

**CITY OF SOUTH JORDAN  
ELECTRONIC  
PLANNING COMMISSION MEETING  
COUNCIL CHAMBERS  
April 12, 2022**

Present: Chair Michele Hollist, Commissioner Nathan Gedge, Commissioner Trevor Darby, Commissioner Steven Catmull, Commissioner Laurel Bevans, Assistant City Attorney Greg Simonsen, City Planner Greg Schindler, Deputy City Recorder Cindy Valdez, Deputy City Engineer Jeremy Nielson, Planner David Mann, Planner Damir Drozdek, Planner Ian Harris, Senior IS Tech Phill Brown, GIS Coordinator Matt Jarman, Meeting Transcriptionist Diana Baun

Others: mjb66, adamjohanson, Lynnette Larsen, Kathleen Joann Scott, iPhone, johnstillings, Luisa Echeverria, Sarah Duke, Kyle Asay, tlasay, Melissa Mitchell, Julie Tate, Kris Bevans, Tyler Heath, Gary Langston, Mark Sontag, Larry Solomon, Kris Nielson, Lori Vernon, Si Goodfellow, Deborah Richard, Glade Mumford, Carol Lee O'Connor, Bill Hahn, Jeff Curtis, Cecil Burk, Brandon Asay, Jay Balk, Will Monroe, Gary Godwin, Rebecka Porter, Neale Neelamessham, Pam & Lynn Brown, Dave Case, Steve McMullan, David Ewell, Larry Solomon, Duaine Rasmussen, Cem Lyman, Clint Olson, Gary Woodbury, Wendy Quilter, Thom Urie

6:32 P.M.  
**REGULAR MEETING**

**A. WELCOME AND ROLL CALL – *Commission Chair Michele Hollist***

Commission Chair Michele Hollist welcomed everyone to the Electronic Planning Commission Meeting.

**B. MOTION TO APPROVE AGENDA**

Commissioner Gedge moved to amend tonight's agenda to remove Item H.2., Sego Lily Day Spa Site Plan Application, and approve the rest of the April 12, 2022 Planning Commission Agenda as published. Chair Hollist seconded the motion; vote was unanimous in favor.

**C. APPROVAL OF THE MINUTES**

Commissioner Gedge motioned to approve the March 22, 2022 Planning Commission Meeting Minutes as published. Chair Hollist seconded the motion; vote was unanimous in favor.

**D. STAFF BUSINESS - *None***

## **E. COMMENTS FROM PLANNING COMMISSION MEMBERS**

Commissioner Nathan Gedge asked to have the two different kinds of hearings, administrative and legislative, explained for the public. Also, there was a lot of public comment received prior to tonight's meeting, and he wanted to discuss those who already sent in comments also getting three minutes to speak, essentially doubling their time. He asked for the commission's feelings on limiting their time to only items not included in their previously submitted emails, as many of those emails were lengthy and detailed.

Assistant City Attorney Greg Simonsen explained that an administrative hearing has different standards than a legislative hearing, and we have both on the agenda tonight. For administrative hearings, particularly the first item on the agenda which is a preliminary subdivision application for a permitted use that has already been zoned, the standard under our code is that it can only be denied if the project does not meet city ordinances or sanitary, sewer or culinary requirements. With respect to legislative hearings, in particular the three rezone applications we have tonight, this is just a recommending body. Under legislative matters, the commission can consider virtually any evidence or opinion, and make a positive or negative recommendation as long as it is reasonably debatable. The commission is much more limited on the administrative matters.

Commissioner Gedge addressed the public comments, he just wants to make sure we are fair to the people we cut off at three minutes, but other people who already emailed in all their concerns are then given time to expound on those in person. His recommendation is that those who have submitted previous emails be limited to possibly one minute, and request that they only give information that is not already included in their original email.

Chair Michele Hollist said that she and Commissioner Laurel Bevans spoke previously and checked with our Deputy City Recorder Cindy Valdez to ensure that those previously submitted emails are entered into public record. If those comments have been submitted to the commission and city staff, they will be included as part of our public record; she thinks that's an important point to make with what has been proposed. She then asked if Commissioner Gedge has a motion, or if there is any discussion on the matter.

Commissioner Laurel Bevans noted that since we have switched over to a new email system and some have had issues with email this last week or so, there may be emails they missed. At least for tonight, she suggests letting everyone speak because she may not have seen all the emails with those aforementioned email issues.

Chair Hollist noted she thinks that is potentially fair as well.

Commissioner Steve Catmull suggested we request, as a matter of courtesy, to try not to duplicate comments that may have been previously made. We do consider them, to the extent they can they read the emails as they come in. He would be more reluctant to make it a rule they try to enforce during this meeting and instead just keep it open to the three minutes, asking the public to please try not to duplicate.

Commissioner Bevans added there might be people who sent stuff in that they want to talk about in the meeting so it can be displayed, and that might be getting into some murky water by creating a hard rule.

Chair Michele Hollist asked if there is further discussion, if Commissioner Gedge would like to present a motion, or if he is satisfied with the discussion.

Commissioner Gedge said he is fine with the discussion, but he also brought up anyone claiming to represent a group to expand their time. It seems in their previous meeting there were several people representing a group, but there should only be a singular person representing a group of residents and not multiple people just to extend the time from three minutes. He wants to make sure everyone is following the same rules and no one is allowed to try and beat the system to get more time. He agrees that with the email system issues everyone should be allowed to talk, as long as they are aware that we have received and reviewed the previously sent emails and ask that they try to only present new information that may not have been already heard, or second what a previous commenter has said rather than repeating it.

Chair Hollist noted for the public's benefit that the reason this discussion has come up is because our last meeting went until 11:15 p.m. and they'd like to get themselves and everyone in attendance out sooner than that.

Commissioner Gedge said he will not make a motion, but suggested in the future that if they do have additional items and they feel people are abusing the system, they might reserve the right to amend their rules if needed.

Chair Hollist would be open to an email discussion after this meeting to further discuss so they have an opportunity to discuss everything with staff before making a rule change; the commission all agreed this was satisfactory.

**F. SUMMARY ACTION – None**

**G. ACTION – None**

**H. ADMINISTRATIVE PUBLIC HEARINGS –**

**H.1. DAYBREAK VILLAGE 7 PLAT 5 PRELIMINARY SUBDIVISION**

Location: Generally 11700 South 6165 West

File No: PLPP202200020

Applicant: LHM Real Estate

City Planner Greg Schindler reviewed background information from the Staff Report.

Chair Michele Hollist asked about the distance that gets notified from a site like this.

Planner Schindler answered they notify within 300 feet.

Chair Hollist asked if all of the homes within 300 feet were notified.

Planner Schindler said they should have been, and that he had a list of everyone a notification was sent to.

Chair Hollist noted that Planner Schindler commented that the density proposed this evening is similar to what's around it, and asked if he had the numbers of the density to the west.

Planner Schindler said he didn't remember those numbers exactly, the numbers for Village 7 Plat 4 he believes were similar to this and they were all single family lots as well.

Commissioner Nathan Gedge addressed the noticing as well and asked if the 300 feet radius was a state or city requirement.

Planner Schindler said that is a city requirement, there is no state requirement to even have a public hearing for subdivisions.

Commissioner Gedge asked if there is a different noticing requirement for Daybreak from the rest of the city.

Planner Schindler said no, our code for public hearings is the same throughout the entire city for subdivision site plans and rezoning; unless otherwise stated in the code the requirement is 300 feet.

Commissioner Gedge asked to confirm that the noticing can be letters by mail, signage placed at the property, possible postings to the Utah Public Notice Website, and asked if there are any other places we would post this information.

