor.

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.

II. Motion to Approve Agenda

Chair Hollist said we have an item on tonight's Agenda that our City Staff has asked to be tabled moving forward. I am going to turn the meeting over to City Staff to give us their reasons for recommending to table this item, and adjust the item accordingly.

Director Steven Schaefermeyer said we are asking to table the Tenney Subdivision and Meadows P.U.D. Subdivision Amendment, because the full packet was published without the supporting documents. On Monday January 11, 2021 the packet was amended and the supporting documents were included, but we are concerned that there wasn't enough time for the Planning Commission, and the neighbors that had concerns to review them and get there questions answered before having the Public Hearing. We have met the legal requirements, but out of an abundance of caution we would like to table the application until the next Planning Commission Meeting on January 26, 2021, so there is time to better review everything.

Chair Hollist said I would like to hear from the applicant and how he feels about moving forward tonight, or if he would rather table it until the next meeting.

Errol Balfour, Applicant – said we have been working on this for a couple of months, and I would like to get this going sooner, than later. The (2) tenants from the Tenney Subdivision are present at tonight's meeting, so they could review and comment tonight. It would be my desire to move forward with the application tonight, rather than postpone it until the next Planning Commission Meeting.

Chair Hollist said I would like to hear from our Legal Council (Greg Simonson) and see what their standpoint is.

Assistant Attorney Greg Simonson said this has been on again, and off again, and the supporting documents were barely available late Monday, so what Director Schaefermeyer said is legitimate. I don't know if it has been reviewed thoroughly by everyone involved, so there is a possibility that this could get appealed. If that were to happen and they were to appeal and it was found that we didn't do something properly, and the notice wasn't done correctly, that appeal is going to take far longer than delaying this by 2 weeks. It is ultimately your decision, but those are the considerations that you have to have in mind. It is the reason myself and Mr. Schaefermeyer are suggesting it be tabled for 2 weeks.

Commissioner Gedge said I would like to ask Mr. Simonson what the legal requirements are for noticing. Is it just the posting of the Agenda, or is it all pertinent staff information.

Assistant Attorney Simonson said our concern was the notice posted in a timely manner, but the supporting documents were missed in error, which can happen once in a great while. The supporting documents such as: maps, comments, and other things that are really needed to properly consider this, were not posted when the original posting happened.

Commissioner Gedge said I guess my question is, did we meet the minimum posting requirements, and if the minimum requirements were met when this was posted originally, it is my opinion that we should proceed, because the requirements were met.

Assistant Attorney Simonson said I wish I was in a position to give an absolute yes, or an absolute no, but I think there is a strong argument that the minimum requirements were met here. The danger is that someone else is going to argue that the minimum requirement was not met, and if you get into those types of discussions you will possibly have an appeal.

Commissioner Gedge said my other question is, did staff notify the public that we were going to table this item? If they did, that would lead me to table this for the community.

Chair Hollist said I would also like to ask that if we table this tonight, could we put this as the first item on the Agenda at the next meeting.

Planner Sanderson said it shouldn't be a problem putting this as the first item on the agenda if it is tabled for 2 weeks from now. When we realized Monday that there was an issue with certain documents not being posted, I personally reached out in an effort to rectify the situation by contacting the applicant, as well as the neighbors that had contacted me and let them know that this would not be on tonight's meeting. I wouldn't be able to tell you if those people talked to people, and then those people talked to other people, so there are probably people that may show up at the next meeting in 2 weeks, so that is my concern.

Mr. Balfour said as I mentioned before there are several people from Brooklyn Meadows present at tonight's meeting, so would it be possible to ask them what their thoughts are on moving forward, or tabling this.

Aaron Pacini, South Jordan – said I am a resident of Brooklyn Meadows, and I want to support the Balfour's, and the Tenney's, so if there is any way to move forward tonight, I am in favor of doing that, and if there is a need to provide a waiver to proceed, I am willing to provide that waiver. I am also wondering if other residents of Brooklyn Meadows will also be able to provide a waiver. If there is anything we can do to expedite this we should take into consideration.

Mr. Funk, South Jordan – said I would like to second what Mr. Pacini said, and I am willing to offer my waiver from my perspective if you would like to proceed tonight.

