

**CITY OF SOUTH JORDAN
ELECTRONIC
PLANNING COMMISSION MEETING
COUNCIL CHAMBERS
December 13, 2022**

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

Others: John Warnick, iPhone, Cory Stark, Gregory and Stacy Walther

Absent: Commissioner Aaron Starks

6:34 P.M.

REGULAR MEETING

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

Commissioner Michele Hollist welcomed everyone to the Electronic Planning Commission Meeting. She excused Commissioner Aaron Starks, who was absent from the meeting.

B. MOTION TO APPROVE AGENDA

Commissioner Darby motioned to approve tonight's agenda as published. Commissioner Hollist seconded the motion; vote was unanimous in favor. Commissioner Starks was absent from the vote.

C. APPROVAL OF THE MINUTES

C.1. November 8, 2022 Planning Commission Meeting Minutes

Commissioner Gedge motioned to approve the November 8, 2022 Planning Commission Meeting Minutes as published. Chair Hollist seconded the motion; vote was unanimous in favor. Commissioner Starks was absent from the vote.

D. STAFF BUSINESS - *None*

E. COMMENTS FROM PLANNING COMMISSION MEMBERS

Commissioners Nathan Gedge and Laurel Bevans discussed the Transportation Summit, sponsored by the State of Utah, that they attended recently.

F. SUMMARY ACTION - None

G. ACTION - None

H. ADMINISTRATIVE PUBLIC HEARINGS

H.1. DAYBREAK VILLAGE 9 PLAT 5 PRELIMINARY SUBDIVISION

Address: Generally 6740 W South Jordan Parkway

File No.: PLPP202200108

Applicant: Perigree Consulting on behalf of Miller Family Real Estate

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

John Warnick (Director of Land Development) noted there will be Plats 7, 8 and 9 coming after this plat. They are currently studying the market and trying to figure out ways they could reduce pricing and make things more affordable; the lot sizes will remain the same, but the house sizes may change.

Chair Michele Hollist opened the hearing for public comments, there were no comments and the hearing was closed.

Commissioner Gedge moved to approve File No. PLPP202200108, Preliminary Subdivision, subject to the following: That all South Jordan city requirements are met prior to recording the plat. Chair Hollist seconded the motion; Roll Call Vote was 5-0, unanimous in favor. Commissioner Starks was absent from the vote.

Assistant City Attorney Greg Simonsen asked the applicant if there were any current concrete plans for the school site, C103, located nearby.

Mr. Warnick responded that his understanding is yes, there will be a school there; however, everything is subject to change.

H.2. OQUIRRH MOUNTAIN OFFICE BUILDING SITE PLAN

Address: 10428 South 4000 West

File No.: PLSPR202200171

Applicant: Cory Stark

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

Chair Michele Hollist asked the applicant if he had anything to add to the Staff Report, he responded he did not. She then asked staff about the parking, if there have been any complaints to the city regarding insufficient parking or issues with neighbors.

Deputy City Engineer Jeremy Nielson said he drove by the location yesterday and all the parking spots were being used. Staff and commissioner members discussed their experiences with driving by this area and seeing different amounts of parking spaces available.

Chair Hollist asked if there was an agreement between the 7-11 and these properties for parking.

Planner Schindler said nothing was mentioned about the 7-11 for the plat.

Chair Hollist noted that the current parking meets the published city ordinances. She then asked staff if something meets the city ordinances, does the commission have any authority to add additional requirements beyond those.

Assistant City Attorney Greg Simonsen responded that no, there is no discretion on that.

Chair Hollist asked if there are any other sites where they have provided the required parking, but are consistently not having sufficient parking.

Staff discussed a few places with little to no parking, as well as too much parking.

Commissioner Laurel Bevans asked about the types of businesses that will be going in here.

