

**CITY OF SOUTH JORDAN
ELECTRONIC
PLANNING COMMISSION MEETING
COUNCIL CHAMBERS
March 22, 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, City Recorder Anna Crookston, Deputy City Engineer Jeremy Nielson, Planner Damir Drozdek, IT Director Jon Day, GIS Coordinator Matt Jarman, Meeting Transcriptionist Diana Baun

Others: Myrna Weller, Connie, S Bolduc, User 0023416, Joe Duquette, LeAnn, Ponch Thompson, Lara's iPhone, Terri Holt, Amber Holt, Tristi Lassig, Lindsey Black, JoAnn's iPhone, iPad (108), Krista Jenson, Patty Keller, Wendy Horton, Zoom User Fuller, RStannard, Amy's iPad, Becky Belisle, Emily's iPhone, iPhone, Beckham Visser, Tram, Lisa Stanley, Keith Garner, Todd Sirrine, Katie Shoemaker, Ron Rayburn, Paul Jacobsen, Bill Porter, Jared Bolduc, Ryan Benson, Lorie Benson, Ronnie Cooper, Kelly Cooper, Adam Stanley, Bela Eliason, Lyndsay Christensen, Ron & Katrina Dahle, Ben Eliason, Kristen Maylett, Craig Bonham, Stephanie Lloyd, Scott Lloyd, Christie Clayburn, Damian Clayburn, Doraleen Rich, Bob Baker, Joyce Caldwell, Marba Jacobson, Doris Kilgrow, Terri Chivers, Harold Stewart, Koreen Stewart, Kurt & Kara Jenkins, Mike & Glenda Johnston, McKenzie Maylett, Dalton Miller, Martin & Cheri Gonzalez, Chad & Tristi Lassig, Stacey & Mike Spainhower, Candy & Vicky Hoover, Dayle & Jay Sant, K. Clark Bleazard, Antoinette Steohense, Min Fang Zhang, Cameron & Lam Mecham, Tim & Kaitlin Jones, Jay & Emily Mortenson, Alice Black, Travis Sokol, Brandon Bliss, Derek Bunkall, Arlene Gregerson, Luann Jensen, Landon Anderson, Chad Pearson, Dave Freiss, Paul Johnson, Joann Spencer, Caryn Hardy, Julie Hardy, Kris Bevans, Dianne Kelsey, Jim Kelsey, Gina Jensen, Arla Roloff, John Adams, Matt Visser, Dave Rukerd, Brad Knowles, Trish Gustin, Jason, Kris Druce, Kim Bass

**6:40 P.M.
REGULAR MEETING**

I. WELCOME AND ROLL CALL – *Commissioner Michele Hollist*

Commissioner Michele Hollist welcomed everyone to the Electronic Planning Commission Meeting and discussed the procedures for public comment.

II. MOTION TO APPROVE AGENDA

Commissioner Gedge motioned to approve the March 22, 2022 Planning Commission Agenda as published and noticed. Commissioner Hollist seconded the motion, vote was unanimous in favor.

III. APPROVAL OF THE MINUTES

Commissioner Darby motioned to approve the March 8, 2022 Planning Commission Meeting Minutes as published. Chair Hollist seconded the motion, vote was unanimous in favor.

IV. STAFF BUSINESS - *None*

V. COMMENTS FROM PLANNING COMMISSION MEMBERS - *None*

VI. SUMMARY ACTION – *None*

VII. ACTION – *None*

VIII. ADMINISTRATIVE PUBLIC HEARINGS –

H.1. DAYBREAK VILLAGE 12A PLAT 4 PRELIMINARY SUBDIVISION

Location: Generally 11195 South 7140 West

File No: PLPP202100115

Applicant: LHM Real Estate

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

Chair Michele Hollist asked if we knew what level the future school will be.

Planner Schindler said it will be an elementary school.

Commissioner Nathan Gedge asked about a single lot on the northwest quadrant, if we knew what that was.

Planner Schindler said that is a park lot, part of the median of South Jordan Parkway.

John Warnick (Applicant) said they have this project out to bid right now. The market is doing crazy things, so they are looking forward to getting this one going.

Chair Hollist asked for their timeline on the project.

Mr. Warnick said it will probably start in the next 60 days with some of the grading work, manholes are quite a bit farther out; their hope is to have it done this year.

Commissioner Gedge asked, for the public in attendance, what the price range of this piece of the development would be.

Mr. Warnick said he doesn't know, however the townhomes in general will be mid-\$300,000s, single family homes out there have been going for about \$500,000-\$700,000. He is not sure what the builders are specifically planning for this development.

Chair Hollist opened the hearing for public comment. There were no public comments, hearing was closed.

Commissioner Gedge motioned to approve Project No. PLPP202100115, preliminary subdivision, subject to the following: That all South Jordan City requirements are met prior to recording. Chair Hollist seconded the motion; Roll Call Vote was 5-0, unanimous in favor.

H.2. CROWN CASTLE - ELK RIDGE MIDDLE SCHOOL - TOWER RELOCATION SITE PLAN

Location: 3649 West 9800 South

File No: PLSPR202200033

Applicant: Todd Daoust

Planner Damir Drozdek reviewed background information from the Staff Report.

Chair Michele Hollist asked to clarify that this new site is better conforming, but still not fully conforming.

Planner Drozdek confirmed that is correct.

Commissioner Nathan Gedge asked, since the site is nonconforming, if the site plan was enough or if there will be other action required to make it a conditional use.

Planner Drozdek said a conditional use permit is not required in this case.

Commissioner Gedge asked if this will then just be a nonconforming use.

Planner Drozdek responded yes.

Commissioner Gedge noted that it was mentioned this move is due to UDOT changing the intersection at Bangert and 9800 South, he then asked if we have any timeline on when that will be and if any part of that redesign will come before this body or City Council.

Deputy City Engineer Jeremy Nielson said we are being told by UDOT that they will start breaking ground next year, they are engaging in the design work right now. The state environmental document was just approved and signed, and is posted on the internet for the

public to see. He believes they have finished their public outreach at this time, he is not aware of any other public meetings for this in the future; they have pretty much determined their footprint and design as far as he knows.

Commissioner Gedge asked if, similar to the discussions last week, since this is UDOT (the state) it wouldn't come before any city body for review.

Engineer Nielson said no, not that he is aware of.

Commissioner Gedge said he assumes that since this will not be starting until next year, 10400 South and Bangerter will be fully open by the time they start construction here.

Engineer Nielson said he can't speak for UDOT, but that is the expectation.

Commissioner Laurel Bevans asked if we know whether they are doing over or under for that intersection yet.

Engineer Nielson said we don't know, the environmental document passed for both footprints. The public comment was highly in favor of having Bangerter going under, similar to the other interchanges; however, it is a bit more costly to do that, so it will be a budget question for both the city and the state.

Todd Daoust (Applicant) thanked staff for its thorough report and awaited questions.

Chair Hollist asked about the timeline for this project.

Mr. Daoust said their goal is to have the facility relocated by the end of the year to allow UDOT to proceed with their activities.

Chair Hollist opened the hearing to public comment.

Ron Rayburn (Resident) lives about 100 yards from this site. His neighbors did not show up tonight, they have all talked and are against this 100%. It is an eyesore, it doesn't matter what decorative things they do to the base of it, it sticks up in the air a considerable height. The other one at least is over against Bangerter and the sound wall, they are moving this one over towards the residents; there are even two new houses that have been built that don't show on the plan. The people in that area are against it, they should be able to find a less intrusive area to put this thing.

Amber Holt (Resident) lives within 300 feet of the proposed move of this cell tower. She has done so much research in regards to cell towers and their effect on health. She herself has epilepsy and is home 24/7, and also has a 23 year old daughter who is immunocompromised with health issues. She is very concerned about the continual cell waves that are going on 24/7. She is not crazy, she has read a lot of scientific reviews about this and the people who have been exposed to the continual 24/7 waves of this. She would also be concerned if she had children going to that school 24/7, who were in a learning capacity of trying to study. Has the city considered an alternative location to place this cell tower where it is not in or near a residential

area, which perhaps is maybe zoned correctly, like A-5 zoning but perhaps a business district. She doesn't know if it needs to stay within the South Jordan area or not, but have we considered off of the southwest corner of the WalMart Supercenter on Bangerter Highway and South Jordan Parkway. They have quite a bit of room and leeway to work with in that southwest corner, there is a perfect triangle there in-between the parking and building itself laden with grass that would be absolutely ideal. This would put the tower only six blocks south of its current location and not be in close proximity to residential areas, also not too close to forthcoming possible construction on Bangerter Highway. There are other locations if it doesn't have to be in South Jordan. She suggested off of 9000 S and 4000 W, which is considered West Jordan but perhaps on the very large Smiths grocery parking lot; that is a business district which may likely be zoned correctly for a cell tower and is not within close proximity to a residential neighborhood. Another location that might be acceptable is also on 9000 S, just east of Cate Field which is a ballfield, which is approximately 343 W Wights Fort Road.

Chair Hollist closed the hearing to public comment. She asked staff for the offset requirements on a tower of this height from residencies, how far it will be, and if it's compliant with that particular ordinance.

Planner Drozdek indicated that he believes the information is in the Staff Report, which he pulled up to show. Per the map, the dashed lines are showing residential offsets or buffers that are required for a tower of this height. He is not sure of the exact measurement for the offset, but this proposed location does fall outside of the required residential buffer; the current tower does not, it is in violation of the residential buffer. This new tower will actually be further away from residential properties, however it may be closer to some residents' properties than the last one.

Chair Hollist remembered seeing in the Staff Report that the school district specifically requested that this remain on their property, as the school continues getting the revenue for the tower, and asked for confirmation of that.

Planner Drozdek confirmed that yes, that is all correct.

Commissioner Gedge said that in the school district's December letter, they stated they will have their final approval as well. He asked if that piece has occurred yet, or will that be after action tonight.

Planner Drozdek said he is unsure, he has not heard anything about it.

Commissioner Gedge was just wondering if the school district does in fact have the final approval.

Chair Hollist said this has come before the school community council for her school, which she is a part of, however she doesn't know if that is standard or not. She asked the applicant to come back up and address Ms. Holt's concerns about alternate locations, asking if other locations were considered and if this location is necessary/ideal as she knows they need to be spread out a certain amount to provide good coverage.

Mr. Daoust said this site has been in service for at least 10 years supporting AT&T, Sprint and T-Mobile. As networks grow, you have neighboring cell sites; if you were to look down from above at a wireless network it looks like a honeycomb with irregularly shaped service areas. That being said, with respect to this site, they are therefore limited in where they are able to move the site because there are neighbor/adjacent sites that this one will hand off to from a voice and data perspective. From a technical perspective, it is very difficult to move a site significantly far away from where it currently exists today because of the fixed locations of its neighbors. From a land use perspective, in this area this is really only one of the other non-residentially used parcels in an area that is dominated by single family residential; because of this, they are limited in where they are able to move in the area to provide continued service to the community. With respect to the specific location, this location is a result of collaboration with school staff and the district, who found that this location works best for the school in terms of operations at the bus parking lot and doesn't interfere with school operations. It is correct that the school wants to have the site remain on their property so they can continue to receive long-term revenue. Planner Drozdek was correct, they do meet the 320 foot residential buffer in this current location; the existing site, he believes, is 206 feet from the closest single family residential property. Lastly, he is unable to speak to any of the health issues, he is not qualified to do that and it falls under the purview of the FCC.

Commissioner Bevans asked if she is correct to assume they are leaving the current tower functional until the new one is fully operational.

Mr. Daoust said yes, it will remain in operation until the new site is constructed. They will more than likely cut the site over at night to be sure there is uninterrupted service to the area.

Commissioner Steve Catmull asked to confirm this was 10 feet higher, and staff confirmed it. He referred back to when wireless in the city was discussed, and there was a situation where the federal code overrode all the city heights and extended 10%-20%. If this tower was to go higher because of a similar action, outside of the city's control, what effect would that have on the setback; would we go into nonconforming at that point.

Planner Drozdek said that with its current location it would be in violation. However, as mentioned previously, this is out of our hands and city regulations as this is a federal regulation and we can't do much about that.

Chair Hollist addressed Assistant City Attorney Greg Simonsen and asked for his guidance regarding what they are and are not allowed to consider in a case like this.

Assistant City Attorney Greg Simonsen said this is a difficult one, because as has been pointed out there are federal regulations. There are precedents that allow the city to say "this is a nonconforming tower, and it is having to be taken down and we are not going to allow the nonconforming use to continue;" there are a multitude of problems if we were to do that. First, this is nonconforming, but the site is agreed by all the parties (the school, city staff and applicant) to be a better site. If we were to say they can't relocate it, then the tower owner is going to need to be compensated for the loss of their property, to the tune of a great deal of money; also, you will undoubtedly be left finding a new place to put the tower. The school

district will be unhappy because they lose their revenue. He is not trying to tell the commission what to do, he is trying to answer her question to the best of his ability.

Chair Hollist said these are hard decisions, she knows from sitting in City Council meetings however this is one of the issues our council members get contacted about the most; from both sides people want to be able to use their cell phones and have good coverage where they live.

Commissioner Gedge motioned to approve File No. PLSPR202200033, tower relocation site plan, as presented this evening.

Commissioner Gedge's only concern is the nonconforming use, however it is already existing nonconforming and he thinks this is the less of all the evils. Driving around some places in the city you drop cell phone coverage; the school is for this plan, and the state is forcing this. Obviously, he doesn't want the city to be stuck with a big bill for failure to replace the tower. We also can't conform because some of the options presented are out of our jurisdiction and he wants to make sure we keep a good relationship with our school district for the area as well.

