

**CITY OF SOUTH JORDAN  
ELECTRONIC  
PLANNING COMMISSION MEETING  
COUNCIL CHAMBERS  
March 9, 2021**

Present: Commissioner Michele Hollist, Commissioner Nathan Gedge, Commissioner Trevor Darby, Commissioner Sean Morrissey, Staff Attorney Greg Simonson, Assistant City Engineer Jeremy Nielsen, City Planner Greg Schindler, Jon Day, Matt Jarman, Deputy Recorder Cindy Valdez, Transcriptionist Diana Baun.

Absent: Commissioner Catmull

Others: Kyle Dean, Carla Fobbs, Josh, Layne Koldewyn, Tara Wiscott, Ashlie Allison, Mark Johnson, Gary Langston, Patrick Todd

6:30 P.M.

**REGULAR MEETING**

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

Chair Hollist welcomed everyone to the Electronic Planning Commission Meeting and noted that 4 of the 5 Commissioners are present. Commissioner Catmull was excused from meeting.

II. Motion to Approve Agenda

**Commissioner Gedge motioned to approve the March 9, 2021 Planning Commission Agenda. Chair Hollist seconded the motion. Vote was 4-0 unanimous in favor; Commissioner Catmull was absent from the vote.**

III. Approval of the Minutes

**Commissioner Gedge motioned to approve the February 23, 2021. Planning Commission Meeting Minutes as printed. Chair Hollist seconded the motion. Vote was 4-0 unanimous in favor; Commissioner Catmull was absent from the vote.**

IV. **STAFF BUSINESS**

Cindy Valdez introduced Diana Baun as the new Meeting Transcriptionist.

V. **COMMENTS FROM PLANNING COMMISSION MEMBERS**

No comments.

VI. **SUMMARY ACTION** – *None*

**VII. ACTION – None**

**VIII. ADMINISTRATIVE PUBLIC HEARINGS –**

**A. DAYBREAK SOUTH STATION PLAT 3 CONDOS 1B**

Location: 5227 W. Reventon Drive  
File No: PLPP202100022  
Applicant: Daybreak Communities

**Please note that the correct spelling of this address is Reventon** as shown above – this is the official spelling, there is no “i” as was originally written. Any use of Revention is a mistake.

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

Chair Hollist said that some of these appear to have three bedrooms, and asked if these qualify for reduced parking requirements because it’s near mass transit.

Mr. Schindler said it is within ¼ mile of mass transit so they do get a one parking space per unit exemption.

Chair Hollist asked of this is a concern for city staff that some of these units have 3 bedrooms?

Mr. Schindler said it is not. It is likely that some of the larger units will probably have at least 2 cars, but there is ample parking on the street and within the site, as well as the 12 tuck-under parking spaces that will be assigned to specific units. I am not sure which units they are assigned to, whether lower level units or if upper level units will also have access to them. This does not concern them since Daybreak has been designed to have parking on the street and they have convinced the City that the on-street parking does slow traffic and prevents speeding, it has been safe so far. Technically, there is a lot of on-street parking that is going to happen in this area because there are apartment complexes nearby and there are townhomes. There are really not any single family units here that are going to compete with this, so that takes away some of their concerns.

Commissioner Gedge asked to confirm that it is one assigned parking stall that is not covered per unit. Also, if there is any other property in the Daybreak community that has that type of ratio where it is less than one covered parking stall per unit.

Mr. Schindler said none of Daybreak has to be covered. They just list the number of parking spaces per unit, and even in the single family they didn’t have to have the spaces covered, they just have to have to have them onsite.

Commissioner Gedge said I will wait until Mr. Langston is available to find out how we will enforce to make sure each unit gets at least that one stall, where only 8 of them are not going to have a covered assigned stall.

Gary Langston said that Patrick Todd from Holmes Homes was on the call and could answer more specific questions about the site plan, building, and parking requirements. In the Town Center there is a minimum to have one parking stall per unit, and on this site, whether covered or site parking tucked in behind the buildings there is at least one stall per unit if not more, and when you add the on-street parking there is even more. The developer does not have any concerns given its proximity to mass transit in this area.

**Mr. Todd (Holmes Homes)** - said this is a 20-plex building (there are two on the corner) and there are 12 spaces that are under the building, which means that eight need to park in that covered parking area per building, as well as 20-22 stalls that will still be covered. The 10-plex buildings, one of them you already approved, they all have one spot underneath them, and they all are covered even though they are not required.