Cory Stark (Applicant) said they are hoping for executive office suites where each person rents an individual office, and there are about nine in there. That shouldn't affect parking a lot, but for background he noted that when he first bought the property and developed it, they had the agreement with South Jordan for four buildings. The city gave him the size each building could be, however something happened with lot 3, and that was given permission to build way above the initial agreement. Unfortunately he didn't come to that meeting because he thought it was already discussed and planned. By them giving the other building a basement the same size as the upper floor, that has caused the major problem with the parking. Once he realized they were adding the basement, he spoke with the builder who told him that South Jordan gave him the permission. Mr. Stark called and spoke with Planner David Mann, who said they were given permission. Some days there is a parking problem, but it is a hit and miss issue. He is a pediatric dentist and has an orthodontist in his office. Some of the major issues with parking is that the building is too big, and then the school is nearby.

Commissioner Bevans asked for the applicant's plans to mitigate parking issues during construction.

Mr. Stark said there isn't a specific plan, since the construction guys come when they can. He thinks it will work out fine, as there is street parking available along with the 7-11 and the side streets.

Commissioner Bevans asked if they anticipated having to store construction materials in the parking areas, or on the building lot.

Mr. Starks said he doesn't anticipate that, as he hasn't seen it when building before.

Chair Hollist opened the hearing for public comments, and noted there was an email received from a Mr. Smith (Attachment A). There were no comments and the hearing was closed. She then asked, in light of Attorney Simonsen's comments regarding any discretion they might have on this issue, if they are consistently finding uses with insufficient parking, to bring those to the attention of the city council to discuss an ordinance change.

Deputy City Engineer Jeremy Nielson noted that some of the parking areas referenced by the applicant, specifically 4000 W, are currently legal however that will probably be going away in the next few years due to restriping for two lanes in each direction. In addition, the residential street mentioned is only 26 feet wide, and he would anticipate that any on-street parking there would cause residents to complain and the north side would be marked as no parking.

The commission and staff discussed parking options and asking the city council to revisit the ordinances related to number of spaces. They also discussed the preschool located there, its use of a possible CUP, and whether or not they can bring them back in to review or create a circulation plan.

Commissioner Nathan Gedge instructed staff to help the commission begin working with City Council to examine the city code for the number of parking stalls based on square footage, and have it tied to the types of businesses that are being used. Second, if the preschool/daycare is permitted and not a CUP, he'd like it to be looked at for possible changes so it would have to come through either Planning Commission or City Council action to review things like circulation plans. Lastly, he encouraged the owners of the properties in this development to work with the property to the north, the 7-11, on shared access and parking. Also, to communicate the need to have more stalls open and not to share the street access or parking as an option due to the 2-3 year plan for changes to 4000 W.

Commissioner Bevans suggested pulling the information for the preschool/daycare to see if they have a CUP. She then asked if they have the purview to bring them back in if there have been no complaints made against them.

Attorney Simonsen noted that with respect to an issued CUP, you can generally only review that CUP if the commission believes they are in violation of one of the conditions imposed at the time the permit was issued. If they are in compliance with those conditions, and they received a permit, that becomes a property right; to take away that right would probably require compensation.

Commissioner Gedge noted that he assumes when this subdivision was done, staff made the decision to allow the basement to go in. He asked if that was the proper process to allow Building 3 the basement, and if it was in contradiction to the planning commission's recommendations at the time the original property was subdivided.

Planner Schindler doesn't know that the subdivision had any requirements or conditions in terms of the look or size of the buildings, as that would be on the original site plans, and that is a different process. The only requirement was to put the parking in, and he is not familiar with any

clause stating a basement was not allowed; he would need to see if it was in the development agreement.

Commissioner Gedge would like to know if any of the properties have a conditional use permit, because if it's not a conditional use there is nothing the commission can do. If it is a conditional use, they need to see if all the conditions are satisfied, and if they are there is nothing they can do there as well.

Commissioner Steve Catmull said this doesn't seem to be a chronic issue around the city, based on Engineering's comments; however, it is an unfortunate issue where the mix of businesses may exceed the general minimum required. He also doesn't want to rush in and create a global standard for something that is very limited in scope, especially when it's something that could potentially be handled by the business owners. He did like the suggestion to look at some of the minimum parking standards for things like shopping centers, and maybe that needs to be reevaluated.

Chair Hollist said they should look into drive thru queues as well, as the way we interact with businesses has changed in the past few years to some degree.