Planner Schindler said that for this item, it is either/or as it is not a requirement to post it, and usually the option for the 300 foot mail out is chosen since the other options aren't viewed by as many people. For rezones, they are required to post a notice and our code requires it to be posted on the state public notice website, as well as our website. Staff checked to make verify and the notice for this agenda was placed on March 31 on both the state and our city website.

Commissioner Gedge noted that if was posted on March 31, and today is April 12, that is within the allowed timeframe that the city has set as its standard.

Planner Schindler said 10 days' notice is required, they always post and mail the notices sooner than the 10 days to try and make sure things get there, usually they arrive within the 10 days.

Commissioner Trevor Darby asked to clarify that this is a village, which means it could be up to 25 units per acre.

Planner Schindler said it's designated in the Community Structural Plan as an area called a "Village Area." There is also "Town Center," "Village," "Research and Development," and there is another commercial type of area that they have.

Commissioner Darby asked to confirm that theoretically the "Village" would allow for 275 units to go into this area, but they are only proposing 85 units.

Planner Schindler said we haven't have anywhere in Daybreak yet, in a "Village" area, that has even approached the 25 max units; even the most dense townhomes are around 20 units per acre.

Chair Hollist asked if the applicant was present and had anything to add to the Staff Report.

**Gary Langston (Consultant for Oakwood Homes with Third Cadence)** Oakwood Homes has retained their law firm to help them manage the entitlements, engineering and construction for not only Village 7 Plat 5, but also Village 7 plat 4 which is under construction.

Chair Hollist opened the public comment portion of the hearing.

**Mark Sontag (Resident)** submitted written comments so will limit his remarks to one specific issue, that is two parts. Personally, he is not asking us to deny this application, that is not the reason he sent in his comments, nor is it the reason he is here tonight. What he is looking for is better information for the residents, as the information provided was inadequate. His home is directly adjacent, as shown in sheet two of six that was mailed out, to the proposed development. Next to his home right now, outside of his property line, is a green space, a sidewalk, some additional green space, and a temporary access road so they can access the alley. From the materials provided, it is absolutely impossible to tell what is happening to any or all of that space from the property line to the first house. Before he could even begin to comment about it, he would need much better detail. His request is, rather than rushing to approve this project, to give them better information. His other question has to do with the density that Mr. Schindler was talking about. Phase 4, where it is located, has are no homes existing within 300 feet of the project; the reason the commission heard nothing about density for that is because there was no one, unless they were looking through the websites as Mr. Schindler mentioned, who was aware that the project was coming up for approval. You now have residents that were notified, and there are a number of people here tonight, and their concerns would have been expressed about density. Not regarding the number of homes per acre, that is not their issue with the density; the issue is the number of roads that run north/south and east/west. If you have been out in that area, you know that Herriman High School is directly at the corner of 11800 South and Daybreak Parkway. He has a two story home, from the second floor they can see that intersection and unfortunately there is many a morning where there is a traffic accident there. He is concerned that with Phase 4 and Phase 5, all of that traffic from 212 homes, emptying out on to Kitty Hawk or Willow Walk, we are just asking for trouble because all of those intersections are uncontrolled. Again, his request is not to deny, that is not why he is here, he is just asking for the commission to ask the builder to provide the city and residents with greater information so they can clearly understand what is happening.

**Larry Solomon (Resident)** lives two houses from the proposed area, which is directly to the west of him on the same side of the street that he lives on. The main issue that he wanted to bring up, and he knows we aren't here to have questions answered, but the concern he has is that they are a senior community of 55 and over where many of the residents are 80 and older. His concern is for the safety of having only lanes in that whole development that run east to west, with one entry and exit point on each end east to west satisfying almost a quarter mile of track; that is a concern to him in the case of an emergency, evacuation, etc. The details of the drawings, he feels, were very inadequate to understand exactly what was being proposed; they couldn't see the numbers on each of the home lots. He heard more information here than he got from that drawing. He is also not asking it to be denied, he is asking for better information and for consideration of the fact that it is a senior area; this is not a family area, there are no kids in this area, these are seniors that may have special and medical needs.

**Carol Lee O'Connor (Resident)** is also one of the property owners that did submit email comments. Regarding the email comments, she suggested as we tighten that process up that we also put in there what size attachments can be added as hers got kicked back because the attachment she originally sent was too big and she had to resize it; she found that out eight minutes before the submission time was over. Backing up her fellow residents, she also is not here to ask for denial, but just to get more information. She piggybacked on to what Larry just said regarding safety, as a property owner who had to call 9-1-1 within the past three months and have the fire department show up, it would be very concerning when you have full residents there; getting through those long roadways, that is a big concern. Also, as Larry and Mark said, they really do need better drawings and better information. One thing they all had mentioned, and staff clarified about the notices going out, was that they had neighbors that did not get the notices and had to call to get them mailed. Her husband gave their copy of the notice to another neighbor who did not receive theirs, so that process needs to be tightened up and there needs to be a way to verify it. She is going to assume that if they send in comments, the council has read them, or will read them, before decisions are made. When she logged onto the site and saw the 129 pages of stuff for tonight's meeting she quickly scanned to what she was looking for, so she doesn't envy their jobs to read all 129 pages. She did go down to the sales office in their development to see if they had any information, and the representative she talked to there didn't even have the plan that was submitted here; she said Ms. O'Connor knew more than she did. We need better transparency and a map they can read.

**William Hahn (Resident)** said that on map, one of the things they promoted within their community was that there is green spaces. On the map, something is marked "P-135" but they haven't been able to get any information on what that means. Is that a green space, flat green space, possibly a water retention basin, or some people were confused that it might have been a parking lot called "Park 135;" they are somewhat interested in knowing what that means. They don't see any attempt at green space areas. If you look at the broader map of the community, there are passageways/walkways through different roads, and that doesn't seem to be something they are following through with on here.

Chair Hollist closed the public hearing. One concern brought up by several residents was more information. She asked staff what information the city provides residents, and what is required to be provided to them.

Planner Schindler said they are only required to give them notice of the hearing. By adding the location map we are going beyond what we are required to do, and adding the sample of the subdivision plat is still beyond. At the end of his notice, it says “please call the South Jordan Planning Department during regular business hours at ‘phone number’ or email city staff at the address above for additional information about the proposed.” So, if they felt like they didn’t get enough information in what he sent them, they had the opportunity to call or come in and look at it first-hand. Normally we don’t have too many things printed out anymore, but staff can definitely print information for them if they come in.

Chair Hollist asked how fixed what we are seeing tonight is; once this is approved, does it have to precisely follow what is being shown or be seen again.

Planner Schindler said they have to follow this, there are no changes that can be made as the commission has approved the preliminary plat; the final plat that comes in for recording has to match the preliminary plat.

Chair Hollist asked about things like the P-135 area, do they have to be the dimension/size currently shown.

Planner Schindler said yes, they will have to be that size. As far as he knows, that is considered a park lot; he doesn’t believe it is being used as a detention basin, but the applicant can verify that.

Chair Hollist asked about the concerns regarding the roads and traffic. There was concern about the density of the roads and she asked staff to clarify that what she is seeing on the map is a lane, and then a public road, and then a lane and a public road; roads would probably be for through traffic and lanes are just for people trying to get to their garages.

Deputy City Engineer Jeremy Nielson replied that is correct. Homes have the double frontage, so they will have lanes in the back and the roads in the front; from what he can tell, all of these appear to be double frontage, but the applicant can confirm that. The lanes are the narrow ones in the back, the major roads are the ones going east and west and they are in the front.

Chair Hollist asked regarding safety, which option would an emergency vehicles access; would they try to access via the lane, or would they access the home via the public road.

Engineer Nielson said they could access either way, but he lives on an alley and he has usually seen them use the main road in front for access to the homes.

Chair Hollist asked if the lanes are big enough for our emergency vehicles.

Engineer Nielson said yes, they are 16 feet wide.

