

**CITY OF SOUTH JORDAN
ELECTRONIC
PLANNING COMMISSION MEETING
COUNCIL CHAMBERS
January 25, 2022**

Present: Chair Michele Hollist, Commissioner Nathan Gedge, Commissioner Trevor Darby, Commissioner Steven Catmull, Commissioner Laurel Bevans, Assistant City Attorney Greg Simonsen, City Planner Greg Schindler, Deputy City Recorder Cindy Valdez, Assistant City Engineer Jeremy Nielson, Planner David Mann, IT Director Jon Day, GIS Coordinator Matt Jarman, Meeting Transcriptionist Diana Baun

Others: Merlynn Newbold, Michelle, Jamie, Carol

6:37 P.M.
REGULAR MEETING

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

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

II. OATH OF OFFICE FOR RECENTLY APPOINTED AND RE-APPOINTED COMMISSIONERS – *By Deputy City Recorder Cindy Valdez*

Commissioner Trevor Darby and Commissioner Laurel Bevans were sworn in by Deputy City Recorder Cindy Valdez.

III. MOTION TO APPROVE AGENDA

Commissioner Gedge motioned to approve the January 25, 2022 Planning Commission Agenda as published and noticed. Commissioner Hollist seconded the motion; vote was unanimous in favor.

IV. ELECTION OF COMMISSIONER CHAIRPERSON AND VICE CHAIRPERSON FOR 2022

Commissioner Michele Hollist opened the floor for chairperson nominations.

Commissioner Nathan Gedge nominated Commissioner Hollist as chairperson for 2022, Commissioner Darby seconded the nomination. There were no other nominations.

Commissioner Hollist closed the floor for chairperson nominations.

Commissioner Gedge motioned to nominate Commissioner Hollist as the chairperson for the 2022 year. Commissioner Darby seconded the motion. Roll Call Vote was 5-0, unanimous in favor.

Chair Hollist opened the floor for vice chairperson nominations.

Chair Hollist nominated Commissioner Gedge, Commissioner Catmull seconded the nomination. There were no other nominations.

Chair Hollist closed the floor for vice chairperson nominations.

Chair Hollist motioned to nominate Commissioner Gedge as the Vice Chairperson for the 2022 year. Commissioner Catmull seconded the motion. Roll Call Vote was 5-0, unanimous in favor.

V. SELECTION OF PLANNING COMMISSION REPRESENTATIVE TO ARCHITECTURAL REVIEW COMMITTEE (ARC) FOR 2022

Chair Michele Hollist mentioned there is a meeting tomorrow, those meetings occur at 8:30. She asked if anyone had an interest in the position, there were no responses. She nominated Commissioner Catmull for the position as he has indicated the meeting times would work for him and he has interest in doing it this year.

Chair Hollist motioned to nominate Commissioner Catmull as the Planning Commission representative to the Architectural Review Committee for 2022. Commissioner Gedge seconded the motion. Roll Call Vote was 5-0, unanimous in favor.

VI. APPROVAL OF THE MINUTES

Commissioner Darby motioned to approve the January 11, 2022 Planning Commission Meeting Minutes as published. Chair Hollist seconded the motion; vote was unanimous in favor.

VII. STAFF BUSINESS - *None*

VIII. COMMENTS FROM PLANNING COMMISSION MEMBERS - *None*

IX. SUMMARY ACTION – *None*

X. ACTION – *No Public Hearing*

A. THE HUMAN BEAN, SITE PLAN (REVIEW OF TRAFFIC CONTROL PLAN)

Location: 1463 W South Jordan Parkway
File No: PLSPR202100148
Applicant: Danny Bird

Planner David Mann reviewed background information from the Staff Report. He mentioned an email that was sent before the meeting, it has been included as Attachment A.

Assistant City Engineer Jeremy Nielson said Commissioner Catmull emailed him with some questions about estimated daily trips to the coffee shop. He looked in the ITE Trip Generation Manual that is used to estimate trips for any commercial business or residential housing project. It had a specific use for a drive thru, no seating, coffee shop which fit the category really well. This surveyed 50 sites across the country, and in the AM peak hour it estimates about 103 vehicles; that works out to about two vehicles per minute entering the shop. This morning, he drove to Starbucks to see how quickly they can send cars through the drive thru, and it was anywhere from 2.5 to four minutes. If we assume two vehicles are coming in every minute and waiting in the queue, and they only need to be in there for a max of four minutes, that would create a stacking of about eight cars in the queue at the peak. This matches pretty closely to what the applicant was estimating, and based on all the coffee shops they've run they've seen a max of 10-12 stacked in the queue.

Commissioner Catmull asked about special requirements when they estimate over 100 trips in a situation like this.

Planner Mann noted the code mentions an average of 25 trips per hour would require staff to direct the applicant to do a traffic study. As Engineer Nielson presented, from the applicant's research among the other stores throughout the country, they average 10-12 trips at the most during their peak hour. Therefore, it doesn't meet that threshold to require a traffic study.

Commissioner Catmull said the estimate was over 100 trips in the peak hour, and asked if that hourly amount qualifies for needing the traffic study.

Engineer Nielson said that was correct, that they were estimating over 100 trips during the peak hour. This would require a traffic study, however what the applicant submitted satisfied Engineering's concerns.

Planner Mann read over the code, it notes that a "project that may generate more than 100 trips in a peak hour, or 1000 total daily trips" would need a traffic study. It also says "all uses proposing access to residential streets that may generate more than 25 trips in a peak hour" would need that study done as well.

Commissioner Catmull mentioned that he is aware 1440 West is a private street, but said it should also qualify as a residential street.

Planner Mann agreed that 1440 W does qualify as a residential street, so the 10-12 trips that they expect to average during a peak time is under the 25 trips mentioned for residential access.