Commissioner Gedge said regarding the enforcement, will the spots be assigned per unit and how? Are the future homeowners guaranteed their one spot? How will Daybreak ensure that there will be no parking issues like cars blocking people in or double parking?

Mr. Todd replied that they will be assigned and it will all be done through the HOA documents, in fact it's already in the documents that they will have the rights to manage and take care of those that have been assigned, and they will be clearly marked as well.

Commissioner Gedge said will the HOA enforce this first? Will the city parking enforcement ever be engaged if it got to a certain level that couldn't resolve it, or would the HOA just bring in a tow truck to remove the illegally parked car?

Mr. Todd said the HOA documents are written with HOA level enforcement, and the HOA would have the governing of making sure those stay clear and open.

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

**Commissioner Gedge motioned to approve Project No. PLPP202100022 subject to the following:**

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

**Chair Hollist seconded the motion. Roll Call Vote was 4-0 unanimous in favor;  
Commissioner Catmull was absent from the vote.**

**B. DAYBREAK NORTH STATION MULTI FAMILY #1, PRELIMINARY  
SUBDIVISION**

Location: 10645 S. Cardinal Park Road  
File No: PLPP202000380  
Applicant: Daybreak Communities

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

Chair Hollist asked to confirm whether or not there are different height rules in Daybreak versus the rest of South Jordan as 45 feet seems taller than what they normally allow.

Mr. Schindler said there is no height limitation in Daybreak. He also noted that these are not the first townhomes to be 45 feet tall, several of the Segó Townhomes down by SoDa Row and the ones being built up on the North Shore will be at least this tall.

Mr. Langston said he had nothing to add to the staff report.

Chair Hollist opened the Public Hearing to comments.

**Layne Koldewyn (South Jordan)** - said I live behind this proposed project and many of my neighbors are in attendance tonight. When we were sold our properties we were told that there were going to be multi-family types of places, and right directly behind me I was told that it was going to be open space. It could have been a builder or realtor misquoting, but these were supposed to be single family homes. Having a four story duplex looking into our yards does not seem very appealing, and certainly not what we were told, and not what anybody around here was promised. In the staff report there is a map that shows the school closer, and I don't think that would offend too many people, but the proposed buildings next to that are looking straight onto single family homes. I am concerned that they are looking directly down into the yards. I am going to have a massive building right on top of me, not to mention all the cars. They have garages, but everybody knows that any place in Daybreak that has condos and townhomes has massive amounts of cars in the parking lots because most people end up using those garages for storage, and that results in tons of cars. We were certainly never sold that it was going to be this and so, it is frustrating to have this happen without any kind of recourse other than stating my opinion. It feels like South Jordan is going to do whatever Daybreak tells them to do and it's just going to go forward. I don't know what else I can say other than I don't like this, it wasn't what I signed up for, it's not what any of my neighbors signed up for. I will let other people speak to this as well, but it has me really frustrated with the way t this is moving forward.

**Tara Wiscott (South Jordan)** – said she too was told that this space was going to be multi-family homes, not these 45 foot tall four story buildings that are going to look directly into our backyards, and for privacy reasons, I do not understand why they would have to have that high of a view. They are totally taking our view away and now we are going to have nothing to look at but the back of these ugly townhomes that aren't going to be very appealing. There are quite a few kids in that area that use the back space to ride their bikes, and more cars is going to be more trouble. There are so many kids that ride bikes back there because they don't ride on the main streets since it's not safe. They ride in the circle and on the sidewalks and having all this construction going on, and then having 14 townhomes plus probably two cars per home, that's a lot of cars for these kids that ride their bikes and play back there every day. Also, regarding the parking issue, there is no room for them to park on site if they decide not to park in their garage. I don't know where they are going to park on the main street either.

Chair Hollist said is there something stated in a contract somewhere, or plans that indicated what that property would be, or was it a verbal promise from a realtor.

Mr. Koldewyn said I was told when I moved in that it was already zoned for multi-family or single-family homes. The spot right behind me was supposed to be a green area, with other multi-family homes around it, which we are fine with because that's what is all around the area. We certainly were not told there was going to be townhomes and condos and big, huge ones looking down on us. Obviously, that wasn't decided at that point.