Commissioner Steve Catmull has very similar thoughts.

Chair Hollist said these are always hard ones. They come before us with people that represent both sides, and as mentioned earlier this is an issue that our City Council members get contacted about a lot. Having been on the school community council and had issues like this come before her, it is actually more often than not people that want the better coverage. They have seen the map and looking at the ordinances related to cell phone towers recently, they really are strategically placed throughout our city. She believes this is probably the best place to have continued coverage; it is obviously not ideal for the homes it moves closer to, but probably the least disruptive to the status quo.

Commissioner Trevor Darby had nothing extra to add to what has already been said.

Commissioner Bevans had nothing extra to add as well.

Commissioner Catmull said he wasn't sure if UDOT has previously compensated people for value drops as a result of construction, he doesn't know if there is an appeal or application process to do so as a part of this being moved as that might be an option to pursue.

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

H.3. RIVERPARK RETAIL 9 SITE PLAN AND CONDITIONAL USE PERMIT

Location: 10620 South River Front Parkway

File No: PLSPR202100265, PLCUP202100289

Applicant: Gina Jensen, RiverPark Corporate Center

Planner Damir Drozdek reviewed background information from the Staff Report.

Chair Michele Hollist asked how many cars can stack in each drive thru, and if they are being used for the same thing.

Planner Drozdek said there will be two tenants, each tenant will have their own lane. The one closest to the building meets the minimum code requirement for five cars, but the one on the outside can stack quite a bit more.

Chair Hollist asked how the second drive thru, on the outside, accesses the building and Planner Drozdek showed her on the map.

Commissioner Nathan Gedge mentioned he believes this was seen last year as well, and asked to have changes highlighted.

Planner Drozdek said this is for a zone change, property was previously zoned PO.

Gina Jensen (Applicant) said this was seen last year, just for the simple rezone and this is the second look.

Chair Hollist asked if she knew who the tenants will be yet.

Ms. Jensen said they have some interest that they can't disclose at this time, but yes, they have some interest.

Chair Hollist asked about the timeline for this.

Ms. Jensen said they still have to go through building plan approval for the building permit so they are still a ways out; they are hoping by next winter to have broken ground.

Commissioner Gedge understands she can't disclose the tenants, but we have had issues with first time food businesses here and stacking. His only concern is if they are a popular destination or this is their first Utah location, and he asked her to keep that under consideration.

Ms. Jensen said they are pretty adamant they don't have a soda shop, but they are equally as concerned about the traffic. They own the entire park and want to make sure all their tenants are happy, getting something there that everyone wants and won't disrupt anything.

Chair Hollist opened the hearing to public comment. There were no public comments, hearing was closed.

Commissioner Steve Catmull commented that he admires the creativity of the drive thru facilities we've seen in the last few years, and he thinks it's great people can leverage creativity to solve problems.

Commissioner Darby motioned to approve File No. PLSPR202100265, to allow for construction of a new commercial retail building and File No. PLCUP202100289, to allow for a restaurant and drive thru facility with the new building. Chair Hollist seconded the motion; Roll Call Vote was 5-0, unanimous in favor.

H.4. CHATTEL ESTATES #4 LOT 1 AMENDED SUBDIVISION AMENDMENT

Location: 2682 West 9435 South

File No: PLPLA202200003

Applicant: Mike Spainhower

Planner Damir Drozdek reviewed background information from the Staff Report.

Chair Hollist asked about the decorative wall that is eight feet in height, as on a previous issue they were told they couldn't go above six feet, and she is wondering if that applies here.

Planner Drozdek said he believes the code says "minimum" six feet, and that this one may be six feet instead of eight.

Chair Hollist asked about the easement for sewer, if that was drawn on the plans and where that will be; she was surprised it didn't come off of 2700 S.

Planner Drozdek said it comes off of 9435 South, and only crosses this property along the west boundary.

Chair Hollist asked about the density for this zone, as it looked like the creation of these two lots probably puts an end to any further subdividing with this current zoning.

Planner Drozdek said that yes, she is right.

Commissioner Laurel Bevans asked if the new lots are considered part of this exact neighborhood, or are we creating a new neighborhood.

Planner Drozdek said they are part of the same neighborhood.

Commissioner Bevans noted the lots are labeled 1, 2 and 3; she asked if they will be re-numbering those lots because those lot numbers already exist in this neighborhood.

Planner Drozdek said a subdivision plat will be recorded that will create these three new properties. With this new subdivision plat, this is how they will be described.

City Planner Schindler said we could ask them to label these as 1A, 2A and 3A as well. If the original lot is labeled at lot 1, sometimes the new lots are labeled 1A, 1B and 1C to keep things straight for people because it is staying as an amendment to the overall subdivision; this is why the overall subdivision can be further amended, because the overall density isn't at the minimum level yet.

Planner Drozdek said those lot numbers become the description of the property. The old property is lot 1 of the Chattel Estates #4; with the new subdivision plat it becomes lot 1 of the Chattel Estates #4 Lot 1 amended.

Mike Spainhower (Applicant) didn't have anything to add, and is here to answer questions.

Chair Hollist opened the hearing to public comment.

Bill Porter (Resident) owns lot 7 in Chattel Estates. The main thing they are concerned about is wondering about the future of the subdivision in general, over the way that it was meant to be used. They moved in there 41 years ago and it was meant to be an area where you could have horses and livestock, things like that; kind of a little bit of country in the city. They are just wondering, having these smaller lots and probably smaller homes, even though they are on 2700 West, how that will affect in general the use of the property. They wonder if there will be changes to the irrigation rights to the people who still need those, will there be any changes to the rights to have animals. They have raised horses in the past, they are not currently doing that; but if they were to sell the property in the future, the new owners may very well want to do that. Many people like having this type of property out here. Another thing they wondered about is the other lots within that subdivision, will they have the same ability in the future to subdivide their acres, or is this only for this because it's on 2700 W; it seems like that could affect property values. Lastly, they were wondering as far as property values go, how the city expects something like this going in on 2700 W would affect the property values of the rest of them in the subdivision.

Damian Clayburn (West Jordan Resident) lives in West Jordan, and the wooden fence referred to in this, or most of it, is his wooden fence. He stood here before this committee back on August 14, 2018, when they tried shoe-horning four homes into here, and this is horse property. In his mind, he brought it up before and he'll say it again, these two homes going in here doesn't fit the footprint of what's going on in this neighborhood. They tried doing a private driveway and four homes, getting rid of two horse pastures that were back there which is what the space was originally intended for. He knows the commission doesn't answer questions, but he threw some out there. When this was presented the first time, his property extends beyond that wooden fence. In the plans that he has, there was at one time an easement back there for utilities that was brought up just now. If you actually look there, none of the fences touch and the South Jordan side fences are actually back farther from their property line than the West Jordan side is because of the irrigation and stuff that was back there. His concern is that it seems like when this is depicted, the property for probably lot 3 shows it going to the wood fence; that property does not go to the wooden fence, his property line extends past that wooden fence. He knows the wooden fence was brought up before, that it is already existing so they don't need to build anything there. Well, that it is not on a shared property line; his fence is north of his actual property line and that has been verified by West Jordan, and even the plans he has that were dropped off after he and the neighbors complained about this before, show that his property line extends beyond that wooden fence. So, he has concerns about whether there is actually that much footage there and what happened all of the sudden to the easement for the utility and irrigation and all that kind of stuff. Bottom line, he is still against this, he doesn't agree with it; it was proposed, a for sale sign went up and it sat there and languished for six or eight months and no one did anything with it. After that he thought it was done, just because there is a section of dirt somewhere we don't need to keep shoe-horning houses into places. Here is an example now, we are trying to resurrect this, and he thinks it's a bad idea. He wants to make it clear that the property line for the wooden fences extends farther than what that plan shows.

Arlene Gregerson (Resident) lives in that subdivision, but is not on an acre lot. Her concern is that they are all getting older, how will the others be able to subdivide if they want to, what kind of access will they have. As it is right now, they have grown children living in basements of homes, people renting out parts of their homes; parking gets to be crazy. She is on the street just south of this one and she thinks there needs to be some consideration. She is not against the Spainhowers for any reason, but what are the other property owners going to do when they want to sell or can they subdivide, what entrance or access will they have.

Chair Hollist closed the hearing to public comment. She asked about the property line issues brought up by Mr. Clayburn, and if the city was aware of this as the staff report was being made.

Planner Drozdek said he is not aware of it, but like any other subdivision property it would have to be surveyed by a licensed surveyor; if there was any discrepancy he is sure it would have come up in that survey. If the other property owner has some other information, he can provide it to us but he is not aware of any discrepancies.

Planner Schindler said this would be a civil matter, but on the original subdivision it shows that the length/depth of the property is 381.5 feet. This subdivision, as drawn for the amendment, also shows it as 381.5 feet. It also shows on that subdivision, if you look really closely, you can see a fence mark; the fence is actually shown on the West Jordan side of that property line. It doesn't indicate how many feet it is, but you can see the little "Xs" on the drawing and it is on the north side of the line that the engineers provided. They will have to put in markers and stake out where that line is for the subdivision itself, and that will be shown on the plat as well; they will have to get that approved by the Salt Lake County Surveyor's Office.

Chair Hollist asked for the minimum lot size in this zone, how close are these lots to that minimum.

Planner Drozdek said they are at minimum as 14520 square feet is the bare minimum, two of them are right at that.

Chair Hollist asked if a survey were to be done later that shows the property lines were short of that, and then these lots fell below that minimum, would this be allowed to proceed.

Planner Drozdek said no, if these numbers aren't accurately showing what's out in the field then they wouldn't proceed. They would also be in violation of the city code if it goes below the minimum size requirement, which is another reason why it wouldn't record.

Commissioner Steve Catmull noted that when they record plats, they usually state "as long as it meets city standards." It feels wise to do the same thing in this motion, where they are right at the lot minimum and there is a dispute.

Planner Drozdek said they could do that, but he doesn't think it is needed or necessary because if it's in violation of the city codes they wouldn't approve it.

Commissioner Catmull said this vote today approves the subdivision, but they may not move forward if something happens or changes.

Planner Drozdek said tonight's approval approves the subdivision as presented here. If it changes, then it doesn't meet the commission's approval.

Chair Hollist asked, if this is approved, will staff at some point after this review it again to make sure it meets all the requirements. Planner Drozdek nodded that yes, it will be reviewed again.

Planner Schindler said the staff reviews what is submitted to them, they are not going to go out and survey the property; staff doesn't have surveyors. This has been surveyed, this engineer stated he is putting his license on the line that this is accurate. If someone else has another engineer that can prove this is wrong, it still becomes a civil matter, but once it is recorded it is recorded. If someone doesn't believe this is accurate they will have to find someone else to do a survey and then let us know it was done professionally, and that we were wrong; however, once this is recorded there is no going back, we can't take their rights away because it is a recorded plat at that point. We have to believe the surveyor has done their job because it's their license on the line; we verify his measurements are correct, and that his description of the property matches what's shown, but the city doesn't do any surveying to make sure things are correct since we don't have that kind of staff.

Commissioner Gedge asked regarding the wooden fence, if down the road it is proven the wooden fence is not on the actual property line, because this is in a different city would there be any fence requirements if it has to be moved.

Planner Drozdek said no, our fence rules would not apply.

Chair Hollist asked about the horses and livestock rights, whether the current residents with them get to keep them.

Planner Drozdek said that is correct.

Chair Hollist asked if this now puts those properties adjacent to a property that has those rights, and if that's why the masonry wall is being required.

Planner Drozdek said that is correct.

Chair Hollist asked about the concerns related to the ability to subdivide later.

Planner Schindler said the area of the subdivision, according to the original plat was 38.96 acres. If you multiply that by 1.8 units per acre, that is 70 lots; that means this subdivision here will bring it to its max at the current zoning. It is unlikely the smaller lots in the subdivision could ever be subdivided anyway because they are already at the minimum lot size. If the property owners of lots 2 through 11 decide they want to propose dividing it, they will have to go through a rezone to a different density and create a new subdivision. He doesn't believe it would happen, as taking their lots out of their current subdivision would mean the entire subdivision changing its zone to possibly R-2.5 to meet the density; if you take lots out, what's remaining wouldn't meet the density either. This is the only lot that will have any opportunity for future subdivision in its current status.

Chair Hollist asked if anyone here had the ability to address property values, or the ability to measure that impact.

Commissioner Catmull mentioned they can take evidence if it's presented to them.

Chair Hollist said she assumes anyone with irrigation rights will still have them.

Planner Drozdek said that doesn't change.

Commissioner Gedge said he assumes this secondary water is from a canal company, and assumes it is west of 2700 W and flows to the east. If that's the case, that most likely wouldn't have to cross over this proposed subdivision.

Deputy City Engineer Jeremy Nielson said he hasn't looked at that system that closely, but that Commissioner Gedge's description makes sense.

Commissioner Gedge asked if any of the adjacent lots flood irrigate, would they be responsible for making sure they don't have spillage into these new lots to avoid damage.

Engineer Nielson said that whatever has historically flowed across the lots can continue to flow. If water has flowed across those lots in the past, accommodations would have to be made for the canal water to continue to flow across the lots.

Commissioner Gedge said that means any potential purchaser in this subdivision needs to be aware of that possibility.

Engineer Nielson said that is something they should consider as part of the design as well.

Chair Hollist asked about parking, assuming that these lots will be required to provide the standard number of parking spots per home.

Planner Drozdek said yes, that's right. To clarify in regards to parking, the city code requires a two car garage, and in addition to that a home has to be set back 25-30 feet for enough space in the driveway to park without impeding a sidewalk or anything.

Commissioner Laurel Bevans asked if there is an HOA in this neighborhood.