Chair Hollist said I am very sympathetic to anyone that has showed up tonight for this item on the Agenda, and if we were to table this item tonight you would have to show up again in 2 weeks. But, I also trust our staff and Legal counsel, and when they recommend that we table this item, I feel like we should listen to their advice. I know we have had something similar to this in the past come to the Planning Commission with a public utility, which I know it gave us a headache to deal with for a very long time.

Assistant Attorney Simonson said I am very sympathetic to this situation also, and I appreciate the neighbors willing to sign a waiver so we can move forward with this tonight, but in this setting, that waiver is not going to be legal and binding. If this was to get appealed, I couldn't

come back and say that you waived it, so legally it is not going to be a legal waiver. I do appreciate them saying that, because it does give you some measure of comfort.

Commissioner Catmull said Planner Sanderson said something about a particular outcome if we were to delay it. Is that with one individual? Because if the individual is in attendance today, could we ask them if they told anyone else.

Commissioner Hollist said I think it would be impossible for us to know if everyone that is impacted is here tonight.

Commissioner Catmull said I think it is possible if the City Staff only told one person, and that person said they didn't tell anyone else, then we can have reasonable confidence that we didn't cause any confusion. The noticing part usually is about time, place, and Agenda, and usually doesn't require supporting materials. I think the thing that concerns me the most is signaling a different date, we could resolve that I would be ok to proceed.

Commissioner Darby said I think Commissioner Catmull nailed it on the head when he said, did we lead some people to believe that we were going to proceed with this item tonight, and if we did, I think we are going to have to wait and hear it in 2 weeks.

Commissioner Morrissey said based on Assistant Attorney Simonson's advice, and Director Schaefermeyers advice, and the facts that Mr. Sanderson has provided, as well as notifying individuals that the meeting would be delayed, I think it is in the best interest to delay the meeting for 2 weeks. I know it may not be in the applicant's best interest, but I feel that the personal notice the Mr. Sanderson provided letting them know it would not be on tonight's agenda is enough evidence for me to feel a little sheepish moving forward today. Especially, because the people that reached out by email and have shown an interest, I think we need to guard that interest, so that would be my preference.

Commissioner Hollist made a motion to approve the January 12, 2021 Planning Commission Agenda as presented. After a discussion with the Planning Commissioners it was decided to table the Tenney Subdivision and Brooklyn Meadows P.U.D First Amendment – Subdivision Amendment until the next Planning Commission Meeting on January 26, 2021, and request that staff make it the first item on the Agenda. Commissioner Gedge seconded the motion. Vote was 5-0 unanimous in favor.

III. Approval of the Minutes

Commissioner Catmull motioned to approve the December 8, 2020 Planning Commission Meeting Minutes as published. Commissioner Hollist seconded the motion. Vote was 5-0 unanimous in favor.

IV. ELECTION OF PLANNING COMMISSION MEMBERS

Chair Hollist said we need to nominate a new Chair Person, Vice Chair, and a new person for the Architectural Review Committee.

Commissioner Gedge nominated Commission Hollist as the Chair Person for the Planning Commission 2021. Commissioner Morrissey seconded the motion.

Commissioner Hollist nominated Commissioner Gedge for Vice Chair for the Planning Commission for 2021. Commissioner Darby seconded the motion.

Commissioner Gedge nominated Commissioner Hollist as the representative for the Architectural Review Committee. Commissioner Morrissey seconded the motion.

V. STAFF BUSINESS - None

VI. COMMENTS FROM PLANNING COMMISSION MEMBERS -None

VII. SUMMARY ACTION – None

VIII. ACTION –

A. GENERAL PLAN AMENDMENT – ADOPTING THE SOUTH JORDAN SUB AREAS PLAN FOR REDWOOD ROAD CORRIDOR AND JORDAN RIVER GATEWAY

Location:

File No: R2021-02

Applicant: South Jordan City

Director Steven Schaefermeyer reviewed background information on this item from the staff report.

Commissioner Gedge said I would like to thank Mr. Schaefermeyer for his review on this. My concern was the applicability with the existing uses, and how this could be in the General Plan, so based on that I have no reservations about sending a positive recommendation to the City Council.

Commissioner Hollist said I don't know who was responsible for putting this together, but this one, and the original are both visually attractive, and I appreciate that. I would like to thank staff and Logan Simpson Design, I am really pleased with the product that has come out of this.