Commissioner Bevans noted that she checked the code, and in the CN zone a daycare is permitted, but education is not; she asked which section a preschool would match.

Planner Schindler said that in the past, they had always linked the two together and considered them the same thing. If it is defined differently in the code, then they can look into changes, but if it's under the daycare connotation this is a permitted use.

Commissioner Bevans also asked that they be mindful of parking while construction is going on, making sure they are doing everything they can to ensure spaces stay available.

Commissioner Darby moved to approve File No. PLSPR202200171, Office Building Site Plan, as presented. Chair Hollist seconded the motion; Roll Call vote was 5-0, unanimous in favor. Commissioner Starks was absent from the vote.

Mr. Stark appreciated the concern over parking and said his intention was not to attack the preschool, as their issues are similar to the dental office having too many employees. The preschool has been very compliant and parents are very good about pick-up and drop off. He owns another building in Draper and they have the same parking issues. He knows the commission wants to fix everything, but as an owner he thinks it's more his problem than the city's. In Draper, the dental staff is not allowed to park in the lot, and he believes the current plans in place are the safest ones.

H.3. ACCESSORY BUILDING: CONDITIONAL USE PERMIT FOR THE ARCHITECTURAL STANDARDS OF ACCESSORY BUILDINGS IN R-2.5 ZONE.

Address: 9495 S 2200 W

File No.: PLCUP202200207

Applicant: Juan Ramirez, Morton Buildings

Planner Andrew McDonald reviewed background information from the Staff Report.

Chair Michele Hollist asked staff to review where the house is in comparison to the garage.

Staff and commissioners discussed the dimensions of the home and proposed garage, which caused some confusion throughout the hearing.

Chair Hollist asked to confirm that the front of the garage is behind the main structure.

Planner McDonald confirmed that, and that it would be considered side yard.

Commissioner Bevans asked for the wall height.

Planner McDonald responded it is 12 feet, with the difference being the roof pitch. The applicant and property owners proposed open rafter storage space and access that, which caused the difference in height.

Commissioner Nathan Gedge asked how far the properties to the east and south were from the property lines, to avoid any potential issues with other applications seen in the past.

Planner McDonald said they range from around 87 to 113 feet.

Commissioner Trevor Darby asked about the small building to the east.

Planner McDonald said that is the existing shed, which obstructs the view out of the proposed fixed view on the current elevation.

Commissioner Gedge asked if that shed would need to be removed.

Planner McDonald responded that no, they meet all requirements for all existing structures on the property to stay.

Commissioner Gedge asked if there are any other examples in the city where the accessory building is larger than the main dwelling unit.

Planner McDonald said most of those cases would be with older homes, since homes are larger now and wouldn't have to go through this process. He discussed some examples nearby.

Commissioner Gedge just wanted to confirm they aren't setting a new precedence with this case.

Chair Hollist asked the applicant to approach the podium and asked him to confirm that the home size is accurate.

Gregory Walther (Applicant) said the size shown on the map is not accurate. The proposed structure is 300 square feet over 60% of the house. It is drawn to scale, but they are only asking for 300 square feet more than the maximum 60% of the home.

Chair Hollist thanked the applicant and explained that helped immensely. She asked if the accessory dwelling structure was in fact 30 x 56 feet.

Mr. Walther responded that yes, that is correct.

Chair Hollist asked to see the accurate footprint of the home.

Planner Schindler said those measurements can be taken from the county assessor's website, and the garage is usually listed separately from the living space.

Planner McDonald said the county reports 1540 on the main floor, then an attached garage of 696 square feet, which puts it over 2100 square feet.

Chair Hollist said that with those numbers, this home is a 2244 square foot home, in the R-2.5 zone. At 60%, that would allow 1320 square feet and they are only asking for about 300 square feet more.

Assistant City Attorney Greg Simonsen said that if they will be correcting things on the record, there are a few differences between the report and the actual application that were corrected in the presentation; he wanted to point those out officially on the record:

- The analysis on Page 2 says the access to the property is off 9495 South, and during the presentation it was noted that access to the property is off 2200 West. As part of the presentation, it was shown that 2200 West is where the property is accessed.
- The garage doors are oriented towards 9495 South, and the two garage doors to the west are actually oriented towards the entrance of the property off 2200 West.
- On the site plan photograph being shown it shows the size as 30x56x19.1, which is correct; however, the picture from the staff report says 30x56x12 at that same spot. The 19.1 measurement is the accurate sizing.