Planner Schindler said that generally, if it’s a fire truck, they will fight it from the street because the fire trucks do take up a little more space, but they could get a fire truck down there too. Since they have two feet on either side, there may be only 16 feet of concrete back there, but there is also two extra feet on each side if they have to put down stabilizers or anything else for single or double story buildings, for taller buildings they would need more space.

Commissioner Gedge asked where the hydrants are located, are they on the main road or the lane.

Engineer Nielson said they are on the main road.

Commissioner Gedge noted that there wouldn't be a need for them to use the narrower road then, unless it was an ambulance or police officer, some other kind of emergency vehicle.

Engineer Nielson also noted that when you look at these lanes, the 90 degree bends, they are not very friendly for a large fire truck. He was more addressing how an ambulance or other emergency vehicle could navigate that.

Chair Hollist asked for a description of where the 55+ community is located, with relation to this development. Also, is this proposed development going to be a 55+ community.

Planner Schindler said this is called Springhouse Village. Everything north of it, up to Lake Avenue and east of it over to Kitty Hawk Drive, and then south to Daybreak Parkway and 11800 South is considered the Springhouse Village; their counterpart on the east side of Daybreak is Garden Park. They are different builders, but they are both 55+ communities. The area just to the east of this proposed plat is their community center with amenities; it is not open to the public or anyone else in Daybreak. This proposed development is part of that same community, same with Village 7 Plat 4 which is an extension of this as well.

Commissioner Steve Catmull asked staff how we determine the number of exits to put in a subdivision. Looking at Sunstone, it feels like 300-400, and it has three exits to 11800 S. He'd like to know how the decisions about numbers of exits are made.

Engineer Nielson said the good planning practice is to have multiple accesses, to spread traffic out and not concentrate it. By doing that, you keep your volumes lower on the streets. They look at level of service of the streets, and try to keep the highest level of service on the streets as possible. For example, on residential streets Level of Service A is up to about 300 vehicles per day. Providing the multiple accesses helps spread out that traffic and keep service levels high. As far as the city is concerned, we make sure our streets don't fall below Level of Service D. Ideally, the developer wants a quiet community as well so they're providing those multiple accesses to try and keep it a quiet street.

Commissioner Catmull said it looks like the exits on Willow Walk and Kitty Hawk are bounded between Lake Avenue and 11800 S, and both of those are lit intersections from what he remembers. He believes 11800 S is a collector street, which was confirmed by Engineer Nielson.

Engineer Nielson said most of the other streets in Daybreak like Kitty Hawk and Prosperity Road would be more like a residential collector street, but they are designed to carry higher volumes.

Mr. Langston said the P lot is not used for retention or detention, it will be generally flat and largely a lawn panel with trees and shrubs. It is meant to serve as an extension of the front yard of the homes adjacent to it, but it is a remnant open space that's leftover with mostly turf.



Chair Hollist noted there were some emails about concept maps. They have run into these before with Daybreak, but often these concept maps are marked and the one we were provided a hard copy of is also marked that the drawing is conceptual in nature and subject to change. From what she is seeing from the staff report and the zoning, it appears to meet what the area is zoned for and what is allowed.

Commissioner Catmull asked to address the email attachment issue, possibly give some guidance where the residents can go for more information.

Chair Hollist said that in the noticing there is a note that says information must be submitted by a certain time. She did make a note that the commission needs to discuss those email rules after this meeting, as well as the admission time; she thinks 5:00 p.m. is a little bit too late for them to be able to thoroughly review everything.

Commissioner Catmull just wanted to make sure that the resident who had issues with the size of her upload knows where to go to get help or guidance, to make sure she can submit what she wants to submit.

Planner Schindler is not sure what the limit is for the public. For staff, 10 MB is usually the maximum size we can email externally; internally we can email larger than that, but he believes external emails less than 10 MB have been successful. He will check on that and then add it to the notice.

Commissioner Gedge asked what the city council does, if they allow emails and/or attachments, or do they require physical evidence presented at the meeting in which they are hearing the item.

Planner Schindler said that Planning's notices are similar and the same as the ones for the council, they just go to a different body. He assumes they accept them through email since we have that same statement on the notices that the public can submit comment through email. He doesn't know how they're addressed at the council meetings.

Commissioner Gedge wanted to check on that before they have the discussion and get advice. He wants to make sure they are not setting a precedent different than the council.

Chair Hollist said she will be going to a City Council meeting next week, she will get some clarification then.

Planner Schindler noted that one of the residents had asked a question that hasn't been addressed yet. He said he lived two houses away from the end of the existing lane on the property, and had asked about the sidewalk and green space next his neighbor's house and the temporary access road. Mr. Solomon lives in the model home village for Village 7, and there is a lane that goes behind his home that will eventually turn to the south and come out on Sparrow View. The lot numbers 500 and 526 are adjacent to the former model home village, where there might still be some model homes. Where Mr. Solomon lives, his house fronts on to Folly Island Drive on the north side; his neighbor is adjacent to this subdivision that's being proposed. The narrow strip next to his neighbor's house has a sidewalk and a little bit of green space that connects between Folly Island and Sparrow View. Where lots 500 and 526 are shown, that is currently an asphalt

strip that connects the two lots, a temporary access for the people living on that lane now so they can get out of there because with just model homes there was no access to it. Prior to recording this plat, even though the commission is addressing the preliminary plat, we will not allow the plat to be recorded and those lots to become official until the lane is opened up on the east end and connects down to Sparrow View. That will be one entrance, then on Atherly Lane at the other end will be the other way out, that will be the connection for the entire lane. There will be two more homes over there, but we won't allow the plat to be recorded and nothing can be built until they finish that new lane and it's open at the other end.

**Commissioner Gedge motioned to approve File No. PLPP202200020, Preliminary Subdivision, subject to all South Jordan City requirements being met prior to recording the plat. Commissioner Hollist seconded the motion. Roll Call vote was 5-0, unanimous in favor.**

#### **H.2. SEGO LILY DAY SPA SITE PLAN APPLICATION**

Location: 10418 S Willow Valley Rd

File No: PLSPR202100204

Applicant: Johan VanZeben, VanZeben Architecture

**Agenda was amended to remove this item tonight.**

#### **H.3. CRESCENT VISTA PRELIMINARY SUBDIVISION PLAT**

Location: 11324 S. 445 W.

File No: PLPP202200005

Applicant Clint Olson

Planner Damir Drozdek reviewed background information from the Staff Report.

Chair Michele Hollist noted that our fencing requirements have recently changed to allow staff the decision of whether or not to waive those requirements in specific situations. She asked if staff is just notifying the commission of their decision for this project, rather than needing their input on the fencing issue.

Planner Drozdek said that is correct, the commission does not weigh in on the fencing issue for this project.

Chair Hollist asked if the road is currently set up to potentially go through to the properties on both sides in the future, and if that why the T-shape is there.

Planner Drozdek said yes, there are vacant properties to the north and south and the idea is to connect to those properties. Eventually, once the property to the south develops it will tie into Willow Creek Avenue at the south end and provide a type of second access to these properties that are vacant now.

Commissioner Nathan Gedge asked about the numbers for daily traffic on 445 West. He asked if the road is capable of handling current numbers, and if the addition of nine homes would cause traffic to exceed the daily load for that type of road.

Deputy City Engineer Jeremy Nielson said he counted about 15 lots that access 445 W. Single family homes usually generate about 10 trips a day, working out to about 150 trips a day currently which is within Level of Service A. As mentioned previously, we try to stay above Level of Service D, so the road still has plenty of capacity as the city sees it.

Commissioner Laurel Bevans asked for the total density right now in this neighborhood zone, and how close to the limit they are; will this allow other neighbors with larger lots to subdivide in the future, or will they have to rezone.

Planner Drozdek said no, they would not have to rezone; the ones to the north and south of the proposed project can subdivide on their own. In addition, these properties are not part of any subdivision.