Planner Drozdek said no, there is not.

Commissioner Gedge said it might not be required, but he would feel more comfortable stating some kind of reference in the motion like "subject to all South Jordan City Requirements being met," just to make sure before any type of construction that everything is clear.

Chair Hollist agreed, as a concern was brought forward and that would be appropriate in this case.

Commissioner Gedge motioned to approve File No. PLPLA202200003, amended subdivision amendment; subject to all South Jordan City standards being satisfied prior to

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

IX. LEGISLATIVE PUBLIC HEARINGS

I.1. SAGEWOOD RANCH BARN LAND USE AMENDMENT AND REZONE

Location: Approximately 10431 S. 3200 W.

File No: PLZBA202100266

Applicant: Megan Visser

Chair Michele Hollist noted that for this particular issue, the planning commission is forwarding a recommendation to City Council; sometimes they side with the commission and sometimes they do not. She wanted the public to know that this issue will be heard again by the city council, who will have the final authority to decide.

Planner Damir Drozdek reviewed background information from the Staff Report.

Chair Hollist asked for Planner Drozdek to explain what a development agreement is, and how that differs from other types of agreements usually seen by the planning commission.

Planner Drozdek said the development agreement essentially details how the property will be developed. A zoning ordinance is more broad as far as allowed uses, layout, etc.; however, when there is a development agreement in place, it is an agreement the applicant adheres to while developing the property. A development agreement could include specific directions for traffic, noise, density, layout, etc.; it is a document that is recorded in addition to the underlying zone.

Commissioner Nathan Gedge asked if the development agreement transfers to subsequent owners.

Planner Drozdek said yes, it does transfer.

Chair Hollist asked to clarify that for the new owner, all of the same modifications, restrictions and mitigations would apply.

Planner Drozdek said yes.

Commissioner Steve Catmull asked what would be required to change that development agreement once it has been approved.

Planner Drozdek said it would require a new hearing and development agreement with the city council.

Commissioner Gedge noted that this is not titled a reception center, it is titled an event center; he assumes the development agreement states what uses are allowed, but he asked if there are any permitted differences between an event and reception center with the city coding and zone being

proposed.

Planner Drozdek said no, it's just a name and neither has more privileges. The applicant had concerns that if it was called a reception center, someone could make a complaint that it's only supposed to be used for weddings; they didn't want to be limited to just weddings.

Commissioner Gedge asked what the rating is for 3200 West and the load capacity for daily trips, also if the amount of parking proposed would set that over the limit.

Deputy City Engineer Jeremy Nielson said it is a minor collector street, and right now it is considered a Level Service B with plenty of capacity. If there were any issues, they would be at the traffic signal, which would be a timing issue that could be adjusted.

Chair Hollist asked if they will be putting in an island to force one way in and one way out.

Engineer Nielson said currently there is no plan for an island on 3200 W, it would be full access and align with the access to the west. We consider it a good intersection, but if there were safety issues down the road an island could be added later.

Chair Hollist said they generally like two access points. She asked if part of the development agreement was to concede and only have one access point to avoid using more residential streets.

Planner Drozdek said yes.

Commissioner Laurel Bevans knows there is no dedicated right turn lane from 3200 W on to 10400 South. She asked if there were any plans to change that prior to the residential property being vacated.

Engineer Nielson said his understanding is that if this project were to proceed, that would be part of the plan. Outside of this project, at this point in time there is no separate plan for the city to add that right turn pocket on its own.

Chair Hollist asked if the corner property was associated with this proposed event center.

Planner Drozdek said yes, they are the same owners however that home is proposed to remain for now; that portion of the property is not going to be developed at this time.

Commissioner Trevor Darby asked to clarify that there will be no parking along Alexander Lane, with no parking signs.

Planner Drozdek said yes, that is correct and it is in the agreement.

Megan Visser (Applicant) thanked everyone for this opportunity. They are excited to share some of the things they have come up with that they feel have appeased some concerns that they've heard, and they've also been in communication with a lot of the neighbors to come up

with these things they are adding to the development agreement. She thanked staff for helping them with this project, as well as those here in support and with concerns; they appreciate everyone being here, it means a lot to their family. She brought up a prepared presentation (Attachment Z).

Commissioner Gedge motioned for a short recess. Chair Hollist seconded the motion, vote was unanimous in favor.

Chair Hollist motioned to restart the meeting. Commissioner Gedge seconded the motion, vote was unanimous in favor.

Ms. Visser discussed the barn and its history from Attachment Z. Her parents have lived here for over 50 years. Most are probably familiar with the property, it has housed a number of different kinds of animals; mostly the buffalo and the elk recently, and it has been a popular spot for the city, as well as a landmark. She shared aerial photographs from a number of years ago (Attachment Z) which demonstrate the vast amount of change they have lived through and the incredible amount of development that has happened around them and encroached on the property over the years. When 10400 S was widened, it took out a large part of her parents' property, including landscaping, mature trees, 32 of their neighbors' homes and their grandpa's home next door. Across the street where the buffalo were in the picture is where the Harvest Villa Development now sits. They showed another view of the property where you could see that 10400 S didn't even go through; that road now continues up to Bangerter Highway. Their neighbors across the street also had their home torn down. They pointed on the picture to where Alexander Lane sits, behind the property, and in the top part of the picture is Bison Ridge; those homes exist where the bison once were. She is not here to say that change is a horrible thing, they have wonderful neighbors that came in as a result, good things have happened from this. It has also been extremely difficult and hard for her family, and so many more in South Jordan, who have watched this open space go. We all know how developed South Jordan is getting, and how many homes are going up. They feel that a big purpose of their project is to preserve a piece of that open space and legacy of South Jordan. Currently her parents are getting older, they are in their 80s now, and obviously when that happens families have to make some changes and some planning to move forward. They chose to sell off their animals and sell off their property in phases to accommodate for this change. They have sold phase 1 of that property, which is where the elk and buffalo were; that was sold to a developer. In their overall plan with that, call it naivety or inexperience, they planned to do this in phases and so here they are two years later rethinking how they want to preserve some of that. A lot of that comes from outreach from the community as people were really upset about seeing it go. If the barn project doesn't go through for some reason, they still don't know when phase 2 will happen, and she doesn't know if there are some misconceptions with neighbors or surrounding neighborhoods that it was being sold now. It is not being sold now, and that was not their intention as their parents still live there and will continue to live there until something changes with them. The issues they see with the current plan are that the property on 10400 S is commercial. If you look west on 10400 S it is commercial on both sides of the street really, but specifically on this side of the street. On the east side, you have all those homes that were torn down, which is now UDOT owned land. It is not going to be sold for homes again, those homes were torn down for a reason. UDOT sits on that land, and how she sees it, that's prime commercial for UDOT at some point; that is not ideal

for housing. Something to consider is that once this turns residential, it stays residential; that open space is gone and it is really needing to be preserved in South Jordan. Their goals with this project are to preserve their heritage; her parents have been a big part of this community and supported South Jordan for many, many years. Their goal is to have open space preserved, which they know is a goal of the city's. Something that the mayor pointed out during their study session is that often times people approach the city to pay for open space, and they are not asking the city to pay for any of it; she is asking to preserve it on their dime, and they think it is a community need. There is not anything like this in our area. In order to do this, they have to have a business opportunity to support the open space, they can't just sit on land and leave it, that doesn't make financial sense for their family. She wanted to touch on a few things Planner Drozdek brought up, things they have heard from neighbors during open communication as they have been happy and thrilled to have everyone's input because they want this to be a wonderful place for the community. Traffic was a concern that was pointed out, the flow with the parking. Noise is a concern, lighting and security was a concern with neighbors worried about devaluation of their property, and the rezone of the phase 1. Another concern was that if this becomes commercial, does that open the door down the road for a Maverick's to be put in. Their updated version of the plan and development agreement was done with the community's input and includes purchasing two retail lots back into this for more parking as there will be no overflow parking, they have gone above and beyond on the requirement for parking. Parking is determined off the square footage of the building, so they are way above the requirement for that and they have space to have more if they needed it down the road. The reason they purchased those two back was because they heard complaints about parking and noise along Alexander, so they pulled that away from Alexander to put it on 3200 W; the only access will be off of 3200 W as Planner Drozdek mentioned. They have worked with a sound engineer and will continue to do so, along with being required to use special insulation. They have exceeded landscape requirements, adding water features to help absorb sound. They are putting up an eight foot fence, which is not required but they felt would benefit everyone. They have controlled amplified live music, it is only allowed indoors and during certain hours. Security cameras will be added, they have a photometric plan and lighting will be shielded from neighbors and surrounding neighborhoods. They have spoken with and met with the fire chief, also the city engineer, to go over the fire truck requirements because of the concern of neighbors not wanting access onto Alexander; they felt the plan was sufficient with the provided turnaround and no crash gate, there are no concerns from the fire chief or engineers. The residential lots on the plan in Attachment Z will remain the same size, there was a misconception going around that those were being changed and that is not the case. Those lots are sold, there are house plans done, that is not changing. The reason it has to change with the rezone is because of a technicality, when it was rezoned initially it was taking into account the whole property; when the property size changed, the density changed and now requires a new zone. This does not change the layout or lot sizes. To address concerns about devaluing property, they have spoken with and done some research with several different real estate companies and you can ask her parents, it's pretty miserable to live on that corner now. It's not like it was when they moved here 55 years ago. The bigger concern with the devaluing of homes is the types of homes that are put in around you; do we think a \$2 million home is going to be built on 10400 S, absolutely not. They feel the quality of homes won't be up to the standard of the neighborhood and it will devalue their property. Property values of homes near reception centers in residential areas have actually increased their property value, so with a property like this with well maintained grounds, limited hours as it is not a retail business with traffic coming

and going; it is a quiet neighbor for the most part that is well preserved and open space. If there were ever a use change to the facility, it would require going through this process again. There has been some misconceptions that “once commercial, always commercial,” and that’s not how the process works. They wanted to show some comparables to other reception centers in the area, they are not the exception as this is exactly what is done; reception and event centers are put in residential areas because they are a need for residential areas. She showed pictures from Attachment Z of different event/reception centers in the area including Wadley Farms, Knot and Pine, Walker Farms and Magnolia Grove which happens to sit on the same street of this proposed event center; all of these shown are in residential areas. They have done their significant research with a lot of venues, the way they control things is with their contractual agreements and that controls the noise levels and all of that. That being said, she wanted to end by saying there is an overwhelming majority in this community that have significant ties to this property in some way. There was a gentleman that came to her parents afterwards to pay them for feed because he said the animals had been therapy for him over the years, and that goes on and on; there are similar stories shared all the time and they feel it is a need that can continue to benefit the community. She shared a statement from her parents:

“Over 50 years ago, we bought the corner acre where our home is located. The roads were not paved and we were surrounded by open space, filled with wheat and alfalfa fields. As time passed, farmers around us aged and acre by acre relinquished their cropland to developers. Gradually we were fortunate enough to acquire 10 acres of space to create a little farm, where we could raise our family as we had grown up, with fields to irrigate and animals to care for. Central to that dream is our barn. The barn has housed horses, a cow, feed for a menagerie of exotics, ostriches, buffalo, elk, musk ox, yaks, etc.; it has hosted cowboy poets and weddings, high school dances and a half pipe skater ramp. It has created memories for people of all ages, and has become a South Jordan landmark. As we move into our 80s, we have had to make difficult decisions about our property and accept the life changes that come with that. But, with careful management the barn can continue to serve South Jordan citizens and be a center for fun, learning, and celebration; we hope that can be accomplished.” – Otto and Amy Jones

Commissioner Bevans noted that in the presentation, Ms. Visser indicated they were purchasing back two lots; she asked if they had already made that purchase from the developer.

Ms. Visser said that purchase is contingent on this passing.

Commissioner Bevans asked about controlled amplified music only being allowed indoors, she asked if that means there will be speakers for other kinds of music outdoors.

Ms. Visser said live music will only be indoors, and the way other venues do it is with a contractual agreement with the customer regarding not exceeding a specific volume level; she believes that is in the development agreement as well.

Commissioner Bevans asked about the staff report referring to animals on the property, and asked for more information.

Ms. Visser said they were thinking about three to four smaller animals, just as a reminder of where the property came from. They wanted it to be an option for possibly seasonal things, just to remember what her parents had there. In the development agreement there are only certain types of animals allowed, they couldn't have large animals.

Commissioner Bevans asked if the animals will be housed on the property, or brought in and out for events.

Ms. Visser said possibly both, they haven't really settled on that yet.

Commissioner Bevans asked staff, based on the site plan, how close entrance to this property is to the entrance of Harvest Villas.

Planner Drozdek said it's right across from the entrance.

Commissioner Bevans asked if anything had been done yet to mitigate any concerns for those residents getting in and out of their neighborhood when there is an event going on, we know 3200 W can get a little congested during peak hours.

Engineer Nielson said there is no mitigation. Possibly when an event releases there might be a delay, but there is an alternative access on River Heights Drive.

Ms. Visser commented that many times capacity changes from a flowing reception to a seated reception; they would limit the capacity of that so there wouldn't be all cars leaving at once. She also pointed out that the entrance was lined up this way even with the residential planning.

Commissioner Bevans asked if her goal is to have the flowing receptions only, or will they be doing both.

Ms. Visser said that if they do a seated event, it would be limited numbers.

Chair Hollist asked if the number of attendees for different kinds of events was in the development agreement.

Ms. Visser said she doesn't believe that was in there, but they could add it.

Chair Hollist asked what Ms. Visser proposed.

Ms. Visser said she believes it is based off the capacity for the building, set by the city; it would also be based on the fire code.