Chair Hollist asked the applicant if he had anything to add to the staff report, he responded that he did not. She opened the hearing for public comment, there were no comments and the hearing was closed.

Commissioner Gedge noted that, based on previous applications, each accessory building is unique to the individual properties. Any action taken tonight should not be assumed to apply precedence to other requests received in the future. It was said during a previous accessory building hearing that it should be assumed if a similar building was approved previously, it means approval for a current application; he wanted it noted that approval does not set a precedent or standard for the future.

Chair Hollist agreed that the reason these items come before the commission are so that each individual one can be reviewed. There are ordinances for a reason, and when exceptions are requested they must be individually reviewed. Staff indicated this was an older home, and she asked if the owners were to put a small addition on the home requiring a different roof pitch, would that then make it so they didn't need this process for an accessory building approval.

Planner McDonald responded the property does meet the requirements, and they do have space to work with, but it is all in their front yard; no buildings can be built in the front yard, so they wouldn't be permitted to expand on the home or construct any other structures without coming to the commission.

Chair Hollist asked if they added a new roof with a different pitch, would that then qualify them for a taller accessory building.

Planner McDonald responded that if the building was shorter than the home, the CUP would not be needed for the building height. However, they would still need the CUP for the footprint of the building.

Chair Hollist clarified that the garage will be 1680 square feet, the home based on county records looked up this evening is 2244 square feet, and what's being requested is just over 300 square feet additional space than what the owner would automatically be qualified for.

Commissioner Catmull asked if the motion might have the actual limit, versus letting it float with any changes that may happen in the future.

Chair Hollist believes they are approving what they are seeing tonight. She asked staff to confirm that this property sinks down off the road, lower than 2200 West.

Planner McDonald said it does a little bit coming in, but then it flattens out as you get closer to the home and come off the grade of the canal.

Chair Hollist noted that she agreed with the earlier staff comments, with the tree locations and the property alignment this will be tucked away from view.

Commissioner Gedge moved to approve File No. PLCUP202200207, Conditional Use Permit, based on this evening's discussion and corrections made to the staff report regarding the placement and footprint of the home, along with corrections to the access to the home.

Chair Hollist asked Deputy City Recorder Cindy Valdez if the minutes will include the updated Staff Report presented to the commission this evening.

Deputy City Recorder Cindy Valdez responded that yes, the minutes will include the updated Staff Report.

Commissioner Bevans asked if the orientation of the doors on to 2200 West needs to be added to the motion, or if that is covered.

Planner McDonald said the orientation and the floor plan can be seen in the elevations, and the access was corrected.

Chair Hollist asked Deputy Recorder Valdez to also update the analysis point.

Deputy Recorder Valdez responded that anything setup and discussed tonight will be in the minutes.

Chair Hollist seconded the motion; Roll Call Vote was 5-0, unanimous in favor. Commissioner Starks was absent from the vote.

I. LEGISLATIVE PUBLIC HEARINGS - *None*

J. OTHER BUSINESS

Commissioner Nathan Gedge asked if they should assume they will have a first meeting in January, even if there are no reports, to meet and deal with commission issues.

City Planner Greg Schindler believes there will be items on the agenda for that first meeting, January 10, 2023.

Chair Michele Hollist noted that they will have positions for an Art Committee representative, as well as a Chair and Vice Chair.

Commissioner Gedge noted that, as it is an odd year, there are no new appointments, and no one is expiring after this meeting.

Commissioner Laurel Bevans said that attending a City Council meeting was very informative, and she thinks it was helpful to hear their thoughts. At the meeting she attended, they discussed taking 1055 West out of historic designation; however, the reasons they discussed as a commission were not the reasons the council were doing it. She proposed that they attempt to have a commissioner attend City Council meetings, to have someone able to give feedback on where the council is coming from on some of the issues.

Commissioner Gedge mentioned the proposal of a joint meeting.