Commissioner Steve Catmull asked about the corner at 11300 South, he believes it's a three way stop; he asked staff to confirm the number of stops at that sharp corner.

Engineer Nielson asked if he was talking about Brooke N Lance, where it exits onto 11400 South.

Commissioner Catmull responded that yes, that's the spot.

Engineer Nielson said he drove it just the other day and he thinks it's a two way stop, with Willow Creek having the stop and Brooke N Lance having the free movement.

Commissioner Catmull asked to confirm that there is enough traffic control at that intersection to attempt to mitigate accidents occurring there.

Engineer Nielson said that he did a search on accident data for this area, he didn't find any accidents in the last 10+ years, excluding anything on 11400 S.

Commissioner Catmull asked about the interior sidewalks. When you get to Willow Creek there are no sidewalks, are the sidewalks just because we have a standard and we want good interior flow in that area. He doesn't think anyone would be able to walk easily up Willow Creek Ave if they wanted to.

Engineer Nielson said the road is very quiet, he's sure residents probably walk up and down that road even though there is no sidewalk there.

Commissioner Catmull asked about vehicle and pedestrian accidents being included in the accident data that was referenced.

Engineer Nielson said yes, that information would definitely have been included as it is considered extremely important.

Chair Hollist asked if the applicant was present, and if they had anything to add to the Staff Report.

**Clint Olson (Applicant)** was present and willing to answer any questions.

Chair Hollist opened the public comment portion of the hearing.

**Jay Balk (Resident)** lives directly to the west of this project. He has some concerns about the west boundary line of this project, which backs up to his property. He currently has water rights to Willow Creek and has reservations on whether the creek itself is going to be diverted, running through a culvert or anything else that would limit his access to his water rights there. He also wanted to ask about fencing and the plans there, but he believes that was answered earlier with the comment that there will be no fence. His main question is if there will be any improvements to the creek. Also, on the County Assessor's website it shows a five foot gap between the project and his property, and three other properties that are adjacent to the north and south of him. On the County Surveyor's website there is no recorded survey, as it looks like the five foot strip has been included in the developer's property here and he is wondering if there is access to a survey that shows that was resolved properly.

Chair Hollist asked to confirm that he is located to the west of this project.

Mr. Balk responded that yes, he is directly to the west.

**Steve McMullan (Resident)** said the ground where the T goes concerns him, as it ties in to Vernon's zone and Leonard's zone, and wants to make sure that the T's accessing into it is not land locking a strip for those. There are existing sewer lines through the three lots down on the bottom. When 11400 South was widened, there was no sidewalk down Willow Creek because they made a variance for 445 W, the length of it was illegal and there was nothing else to do. Regarding accessing on to it, when they did 11400 S they were told by the city and UDOT that 445 W was built out and that's why there are no sidewalks down Willow Creek. The right turn when going down 445 W at 11400 S is a very tight turn and there are no stops, nothing there; There is just the stop up at the top where off 11400 S they go down Brooke N Lance.

**Cem Lyman (Resident)** is concerned that when 11400 S was built and developed, it was the city that signed off and said they didn't need a sidewalk. She thinks the reason there are no accidents there is because none of them are crazy enough to let their kids go there, or walk there; it is a very narrow street so she has major safety issues on that. When she spoke with city staff in the summer, they said that the 500 foot cul-de-sac limit would have to be approved by the fire marshall because it went through a lot while working on 11400 S to take care of the length of that cul-de-sac and how safe it was or was not. She is concerned about that just being decided, as it is up to the fire marshall and a variance that she assumes could continue, but if all of the other lots on the street are eligible to develop their property to the third acre amounts she wonders what type of traffic that would put on that corner. This is a quiet street unless you are sitting out front and actually see how much traffic does go by. If this plan is approved, will the other properties be approved for the same density, and does that meet the safety requirements.

**Dave Case (Resident)** has been there for 30+ years. This road went from eight to 16 homes, now you are talking about putting another nine homes on this road. Traffic, driving it every day, is a concern; it's a little road, there are no sidewalks. As has been said before, when they did 11400 S

and they extended their cul-de-sac down through the bottoms there is a 10-20 foot wall on one side which makes it pretty tight; that's a concern there to look at if the neighbors to the south ever decided to develop and take a road out there, it would be a big concern turning right as it practically goes right into a wall.

Chair Hollist closed the public hearing. She asked staff about creek water access, if someone can change how that creek flows or divert the water.

Engineer Nielson said the applicant can confirm it, but he is not aware of any changes being planned for the creek.

Chair Hollist asked specifically if they are allowed to make changes.

Engineer Nielson said they would need stream alteration permits, and quite a few other permits they would have to get, mostly through the county, to be able to make those alterations.

Chair Hollist asked staff about the five foot gap, and for the location.

Engineer Nielson said he sees the five foot gap on the county parcel map, but he is not a surveyor; that is something they would need to get a surveyor to interpret. It appears to be in the area where the creek is, right on the inside property line between Brooke N Lance and 445 West, based on what he's seeing.

Planner Drozdek said they have already received comments from the county recorder's office and it has to go to the surveyor's office before a plat can record. That is one of the issues that was brought up, that there is a five foot gap and that needs to be resolved; the county will not record the plat until this issue is taken care of,

Chair Hollist asked to confirm that, regardless of how they vote tonight, nothing happens until that gets resolved.

Planner Drozdek confirmed that yes, that's correct.

Chair Hollist asked about the open space next to lot 6.

Engineer Nielson said that it is a detention pond for their storm water.

Chair Hollist asked who owns and controls that.

Engineer Nielson said it is owned and maintained by the city, according to Planner Drozdek.

Chair Hollist asked about sidewalks, if they are required with all new developments; will they be required here, and if the property is adjacent what about fencing fronting 445 W.

Engineer Nielson said yes, they will be required here and if the property is adjacent. He did not study the plan close enough to see if it will be required along 445 W. He knows there is no existing sidewalk, but there are no additional improvements planned on 445 W.

Chair Hollist asked if that was because the road is too narrow, and why there is an exception in this case.

Planner Drozdek said the road was built to an old standard, the city has no intentions of making any improvements on 445 W any time soon.

Chair Hollist asked about the concerns that properties will become landlocked by this development.

Planner Drozdek said they shouldn't be as both properties to the north and south have roads stubbed to them, so there should be adequate access to them and not landlocked in the future.

Mr. Olson responded regarding the creek, they are putting an easement in on the top of the bank, so nothing will be able to be changed unless it goes through the county.

Chair Hollist asked if he had any information about the five foot gap.

Mr. Olson said it came to his attention about a week ago, and that will be resolved through the county. He knows his property doesn't take any of that five feet, but it does have to be resolved before approval with the county.

Commissioner Gedge noted that some residents raised concerns regarding three of these potential parcels with the sewage line on it. He asked if the applicant will be relocating the sewer line, or is it fine where it stands.

Mr. Olson said he is keeping most of the sewer lines in place, and as is.

Commissioner Laurel Bevans said she understands the engineer waived the fencing requirements on the west end, due to the creek; will the homeowners be allowed to put in fencing if they would like, and where would those fence lines go as it looks like their lots include where the creek runs.

Planner Drozdek said he believes if they were to do any alterations to the creek, such as put a fence in, they would have to get it approved by the county.

Commissioner Bevans asked if they could put a fence in on the other side of that, just on their property line.

Planner Drozdek said yes, they could, so long as they are not interfering with the water flow.

Chair Hollist noted there was a comment related to zoning. Her understanding is that this entire area is zoned R-1.8, so anyone with a larger property with enough space to develop into smaller pieces would be afforded that same right if they went through the application process. However, she asked staff if what we are doing tonight only applies to what has been shown here with this one piece of land, not the others.

Planner Drozdek confirmed that yes, that is correct.