Chair Hollist asked about the claims in regards to property values increasing in Attachment Z, what sources do they have and where did that come from.

Ms. Visser said they have spoken with several different realty companies that have validated that. If the commission would like, they can submit some related information.

Commissioner Catmull mentioned the economic infill opportunity land use, he noted that it is supposed to “support and bolster existing uses.” He asked how this facility would support and bolster the existing uses in the general area.

Ms. Visser feels like it’s supporting the need for open space in the city, at least that’s their goal with this. They don’t want this torn down or a Maverick’s there more than anyone else. They are trying to preserve a piece of South Jordan history, and their family home and barn; giving good use to us and giving something back to the community. We don’t need more homes, we need open space.

Commissioner Catmull said normally the response to that centers around retail, and how it helps that locally because this is an economic infill opportunity. This will have an overlay with an agreement, but the overall land use being changed before that is an economic infill opportunity. He said there are no wrong answers and Ms. Visser noted she might not be understanding the question. Commissioner Catmull clarified by asking if there is synergy or reasons that having this here aids the other retail or commercial properties around it.

Ms. Visser noted that up the street is a wedding retail store, local floral shops, restaurants, all of which exists in close proximity just up the road.

Commissioner Bevans asked, since the existing home is not included in this, if staff have concerns about this island of one residential lot here and the future use.

Planner Drozdek said this is an existing use, there are no changes with the use and therefore no concerns with the home as is. As far as future, it will have to come before the planning commission and city council again to determine if it’s appropriate.

Ms. Visser responded that while they really don’t want the barn torn down, they even more don’t want the home torn down. The idea is to include it into the project, possibly as an overnight wedding party accommodation. Their goal is for the home to stay. It would be included with events, not rented out to random people.

Commissioner Bevans asked if there is any way this can be included in the development agreement, so this property doesn’t end up going to another commercial developer.

Commissioner Gedge questioned if this would even be an allowed use for this home and space.

Chair Hollist said not the way it is now, but if this zone change is made it opens it up to more.

Commissioner Bevans said that is her main concern with that piece of property, what that will turn into down the road.

Ms. Visser said they know this is a concern, and they intend to incorporate it into their plan. It doesn't benefit them as a venue to have a Maverick's there or something that will create more traffic or take away from what they're trying to preserve. Her parents live there now, so they don't currently have a time frame for when the home will be empty.

Commissioner Catmull asked for an estimate of the timeframe to execute the development agreement, if approved.

Planner Drozdek said it will have to be signed before the city council meeting, scheduled for April 19. If approved, it would just need to be signed and recorded.

Ms. Visser said it's a hard question to answer as they want to jump on this project, but she thinks maybe a year or two for the project. The barn has been a working barn, so they have their hands full; with their vision, they want to be careful and make sure they do things right.

Commissioner Catmull said he was asking because recently they had something come up that was almost 10 years old. They had to refresh the general plan, since that's the main way we communicate the intent of development in the city; he wanted to get a feel for the timeline on this project.

Ms. Visser said their intention is to start soon. They are purchasing this from their parents and they want to get started as soon as possible. She is not super familiar with how long the process is with the city.

Commissioner Catmull asked if they would be seeking any temporary liquor permits.

Ms. Visser said they will not hold those. Other venues hire out a bar service to handle things like that; they would not be distributing that themselves.

Commissioner Bevans asked if the venue is required to hold any type of liquor permit to have those companies come in and distribute onsite.

Commissioner Catmull believes it's a temporary permit.

Chair Hollist opened the hearing to public comment

Adam Stanley (Resident) indicated he was representing a group, and that Kurt Jenkins has ceded his additional time to him. He lives on the crossroad of Bison Ridge Road and Alexander Park Lane. He is from South Jordan, he and his wife grew up here and went to Bingham High School; their families have been in this area for 40+ years as well. They are well familiar with the area, it just happens that he is now a resident who is directly adjacent to this property. His mother has also moved into the Harvest Villas neighborhood and her home is directly across the street from this property, and she faces this property as well. He is here representing the large collection of neighbors in all of these neighborhoods that are opposing this proposition. He brought in a list of approximately 70 individuals and households that have given signatures,

showing their opposition to this proposal (Attachment AA). To be clear, they love and value the Jones family. They have loved living near their open lands and animals, and of course their barn. They were saddened a few years ago to learn that they had decided to sell their land. Neighbors were informed that the land was being rezoned to R-2.5, which he believes has been brought up this evening, allowing multiple residential lots to be developed. He submitted a few images before the meeting, one referencing the original development as proposed just a few years ago (Attachment D) and a few emails expressing his concerns (Attachments C and S). This was how they understood the plan was going to be, and they were not opposed to it; after all, if not horse property or farmland, it seems residential should exist within a residential area. Honestly, as neighbors and residents, they have felt blindsided by this proposition of a reception center and this proposed change to commercial property, essentially within their neighborhood. They feel there has been a misrepresentation that the neighbors want the barn torn down, this could not be further from the truth. What they are against is the land being rezoned to something of commercial, and the affects that will have on their quiet, low traffic neighborhoods. He also provided a list before the meeting of 35 other reception centers in Salt Lake County (Attachment BB). Of those 35, only one or two actually border any kind of residential property; Magnolia was shown with residential on the back side earlier in the meeting, there is one other with one border adjacent to a reception center in Salt Lake County, everything else is commercial surrounding it. This proposed reception center, as presented, borders all residential neighborhood and this is unprecedented for any property they have found within Salt Lake County; he doesn't know where the other properties are located that were shown tonight. Regardless of the owner's current plans for the property, and regardless of verbal guarantees, there are never guarantees in business endeavors. One of their major concerns is what will happen to this property in 5-10 years if the business does not do well. If it is already zoned commercial it can be easily sold to another commercial project, which has mildly been addressed; once the dominoes start to fall, the rest fall more easily. Additionally, the Jones' residence, as was shown on the north side, is to be kept residential in the current plan and they did have a question of what the plan for that was. Bottom line is keeping the land zoned for residential is the only plan that actually guarantees unwanted commercial real estate not ending up in their neighborhood in the future. To address the concerns regarding an actual reception center, he wanted to bring voice to them from his side. There is no mention in the initial plan submitted to the city regarding traffic and parking. They contacted many of the reception centers included in the list he submitted (Attachment BB), including Magnolia, Cottage Charm, Aspen Landing and Azalea; most of those have more than 100 parking stalls, and all are near other commercial property that lends their parking as overflow on those evening which is used on a frequent basis. Although we know 100 stalls technically exceeds city code, where will the extra cars go when overflow is needed; that will be 3200 W, Alexander Park Lane and Bison Ridge Road. This is a safety hazard and an issue. They know it has been suggested that "no parking" signs be installed. His son plays football at South Jordan City Park, and they know parking there is a constant issue; the neighborhoods across 2200 W have "no parking" signs and every single week there are cars parked in that neighborhood. He is sure the residents of that neighborhood can verify that, because he sees it every week. He also provided an image of some traffic data they pulled off of UDOT's website (Attachment BB), and you can see on there that on 3200 W between 10400 S and 11800 S there is a very low daily traffic flow when compared with surrounding streets. Other reception centers have a much higher traffic flow, suggesting commercial does bring in more traffic.

Assistant City Attorney Greg Simonsen interrupted and said it's very important to get Mr. Stanley's images up. He has referred to them several times, they are important to him, so he asked if there is any way we can get those up.

Commissioner Gedge noted that the images were sent to the commission, but they didn't appear to have been submitted for presentation.

Planner Drozdek said he had one file Mr. Stanley sent that couldn't be opened, and he responded to the email asking for him to send it in PDF format.

Mr. Stanley said it was sent back in an Excel file.

Commissioner Bevans confirmed it was sent back to her as an Excel file, but she was unable to access her email at this time.

Commissioner Gedge motioned to allow a one-time exception to the time limit for this speaker until the issue is resolved. Chair Hollist seconded the motion, vote was unanimous in favor.

Mr. Stanley said they are concerned about inviting more traffic into their neighborhoods. Currently, there was indicated only a singular access point for the reception center in the plans for the entrance and exit. As residents, they are kind of in a "what-if" planning stage for the future; if there does end up being an additional exit required, where will that end up being. There is no right turning lane on 10400 S from 3200 W, traffic will get backed up there very frequently and Bison Ridge Road and Alexander Park Lane are most likely to absorb that congested traffic. Currently, they see it on a daily basis, when that light gets backed up during peak hours of the day traffic will cut through their neighborhood; that will only increase with this change. One question, from his mother's standpoint in the Harvest Villas neighborhood, is whether they will have additional property removed from their side to make road improvements in the future to accommodate this, as that has already been done in the past. It just does not appear that due diligence has really been done regarding traffic and parking with this adjacent to a residential neighborhood. Lastly, obviously noise is a huge concern with them in proximity, coming from this area. There is an outdoor space, there is an outdoor venue that certainly is going to host music. He knows it has been said that amplified music will only occur in the barn, and certain changes will be made, but he just doesn't see how a barn can really contain a large amount of volume or music on a consistent basis that won't interrupt the surrounding property. They have seen on the proposal that the property will stay open until 11:00, and they are concerned, even if they say the music has to be turned off at 10:00 P.M., will it really be turned off at 10:00 P.M.; what other noise will occur with the crowds and the parties. It's very evident these are not just come and go wedding receptions for open houses, this is an event center and can host many, many other things. In conclusion, he hopes that if the members of the commission are going to consider the owners' feelings of sentiments regarding their property, please consider the feelings and concern as neighbors and the negative impact this commercial type of property can have on their neighborhood. For all these reasons, they as neighbors are requesting that the commission recommend against rezoning this land to commercial, and ask them to "please protect our residential neighborhood." He also noted that they weren't referring to Magnolia as a reception

center that bordered residential because it lies on 10400 S almost exclusively; if you want to lump that in there, it would be the second property. The only other one was Cactus and Tropics down in the Millcreek area. It does feel that in Salt Lake County, the proposition of this being in the middle of a residential area is really unprecedented for this county. He doesn't have any details on the other properties, if they are in Utah County or more rural areas. Regarding the UDOT info off the internet, that was as of October. This information in Attachment BB is showing the low flow of traffic on 3200 W which is directly west of this property, between Harvest Villas and Alexander Park Lane; it also discussed the significant amount of traffic that is associated with the other types of commercial areas.

Attorney Simonsen asked before we moved on if we had Mr. Stanley's documents for the record, he wanted to make sure they are saved.

Commissioner Bevans indicated she had them and would forward them on.

Dave Freiss (Resident) represents the development group that bought Jones' property to the south of the reception center. A few things he wanted to make clear as the developer were that the lot sizes, even though they are asking for the rezone to R-3 which is basically a quarter acre zone in South Jordan, are not changing in size; they will all remain one-third acre lots. The plat as everyone sees it, and as is constituted, should be recorded in the next two to three weeks; they will be building houses and doing development there on the south end of the property after that. As a developer, he thinks sometimes property values get misrepresented in these meetings; they are not going down, they are going up at an alarming rate and we all need to slow that down if anything. Regarding traffic, it's getting worse everywhere and this development will not be negatively impacted for traffic, and the kids are not going to die on the sidewalks. He thinks this is a really good solution, and the idea of rezoning this to a commercial zone and having something like a reception center that does preserve open space in South Jordan that is also a landmark icon is good as well. He has lived here his entire life, he lived in Glenmoor which was the west side of South Jordan with dirt roads all the way around; however, really the west side residents of "pure" South Jordan was the Jones'. We have seen the photos, it has been here for a long time and he thinks we would be better off to see it remain in some form and some tact, something to remind us of what it used to be. He thinks that is one thing we are going to see disappear more and more, and just because we zone it as a commercial building does not mean that it can't change; putting houses there wouldn't necessarily change that. We have developed properties where we've demolished five or six homes to put something different there. It's influx, it's change, and it will be that way forever; hopefully we can preserve something really cool in South Jordan.

Commissioner Gedge asked Mr. Freiss, as the developer, to confirm what the applicant stated, that they are in agreement to sell back the two lots that have been mentioned to increase the parking.

Mr. Freiss confirmed that yes, they are.

Bela Eliason (Resident) lives right across the street from the barn. Looking around the room, at the people raising their hands that they are in support of this, she doesn't see anyone she

recognizes as living around the barn. While she thinks that hearing different opinions is very important, in this case she thinks that those who should be heard are those who are directly impacted by this. Not only the directly affected properties in the neighborhood are opposed to the project, but the majority of the neighborhood disagrees with the proposed rezoning and plan. In order to better understand what is being proposed, she actually took the time and went through the general plan of South Jordan, reading the whole thing, and she wanted to share a few definitions that stood out to her. The first one is for the term “stable neighborhood,” which is the current zoning of the property. While talking to her neighbors, she realized that a few of them were told that if they didn’t agree with the event center they will probably end up with something much worse, like a gas station or a Walgreens. For that reason she thinks it is important for everyone to understand what the current zoning is, and what that means. She referred to previously submitted images for the definition of “stable neighborhood” (Attachment G). The reason they moved into an area zoned “stable neighborhood” was because they wanted just that, a quiet place where they could enjoy the benefits of knowing who is on their streets. The Jones’ farm is surrounded by residential land on all four sides and she had a map of that (Attachment J) with the black lines showing the Jones’ property, and the rest being residential on all four sides. In order to respect the general plan and maintain the same quality of life for the neighbors, it defies reasonable expectation that it would not stay residential. The proposed rezone is “economic infill opportunity” and it has been mentioned before that in the general plan it defines it as shown on her presented image (Attachment H). As she mentioned before, the Jones’ farm is surrounded by all residential area, with no economic centers nearby. If this rezoning goes through, they are not only worried about the impact the event center will have in their daily lives, but also possible future development. There are no guarantees that this business will be successful, or that the Jones family won’t change their mind again, and they believe such a rezoning would make them vulnerable to who-knows-what future developments. She understands this is an emotional issue and they respect the Jones family. They love to hear their stories, but they demand the same respect for their families and stories.