Ms. Wiscott, South Jordan - said she went through her documents because she had talked to some people that told her that was the best thing to do, but unfortunately, I couldn't find anything in the documents. The builder at the time was David Weekly and I know the people that sold us our home no longer work for him. I can't go back to David Weekly and tell them that their guys promised me this, and I paid this "premium" money for this lot because it was going to be a multi-family home. Unfortunately, I feel that David Weekly was the one that led us down the wrong path because it sounds like Daybreak already had this in the plans, they were already going to build no matter what the builder was going to say.

**Ashlie Allison (South Jordan)** – said she is in the same group of homes as well, and when I bought my home I went to Daybreak to see what was going to be built around me, but there weren't any plans at the time. We were told by multiple people through the builder that the space was too small in the length of four homes, so it was going to be 14 townhomes. We were also told that because it was too narrow it would be green space. We searched and tried to talk to multiple people to find out what the plans were, but we were told the same thing, which is probably why they are wanting to put 35 to 45 foot homes in that area. There are kids that play in this area, but there is no parking with the school so it is always backed up during school hours when there are people coming in and out to pick up kids along Cardinal Park, and Pipestone. The additional cars are a concern because there is not the green space in the area of Founder's and Eastlake, and that's something we were kind of hoping for because that is what we were promised when they bought this home.

**Carla Fobbs (South Jordan)** - said I was told the same thing that has already been discussed by the previous individuals; specifically, that it was too narrow to build homes there and that it would remain open green space. Again, it is that long area that has the 14 units on the back side of that alleyway that is highly concerning to me.

Ms. Wiscott added that her builder also told her that there would probably never be any homes there because the drainage that is there is too low, or it would just be a big cesspool, it would be green space put in there.

Chair Hollist said that she will have the staff address that. I believe that for every project that is approved, the engineering staff goes and makes sure that those requirements are met.

Mr. Koldewyn asked what is the size of the buildings that will be in those narrow spots and the spot on Cardinal Dr.?

Chair Hollist said I will have that question answered.

Chair Hollist closed the Public Hearing.

Chair Hollist said the narrow strip where 14 townhomes are is what seems to be the primary concern. Could you comment on what will be built there, and address the 45 foot tall units or possibly the two story units.

Mr. Langston said if you go back to the Village 10 North, Plat 1 on the plat that they recorded on February 19, 2016 for the American Academy of Innovation Charter School. On August 25, 2016 they recorded a second plat called Village 10 North, Plat 2 which created a bunch of M lot parcels that surrounds both the charter school, and are adjacent to the property in question. If I am understanding the question correctly the conversation had to do with the M-101 lots, and part of the reason why they put this plat in place. Some of the people in attendance may have been aware of the challenges that Daybreak faces when building some townhomes in and around the Daybreak Elementary down on Founder's, and this is precisely why they went ahead and recorded this plat to record these M lots, to begin to set up the framework to help future buyers understand that they would be planning to have townhomes in the area. That's what the M-101, M-102, M-103, etc., stands for, it is future multi-family which could be townhomes or condos. That plat was recorded four and a half years ago and really is the framework for what is allowing them, or suggesting what they are going to do tonight. Why someone would suggest that M-101 is not large enough to build on is beyond me, and I am sorry that the residents were being shared information supposedly by the builder that was incorrect, but since 2016 their intent has been to build multi-family lots. The lane that is on the north side of M-101 which is called White Bear Lane, that was always meant to have homes on both sides of it. They do not build lanes next to open space. They would either have a road next to open space, meaning a public street, or they would have homes fronting onto it. So, this was meant to have townhomes, multi-family homes situated south of White Bear Lane, both on M-101 and M-102. On the section that is on M-101 they do have a layout of that area, and the sizes in that area do vary from two to four story depending on where the unit sits in relation to the buildings. I can tell you that on that block there are 14 units, there is a building that has five units, a building that has four units in the middle, and then another five unit building on the end, and they tend to range the full gamut from either two to four stories.

Mr. Schindler said the elevation drawings from the staff report showed that the one building alone has two to four stories in the entire building, and usually the two or three stories are on the end, and the middle units are four story in most cases.

Chair Hollist said Mr. Schindler indicated that Daybreak doesn't have the same height restrictions that we have in the rest of South Jordan, but do they have the same and appropriate offsets from the properties?