Commissioner Gedge noted that this is also not a rezone.

Assistant City Attorney Greg Simonsen asked about the five foot gap. As he understands it, that five foot gap is presently included on the drawings in front of us. The applicant has honestly said he doesn't own that five feet, but it will have to be corrected by the county before approval; Attorney Simonsen thinks that is true. However, his concern is that what we are approving tonight is a preliminary subdivision drawing, and that based on what he has heard there is a five foot error on it. He wants to make sure what he is hearing is correct.

Planner Drozdek said that his understanding is that it's a gap between two properties, it is not an overlap; the properties are not overlapping or intruding on each other.

Chair Hollist said that lot 6 is the smallest on that border. She asked if that lot were decreased by 5 feet on the back side, would that bring it below the minimum lot requirement.

Planner Drozdek said he can quickly calculate that.

Commissioner Gedge asked if they recommend approval and add a condition that the west boundary must be resolved, would that be satisfactory to address the error with the proposal.

Chair Hollist asked if Attorney Simonsen was asking for this to be tabled and resolved.

Attorney Simonsen said that as he reads the city code, it does have the word "condition" in it. However, he would not want to propose a condition without the applicant consenting. It sounds to him like the applicant is ready to concede that fight anyway because of what he said, this seems like a condition might be appropriate to keep the process moving.

Chair Hollist addressed the applicant, Mr. Olson, and said we have two options tonight. We can vote to move forward with the condition that the five feet is resolved, and keep the process moving. The other option is we can table it until it is resolved and the applicant will have clarity and can make sure he's happy with how the county rules.

Mr. Olson would like to proceed and then resolve that with the county; he is willing to give up that five feet if that's what it takes to get this done.

Chair Hollist asked staff to make sure that the one smaller lot referenced would still meet the minimum size requirement for this zone.

Mr. Olson said they have had the property surveyed and the five feet is beyond his boundary and what they had surveyed. Still, even if he had to give up another five feet he would be fine with that.

Commissioner Darby asked to confirm that the applicant's current drawings don't include that five feet.

Mr. Olson said yes.

Commissioner Darby then asked to confirm that there is five feet nobody is claiming on any drawings.

Mr. Olson said yes, that is his understanding.

Planner Drozdek said that, even if he was to give up five feet, it would not change his density on the project.

Chair Hollist asked what lot 6 would drop down to in terms of size.

Planner Schindler said it would be reduced by about 500 square feet; it is already 17,000 square feet so it would still be much larger than the minimum.

Commissioner Bevans noted that it looks like lot 5 has a 200 foot easement on that sewer line. She asked if that will affect the building envelope for that lot, and if the city has standards on the minimum building lot size.

Planner Drozdek said that it will affect it, but as long as they can meet the setback requirements on the side/rear then we have no other option but to approve it. They will not have as much flexibility with where they can put the house because of that easement, as obviously it has to be outside the easement.

Commissioner Bevans asked to confirm that the city has no requirement for building envelope sizes.

Planner Drozdek said there are requirements for lot sizes and setbacks, but not the envelope size.

**Commissioner Gedge motioned to approve File No. PLPP202200005, Preliminary Subdivision plat, adding the condition that before final plat approval the west boundary five foot gap will be resolved with Salt Lake County as agreed upon with the applicant. Chair Hollist seconded the motion. Roll Call Vote was 5-0, unanimous in favor.**

#### **H.4. CURTIS DETACHED GARAGE CONDITIONAL USE PERMIT**

Location: 10475 South 3010 West

File No: PLCUP202200042

Applicant: Jeffrey Curtis

Planner David Mann reviewed background information from the Staff Report.

Chair Michele Hollist thanked staff for including a section of the code on this specific issue, it is helpful when they are reviewing their staff packets. She asked if there is already a structure in the location where this is proposed to go.

Planner Mann said yes.

Chair Hollist asked if this will replace that current structure.



Planner Mann said that is correct.

Chair Hollist asked how big the current structure is.

Planner Mann said it's probably a little less than the footprint of the house, he doesn't think it's much bigger, but he could have the homeowner confirm that if they're here.

Chair Hollist asked if there are other structures in this area that exceed the size of the home footprint or height.

Planner Mann said you can see some to the west, across 3010 West, where there are some large structures with a smaller residential home. This subdivision is quite a bit older than some of the newer subdivisions, so the footprints of the homes are a little bit smaller with properties that are on average a little bit bigger than the typical third acre lot that you find in this zone. There aren't really a lot of examples of detached garages that would be similar when compared to the existing home, but as stated staff doesn't see any reason why this property couldn't easily contain the building being proposed without any significant impact.

Chair Hollist asked to confirm that all the zones around this are the same, R-1.8.

Planner Mann said that is correct.

Commissioner Steve Catmull asked if there is any limit on height for conditional use permits.

Chair Hollist said yes, it is 25 feet.

Commissioner Catmull noted that this is showing 21 feet now, with the conditional use they could tear this down in the future and build another one up to 25 feet.

Chair Hollist said they are only approving 21 feet tonight.

Planner Mann said this is being based on the submitted documents with their application. Also, with a height that would be taller than the current plans, the setback would have to increase.

Commissioner Catmull noted that all of those limitations are in the application itself, so it's documented.

Commissioner Nathan Gedge said that in the past few years they have had similar requests in this general part of South Jordan, where it was going to be used for a batting cage. He asked if they knew whether or not this property has any business licenses, he wants to make sure they won't be operating a business in this residential neighborhood; he wonder if it truly for storage.

Planner Mann said he hasn't heard any rumors as far as any commercial purposes associated with this proposal.

Chair Hollist asked if the applicant was here this evening and invited them up to answer some questions. She asked him about his intended use for the building.

**Jeffrey Curtis (Applicant)** responded that it is just to store recreational equipment. The height of it allows a motorhome to fit inside with a 14 foot garage, given the fact it is 42 feet in width it is 12' 2" in pitch; by the time you get to the center you are at 21 feet, starting with 16 foot eaves.

Chair Hollist asked to confirm that there don't appear to be any windows on the structure.

Mr. Curtis responded there are no windows, only one side door. It is a simple garage for parking a motorhome, a boat, a few Harleys and a few other things. He said there will be no commercial use, it's just a place to park stuff.

Chair Hollist asked the applicant to confirm that he is removing the structure on the property.

Mr. Curtis said the structure has already been removed. It was a small wooden structure barn, with a lot of junk on the property. They acquired the property about six months ago so they removed the structure and seven loads of garbage were hauled off, they cleaned up the property from what it was.

Chair Hollist asked the size of the footprint of the previous shed.

Mr. Curtis said it was 30 feet by roughly 28 feet, a little smaller than what they are currently planning; the new structure is a little bit bigger and taller.

Chair Hollist opened the public comment portion of the hearing. There were no comments and the hearing was closed.

Commissioner Catmull noted the lot is 0.44 acres, and assumes it can't be subdivided further based on the size.

Planner Mann confirmed that.

Chair Hollist doesn't tend to like exceptions, but based on the neighborhood and what's around it she is comfortable with granting this conditional use in this particular case. The stated use makes sense as far as the height needed.

**Commissioner Darby motioned to approve File No. PLCUP202200042, for a detached garage located at the address above.**

Commissioner Gedge asked if we need to reference that the height must be as contained in the application.

City Planner Greg Schindler said he doesn't believe it needs to be referenced, they are approving it according to the staff report.

**Chair Hollist seconded the motion. Roll Call Vote was 5-0, unanimous in favor.**

## **I. LEGISLATIVE PUBLIC HEARINGS**

### **I.1. SHIELDS LANE REZONE FROM R-1.8/R-2.5 TO R-3**

Location: 1379 W Shields Lane

File No: PLZBA202200034

Applicant: Hayley Pratt, Castlewood Development

Planner Ian Harris reviewed background information from the Staff Report.