Scott Lloyd (Resident) wasn’t originally planning on speaking tonight, but he is here as a neighbor living just to the south on Bison Ranch. He has talked to some of his neighbors in his cul-de-sac and they are okay with him talking and representing a few of the neighbors, specifically the Dahles and the Christensens who raised their hands and agreed to cede their time to him. In talking about how they are setting this up, and talking about the land, when he moved out to South Jordan he had seen the bison and elk forever and really enjoyed that. If you talk to anyone through South Jordan, that is what it’s known for with the Jones family. As the family began to sell parts of their land off and zone it for residential, it was to be sold at that time as the area where he is living, to be developed in a residential area. With that residential increase, obviously financial gain was received at that time, not needing to sell but at that time choosing to. As the new development went through in Zone 1 or the development portion of Zone 1, into Zone 2, the idea was there would be residential areas when it was first classified, and it is right now shown as a residential area. This was also the selling point, and again, the area did not need to be sold, but it was sold for a financial gain. He understands that the family wants to go ahead and have the support of that property and have that property be remembered, possibly having an event center to be able to recognize the Jones family on that portion; that is understandable with how long it has been here and part of South Jordan. With that being said, having a small petting zoo, or an area specifically for the Jones’ like a small museum is one thing. However, to change

it to an event center that is not very specific in time or label as to what's going to go on there, means this is not for receptions, it is going to be an event center. In his experience of 32 years in law enforcement and working through many cities throughout the county and community here, once you classify it as an event center it can go into anything from a truck show to a food truck stand, a wedding reception, it could be a band group or a high school gathering, anything and everything. There aren't really any specifics, so it leaves it very, very vague as to what could be put in there and there is really no limits the city can put on that, other than saying they are going to put stipulations on you; that they want it closed down at 10 and if it's not closed down at 10 they are going to call the police. It will probably be 45 minutes before they are able to get there, then when the police get there they are going to tell the event organizer 'you can't do this' and they'll respond that they're the ones renting it and they don't have the responsibility. The police will talk to the owner and the owner will say 'next time, remember don't do that.' He's only telling everyone this because this is what happens to the event centers that he goes to, and he deals with, and he talks with them, and it's always fingers pointing different directions saying 'it's the owners,' who then point back to those renting the space as an event and this is what it is. It becomes very hard, the fact that you can't label or tie that down. Now, we get into the areas where we ask if there will be alcohol or liquor being given there, having a liquor license. He is not sure how South Jordan is set up, but a liquor license given to them specifically for the event center will be hard to get. However, like they said, if they have someone on the venue that's renting and they have someone with a license that can serve liquor under their own license, that means you can't eliminate them having alcohol there. Let's add the alcohol to that event center, going in there they now have a traffic issue, and he's sure they'll do designated drivers and Ubers as that would be a perfect world, but realistically that's not what he sees on his job. When Bangerter was closed down it was already a bottleneck, and trying to get the timing on those lights was hard. Those lights did get changed, he knows because he spoke with UDOT specifically about it and they changed that. That timing, now that it's open is better, but when you're in traffic flow during those peak hours it is going to increase; he's sure that these events that are going to be presented are going to be during some of those peak times with increased traffic flow. Add to that the one access into 3200 W, on a distance he's guessing about 150 – 200 feet, but it's also on the exit from the residential private HOA across the street to the west; now you have traffic flow that will require creating a second middle lane with most likely access into that coming mostly northbound and you're limited on your southbound. You are creating a traffic headache with again only one access to this, and even further, they go ahead and sell that right corner going north on 3200 W to go onto 10400 S to be a turning lane. That's great it becomes a turning lane, but it will cut into the home on the corner. In a perfect world, everyone pays attention in traffic, they let people turn into these areas and are really courteous when they pull back out on to 3200 W, but that's not realistic, it's a traffic flow increase. Now add an overflow with a big event, they tell their wedding guests that only 98 can come and the rest will have to look by Zoom or something. That won't happen, they will still come and park in the residential areas; they can't park on 3200 W so they will go to the south, into the neighborhoods where they can walk into that area and be part of that reception. This puts things in his neighborhood, and like the two prior speakers here, the residents here are the ones actually living here and impacted by it. He doesn't mean to discredit how the Jones' whole setup is going, it has been a great asset and it's been his whole life he remembers it, but they chose to go ahead and start selling it, they chose to get the financial gain from that; with that financial gain it was working out well. He doesn't know if the people buying the new properties were able to be told

that “by the way, you just bought yourself a great property, your house could be worth \$1 million, but we’re also going to go ahead and put an amphitheater or event center right next door that we can’t tell you what’s going to be there. It might be middle aged or high school concert bands, or a car show or a car club, we can’t tell you any of these things, but we promise you we will work really close with you and we won’t change the zoning when we do phase 2 and we won’t sell that off. Now we’re going to do phase 2 because we want to make this event center bigger and we are going to add that, make our parking lot bigger, and now we have a bigger spot in that same area.” As a city council and as a commission, dealing with the zoning side of it, once the foot is in the door they can go ahead and expand, do the things they want to do to build it and make it bigger and better at their benefit, their financial gain, and not what it is for the city of South Jordan and the residents south of there that are there for a quiet community. We have plenty of green space in a lot of different areas.

Arla Roloff (Resident) has been a neighbor to the Jones’ for about 45 years and when they moved out there, there was no asphalt that went to their house, they just drove down a dirt road. Things have happened around here that maybe they didn’t like coming along either, but things change, times change, and she thinks it’s only fair that we allow the Jones family to make some changes to their property if they would like. They don’t want people parking on their streets, nobody does she doesn’t like things on her street sometimes either; it happens and she thinks we all just need to move along and realize that progress is there. It would be nice if we allowed the Jones family to maintain some of the things that brought us all, that we loved out here originally. Everybody used to love to look at the elk and the buffalo, no matter where they were from; everybody walked down to see them. She thinks that is something we all need to remember, that the Jones family did bring a lot to us here in the South Jordan area and we need to allow them to make some changes in their property if that’s what they would like to do.

Ben Eliason (Resident) lives directly across from the proposed property changing. As someone with a busy work schedule, who often ends up working late, he is fortunate to be able to attend. Many of their neighbors share their concerns, they wanted to be here but couldn’t. His property sits just east of the Jones’ farm, currently zoned as residential property. He and his wife, along with their two kids, moved to Alexander Park Lane in the summer of 2017. His two kids have learned to ride their bikes along this quiet road where there are houses on one side and buffalo on the other. Families, including his own, enjoy taking walks through their neighborhood, along its peaceful residential sidewalks. His kids have loved to see the pony and Amy Jones loved that people loved her miniature pony and expressed the need to keep it for that reason. In their four plus years, he never imagined the city might allow their neighbors to rezone this to commercial. What is more, the owners actually repeatedly reassured them that it would remain residential. The problems of a reception center venue, as you may well know, are various; creative wording that builds this proposal as green space or an important historic monument glosses over the fact that opening a commercial zone in their neighborhood will draw large crowds, just as other commercial and reception venues. Such businesses are common in South Jordan, they are businesses; he doesn’t believe the public will be able to enjoy these premises as they would a park without paying a fee. Some supporters of the new construction who look forward to driving by the beautiful green space are likely to be disappointed by an eight foot wall proposed, surrounding what are now being referred to as gardens. Larger reception venues are not an investment in improving the larger community, except for those with the means and motivation

to access them or profit off of them; this could include caterers and through tax revenues. He would expect the outdoor elements to the plans to have greater than usual impact on our neighborhoods in terms of noise. The first three rules of real estate are “location, location, location;” what makes a location attractive is often its distance from highly trafficked commercial centers. It is not the Jones’ or the Vissers’ job to protect his considerable investment of time, energy and money in his home, whose value and livability is so tightly linked to the feel and nature of the surrounding neighborhood. Zoning laws are intended to favor existing properties over new constructions, which may negatively impact adjacent homeowners. Please consider your duty to uphold the letter and the spirit of the laws of zoning in this matter, we implore you to protect our homes against opportunistic commercial encroachment.

Doraleen Rich (Resident) will be the recipient of the traffic jam because she lives right on the street that goes directly in to the reception center. First of all, she has a question that she would like the commission to clear up for her because she is very confused. She has lived in her home for five years, in the last three years she has received three different letters to rezone the Jones property. How many times can the commission have, and allow, rezoning of the same piece of property; she would like someone to answer that for her to clear her mind up.

Chair Hollist noted that will be answered after public comment.

Ms. Rich said another concern is, if the Jones wanted to have open spaces, why have they sold off all the properties and given her the opportunity she is very grateful for to live where she does, because they sold something off. If they want to preserve a barn, the most interesting thing she has ever seen is turning it into a residential home; don’t turn it into something commercial. She agrees with everything that has been said, and she has talked to a lot of people; once you open a door, the door is opened, and does the commission have the right to close it. She doesn’t believe the commission has that right, but she doesn’t know. She is kind of tired of her tax dollars going for all of the work that was done on the Jones property to widen 3200 W to the condition it is, and now they’re talking about doing some more; is that going to be her tax money, to widen that and the mess that it causes. She is concerned about the traffic for the people in those nine homes, she doesn’t see an entrance into those homes, where does that come from. Is the entrance for those residents into those other properties going to add more congestion, and will they be able to get their friends and neighbors into there. She thinks this is a desire to preserve something, but it’s very narrow minded because preserving a barn doesn’t count for all of the residential properties around their area.

John Adams (Resident) is very close to the east entrance of their property. He knows he has spoken to a lot of their neighbors, he wasn’t planning on standing up here this evening, but he wanted to reiterate their concerns about the traffic flow. He thinks the officer did an excellent job talking about the traffic flow along 3200 W and 10400 S. He knows during the daylight hours, yes, it is not very congested. However, in the mornings, from about 7:00 A.M. until about 9:30 A.M. trying to make an east, or right hand turn, is almost impossible because there is a bike line there and the lane that you’re in goes straight through or you have to turn right, and that’s where the bottleneck is; that is really a concern to them. It was mentioned earlier that yes, Harvest Villas has two entrances, but he wanted to comment to all of the commissioners that about a year ago, South Jordan put an island that goes west towards Costco, and Hidden Valley Drive goes

south. Prior to that island going in, any of the residents that lived in that community on that particular road could turn left; and then those of them wanting to enter the west side of their Harvest Villas property could no longer do that. If you want to go down that way, into their west gate coming eastbound, cars have to go down to the stoplight, go into Walmart, U-turn and come back, and then turn south; or they can go into Costco and do the same thing. Even though they have two entrances, it is very limited, especially in traffic conditions. His ask would be to not rezone, to keep it residential. Regarding putting in an eight foot barrier around the property, it makes him feel like they are not preserving open space, that they are basically putting up a compound because they are not going to be able to see any of that open space.

Kristen Maylett (Resident) lives south of the community and has lived in South Jordan for almost 20 years; that barn has become a landmark for them, for them to show their kids and take everyone by there for years as many have said. She has a daughter that is getting married, so they have been looking for venues; her fiancé is from South Jordan, so they would love to have a place here that they could have the reception and have a great venue. They looked and looked, and they couldn't find that here, there wasn't something that met what they wanted. They found something similar to what the Jones' are proposing in Utah County, they went that far for something; there is nothing like this in South Jordan, there is a need for it. There is a need for this kind of venue. She thinks the Jones' are so cautious and careful of preserving this barn. There have been some comments of what kinds of events they would hold there, they have been so cautious of preserving the area and honoring the community; they are doing whatever they can to make sure that the venue provides that service for the community. The venue that they found in Utah County, like she said, is similar to this, it's right in a community surrounded by homes. There is a requirement that they are out of there by 10:00 P.M. They have watched their parking, watched people come and go and they've seen all of that happen. The neighbors are fine and it has become a great source of bringing the community together by having that facility, Walker Farms in Utah County. Just watching that, and seeing what's going on here, she just thinks this is a positive, wonderful thing for our community if we look at it that way. The flow of traffic comes in and out, it doesn't go all at once; even if there is one event that they all leave at one time, people just don't leave all at the same time, they stagger out. Everyone talks, and that's just how it is. She feels like this is a great way to bring our community together. The wall is just a way to help with the sound, it isn't a barrier. The facility they found has the same thing, and it isn't a barrier; it is beautiful and wonderful. She thinks we should give the Jones' an opportunity to do this, after they have given so much to the community and when their interest is to make things better.

Landon Anderson (Resident) has been a resident of the great city of South Jordan since elementary school. One thing he wanted to say at the beginning, with regards to the traffic problem, he would be grateful for this project to move forward. What this project does is create that right hand turn lane, going from 3200 W onto 10400 S. Someone earlier talked about the congestion in the morning, he sees it all the time on his drive to work; that is part of this, to alleviate that traffic problem. Going back to his time growing up as a student at Jordan Ridge Elementary and South Jordan Middle School, some of his oldest memories are the field trips they would take, walking to the Jones Family Farm. Those trips always included a tour of the barn, which over the years has become one of the last remaining memories of his childhood. You can see the difference in South Jordan today versus 30 years ago, there is not a lot left that was

originating here. In fact, he would be interested with the South Jordan City Ordinance Chapter 17.124 of the historic site lists preserving buildings that are more than 50 years old; he could only hope to preserve this historic building as it is now. He thinks the plan the Jones family has brought forward is a great medium ground, and alleviates a lot of those traffic issues brought up as well.