Mr. Schindler said that lane is a public street, but the setback requirements for townhomes are generally zero on the sides and rear, they can go right up to property line. Front yard setbacks are usually about five or 10 feet depending on the size of the townhome or the width.

Chair Hollist said is that different than other places?

Mr. Schindler said in other residential zones in the city, 25 feet is the maximum height, but in Daybreak there isn't a height limitation. The design guidelines that were approved are what governs the setbacks on those.

Chair Hollist said is that very different than other places because of the planned community aspect and what was preapproved back in the beginning.

Mr. Langston added that the front setbacks largely are determined by the offset from the gas line, they have to maintain at least 10 feet of separation from a gas line to the main body of the building. So, in many instances their front setback is between 10 and 11 feet. On the rear, part of the reason they are so tight is they either have them be zero or large enough to park a full car there. What they don't want is to create this "no man's land" where people aren't sure what they can do. He said that if you look at some of the older portions of Daybreak they made that mistake where they had shorter setbacks, maybe in the eight to 10 foot range and they started getting the strange behavior where people would park sideways on their driveway slip and so these tighter setbacks are to make it more clear when you are allowed to park on your driveway slip off the lane, and when you really shouldn't.

Chair Hollist asked Mr. Langston to comment on why so many residents are surprised by what is going in here and their claims to have been verbally promised different architecture going in this area.

Mr. Langston said I am sorry they were misled. I feel that Daybreak going back 5 years, has made it pretty clear in the form of putting a plat together with M lots, that it would suggest they would have townhomes and other high density housing in the area. As Mr. Schindler mentioned this also falls within the town designation in the master subdivision plat and the community structure plan, so they could actually have densities as high as 50 units an acre. Clearly in this area it doesn't make sense to do that. If you were to look at the site plan for the school itself and where these townhomes are at, if you move just a little further west they get very close to the Trax station and they have quite a bit of density going in in that area to really maximize the usage of the station, and to bring appropriate density to that area. I feel bad for the residents that they were misled or that they were told that things were going to be open space when they have been platted as multi-family lots for many years. Some of the conversations about poor drainage and other things, as an engineer I do not have those concerns. All the water is appropriately handled and taken to a retention basin, either above or below ground. All of the storm drain system is designed in accordance with the city's requirements and there is significant amounts of review that go on to get those things approved. It's unfortunate that they were given misinformation and I will certainly mention some of this information to their marketing director and ask Cameron Jackson to circle back with David Weekly in terms of messaging him for other developments in this area.

Chair Hollist said this is not the first time they have had residents surprised by the things moving in next to them in Daybreak. Is there any recourse for them to report "bad players," people giving out poor information?

Mr. Langston said we are always willing to listen to what they have to say. Evidence and specific information is always helpful in terms of targeting the culprits, or where the information may have come from. He notes that it is always difficult for them to go back and talk to a builder and quote a resident saying “my builder told me this or my builder told me that.” I don’t doubt that there is information that is shared and occasionally is incorrect or maybe not fully correct. I would hope that nobody from the builder would purposefully mislead a buyer.

Commissioner Gedge asked what is the city’s opinion on the drainage of that lot?

Jeremy Nielson said from an engineering perspective they don’t have any concerns. The water will be designed to be retained either above ground or below ground, just as Mr. Langston indicated.

Commissioner Gedge said regarding the possible miscommunication by the builder, does the City have any recourse through the issuance of future building permits of certain builders who are known to be bad players in the market. I am wondering if in the future to mitigate this they can make a list or record that can be available to potential future buyers?

Mr. Schindler responded that that they do not have any list like that and they probably wouldn’t create one unless they had absolute proof, otherwise they might be accused of slandering. I don’t see how they can hold back, because builders can get building permits as long as they are meeting all the building codes. What they tell their buyers is another story, I am not sure how they can regulate that at the local level especially.

Commissioner Gedge said that was the expected response, but I just wanted to make sure it was on the record that Mr. Langston is willing to have the communication with his marketing team on that.

Chair Hollist said I know that Daybreak specifically designs itself to encourage on-street parking as a traffic calming measure, but I definitely understand the concern with cars on the road and kids on bikes. Could Mr. Langston to respond regarding any efforts that Daybreak makes to ensure they have enough parking.