Chair Michele Hollist asked if they were to rezone the entire piece as R-2.5, would that only allow four lots.

Planner Harris said there was some confusion early on about how many lots would be allowed on the acre, possibly because some of the property lines were messed up on the surveyor map. There was some back and forth with potential buyers of the site; we told them they could develop six parcels on the lot, but based on further review by staff it ended up only being five if it was rezoned to R-3, and that was corrected. He believes that is the reason why the applicant is applying for the rezone, to fit five lots. Five lots doesn't come close to that maximum of three units per acre, in fact it is closer to 2.6 or 2.7 units per acre.

Chair Hollist asked what minimum lot size is for the R-2.5 zone.

Planner Harris replied it is 12,000 square feet minimum. The minimum for R-3, which is what it would be rezoned to, is 10,000 square feet.

Chair Hollist asked, regarding lot 5, if there are any rules regarding little strips of land being part of a property.

Planner Harris said the discussion of that little strip has come up in meetings and emails. He believes the developer has established some kind of contact with the neighbor to the south, to begin the discussion of deeding that portion of land over to that homeowner. If that were to happen, he doesn't believe it would impact the density to an extent where it would fall out of line with city codes.

Chair Hollist noted that it was said the minimum lot size for R-2.5 zoning is 12,000 square feet. The smallest lot here is 11,946 square feet, she asked if there was a reason they wouldn't just slightly modify those lines and ask for the R-2.5 zoning.

Planner Harris said he believes it has to do with the density of the lots, with five lots on the size of this parcel at 0.9 acres it would be slightly over that 2.5 units per acre limit. It's not necessarily the square footage of the parcel that would be the problem, although that one is slightly under the limit, it is more the amount of lots on the parcel given the size of the area.

Commissioner Nathan Gedge said they have seen this property in the past few years, and know some of the history. He asked if when they saw this before it was the subdivision from the church lot, or was the rezone to the R-2.5 considered at that point.

Planner Harris said he is not sure, but it currently sits in a subdivision amendment titled "9800 South Church Subdivision Amendment 1."

City Planner Greg Schindler believes it was zoned R-2.5 as far back as when the church subdivision was created, it was already zoned R-2.5 at that point.

Commissioner Gedge is just trying to figure out the difference between today and when this was last heard, is it just changing it from four lots to five lots. They had no concerns that he recalls from that conversation, he is just trying to figure out why this is back before them today.

Planner Schindler said it might be that it's a different applicant.

Commissioner Steve Catmull asked staff if the property on the narrow strip was deeded, would it retain the same zone.

Planner Harris said the small strip on the east side is part of the rezone here that will go to City Council next. The proposal is to rezone that strip to R-3, and he believes the home that sits south of the strip is R-1.8, so it would be different. They were initially trying to work with the applicant to see if they could establish contact with that homeowner and gauge their interest before this rezone so things could be cleaned up, but he doesn't believe they were able to do that before we scheduled the rezone to come before the commission. If it does end up being deeded to that homeowner, then it may be the address to the parcel with that strip of land sits in two separate zones, and obviously the city would like to see it as clean as possible; we just don't know if that strip will be deeded before we move forward with the rezone.

Commissioner Catmull noted that it can be cleaned up later, he just wanted to make sure that would be okay, and if it was deeded there is no action that goes to the council or commission; it would just be a two zone property with the same address. There would be nothing actionable given the size from a structure perspective.

Planner Harris said he doesn't believe it would present any issue.

Commissioner Trevor Darby knows we aren't discussing the potential bulb, but if that were to be discussed, how far does it have to be from an intersection; is there a minimum distance.

Deputy City Engineer Jeremy Nielson said he is not aware of a minimum distance, just the radius of the bulb needs to allow for the fire apparatus to turn around and there are strict requirements about that.

Chair Hollist asked staff if the way this is drawn is a standard cul-de-sac.

Engineer Nielson said it looks like it, but he will check and get back to her.

Chair Hollist asked if the applicant or a representative was present this evening.

**Duaine Rasmussen (Applicant)** said his associate and partner, Hayley Pratt, couldn't be here this evening; she has had most of the interactions with the staff, and they both appreciate their involvement. He can answer a few questions, however there may be some lingering questions by the time they get done this evening. Regarding the little strip to the west, they did attempt to speak with the gentleman who owns the property on the corner. He doesn't believe the homeowner is very ambulatory, and he was not very welcoming of people knocking on his door so the applicant only tried once. The applicant knocked on his door with the idea that they wanted to give him that property, but he wouldn't even talk with them about it. Interestingly enough, yesterday afternoon he got a call from one of his daughters, and they may be in the audience but he wouldn't recognize them. It was a woman by the name of Ms. Rust, who lives out in Grantsville. She and her husband called the applicant back later and her initial discussion asked if they would be interested in acquiring some of the back part of the lot. Not that her dad would even consider it, but they asked if the applicant be interested. The applicant responded that he absolutely would be interested, either trading it or giving them frontage off of Shields Lane. When they finished up, there was no real conclusion to it, other than they wanted the applicant to approach the staff and city to say they have no use for that property and they don't want it to be a nuisance piece. The applicant said they could sell it with lot 5, with a recorded agreement that if and when that property on the corner develops they would be required to deed it over to whoever develops that property to avoid becoming a long nuisance strip. He is sure whoever they sell that lot to won't want to maintain it for very long either. That was an interesting question that came with this property, but it will need to be addressed. With regards to the rezone and their initial meetings with the DRC and staff, they felt like consolidating these two zones to what they have requested this evening was the best thing to do. They have gotten really close to the 12,000 square foot lots, they might be able to move some lines around but they don't know; they still have to abide by the cul-de-sac which has been designed to city standards and seems to match the other properties in the area in terms of developments. It made a lot of sense to them, and the DRC made it clear that they will need to submit a traffic study prior to actually platting this property, it doesn't come with the rezone. He knows the commission isn't considering the plat tonight, but they felt it was nice for them to have this information to see what they are considering on the front end.

Chair Hollist opened the public comment portion of the hearing.

**Glade Mumford (Resident)** said his concern and reason for being here is that he is one of the several people who owns water rights in the South Jordan Canal. Their ditch comes along the south end of this property, and his hope is that they can help the developer understand that this right of way has been there for probably 100 years or more; he has known it to have been there for over 43 years. It is an open ditch, and when the Church of Jesus Christ of Latter Day Saints built their building there, they elected to put a large concrete pipe and bury it with some clean-outs. He doesn't know what the developer is thinking here on how to address this, but it needs to be preserved and workable three days a week without exception. He has seen other areas where when there is an open ditch like this they just leave an area for it and that kind of makes for not a good atmosphere. Looking at the drawings, it would be very hard to maintain their access right of way to maintenance the ditch. It doesn't take a whole lot of maintenance, most of it is clearing the garbage

that the houses on the south throw over the wall and think nothing of. It's a long enough stretch of ditch that it would need probably two clean-outs they would need access to. If these homes are built the way the drawing is, they would be going through their private yards in order to take care of that situation. He wanted to make sure their rights as shareholders in that water are preserved.

Chair Hollist closed the public hearing. She reminded everyone that for the legislative public hearings, they become a body of recommendation; they are not the final decision makers on these items. These issues will be heard by the city council, with the commission's recommendations, and the city council will be the final deciders on these issues.

Chair Hollist asked staff about the water rights.

Deputy City Engineer Jeremy Nielson said the ditch would be private, but he has made a note to let the development engineer know that the ditch is there so he can make sure the engineers are addressing that in the design. They will need to get the ditchmaster's approval for any modifications to the ditch.

Chair Hollist asked about maintenance on the ditch, would the ditchmaster be allowed access on properties should maintenance or cleaning be required.