Jared Bolduc (Resident) and his family are actually one of the lots that is still remaining to be built on this particular development. They put their original deposit down on this residential area, with the understanding that it was going to be developed into all residential houses; they would be moving into a neighborhood with the due diligence that he and his wife did, understanding the current traffic patterns and everything associated with that. One of his concerns, among many that have already been brought up, is the traffic. It is going to be nice to have a bunch of “no parking” signs down his street, which he is not really excited about, but it’s the traffic. It is the cars that are going to miss that entrance to turn into 3200 W, or who won’t be able to, and then have to re-loop around and go through his street on Alexander Park Lane. With this proposed change, to say that kids won’t be killed on the sidewalk is nice when it’s not your kids. It’s easy to say traffic won’t be a concern when it’s not your neighborhood, and it’s easy to say that this will really preserve a lot of open spaces when it’s not a park. One of the things for him, that he really lives by because he has been a bit tainted by this, was that there was a contract signed that they were all going to be houses in a residential neighborhood; that has been changed since he put his deposit down, and he is stuck there with his family. Any verbal guarantee that traffic won’t be an issue isn’t really sufficient. He is a real big believer in actions, and they speak louder than words. One of the things he would propose, as there is a precedent set around the neighborhoods there at that particular stoplight, is that they would potentially make Alexander Park Lane a private lane, along with the neighborhoods that are just west and northwest of that particular neighborhood. That would ensure the safety with traffic issues, along with the parking issues that would also come with this potential change. For him, one of his last questions is that they mentioned a lot of different reception centers in neighborhoods, but has anyone gone and asked the neighbors in those neighborhoods how they felt about the reception center.

Lorie Benson (Resident) is seven houses from 10400 S. She wasn’t planning on speaking, so she actually isn’t prepared, but something was brought up that really kind of made her heart start beating. She has actually spent the last few months trying to talk herself into being okay with this reception center. She has been listening to all the positives and saying it won’t be that bad. There are a lot of concerns with traffic, lights, sound, etc., but the minute alcohol was brought up her heart started beating. She spent almost four years as the executive assistant to the VP of Marketing at Associated Foods, and her main job was arranging their buying show and event planning. She planned about 10-12 events a year and worked with alcohol vendors at every single one of those events. The one thing they always mentioned to their alcohol vendors is to please keep tabs, try to limit the amount of alcohol, and not once did they do that. They would guarantee them they would do that, and not once did they actually do that. They had fender benders outside the Salt Palace, she can’t even tell us the amount of issues they had with people leaving the event completely intoxicated. That’s concerning to her because she lives right behind it. She has a 19 year old, a 17 year old and a soon to be 16 year old driver, as well as a 12 year old who will be driving soon as well. Knowing that they will be coming home between 10 and midnight on weekends, or even weekdays after musical rehearsal or ballet practice, and knowing

there will be intoxicated drivers leaving this event space is extremely concerning to her. She has really appreciated the Vissers, they have kept an open line of communication with them and that is something she would like addressed. She wants it on public record that is a huge concern to her, and she's guessing several in Bison Ridge and on Alexander Park Lane.

Paul Jacobsen (Resident) There have been a lot of reverences to an old barn; it is an old, very dry barn. They want this to become a public building. He built a public building and was required to build it to a completely different standard than a residence or a barn; he would hope that South Jordan would commit themselves to make it up to the quality of a public building that wouldn't burn down and kill everybody. This would include electricity in conduit, better materials that are fireproof, fire breaks in appropriate places so it can't spread; that barn could go up in 10 minutes and nobody could get out. He is concerned about that, and there is not one person that addressed that, but they've addressed an old, dry barn and he thinks that overrides their nostalgia.

Kelly Cooper (Resident) wasn't planning to speak tonight either, so isn't super prepared, but she is in agreement with what her neighborhood spokespeople have said in speaking out against this project. She thinks a point she'd like to highlight is that some of them have felt misled and things have been misrepresented; obviously things have changed many times, that's a little difficult for people who are not really kept in the loop. She wanted to touch on the misrepresentation thing, and she has heard people bring it up to an extent, but she wanted to pose it more in terms of a question. She has heard both Ms. Visser and the developer building the homes speaking about preserving open space. She did a quick little search, and the definition of open space is "a piece of land that is undeveloped and is accessible to the public. It can include green space such as parks, community gardens, cemeteries; it can be school yards, playgrounds, public seating areas, public plazas, vacant lots, etc." The implication of the term open space implies that it is open to the public, somewhat free of charge with maybe a minimal fee. To her, a reception center is not preserving open space; it is clearly a business opportunity, it is to make money. Her question to everyone is, open space like parks, trails, etc., are those zones considered commercial, are they zoned commercially or is that a separate zoning for green space/open space; how does a reception center, as a business proposal, fit into preserving open space.

Chad Pearson (Resident) and his wife built their home in the Bison Ridge subdivision. They loved it because of the larger lots, and it's just a beautiful location; they have always appreciated the bison, elk, etc. His profession is as a Certified Residential Real Estate Appraiser, he has been doing that for two months shy of 28 years. In 28 years, he can without hesitation tell us that this will negatively impact the homes directly by this property. The light, the activity, the music, the alcohol, the traffic will get backed up during those events and those vehicles will access Alexander Park and Bison Ridge Road; there is no way around that, this will negatively impact the value. He feels that the city has a duty to respect the large investment of all of the people who have already purchased property there, and to protect that investment for them. You would expect this type of rezoning to occur only in areas that have already experienced decline, we are not in decline, Bison Ridge and this area is not in decline; it does not need revitalization. While he is very fond of the barn, the animals and the open space, this type of venue needs to be somewhere else. Unfortunately, he is sorry but "location, location, location;" you cannot move location, that is permanent.

Luanne Jensen (Resident) has resided in South Jordan for just under 49 years and if you want to talk about change, let's talk about change; it all hasn't been for the good. The farmers out here, other than one, were all World War II Veterans; they sent their money home and their dads bought property, they then came here and developed it. They farmed it for a lot of years, and then the city got a little bigger, and bigger. Then we decided we needed to widen roads; people on 10400 S, the 32 homes that Megan mentioned, were taken out. Did they have a choice? No, they did not; UDOT came in and said this is what they were going to do, like it or lump it. They didn't like it, and they lumped it. Of the 32 homes, only two families were able to stay in South Jordan, the others had to leave. UDOT gave them fair money, she was involved in some of it; UDOT was very nice to them, but that was not the issue. The widow that lived at Alexander Place, Gene Bateman, was forced out of her home by UDOT; she had lived in that home for 53 years. She moved on 2700 W, just by Monte Vista elementary, and went from 7 acres to 1/3 acre; it about killed her because she loved it, she built that home and was the first one on a dirt road that went clear down to Redwood Road. The kids walked down there and went to school. She had to leave, and seven years later she died of pancreatic cancer. She would have loved to have been in that home until her death, but it didn't happen that way. So yeah, she ended up selling her ground, she didn't really have any choice; she sold two acres to UDOT, got a 10 year old home on 1/3 acre, and had to pay money to do that. She has seen so much commercial, her first real battle was the Maverick's on 2700 W and 10400 S. Her time to speak was running out, so Clark gave her his time and she continued. She didn't like a lot of the commercial coming in, and when the farmers started selling their ground, she told one of them that she moved out here to have the utopia they already had and asked what they were doing. They responded that they are retiring and they need the money, and she appreciated that. She is very happy that the Jones' want to preserve what she knew and what her kids knew. She is computer illiterate, but she went around and got 29 signatures of people on the north side of 10400 S and 3200 W (Attachment CC), asking what they thought about this. They have all lived here at least 45-50 years, they said this was where their kids grew up, they love the Jones' and they loved them back. She would take her scouts there, Otto would put them in the stagecoach and rock them, they thought it was great. They talked about the ostrich, the fallow deer, buffalo, all of them. People started moving out here, they shot an elk, they shot Shepps the Buffalo; did anyone care, no. They didn't care because we had to build, that's what is important out here. She just thinks that we ought to think about people who have lived here for a while, and the Jones' have; they have given a lot to this community. These third acre subdivisions were because of Otto Jones, and some of them that fought the city council that wanted to build twin homes and zero lot lines; that was back in the early 80s, and that's why most of our subdivisions are third acres because they fought for that. It is a prime corner, and if it doesn't go for something like this she guarantees us that in a few years it will be commercial there; it will be a service station or something, because that's the way all of it goes. She hopes we consider preserving the history of South Jordan, that community is a big part of it, and all of them have loved it for years and appreciate the Jones' for their hospitality they have given everyone over the years. She has decided one thing, and it might not be very nice, but the people that live here the longest get crapped on the most, and she is a firm believer in that.

Matt Visser (Resident) is originally from Montana and his wife is Megan Visser. He has really come to love South Jordan, and he really appreciates the neighbors that have come to voice concern to this project, and also those that have come to support it; it is really an outstanding

community and he wanted to express his love and appreciation for them. They can disagree, and that's okay, they have really tried to communicate and he sure loves them. They are willing to do a lot of things, and he kind of feels like they are damned if they do and damned if they don't. They are willing to define what an event it, as he and Planner Drozdek have talked about. Let's talk about that, put it in the development agreement, and hopefully there is no monster truck rally over there. They are happy to not do a wall; that was a suggestion of the neighbors to help with the sound. The wall is expensive, let's not do the dang wall then if that is in the best interest of those concerned. They are happy to have no "no parking" signs, the "no parking" signs were suggested by neighbors that they were willing to put up and willing to accommodate that however they would like. They are open to a discussion about no alcohol on the premises, similar to Walker Farms, if that's something they can entertain in the agreement, then let's do it. The land was agriculture for a number of years. A lot of the neighbors, almost all of them, have moved into that area with that being the status quo; at no point did any one of them reach out to the Jones family and wonder what's going to happen with that property. No one offered for first right of refusal on the property, and no one offered to acquire the property. Where they live, they have a neighbor that is kitty-corner to them who built his home looking east; he was concerned about their development going in and ruining his view. He came to the planning commission with those concerns, and the suggestion to him was he could buy land to preserve his view, and that's what he did. It is noteworthy that the Jones family still owns this property. There was a comment earlier that maybe the Phase 2 was sold, that is not true. He wishes they could preserve it without it costing anything, unfortunately this stuff is expensive. If they could just keep things as they were and have the animals there, it would be a great thing; but for them to make this viable it does have to be a business, and they are trying to make a really happy medium with that being a business that can support it, but also something that enhances the neighborhood. Regarding "location, location, location," let's not forget this is on the corner of 3200 W and 10400 S.

Derek Bunkall (Resident) feels he is pretty close to the property being discussed, and he is also here representing both the Bunkall and Fullmer families; he is the Executive Vice Chair of the Fullmer Legacy Foundation. They have a project currently in South Jordan Park and are trying to preserve the legacy of the Fullmers; this is what the Jones family is trying to do as well. He thinks this is what is missing in South Jordan, the history, the legacy. It was mentioned before that we do have to drive out to the Alpines of Utah to have the event centers that they provide, and the venues that they offer. He believes South Jordan is one of those top tier places in the community where people can come to and experience some of these things. His brother was just married two weeks ago, and they were limited on what they could do; it would have been amazing to have a venue like this with a history attached to it as well. He has been a resident of South Jordan for almost his whole life, about 35 years, so he has seen the change here. He attended Bingham High School and loves the history we have here. He believes the Jones family, the Fullmer family, and others like them want to continue that. He hopes that we continue forward with what they are proposing and we preserve the things they have and this precious piece of land.

Dave Rukerd (Resident) was one of the victims of 11400 South being widened; it is perfectly fine, they knew when they moved there that things would change, that's the way society is. He just wanted to take a quick moment to say he understands the concerns of everybody around, but

he wanted to speak on behalf of the Jones family and those associated with the Jones family, of the integrity of who they are. He has known them for a number of years now, and they are not going to shaft anyone or try and make it terrible; they are willing to compromise, to do things to make it better for the neighborhood. This is not all about money for the Jones family, they are perfectly fine; they truly want to hold on to what they have, keep a part of South Jordan alive. All of South Jordan is pretty much gone the way it used to be, they are keeping it alive, but it's reasonable as well to have something to help keep that alive; they can't just do that out of their own pocket. They are doing this for the purpose of truly and emotionally making it a nice place, and not doing anything bad for the neighborhood around them. They are willing to work with them, and as was just said a little but ago, they have gone to and talked with the neighbors; they have tried to accommodate any way they can, and they will continue to do that. He just wanted to speak on the character of those who are working with this project, that they are doing it for the right reasons and they will try to do their best to accommodate those around them.

Brad Knowles (Resident) doesn't want to spend too long discussing the nostalgic value of the barn to him, but it is there for him and the alternative to the barn seems potentially to be additional high end homes in the area. To him, that goes in a different direction versus preserving the legacy and nostalgia of the barn, and what it means to the community. He also wanted to speak to the integrity of the applicant personally, and just stated that with a development agreement in place he is confident that the applicant's willingness and ability to amend that as necessary, and provide an opportunity for others to review any details that may need to be modified to mitigate the concerns, is a viable avenue. Often times, in this type of a setting, the sensationalism of negative commercial impacts can come out, and to him, this venue doesn't seem too far different than many of the venues we have in our community that we call church houses. If the use here deviates substantially, or has the potential to deviate substantially from the type of traffic impacts and uses that we see with those types of venues, then again perhaps that can be whittled down and addressed through the development agreement. He is in favor of the project.