Mr. Langston said that Daybreak clearly has a different view when it comes to parking than what the traditional resident or person may have. On-street parking is important for us, it is part of what makes the Daybreak hierarchy work. On-street parking is one of the methods we use to slow down cars. If you were to look at the site plans that were provided they use a variety of other things, pedestrian crossings, they narrow up the cross sections where it makes sense. However, in the area where these homes are located, there is enough room for parking on both sides of the street and to still have 20 feet of clear zone per the Fire Code Requirements on Cardinal Park and Pipestone. As you look at the site plan, yes, there is quite a bit of on-street parking. Also, as Mr. Schindler mentioned each of those units have a two car garage. We know not everybody parks both of their cars in their garage, some choose to use it for storage, some people only have one car, and some people have more cars. Clearly we can’t regulate how many cars people do have, but as we have talked about in previous Planning Commission Meetings, so



much of what we do in Daybreak is really trying to promote the behavior of people that what they want whether that's parking in the garage or parking on the street, they want them to drive slower. With those things in mind this is just a continuation of the practices that they have put in place in other parts of Daybreak, there is nothing new here.

Chair Hollist said I would encourage all that came this evening and spoke to the commission to contact their HOA and to let them know when people have fed them information that is not accurate. She would hope that Daybreak would respond as Mr. Langston indicated with their marketing person at least to realtors and builders who aren't presenting what's planned, or making promises that might change. I knows that Daybreak has general guidelines for all their areas and it gets more specific as building comes closer, but as far as I understand, nothing is set in stone until it is recorded with the city.

Commissioner Darby said I think everything has been covered, I don't have anything to add.

Commissioner Morrissey said I feel the issues were addressed with the public who made comments, and those that would be impacted. It is important to move forward. Moving forward with an approval or not, this is dictated by the ordinances and agreements, which are in place with Daybreak, so right now I do not see any other options than moving forward with approving this as is.

Commissioner Gedge said I echo Commissioners Darby and Morrissey's statements and I am cognizant of the residents' concerns. I feel sorry that they were basically sold a bill of goods, and paid a premium for something that wasn't going to be there. It is unfortunate, but I think this will be a little bit of a nice buffer from the school. I wish in hindsight, that when the City Council originally approved, that maybe they would have put in some height requirements or setback requirements back then, but that is moot and with the ordinance we have in place today I see no reason why we should deny this, so I would recommend approval at this time.

Chair Hollist said there are residents that are wanting to speak so I would like to re-open the Public Hearing, because this has been a sensitive issue.

**Chair Hollist motioned to re-open the public hearing for comments, Commissioner Gedge seconded that motion.**

Chair Hollist re-opened the public hearing for comments.

**Mr. Koldewyn, South Jordan** - said I did not expect anything different from what has happened. I understood from talking to many friends from Daybreak that this is the normal outcome. That being said I would like to know when the construction will begin.

Chair Hollist said she would have Mr. Langston answer the questions when we closes public comment again. I just want to know when I need to put my home up for sale.

**Ms. Allison, South Jordan** - said I understand that this is going forward no matter what, however I wonder if there is any way that the number of units or height could be adjusted at this

point. We are all concerned about this one spot because they are all surrounded in this one area where it's the length of four homes and there are going to be 14 townhomes so those have got to be pretty tall. I am wondering if there is any way that maybe those that back up against these homes could be adjusted and not be so tall, and maybe the other ones that are across the street and are not backing any homes, could be the taller ones? Can the ones looking into our yards be adjusted?

**Ms. Wiscott, South Jordan** – said I agree with Ms. Allison, that if there is any way that they can get the high ones out of the way that would be a heck of a lot better than the four story ones. I knows this is going to pass, but if they could possibly do the two story ones that would be much better and they wouldn't have as many homes for sale over there on Pipestone.

Chair Hollist closed public comment.

Chair Hollist asked Mr. Langston to address the timing of the development and whether or not the residents have the ability to approach the HOA or Daybreak Communities to plead the case to have a certain product along the line where their homes are.