Engineer Nielson said that is part of the reason why they require the ditchmaster to approve of any modifications, to make sure that it's accessible to them and that they will be able to maintain it.

Chair Hollist asked if that would be akin to an easement.

Engineer Nielson said there probably isn't a recorded easement, but it's a prescribed right.

Assistant City Attorney Greg Simonsen said that if it has been there that long, there is not much question about their rights.

Commissioner Gedge said he is assuming that when the church was approved and put in, the concrete pipe had to be given approval from that ditchmaster; that would mean there is a precedent with them working with development to make sure the water can continue to flow through.

Engineer Nielson said that is the process they have followed as long as he has been working for the city. Sometimes it is a little tricky to find the ditchmaster, they don't realize they are the ditchmaster because these ditches have been around so long.

Commissioner Gedge said he assumes this would probably happen at the next phase, the actual preliminary site plan piece, and at that time they would address that formally.

Planner Schindler said that would not be addressed during a rezone, it would be when they want to develop; that would be at the public hearing for the subdivision.

Engineer Nielson responded to Chair Hollist's earlier question about the cul-de-sac, he was able to confirm that the cul-de-sac in question does meet our standards in terms of the radius.

Chair Hollist understands that these pieces of infill developments are sometimes hard to develop, and sometimes we see creative solutions. However, when it is possible to have something a little more standard she appreciates seeing it.

Commissioner Gedge said he is hoping there can be continued dialogue between the developer and property owner, regarding changing the property one way to make all parties happy. He is not opposed to forwarding a positive recommendation on this.

Chair Hollist sometimes gets concerned when they are asking for greater density than what's in the area, she does however appreciate that the minimum lot is very close to the R-2.5, as well that the density is pretty close, coming in at around 0.38 per acre instead of the 0.4. Since this is so close, and it creates an infill situation with a standard cul-de-sac, she is in favor of the zoning the applicant has requested.

Planner Schindler added that the subdivision directly south is also R-3, it has the same thing and these proposed lots are bigger than those existing lots.

**Commissioner Darby motioned to forward a recommendation to approve File No. PLZBA202200034, proposed rezone from R-1.8 and R-2.5 to R-2. Chair Hollist seconded the motion. Roll Call Vote was 5-0, unanimous in favor.**

Chair Hollist noted that this will be heard by the city council during their next meeting in one week's time.

## **I.2. HATT REZONE FROM A-5 TO R-2.5**

Location: 1060 West 10290 South

File No: PLZBA202200026

Applicant: Stan Hatt

Planner David Mann reviewed background information from the Staff Report.

Chair Michele Hollist asked how many lots could be put on this land if the rezone goes through.

Planner Mann said there would be one lot with the existing structures, on the east side, and then another lot on the west side that would be roughly one-third acre. He believes the property line was included in the packet, but the proposed property line would be just west of the line coming up from 10290 South on the survey, about one-third of the property.

Chair Hollist asked if when developed, would they be required to turn over any land to the city for a public road in the future, or is that tied up in where the lines fall on the properties to the south.

Planner Mann said no, he doesn't think it would be required to have any roadway dedicated, they would all continue to be used privately. As mentioned, the property lines that extend across the 10290 S would have to be cleaned up with the county and any legal processes that need to happen.

Commissioner Nathan Gedge said this seems pretty straight forward. He has no concerns and is assuming it will generate little traffic, so he thinks it's a good fit. He is sad to see open agricultural space going, but there is a need for housing and he likes that it will be a larger lot similar to the homes nearby.

Commissioner Laurel Bevans noted that there are lot lines that need to be adjusted. Right now, it looks like those lots are A-5; when those lot lines are adjusted, will they have to rezone that tiny piece into the R-2.5 or will it be automatically included.

Planner Mann said that part of a rezone application would be a legal description, explaining the area being rezoned. Staff would make sure, if approved, the legal description describes the area that will be part of this subdivision.

Chair Hollist asked if the applicant was present, and if they had anything to add.

**Kevin Tominey (Applicant)** is representing Mr. Hatt, he is seated here in the audience as well. Things seem very straight forward, it is a very large lot and he is splitting it almost in half. He has an aged mother who lives with him in the existing home, he has a growing family and it looking to put another house on the lot for he and his family so his mother can stay in the existing home. The standing structure now that you are looking at is a shed located in the middle with a concrete driveway to it. The lot is large enough he could locate the property line on either side of that and still have plenty of space to meet the code. Zone R-2.5 matches nicely with what it's up against on the north, actually less dense than what it's up against on the east and south; it seems fairly straightforward and a good fit for the neighborhood. As previously discussed, that road has been there well in excess of 10 years and is a prescriptive road, it is open and anyone can utilize it so it doesn't look like there are any glitches or hang-ups there. The applicant does recognize that the offset in the property will have to be resolved, and they've talked about that, but that shouldn't affect the rezone, it just has to be resolved before they get to the plat stage.

Chair Hollist opened the public comment portion of the hearing.

**Neale Neelamessham (Resident)** he is from the Hindu Temple and has no problem with the rezoning. His only question is regarding the canal on the corner, between the private road and the property. If that will be rezoned from agriculture to residential, is there a plan to close the canal, what will happen to the people who might use it. He just wants to have information so they know what to do with their property.

**Thom Urie (Resident)** lives directly to the east of this property, and he is here to support the Hatts with this rezone.

**Wendy Quilter (Resident)** is directly south and deeded 18 feet to them for right of way, and they support this.

Chair Hollist closed the public hearing. She asked staff about water rights and the canal.



Deputy City Engineer Jeremy Nielson said that would need to be addressed as part of the detailed design, but at this point he has no information on what the plan will be there.

Chair Hollist asked to confirm that a more detailed plan will come in the future, tonight is just a rezone. Eventually another application will come before them to show the plan for the lot.

Engineer Nielson said that as part of any subdivision, the improvement plans would be provided at that point and that would show any modifications that are done on that ditch. Whoever has used the ditch in the past is still entitled to the water, so that conduit needs to be preserved.

Chair Hollist noted that we always appreciate comments from the community, especially when people show up in support as well as it helps us know what the feel in that area is for the development.

**Commissioner Bevans motioned to forward recommendation of approval for File No. PLZBA202200026, Rezone Proposal. Chair Hollist seconded the motion. Roll Call Vote was 5-0, unanimous in favor.**

Chair Hollist noted that this will be heard by the city council at the first meeting in May, the first Tuesday in May.

**I.3. ASAY & WOODBURY / SCOTT FARMS LAND USE  
AMENDMENT AND REZONE**

Location: Approximately 10597 S. 1055 W.

File No: PLZBA202100127

Applicant: Brandon Asay

Planner Damir Drozdek reviewed background information from the Staff Report.

Chair Michele Hollist asked to confirm that a significant portion of this property is already zoned R-3.

Planner Drozdek said that is correct, they would essentially be expanding that zone onto the two adjacent properties.

Chair Hollist asked when that was zoned to R-3, and does he anticipate the remaining lands in that area requesting the same zone eventually.

Planner Drozdek said he believes it was rezoned back around 2007. There is a chance they may request the same zoning based on this, but having 1055 W there they will be looking to minimize traffic impacts because it's not designated to be widened or improved in any way; it is supposed to remain historic, so the amount of homes they add on to 1055 W will be minimal.

Commissioner Nathan Gedge asked about the eastern boundary, if that was an existing private lane that will access lots 11 and 12 and if it is wide enough for emergency services.

Planner Drozdek said they had some time to review the project, it does meet the minimum city code requirements at 20 feet which is the minimum. At the end of the lane they would have some

kind of turnaround to provide for emergency vehicles in the form of a bulb or hammerhead, etc., something that will meet the city code.

Commissioner Gedge said his other concerns would be that if this is approved by City Council, on 10550 South with the business to the north and traffic, and 1055 W during celebrations when that is busy, how they can protect those who potentially purchase homes here and make sure their driveways aren't blocked by people attending events.