Trish Gustin (Resident) was a Jones originally, she is here representing the Jones family. They have gathered over 500 local supporters' signatures (Attachments DD and EE); they tried to collect these in a way that didn't create peer pressure or compulsion for support. The majority of the people they didn't know personally, but they are South Jordan residents and it is evidence on how important this is to the community as a whole. She read a few of the comments from Attachment DD out loud.

Jason (Resident) thinks that in this country, a man ought to be able to with his property what he wants to; it's his property.

Diane Kelsey (Resident) lives in the Harvest Villas. She thinks we've all enjoyed the property there, we have enjoyed the bison, the elk; she hates to see that traded for a parking lot full of cars, that doesn't honor the Jones' to have a parking lot there. It certainly won't be a thing that they will enjoy in their neighborhood. A park, yes, she thinks that would be a wonderful thing; green space that they could all enjoy. She doesn't see how this will be a park, it will just be a parking lot.

Kris Druce (Resident) she has lived just down the street from the barn for 25 years, close enough to bond with the elk early in the morning while they made their cow noises. One thing she thinks we need to take into consideration is what this means for the city. Everything we are talking about is what it means to the immediate, surrounding community; but this is an event venue that will be here available to all of the citizens of South Jordan, which will generate revenue for the city. She has someone who rents in the basement of her house, and they just went to his wedding at the Knot and Pine, in Lehi. It is a barn, they spent a lot of money, drove to Lehi, supported the local Lehi community because they had to get flowers and all those things from rentals to dresses to food; a lot of that came from the city of Lehi. This is a venue where we can keep our citizens here in the city, and we know there is a need for this type of event venue. She has another one scheduled in April, at the exact same place. We have all of these young people growing here, who want to get married and stay in South Jordan; let's give them a venue in which they can do that. In turn, we return revenue to the city of South Jordan and support the local businesses.

Ronnie Cooper (Resident) thinks people are being misunderstood. They are not trying to tear down a barn, everyone is acting like they are trying to tear down the barn. They can keep the barn up, there are no animals left and they don't have to spend anything to maintain the barn since there's nothing else there. If they want to keep the barn, and it's not about the money, then keep the barn; they don't have to sell it off as lots like they've done with all their other property.

Kim Bass (Resident) has been a resident of South Jordan for 40+ years, she is still a property owner here. Her home was on 10400 S and her childhood home where she grew up was torn down to widen the road to make room and allow for residents and this city to grow. She has lost her childhood home because of that. She is here to support the Jones' and their effort to preserve. She read a quote: "preservation is simply having the good sense to hold onto things that are well designed that link us in the past in a meaningful way, and that have plenty of good use left in them." She feels like this barn is that, and can be a great asset to the City of South Jordan.

Craig Bonham (Resident) is part of the development group with Bison Run, he owns High Country Homes and will be the one building the barn; he has also built about 20% of the homes over in Bison Ridge. He has a lot of really good friends that are here and watching tonight, and he truly loves and appreciates them and the homes that he has built for them. He has no intention of getting involved in this to ruin that home that he built for them. He knows he is standing here on the opposite side of the fence as some of these people, but the reason he does that is because he has seen a vision that has been created by Megan. A lot of times, when he goes to build a home for folks he can see the vision a lot quicker than they can, and he wishes and hopes that the folks here will come and ask questions and help them get the end put together. The eight foot fence that people laugh at around the open space is only being done for them, the people they've talked to. A lot of other silly things are also being put in for those complaining, they are willing to work with everybody and they want that to be known. Also, a lot of the homes that he has built in Bison Ridge were built on really cool lots, he had the pick of the lots in there and he picked really cool lots. In Phase 1 the lots are decent, they are back off 10400 S; there are some that are a little more challenging to build on 3200 W. There is no way in hell he's building a house on 10400 S and 3200 W. He wants everyone in here to go sit on that corner and then see if they demand building a house on that corner, because that's not fair. Megan has an awesome

vision, and he stands behind her on what they are going to do there. She is not doing this for the money. There are people saying they don't have to tear down the barn, but the barn is expensive just to sit there; if you own property, you know it's expensive. It's either residential or the alternative of making this open space. They are fine if people want to put rod iron fences up, if they want to come in and visit it, they have talked about this and she wants it to be a benefit to the community; she doesn't want it to be a hindrance or bad traffic. He thinks the unknown about traffic going down for miles is a scare tactic, as it's not fair and he thinks it will be a lot quieter and more peaceful than the first idea in everyone's heads. He invited people to reach out to them, they are willing to work with people.

Ryan Benson (Resident) lives on the adjacent street. He would rather have houses to be honest, but he has spent a lot of time with Matt and Megan talking about this, to understand their vision and what it is they want; it would be wildly successful if done, they are amazing people. He cares deeply about them and about their family. He grew up by Wheeler Farm, which is a historic building, and it got its historic status and will be there forever with that. The barn was unable to get the historical status for whatever reason, so it could change and that's a concern of his. He has talked a lot with them, back and forth in emails and face to face, and he understands their vision and they understand everyone's concerns. They brought a lot of those concerns to city staff, including his concerns, which is why there was a lot to do. His question is, on Alexander Park Lane, if he sees this wildly successful thing go in, how can he be wildly successful too. He was part of the change with Justin, the brother, that did it to R-2.5, and he listened and accepted it and went with that too. He sees the city changing things, he wants his half acre on Alexander to eventually be allowed commercial use as well; he wants to make it into a B&B, the Benson Manner; to be able to have cars pull in the back and make money off of their venture if it becomes wildly successful. If you are allowing them that option, do we need to allow him that option as well, or is that discriminatory in any way; it needs to be fair to everybody. If people were flying into events and they could stay that close, that would be awesome.

Commissioner Gedge asked if legally the Zoom format has to be honored, or if it is technically a courtesy.

Attorney Simonsen said the Zoom format is more or less a courtesy, the person wishing to take advantage of the Zoom option needs to have the technology available in order to make it happen.

Commissioner Gedge motioned to close public comment and proceed to commission discussion of the item. Chair Hollist seconded the motion, vote was unanimous.

Chair Hollist said one of the reasons they are just a recommending body for this particular situation is because it is a rezone, a rezone requires the city council to be involved. As a result, the commission is not the final body for that decision. She asked staff to discuss the parking requirement and how many are required for a space this size for this use.

Planner Drozdek said the city parking requirement is one parking stall for every 100 square feet of space; he believes this venue is around 7000-8000 square feet, which comes out to 70-80 required parking stalls. They have well over 100 parking stalls.

Chair Hollist brought up the lot sizes that are existing and remaining, mentioned that they are not changing and asked staff to confirm that.

Planner Drozdek said yes, they are not changing any lots.

Chair Hollist said there were several references to the general plan, and this being a stable neighborhood zone; understanding that residents who have been here a long time have seen change, so this can be change to others. She asked what the designation for this area in our general plan.

Planner Drozdek said it is labeled as stable neighborhood.

Chair Hollist asked to confirm that the plan in place, that was heard in 2018, was that this will become residential properties. All that is changing now is that some of those will now go towards what we're seeing tonight and get a rezone; a specific kind of rezone where the plan is specifically being approved by the city council with a development plan.

Planner Drozdek confirmed her information is correct.

Chair Hollist asked how a development plan differs from a general rezoning like professional office or commercial, and how does it restrict the property in the future.

Planner Drozdek said it's more detailed and specific. This was touched on earlier in the meeting, so any concerns that may arise can attempt to be mitigated, and all of those things can be put in the agreement which then governs development of this property.

Chair Hollist asked to confirm that the development agreement at this time refers to events generally, but does not outline specifically what an event would be.

Planner Drozdek said yes.

Chair Hollist said she presumes that the eight foot wall was a concession that the applicant made at the request of staff.

Planner Drozdek said that did not come from staff. It was mentioned a few times in talking with the neighbors, and he believes it was offered as a mitigating factor for noise.

Chair Hollist asked to confirm that the wall will make it so there is no pedestrian access from the east of the property.

Planner Drozdek said that is correct.

Chair Hollist noted that a citizen asked how many times something can be rezoned. She understands what is being said because they have seen this several times and gone through iterations. How many times can it be rezoned, and how is that paid for.

One can apply for the rezone as many times as they'd like and want to pay for it; the applicant pays the rezone fee.

Attorney Simonsen said there is an exception to that; if you ask for a rezone and you're denied, your specific proposal cannot be brought back for one year.

Chair Hollist said several references were made to a right hand turn lane onto 10400 S, she asked if that was paired with this development agreement.

Planner Drozdek said it's part of the old agreement. That right hand turn was supposed to be implemented with Phase 2, so we would implement that with this project as well.

Chair Hollist noted there were questions about the accesses to those homes to the south of this development, how will they be accessed.

Planner Drozdek said the homes will be accessed from driveways off 3200 W.

Engineer Nielson said for the remaining four lots there will be an alley to access them.

Chair Hollist noted that the barn being a historical designator was brought up a few times, she asked if anyone knows what is required to be considered a historic building.

Engineer Nielson said it used to be that for that designation, one of the qualifiers was being 50 years old. In some other cases, if there is local significance or it is proposed as a memorial, that might shorten the time period but he doesn't know for sure. Those historic designations are granted by other bodies, not the city

Chair Hollist said that Commissioner Catmull was able to officially find that one of the qualifying factors is that the building has to be at least 50 years old. She is not sure if staff knows the answers, but she asked about alcohol and anything they might be able to add.

Planner Schindler said that the rules are the same as everywhere else in the state in regards to alcohol and how close it can be to schools, or residential neighborhoods, etc.; those are not city codes, that is handled by the state.

Chair Hollist noted for clarification that the applicant seemed to indicate willingness to include not serving alcohol at events in their development agreement, and asked staff if that is something reasonable to include.

Attorney Simonsen said we have a freedom to contract in this country, and people can put just about anything that's not illegal in their contract; that is something that the city and the applicant could hopefully reach some kind of agreement about.

Chair Hollist asked staff about standards for public buildings, does the city at some point review that this building meets all the standards required for operating as a public building, AKA an event venue.

Engineer Nielson said that yes, they would have to get a building permit for the modifications they are doing.

Chair Hollist asked if our city's engineering staff would review those, including the fire marshal, etc.

Engineer Nielson said yes, it would go through the building permit review process.

Chair Hollist asked for comments on public space from the commission; what constitutes open space, does this meet that, and how does it play into our land use plan. She reminded the public to turn in signatures to City Recorder Anna Crookston tonight for our records. She brought up the question about if they rezone here, can other exceptions be made too. She mentioned that anyone should be able to apply for a rezone of their property, apply for conditional use permits, etc.; they would need to meet with staff, put together the plan and pay the appropriate fees.

Planner Schindler said they can apply, but that doesn't mean they are guaranteed to be approved. If this application is approved, that doesn't mean that the gentleman who mentioned a B&B would get his application approved in the future. There is nothing in our code that says everyone gets approved, there are differences.

Commissioner Gedge asked if they can require the owner to contract with public safety and pay the appropriate fees when certain types of events are planned. Other events in other cities have police and traffic control to make sure traffic is not impeded, and he was wondering if that could be included in this development agreement.

Engineer Nielson said something could be put in the development agreement, based on what Attorney Simonsen said; however, from an engineering perspective this was looked at and it is similar to a school or church that is all over our community. Depending on the event, the surge may be worse than other times. There are 113 parking stalls, and 3200 W right now flows about 4000 vehicles per day with the capacity of flow for about 12,000 vehicles per day; that is about what 9800 South currently flows. Engineering viewed this as a commercial use, but it is directly adjacent to a minor collector street and within 350 feet of a major arterial street, so the traffic quickly becomes a drop in the bucket.

Commissioner Bevans asked if, because of the differing zones, there is a fencing requirement that would be put in place here since it's a commercial zone hitting a residential zone.

Planner Drozdek said that it would be required between the properties to the south of this project, but not along Alexander or 3200 W.

Commissioner Catmull asked about the process to amend this agreement in the future.

Planner Schindler said that an amendment to a development agreement would go to the body that approves it in the first place, which is the city council. It would not come back to the planning commission as the items on the agenda tonight are for the land use amendment and the rezone, they don't have input into the development agreement; that is between the city council and the applicant.

Commissioner Catmull asked if the city could also initiate an amendment, not just the applicant.

Planner Schindler said that is correct, this is an agreement between two parties; either party can initiate the amendment, but it does have to be agreed upon by all parties. If the city council wanted to amend it, they couldn't do that unless the applicant was willing to amend it the same way. The same things hold true for getting it approved, the commission is welcome to give recommendations for the agreement, but if the applicant doesn't agree with them they might not get their project; however, it is the city council that has to agree with whatever staff or the commission comes up with, along with the applicant.

Commissioner Gedge noted that if they move forward with a recommendation for the city council, he doesn't see a reference in the items being addressed tonight to the development agreement; he asked if they would be out of order to include in their recommendation to the council whether or not they would recommend approving the development agreement.

Attorney Simonsen said no, they would not be out of order.

Commissioner Gedge said that, as a lifelong resident whose family's barn was taken down 10 years ago for development, and then hearing about the end of the racetrack at the last meeting, he would like to preserve some history in this great city of ours. He has personal memories of visiting this location over the years, and he is in favor of property owner's rights as well. It looks like this is a nice mix to keep some residential, but also have a buffer; he also trusts the applicant at their word, and with the development agreement it will protect for some of the potential uses that could be asked for with the rezone. He likes the idea of keeping some of our history, but if anyone else wants to come up and pay the asking price for the land and develop it as they wish they would have done it by now; the applicant deserves the opportunity to keep their family home, develop the barn, but also pay for it. He is in favor of forwarding a positive recommendation to the city council, with the added note that this would be based upon the city council approving the master development agreement for the property; he wants to make sure it's in our motion to them to protect what the applicant has said.