Mr. Langston said they have received their approval of the infrastructure drawings from the City as well as the sewer district. They just completed the bidding period and they are anticipating that they would start construction on the infrastructure in the next two to four weeks if things go as planned, and the construction would be completed in the mid to late summer, then homebuilding would begin after that. Regarding a modification to the plan, we would like to proceed with what has been proposed, part of the reason for that is that we believe the mix of different heights of units is done on purpose and makes good sense for the area. I understands that there is a concern about the height difference. These will be relative to what's north of the units to be placed on M-101 and M-102, but the other part that is important for them, is the street scene and the effect of having those taller buildings on both sides of Cardinal Park. We have purposefully varied the heights in there to create interest architecturally and visually, and so with all due respect we would like to proceed with the plan that we have proposed. We think it will look great, we think the builder will do a nice job. The home values of these townhomes will range probably from \$300,000 to \$500,000, so from a price per square foot they are quite expensive, quite valuable and we think it will make a great place as we continue to transition closer to the Trax Park and Ride, and as they build out their Town Center.

Chair Hollist asked Mr. Langston if the residents have any ability to petition for them to reconsider designs for a specific area, and what the process for that would be.

Mr. Langston said the HOA doesn't have any recourse from that standpoint. We as the developer feel that we tried to take all things into consideration, fully recognizing that not everybody is going to love everything that we do. We meet all the requirements of the City, we feel like it is a good project, but also understand that it's not for everyone. There will be as many people that do like it potentially, as those that don't like it. Back to the process, we have had instances in the past where they have engaged resident feedback, but most of the feedback from what I would call the broader market comes from all the market research that we do which doesn't have anything to do with the price, the demographics, those who will live there, what they are looking

for is the square footage they want, and the lifestyle they are looking for. So, while we may not have spoken to the handful of residents who have spoken tonight, we do feel like we do their homework and research when it comes to understanding the type of places that people want to live, the things that they are looking for, what is appealing, and what they want as residents. We feel like we have taken into consideration all of the different things, in addition to the objectives as a developer. We do feel that the plan that is in front of everyone for approval of the planning commission is their best effort to accommodate the needs of all the different parties.

**Commissioner Darby motioned to approve Project No. PLPP202000380 subject to the following:**

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

**Chair Hollist seconded the motion. Roll Call Vote was 4-0 unanimous in favor;  
Commissioner Catmull was absent from the vote.**

**C. DETACHED GARAGE WITH COVERED PATIO CONDITIONAL USE  
PERMIT**

Location: 10157 S. 3540 W.  
File No: PLCUP202100040  
Applicant: Kyle Dean

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

Chair Hollist asked if this is approved would there be anything that prevented him converting that covered patio into a portion of the home and essentially building a building that is 70% of his home footprint, fully enclosed.

Mr. Schindler said no, he could enclose it because they count the covered patios, but it would be a pretty small living space to have someone live in that. He couldn't enclose it for a living space or a bedroom or anything like that, or put a kitchen in it because his zone does not allow a guest house. He does have a bathroom that is in the garage in the floorplans but there is not anything that would prohibit home from enclosing that patio. The overall coverage of the lot is already 71% so enclosing it doesn't increase that coverage.

Chair Hollist said I would like to know if what we are seeing today would be the final product, or if there was no guarantee that it would not be modified once he got approval for the increase in square footage.

Mr. Schindler said that he would not be allowed to increase the square footage from what he has proposed already because the way they look at it, they count the square footage under that patio roof, whether it's enclosed or not. If he covers his other patio that is attached to his main house, that would increase it enough where he would be 60% or less, which they are not always in favor of.

**Kyle Dean, (Applicant)** – said the structure is not going to be fully enclosed on the covered patio, and it would never be considered living space.

Chair Hollist said do you intended to build a pool?

Mr. Dean said yes I do.

Chair Hollist said where this covered patio is so close to where you could add a covered patio to your home, is there was a reason you preferred the patio on this structure, versus on your home?

Mr. Kyle said on the upstairs of the house it would obstruct the view if I had it on the patio of the house. If I have it on the garage where I already planning to construct it, it makes more sense to me.

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

Chair Hollist said I tend to be uncomfortable making exceptions to ordinances. If I knew for sure that was going to be a covered patio, and not enclosed I would be more prone to approve it.

Commissioner Gedge said if they were to have done the covered patio on the house this would have gone through staff approval, not to the commission. It's within that range and it's just done that way to not obstruct his view from the exterior building. It is on the record that he is saying he is not going to enclose it, so hopefully that alleviates some of the concerns.