Chair Hollist asked if the applicant was present, and if they had anything to add.

**Brandon Asay (Applicant)** is here with his co-applicant, Gary Woodbury. He believes the third owner, who owns the north lot currently zoned R-3, Joanne, is online. They have done a lot of work and he thanked the staff for their help and input here. They have tried really hard to accommodate and preserve the historical nature of the street. He personally moved there because he loves the open land, he loves the fact that it's a historic road, and they are trying their best to not impede that in any way. They feel like this is a tasteful way to add lots and homes to that corner of the neighborhood. They have worked with the development agreement to make sure they include some open space, and as Planner Drozdek mentioned, things like the brick and mortar will help add character to the neighborhood and not detract.

**Gary Woodbury (Applicant)** the perimeter of the community will have a masonry stone fence.

Mr. Asay said they have worked very closely with the planning and they intend to do their best to improve the neighborhood.

Mr. Woodbury said this is why they agreed to add porches and different things that are above and beyond. He has lived here for 43 years and he loves South Jordan, he wants to keep it as quaint and beautiful as they can.

Chair Hollist opened the public comment portion of the hearing.

**Gary Godwin (Resident)** noted that he owns the property on the road in blue with the potential easement and where there will be a turnaround in the backyard of the house, he has many concerns. There is a ditch in the back of that that needs to be addressed, it has water rights to his property and the one next door to it, and keeps going. Also, he has a cement wall there that is not that high and he does have agriculture like his farm equipment and other stuff, and it is a half acre property. If they raise the wall up so the new homeowners don't complain with horses and everything around there, usually new people don't like the smell but they love to see the horses. At one time he spoke with Gary Woodbury, who owns that whole road and the house at the end for the turnaround, Mr. Godwin doesn't know if there is enough room for the turnaround. They would have to put that in the back and move the house adjacent probably to make that happen. The little square lot in the front is vacant still, he is wondering if Jenkins can buy that and make it a lot. That property is R-3 right now, but when they have high profile services, that lot is literally filled from one end to the other, those cars are all up and down; he had to put a sign up asking people to please not park in front of his driveway. Jenkins and Soffee really need to have a lot there if there is a way to accommodate that, then they wouldn't be so congested; they would have to take out the strip, but he thought it would be great if they bought it and made it a parking lot. If you go to the end of the street, there is a light there but they didn't open it up to go to 10600 South to Kneaders. Had they opened that up, that would give them the right of way to go all the way over. They put the commercial in down below, one of the property owners sold the commercial. He wants highest and best use, many of the people next to him have been saving

their properties for years and they wanted that eventually. That could be commercial as they've already started at the very end, just the spot from there up to Jenkins because they already have buildings that could be possibly RM or C-2 since they are already commercial there with all that parking and a light that could be opened and just hasn't been made a through street yet with all the congestion. For years there has been a sewer problem, and you go down that road and it stinks because the sewers are really bad. Adding four more properties might matter and he wishes someone would address that because that is in the road and it stinks all the time. He thinks the highest and best use for zoning, with his property being right next to it, would be eventually commercial or light manufacturing.

**Lynn Brown (Resident)** lives just south of this property, he knows there is an open irrigation ditch along the property line and he doesn't know if this will interfere with that at all. He doesn't know if it would be an easement there or how they do things, but it is an open ditch. He doesn't know how property lines are established, in the old days you went by fence lines but he doesn't know how this is working now. He thinks as long as it doesn't interfere with the water rights, there would be no issue. He is not trying to stop anything, he just has concerns.

**Luisa Echeverria (Resident)** just wants to make sure this is going to remain single family use. She lives nearby so this will directly impact her and her neighbors. This is the first they have heard about this, they just happened to see it online. She is here basically asking questions because she hadn't heard anything about it. They had heard that at one point they were considering multi-family use, which they would be against. They just want to make sure it is going to remain like the maps shown, single family use. They share a lot of the concerns that have already been mentioned about the water rights and things like that. She also added that she is here tonight because her baby is buried at the cemetery. She was glad to hear the applicants grew up in South Jordan and are respectful that there are celebrations as a community at the cemetery; that was another reason she wanted to come tonight and hear what is happening.

Chair Hollist closed the public hearing. She asked staff about the ditch questions that were brought up.

Deputy City Engineer Jeremy Nielson noted that there is a ditch and will pass that onto the development engineers. It is a private ditch, but we will make sure they know about it and that they need to work around it.

Chair Hollist knows we are just talking about zoning, but asked to address the wall requirements between land and zone uses.

Planner Drozdek said the reason for the masonry fence is the conflict. With the R-3 zone they can't have any animals, while properties to the south and east are large enough and zoned for farm animals.

Chair Hollist asked what types of fencing are required for those zones.

Planner Drozdek said they would have to be a six foot minimum, decorative masonry wall.

A member of the audience asked if the fence could be higher, possibly six to eight feet.

Planner Drozdek said the city code requires a six foot minimum, but it will be up to applicant if he chooses to go more than six feet, up to eight feet, or it could be added as part of the agreement if both parties agree.

Chair Hollist asked about sewer issues, if the city is aware of any and any impacts these new homes might have on that.

Engineer Nielson is not aware of any issues, their analysis was that there was capacity. That is managed by the sewer district though, so if they are smelling things they should contact the sewer district and see if there is anything that can be done to mitigate that.

Chair Hollist asked how the property lines are established.

Engineer Nielson said all property lines are established by the Salt Lake County Surveyor's office, their Meets and Bounds descriptions are all based on a point in Salt Lake City. Many times, old surveys mention fence lines, but it also mentions how long the fence line is with other mathematical descriptions to figure out the property line.

Chair Hollist asked staff what this zone allows, she assumes it implies only single family use up to three lots per acre.

Planner Drozdek said that is correct, no attached housing would be allowed if the zoning is changed to R-3.

Commissioner Gedge said that he drives this road several times a day, and seeing road work that was done close by, there is definitely a sewage issue and he agrees with the staff recommendation to contact the sewer district to alleviate that.

Chair Hollist likes what they have been shown, that it uses a standard cul-de-sac and is accessing existing roads. She prefers that kind of an access, but she understands that sometimes infill is difficult.

Commissioner Gedge noted that this is a good fit based on what's proposed, and it will not overburden the neighborhood. They received some emails with concerns about multi-family housing, apartments and townhomes; he is glad Planner Drozdek confirmed that with the R-3 zone it only allows three lots per acre, so that will not be an issue.

Commissioner Steve Catmull noted, regarding the development agreement, it is a very specific definition of what can be done on the property; it is even more restrictive than a general rezoning regarding what's allowed there. It can only be modified by reapplication, and both parties have to agree to the modifications.

**Commissioner Darby motioned to recommend approval of Resolution R2022-24, approving the land use amendment, and Ordinance No. 2022-04-Z, approving the zone change.**

Commissioner Bevans asked about possibly having two separate motions, can it be done in one motion.

Assistant City Attorney Greg Simonsen said he believes they are good with the one motion in this case.

**Chair Hollist seconded the motion. Roll Call Vote was 5-0, unanimous in favor.**

Chair Hollist noted that this will be heard May 3 by the city council.

## **II. OTHER BUSINESS - *None***

City Planner Greg Schindler noted that their next meeting shouldn't be quite as long, he doesn't believe there are any rezones. He will not be here that night, the other planners with projects on the agenda will be in attendance.

## **ADJOURNMENT**

**Chair Hollist motioned to adjourn the April 12, 2022 Planning Commission meeting. Commissioner Gedge seconded the motion; vote was unanimous in favor.**

The April 12, 2022 Planning Commission Meeting adjourned at 9:06 p.m.

Meeting minutes were prepared by Deputy Recorder Cindy Valdez