Commissioner Bevans spoke with Council Member McGuire today, he mentioned that he asked Ms. Visser to hold meetings with surrounding neighbors to address the questions and concerns; she asked Ms. Visser if she ever held those meetings.

Ms. Visser said she contacted all the people that received public notices individually. They felt, after speaking with some of them, that some of them didn't feel comfortable going against neighbors and they didn't want to put them in an awkward position as a whole to make one or the other feel obligated.

Commissioner Catmull asked about the fence, was the eight foot piece only along Alexander.

Ms. Visser said the reason they did that was they were trying to prevent anyone wanting to park there as the wall would force them to walk a long distance around it, depending on where they were. They also did that for the noise, along with preventing parking on that road; unless someone wants to jump over an eight foot wall, that was the reason for eight feet versus six feet. It is not just on Alexander, it goes around the entire property; they are totally open to changes as going from a six foot to an eight foot wall is a significant cost increase on their part. If the

Harvest Villa people would like more of a view of the gardens, then they can do a different fence along 3200 W. She has mentioned this to everyone, that if their gates are open they want people to come in and enjoy the gardens and property; that is what it is meant for, that is what her parents have done. All the time growing up they would look out and see people walking around their front yard looking at animals, and that is the intention of this.

Commissioner Catmull asked if this was done, would it need a public easement to formalize the open access to the general public.

Ms. Visser said she doesn't know the answer to that question, but they would be willing to work on options to make it feel like more of an open space that could be utilized by the community.

Commissioner Bevans asked staff to pull up the aerial map of the property from the staff report. At the corner of Alexander and 10400 S, that small piece of property wasn't included in the last part and she asked where that piece of land was coming from.

Ms. Visser said that is currently owned by their previous neighbors, the Bass', whose home was torn down. They received an owner's affidavit signature from them that, contingent upon this passing, they would be purchasing it from them. Their purpose in doing that is so they have more space to expand for more parking on the grounds, to have more overflow parking if that's a concern in the future.

Commissioner Bevans said that based on the comments, and everything they've heard tonight, it sounds like there is not a single person in this room who wants to see the barn go. She thinks most people in this room would love to see the property remain open and beautiful, and are not asking for the property to be torn down. She appreciates the Vissers for coming and presenting their plan, she thinks it is a beautiful plan, that they have wonderful ideas. She does however have some concerns that the neighbors have raised such as traffic, property values, alcohol in and out of the area, etc. It is a lovely plan, she is just not sure yet and she thinks they need to have a little more discussion.

Chair Hollist said they could discuss ways to mitigate some of those concerns, some have been addressed with fencing, sound and light.

Commissioner Darby said it sounds to him like there are four main problems. First, the city has in place that this is a stable neighborhood, and based on the description of that this does seem like a significant change, that concerns him. Second, based on previous training, if evidence is presented that is reasonable and of a professional nature it has value. So, listening to Mr. Pearson who has 27 years as a property appraiser attest that the values would go down concerns him. Along those same lines, listening to the officer, Mr. Lloyd, talking about the real traffic issues specific to alcohol, we know that all roads are somewhat congested from time to time but the alcohol traffic issue seems like something that could be mitigated. Next, a gentleman spoke that he is under contract building one of these homes that isn't finished yet and it seems like there is potential contractual damages there if what was represented to him changed; he is not a real estate expert, but that does concern him. Based on those concerns he is leaning towards not forwarding a recommendation.

Commissioner Catmull said it's appropriate that there was a fairly even proportion of for and against in the audience today. He has thought back and forth quite a few times tonight, based on excellent commentary, great research and thoughtful comments. As Commissioner Morrissey talked about, he put a lot of weight on the stable neighborhood designation; it is not an assurance, but it is a strong signal that we give to people who are making changes to where they live and what they can expect for the next 10 years on a general plan. As it stands with an eight foot wall around it, that really lessens the value to the public in his opinion of this space. He thinks the general vision is great, but with the wall around it, it feels less historic and less of value, so he doesn't know if there is a way to mitigate that and come back in the future to formulate a plan and have further discussions. As that is described in the planning now, that is the teetering point that lends him towards a negative recommendation.

Chair Hollist worries that on the fencing issue, it is something the immediate neighbors rightfully say would mitigate the impact to them directly.

Commissioner Catmull said that's why he hopes that bringing this up will inspire more creativity to address concerns there; he doesn't know what that looks like, but an eight foot barrier all the way around just lessens the value to him when he looks at it as a historic object to be seen. He might walk past a driveway where cars are coming and going, but he can't sit there and look at it. He wants to be sensitive to everyone on Alexander, and he thinks there is a lot of latitude there. As a commission, they just went through hearing about a lot of fears with a recent application and what might happen; thanks to good city staff, they were able to share what had happened in a similar circumstance and how it cleaned up the problem right away. Many times, he thinks we overestimate our fears and underestimate the ability to mitigate the situational things that pop up. He loves the vision, he thinks it makes a lot of sense, but he wants to see it when he drives by and have those memories.

Chair Hollist is also split, due to a lot of good information being presented this evening by a lot of different viewpoints. She wishes the property were right on the corner, and that there were a buffer between that and the residential; this was discussed in the land use plan, how you can put buffers in to mitigate the impact that commercial can have on residential or different land uses. She asked the commission if there are specific issues they've heard tonight that they want to try and mitigate in their recommendation to City Council that would make it so they could forward a positive recommendation or mitigate some of the concerns seen tonight.

Commissioner Gedge suggested fencing, traffic and alcoholic beverage status. Do they do a solid masonry fence, or a rod iron fence that's see through which makes it more open; a discussion about the types of fencing as it's required on the south boundary, but not necessarily on Alexander Park or 10400 S.

Commissioner Bevans said those are difficult to mitigate. If they take the fence out, then there would be people parking on Alexander and walking across; if they leave the fence in, it makes it difficult to enjoy the property and consider it open space. She doesn't see how they can mitigate traffic. She knows we have some of the best creative minds in our city, and she would love to see that kind of a mitigation. She also has concerns about the future use of the property and the future use of the neighboring property; she doesn't know that those are easily mitigated.

Chair Hollist suggested potentially sending a recommendation to City Council, giving them the motion and asking them to consider how to mitigate these issues; leave it in their court and allow staff to try and work with the applicant prior to that.

Commissioner Gedge asked if he were to make a positive recommendation motion, and it failed, would they need to then do a second motion of a negative recommendation because the first motion failed; or does that failure infer that it's a negative because they denied the positive recommendation. Is it better to propose a positive recommendation with these items, or to just propose a negative recommendation with these as the reasons why. He wants to make sure they give the council clear direction for their process.

Attorney Simonsen said if they don't get three votes it fails, but he thinks it would be best if it failed to turn around and then make a negative motion and see if that one succeeds so they send forth a vote. He told them to remember this needs to be done twice, for the general plan amendment and the zoning.

Commissioner Gedge motioned to forward a positive recommendation to the city council to approve Resolution R2022-15, approving the land use amendment with the condition that a master development agreement be entered into between the city and the applicant directing staff to continue working with the applicant prior to the city council meeting. In such agreement they should address fencing height, location and type, traffic mitigation, and the availability of alcoholic beverages on their location.

Attorney Simonsen asked regarding the condition that a development agreement be entered, are they saying that if there is not a development agreement it would be a negative recommendation.

Commissioner Gedge said yes, his recommendation would only be positive if there was a master development agreement in place.

Attorney Simonsen suggested that they word it as "based upon the testimony that has been received, based upon the staff report, and based upon the representation that is made in the staff report regarding the terms and conditions of a development agreement that we give this a positive recommendation."

Commissioner Gedge amended his motion to say that based upon the testimony that has been received, based upon the staff report, and based upon the representation that is made in the staff report regarding the terms and conditions of a development agreement, he motioned to forward a positive recommendation.

Commissioner Gedge motioned that based on the staff report, the discussion this evening, and the representation made in the staff report regarding terms and conditions of a development agreement, they forward a positive recommendation to the city council to approve Ordinance No. 2022-02-Z, approving the zone change.

Commissioner Catmull noted that in the motion, regarding the fence, it seems to be focusing on what's there now versus the problem that is trying to be mitigated. Rather than talk about the fence, he would rather talk about sufficient visibility and access to this historical marker and

what we're trying to protect and discuss, versus talking about the fence that's mitigating those things.

Commissioner Gedge said this is what he is trying to get to with the applicant's discussion with staff, that they will get to the end means described by Commissioner Catmull.

Commissioner Catmull said he thinks it will get there, it's just a little less direct because it's focusing on the mitigation control versus the problem.

Chair Hollist suggested instructing city staff that we are looking from both viewpoints with the fencing issue; both visibility to the community as a whole, as well as lack of access from Alexander Park impacting direct homes.

Commissioner Catmull suggested controls that will balance and open the space's feel and access with potential detrimental effects to neighboring properties.

Chair Hollist asked if Commissioner Catmull wanted to address city staff tonight and make sure they're understanding what was intended as sufficient, or would he like to amend the motion.

Commissioner Gedge asked who actually creates the development agreement.

Planner Schindler said they work with the applicant, and they understand what is being asked.

Commissioner Catmull said that hopefully the majority understands enough of what he was just talking about which is an open feel, the open access.

Commissioner Darby said he was fine with the motion, as stated for its intended purpose; that doesn't mean he agrees with it.

Commissioner Bevans indicated she was okay with the way the motion was presented.

Chair Hollist noted that they had a motion and an amended motion.

Commissioner Gedge noted that there has not been a second to any of his motions or amendments. He clarified that he has made a motion for both items for a positive recommendation to the city council; a yes vote would be to say positive, a no vote would indicate a negative.

Commissioner Catmull clarified that a positive vote would mean the council looks at the three items mentioned, and has a development agreement in place.

Chair Hollist seconded the first motion for Resolution R2022-15, on the resolution and land use amendment. Roll Call Vote was 3-2, majority of negative votes .

Commissioner Catmull asked if it was even possible for the second application to succeed without the land use designation.

Attorney Simonsen said they would have to have the land use amendment in order to do the

rezone. He was under the impression that they were casting their votes for the land use amendment. He believes that what is going to happen now is clear, but for the record it would be a good idea to also take a roll call vote on the rezone motion.

Chair Hollist moved that the planning commission recommend the city council deny Resolution R2022-15, approving the land use amendment.

Commissioner Gedge said he would prefer including the reasons for the denial, which includes noting that it was based on tonight's discussion.

Chair Hollist said her reasons for suggesting denial are the change it requires in the land use, from stable neighborhood, as well as having adjacent land uses that she doesn't feel are compatible.

Commissioner Darby noted that he agrees with Chair Hollist's two reasons for denial, but he also noted there was a second motion by Commissioner Gedge that they need to vote on as well.

Chair Hollist withdrew her motion on Resolution R2022-15.

Commissioner Catmull wanted to clarify that the first motion by Commissioner Gedge was for the land use (Resolution R2022-15), the second one was for the ordinance with the rezone.

Commissioner Darby said that the motion on the ordinance with the rezone was not seconded.

Planner Schindler said that if there was no second on Commissioner Gedge's second motion regarding the rezoning, then it failed due to lack of a second; they do not need to make a vote on that. Now, they will still need to do two more motions, both in the negative, and the first one would start with the land use.

Chair Hollist motioned that the planning commission recommend the city council deny the following: Resolution R2022-15, approving the land use amendment, based on public comment, discussion with staff and commissioners this evening; specifically due to the change of stable neighborhood land use as designated by our most recent land use plan and the location of adjacent land uses that are not compatible. Commissioner Gedge seconded the motion for discussion and vote.

Commissioner Catmull said he hesitates to include all that verbiage, as it makes it very specific and doesn't allow latitude for a commission member to disagree with the reasoning but also come to the same "yay or nay" vote.

Commissioner Gedge said that since this is a legislative item, it is up to their personal opinion; they do not have to specifically agree and can vote yes or no regardless.

Commissioner Catmull noted that everything that has been discussed will be included in the minutes, so anyone needing more information can review them individually.

Chair Hollist suggested each commissioner contact their City Council representative to discuss

this issue before it is presented at the April 19th meeting.

Commissioner Catmull said that might be the best option, rather than trying to make the motion too detailed.

Attorney Simonsen said it is his understanding that there is a motion on the table, that just needs to be voted on.

Roll Call Vote for a recommendation of denial for Resolution 2022-15 was 3-2, majority of votes in favor of recommending denial.

Chair Hollist motioned to recommend the city council deny the following: Ordinance No., 2022-02-Z, approving the zone change. Commissioner Gedge seconded the motion. Roll Call Vote was 5-0, unanimous in favor of recommending denial.

Commissioner Gedge wanted to clarify his reason for voting “yes” on the recommendation of a denial on the zone change. This was done because the majority vote for the land use change was forwarding a recommendation of denial, so he didn’t feel it was appropriate to vote against denying the zoning change for no reason.

Chair Hollist thanked everyone for their participation and coming out, she is sorry it was such a long process this evening and they appreciate the time that everyone took to be educated and provide comments.

X. OTHER BUSINESS

Chair Michele Hollist asked what the agenda looks like for the next Planning Commission meeting.

City Planner Greg Schindler said it currently doesn’t look very crowded. There is a rezone, but no land use amendment; he is pretty sure that it is not a controversial item.

Planner Damir Drozdek said there might be another rezone and land use amendment.

ADJOURNMENT

Chair Hollist motioned to adjourn the March 22, 2022 Planning Commission meeting. Commissioner Bevens seconded the motion; vote was unanimous in favor.

The March 22, 2022 Planning Commission Meeting adjourned at 11:00 p.m.

Meeting minutes were prepared by Deputy Recorder Cindy Valdez