Chair Hollist said she never heard back from the mayor on that.

Commissioner Gedge said that meeting would also allow them to make sure everyone is clear on what's going on in the city.

Chair Hollist asked staff to contact Planning Director Steven Schaefermeyer and ask if the council would be open to the possibility of a joint session in early 2023.

Planner Schindler said he would speak with Director Schaefermeyer and see what can be done. He noted that, even as staff, it is taking a long time to get things before the council because there are so many things. When it comes to code changes, that requires a meeting with the council before coming to the planning commission, during a study session; the council does not like to give the commission too many at one time. Those could be some of the reasons they haven't had time to get the commission on their agenda yet.

Commissioner Gedge asked staff to speak with the council and mayor as well about having a commissioner attend their meetings, as he doesn't want to offend the council or mayor.

Other commissioners responded that the mayor and council love when the commissioners attend, and have encouraged it.

Planner Schindler said the council has been asked not to attend the planning commission meetings, as they don't want the planning commission to feel like they have to perform for the council. The commission should be making their decisions based on what they feel, not what they think the council wants to hear. Current City Attorney Ryan Loose, as well as previous city attorneys have told council members that they should not be attending Planning Commission meetings.

Commissioner Steven Catmull mentioned the Architectural Review Committee needing an appointment as well.

Planner Schindler said there is a CDBG Committee again, which is now back in Planning, and he will speak with them to see if they are needing someone from the planning commission.

Assistant City Attorney Greg Simonsen shared that, in his experience, this commission is doing a great job with their willingness to share in some of these outside meetings. During the time he served on the West Jordan Planning Commission, they came pretty close to those planning commissioners they served with. He shared that Linda Daly, the head of the West Jordan Planning Commission, passed away the day before yesterday. He thinks our commissioners are rendering an invaluable service, and the pay isn't anywhere near the value of their service and education. He suggested that if they want the city council to really understand the basis of the commission's decisions, they need to make sure they state them and make sure they are accurate and reflected as such in the minutes. Sometimes the minutes will accurately reflect what was said, but in the moment that's not what was meant, and it's fair to correct those minutes with what you were meant to be saying. If the commissioners don't believe the city council is getting their point, each commissioner has a city council person they can call and discuss things with. He reminded them not to violate the Open Meetings Act, and similar restrictions, but he thinks it's better to communicate as a citizen with members of the council. He thinks the city loves having the commission members attending the art meetings, and the other meetings. It is amazing that sometimes the really serious business is transacted in those settings, and by the time it gets to the commission, they are sometimes stuck looking at everything feeling like they have no discretion.

After a discussion with City Attorney Ryan Loose, it was suggested to research these things from the point of view of someone opposing the application. Those opposing an application really go over the code, looking for the slightest things they can bring up. He suggested asking themselves rhetorically if it follows the standards, so they have to approve it, unless it doesn't meet the code. If you didn't like the parking proposed, rely on staff, but also rely on your own thoughts. Go back and review the code as if you were somebody opposed to it and see if there was anything that might give them the right to deny or table the application. We all know the city will have to be out there on the streets with the application approved tonight writing tickets, because of the parking; there was nothing that could be done about it tonight, he went and looked through the code before the meeting and didn't find anything. That doesn't mean there isn't anything that could be found, and the commissioners are the ones with the power.

Chair Hollist brought up possibly attending work sessions as well, as sometimes there are development agreements that come and have a lot of back and forth done, with a lot of thought put into them. Even if the commission is opposed, she doesn't think that matters as sometimes it seems like the decision has already been made and they might need to be involved in at least observation so the commission can know what was originally proposed and what has gone into the applications.

Commissioner Catmull said that along with a rotating responsibility to attend City Council meetings, there should be a report on what was learned and how it was learned, whether it was at the meeting or from research outside of that while watching the meeting on Zoom or reading the minutes.

ADJOURNMENT

Chair Hollist motioned to adjourn the December 13, 2022 Planning Commission Meeting. Commissioner Bevans seconded the motion; vote was unanimous in favor. Commissioner Starks was absent from the vote.

The December 13, 2022 Planning Commission Meeting adjourned at 7:59 p.m.