Commissioner Darby said I am inclined to agree with Commissioner Gedge. It doesn't seem like there is anything too detrimental about it and I am inclined to approve.

Commissioner Morrissey said I have nothing further to add.

Chair Hollist said how binding is this? If we have it on the record and have heard it from the applicant that this will be an uncovered patio, is that what must go in.

Mr. Simonsen said yes, that is what must go in, and if that does not go in he will be subject to enforcement. If you want to make it a specific condition, although he already believes it is a condition of the conditional use permit, you can add it as a specific condition that she is citing as a condition of approval.

Commissioner Gedge said before we proceed and put that in as an extra condition to the conditional use permit, we should ask the applicant if he would agree to that.

Chair Hollist said Mr. Dean is there a condition you would accept as a part of their approving this conditional use permit.

Mr. Dean said this is going to be covered, just not enclosed.

Chair Hollist said it would be clear that the covered section (360 square feet), will be covered but not enclosed.

Mr. Dean said I agree that I will not enclose it.

Mr. Schindler said before you impose a condition on it, you have to identify a detrimental effect that is going to mitigate it. I would be wary about adding a condition, because if you make a motion and it is approved as proposed with no future alterations, that might work. If you add the condition there has to be a detrimental effect that they are mitigating by proposing the condition.

Chair Hollist asked if a detrimental effect could be an exception to an ordinance that may lead to future requests to exceptions.

Mr. Schindler said I would say no, but I will allow Mr. Simonsen to answer that.

Mr. Simonsen said I am not too worried. We have the applicant that has agreed to the condition, and to him the detrimental effect is that there is a history of people enclosing these and violating the zoning. So, if you do it the way Mr. Schindler suggested, I think that is a perfectly acceptable way of doing it.

Mr. Schindler said maybe you could word it with the additional requirement rather than a condition that the applicant has agreed on. That makes it clear, and the applicant did agree to it on the record, and it would not be called a condition, just an additional requirement that the applicant has agreed to.

Chair Hollist said in the staff recommendation motion it actually specifically states a detached garage with covered patio so I think that is sufficient based on the feedback Mr. Schindler has giving us.

**Commissioner Gedge motioned to approve application PLCUP202100040 to allow for construction of a detached garage with covered patio located at 10157 S. 3540 W. as proposed.**

**Chair Hollist seconded the motion. Roll Call Vote was 4-0 unanimous in favor; Commissioner Catmull was absent from the vote.**

**IX. LEGISLATIVE PUBLIC HEARINGS – None**

**X. OTHER BUSINESS – None**

Commissioner Gedge said he hopes the elected officials will read these minutes where all of these concerns are noted and if they feel that it is necessary they can take the next steps to have that engagement with those property owners or developers to maybe make improvement for all the citizens of the city.

Mr. Schindler said Daybreak had been having meetings, I don't know why they chose not to have a meeting with this group, other than they probably knew what they were going to hear and maybe they just avoided it because of that. Even though everyone attending may not be able to talk to them, I feel that I has a good enough relationship with Mr. Langston to let him know that they need to start doing those meetings when they are going to be that close and they know they aren't going to be happy. They need to have those meetings so they can show these people, and tell them right up front if they want to, that this is what they are going to build and there isn't much they can do about it. Then at least they are not being shocked by the notice he sends out. He does include in the notice a copy of the plat that is proposed, that's how these residents knew there were 14 townhomes there, along with how many total there would be along with the range in sizes from two to four stories. They get a lot of information up front from him but that's kind of too late by then because it's only 10 days away from there hearing with all of those here. He said he would bring it up to Mr. Langston.

Commissioner Gedge said this was good. Obviously getting the public notice from the City may have been their first communication of this process, other than what was possibly disclosed to them (or not disclosed) at closing and so that dialogue between their residents and them might help everybody all around.

Chair Hollist said that I will plan to email my City Council Member so that it's on his radar for sure.

## **ADJOURNMENT**

**Chair Hollist motioned to adjourn the March 9, 2021. Planning Commission meeting. Commissioner Darby seconded the motion. Commissioner Catmull was absent from the vote.**

The March 9, 2021 Planning Commission Meeting adjourned at 8:11 p.m.

**This is a true and correct copy of the March 9, 2021 Planning Commission minutes, which were approved on March 23, 2021.**

**Cindy Valdez  
South Jordan Deputy Recorder.**