Director Schaefermeyer said next week we plan to present this to the City Council during their study session, and then we will hold a Public Hearing on February 2, 2021. If you have time and are interested you can sign on to the City Council study meeting. We are giving them the same presentation that we gave you way back and the end of October, but sometimes it is nice to see what their perspective is. I have not heard from the City Council in general about this plan, but they have had access to it as long as you have, and I have just updated them through email along the way, and your review of it. The difficult part of course, is going to be implementing all of this. At this time we are dealing with the Legislature with some interesting bills that will remove local control, and it will be interesting to see after the Legislature how well we will be able to implement these things.

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

Commissioner Gedge motioned that the Planning Commission forward a recommendation to the City Council to approve Resolution No. 2021-02, amending the South Jordan General Plan by adopting the South Jordan Sub Areas Plan for Redwood Road Corridor and Jordan River Gateway. Commissioner Hollist seconded the motion. Roll Call Vote was 5-0 unanimous in favor.

IX. ADMINISTRATIVE PUBLIC HEARINGS –

B. DAYBREAK VILLAGE 12A PLAT 2

Location: Generally 11170 South 7045 West
File No: PLPP202000343
Applicant: Daybreak Communities

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

Gary Langston, Daybreak Communities – said I don't have much more to add to what Planner Schindler has reviewed with you. We are continuing to move west, and I am not sure if you were aware, but Daybreak had its best year in 2020, we sold over a 1,000 homes last year. We are actually the 5th largest Master Planned Community in terms of sales in the United States. I would like to show you a map of the area if that is helpful.

Chair Hollist said I would be interested in seeing the map. This is not a public document, it would be used for internal purposes. I am willing to share it with you, but it would not be something that I would put in a planning packet for the public.

Mr. Langston went over the Daybreak map with the Planning Commissioner's, as well as staff. He wanted them to know that this map is subject to change, but this what is on there at this time.

Commissioner Gedge said I would like to congratulate you on your home sales success last year. Do you have a timeline with the expansion in the Daybreak Village 12A area?

Mr. Langston said we have the project out to bid right now, and would hope to start with construction in the next 3, or 4 weeks. I think our current schedule would suggest that this would completed with this plat within the year, and lot sales would start shortly thereafter. I think we could reasonably expect to see homes beginning to occupy late spring in 2022. Most of the access for this area will come south down to Lake Avenue, or down Bingham Rim Road to Daybreak Parkway, and even though it seems a little isolated since South Jordan Parkway has not been constructed, there is pretty good road access back to Lake Avenue, or Daybreak Parkway.

Commissioner Catmull said is Bacchus Highway shown on this map?

Mr. Langston said it shows the potential configuration if it were straightened out, but I think that is the long range plan that everyone is assuming will occur, and if it doesn't occur, it will stay in its current alignment. I think either way we can make it work, but it would be a little cleaner in our property boundary if it came straight through.

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

Commissioner Darby motioned to approve Project No. PLPP202000343 subject to the following:

- 1. That all South Jordan City requirements are met prior to recording the plat.**

Commissioner Hollist seconded the motion. Roll Call Vote was 5-0 unanimous in favor.

C. TENNEY SUBDIVISION AND BROOKLYN MEADOWS P.U.D., FIRST AMENDMENT SUDIVISION AMENDMENT

Location: 10520 South Brooklyn View Lane
File No: PLPLA202000364
Applicant: Errol Balfour

This Item was discussed at the beginning of the meeting under the Agenda approval. There was a discussion and it was tabled until the next Planning Commission Meeting on February 9, 2021.

X. LEGISLATIVE PUBLIC HEARINGS –

A. PLANNING AND ZONING CODE TEXT AMENDMENT REPEALING SECTION 16.36.070(F) OF THE SOUTH JORDAN CITY MANICIPAL CODE REGARDING TEMPORARY COMMERCIAL AND RESIDENTIAL DEVELOPMENT SIGNS-BANNERS SIGNS ON CITY LIGHT POLES AND AMENDING SECTION 16.36.120(B) REGARDING PROHIBITED SIGNS

Location:
File No: PLZTA202000387
Applicant: South Jordan City

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

Commissioner Hollist said are the banner poles currently displaying art work through an art competition?

Planner Schindler said they can do that, but they are all installed for the City, or they may be for an event sponsored by the City. I know Daybreak has put up banner signs for Christmas, but not to advertise or anything like that they are just decorative banners. Once they are installed they become City property, but some of them have not been used in years.

Chair Hollist said but the City would be allowed to use them for Summer Fest, or holiday decorations, correct. Our intent is to use them for City sponsored events, but it would not be for commercial advertising.

Chair Hollist said what if an organization came to the City and wanted to use them for a rally, but they are not commercial?

Planner Schindler said we allow to put those types of signs on poles in our right-of-way, but it would be up to Public Works to approve that.

Commissioner Catmull said who would install the banners on the poles?

Planner Schinder said it would be our Public Works staff.

Commissioner Catmull said will be City be putting up and new poles?

Planner Schindler said I don't know, but if they do it will be for the City, not a private business.

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

Chair Hollist said when I have seen similar signage in other Cities, it has always been exclusive for their City, except in Salt Lake City I have seen them have signs for football, but that could be because it is a City institution. I think if we made this change it would be consistent with what I have seen with the surrounding Cities.

Commissioner Catmull I would think that advertising football would be in an unapproved use, is that correct?

Planner Schindler said I don't know about that, because Bingham Football and Little League Baseball does use the signs for football and baseball signups every spring/summer on a temporary basis. We have given the approval to put them up, but not on City Property, or the right-of-way, because we don't want the signs to be that close to the road. These are non-profit organizations, not a for profit league.

Commissioner Catmull said let me clarify commercial, because you can be non-profit and be commercial. Intermountain Health Care is non-profit, but they are commercial, so if we say not for profit, we could allow Intermountain Health Care, or something else similar to put up signs, or use these banners. In the case of sports league there is a fee charged for services provided, so should we not be doing this if we are making this change? This might be something for City staff to review.

Commissioner Gedge said it says: unapproved signs will be removed. I guess we need to know what the process is, or is that listed somewhere else.

Planner Schindler said all signs and banners that are put up go through the approval process by staff. There are temporary banner permits for them to put up temporarily on their business. They are allowed 16 weeks per year, and we keep track of the amount of weeks they have them up, and they are charged a fee for that application. If there are signs that go up in our right-of-way that hasn't been approved by staff are taken down immediately by the City Code Enforcement. The owner is notified that we have their sign and they have to come and pick them up, we do not return them to them.

Commissioner Gedge said going back to the Utes Football example. Can someone come in and go through the application process for approval at that point if necessary?

Planner Schindler said probably so, we have never had the University of Utah Football come to us for approval in South Jordan, probably cause they are a little bit further away. It is usually youth football or anything that is part of South Jordan. Anyone can go through the process, but I am sure we would have to include legal on the process.

Commissioner Gedge said should it say unapproved signs, or any signs? And should it say may be removed, or will be removed?

Planner Schindler said I guess we would have to rely on what it says about commercial goods, sales, and services. We would have to look at it and see what they are proposing to do. There has to be somewhere legally where institutions that are owned by the public or state or government are exempt from that.

Chair Hollist said looking at what has been changed in our code, it really is just the banner signs on these street lights, and it has been totally crossed out so I don't know if they will even be available to anyone, it would be just what the City chooses to put on them. It also indicates, that anything located on public property or attached to a public pole if it hasn't been approved, may be removed without notice by the City. I think the language is clear, and what we are voting on tonight is removing the banner arms from our code.

Commissioner Gedge said my only concern is do we need to change the wording to “will be removed” so there is no wiggle room.

City Planner Schindler says it may say “maybe” so it is left up to the City to make that decision. I don’t think our Code Enforcement has the time to go and pull off every garage sign that is put up. Those are usually the signs that are left up and are problematic.

Commissioner Gedge motioned to send a positive recommendation that the City Council to approve Ordinance No. 2021-02 as proposed. Commissioner Hollist seconded the motion. Roll Call Vote was 5-0 unanimous in favor.

XI, OTHER BUSINESS – None

ADJOURNMENT

Commissioner Gedge motioned to adjourn the January 12, 2021. Planning Commission meeting. Commissioner Hollist seconded the motion. Vote was unanimous in favor.

The January 12, 2021 Planning Commission Meeting adjourned at 8:10 p.m.

Meeting minutes were prepared by Deputy Recorder Cindy Valdez

This is a true and correct copy of the January 12, 2021 Planning Commission minutes, which were approved on January 26, 2021.

Cindy Valdez

South Jordan Deputy Recorder