Chair Hollist asked if they mean 10-12 trips, or that they queue 10-12 cars at busy times; queuing 10-12 cars at busy times would certainly add up to more than 10-12 cars in the hour.

City Planner Greg Schindler believes the appropriate response to this is that yes, it does require a traffic study; the Engineering Department said that what the applicant submitted qualifies as the traffic study, therefore there is no need for further studies. The commission is correct though, that the 100 at peak hour is the qualifier for requiring that traffic study.

Chair Hollist invited discussion amongst the commissioners. This is a residential road with just the one access, and they do have the ability to identify issues that can have a detrimental impact and to mitigate them. She is still willing to discuss some sort of condition that if, during regular business cars stack onto 1440 W or 10400 South, it raises a flag and they look at this conditional use permit.

Commissioner Gedge said the stacking on 10400 S and 1440 W were his big concerns at the last meeting, along with public safety accessing the residential homes or the businesses. Per Planner Mann's presentation, there is still a 30 foot buffer, so that alleviates that concern of emergency access to the street even if there are two cars. He thanked the applicant for providing information and working with the corporate vendor to get their average volume numbers. We are hoping they are super successful, and that's our concern. In their paperwork, they said they were amenable to other signage or striping if necessary and he is wondering if they would be amenable to having NO STOPPING signage on 1440 W, or marking a fire lane, something to prevent the stacking of cars on the actual street.

Chair Hollist worries that doing that would create an even worse issue than the stacking, they will then go further down the road to turn around and we don't want to encourage them driving down the street.

Commissioner Gedge asked what the detriment would be, and how we communicate it; how do we establish the measurable period to trigger a review. He's hoping for a huge grand opening, and then it dies down to a normal amount. As they saw with Raising Cane's and Chick-fil-A, his main concern is during that initial rush, especially where this is the brand's first location in Utah.

Chair Hollist is thinking more towards the idea that if it doesn't happen, great, but if it does, let's have something in place that flags this for review.

Commissioner Catmull thinks this is a fairly low bar, and that there is enough queuing. He went to the site today, parked on the property and watched for a while to try and get a feel for the situation. It is a very unique situation to have two beverage drive thrus, both across the street and fairly close to a seven lane arterial road with significant speed differences between the access road and the main road; as well as each of the businesses having only one way in and out, connected to a residential road that only has one way in and one way out. This has driven him to focus on how to keep that intersection healthy, both for flow and safety. He is concerned about

people pulling out to the right and not seeing those riding in the bike line, this bike line is marked as “medium comfort” on bike trails. He found a study done by a traffic control company, regarding coffee shops and queuing for two different states in the Midwest. The maximum daily queue by frequency was 10-13, this is what we are expecting, but it is also right on the edge of what this site plan provides for. After considering all that, he wondered what we could do to make sure that happens in a way that balances the residential interest and the business development. He suggested saying the drive thru configuration is maintained to prevent queuing out to 10400 S with the aid of the city engineer, and as determined by the city council. He believes that allows traffic to be mitigated in a scientific way where it can, but if it can't, this provides a condition by which the council can consider the conditions on the conditional use permit.

Chair Hollist asked what Commissioner Catmull would expect the city engineer to do.

Commissioner Catmull gave the example of “right in, right out” but that wouldn't work in this situation. Essentially, whatever gives plenty of latitude to try and address the issue, give lots of help and aid, but try to prevent the very negative consequence of spilling out onto the seven lane arterial road that is 10400 South.

Chair Hollist knows that we are partners with our applicants, but she is reluctant to ultimately make it the city engineer's issue to design this, unless the engineer's responsibility is to sign off on another traffic plan or queuing strategy.

Commissioner Catmull is open to that, as the city council could then direct someone to look at that.

Commissioner Gedge said this would be a condition on the motion, so it would have to be triggered by some sort of appeal or other complaint to be sent through the process of city council modifying or revoking the conditional use permit.

Commissioner Catmull said someone could do that if there was a harmful effect like traffic spilling out on to 10400 S, or a situation with a pedestrian or bicyclist. The trigger would be the standard process of someone seeking to challenge whether the condition is being met.

Chair Hollist asked if we need to specify who triggers the review, or can staff make that call if they drive by.

Commissioner Gedge asked if we need to put a specific trigger, or could the review be prompted by anyone suggesting there is an issue.

Assistant City Attorney Greg Simonsen isn't sure that any of the commissioners have officially determined that there is a detrimental effect, or that there is substantial evidence that backing out on to 10400 S is going to occur or occur on a regular basis. The new map he sees shows that this would happen with the 17th car. It's up to the commission to determine, based on the information presented today and the public hearing previously, whether or not on a regular basis there will be 17 cars in the queue. If they have made that determination, then they need to state the evidence

they are relying upon to make that determination of a detrimental effect, then they need to discuss how they can mitigate it and the conditions to be placed on the approval. This will not go before the city council after the decision tonight, and he doesn't think that's what Commissioner Catmull is suggesting; Attorney Simonsen believes that Commissioner Catmull is suggesting the city council get involved if this becomes a problem.

Commissioner Catmull asked if frequency is a factor, does the harmful effect have to be frequent or does it just have to be a harmful effect.

Attorney Simonsen said they have to decide if it happens once, is that enough to impose the conditions and detriment; there is a reasonable standard here, and the commission is the ultimate decision maker on what is reasonable and likely.

Commissioner Catmull said he is trying to create something that doesn't put the applicant at risk for the business, just by saying there should be plenty of room. They need to consider that a conditional use lives with the land, and all owners of it in all configurations, including if the six homes down 1440 W were rezoned and became something else. He just wants to make sure there is a mechanism to ensure the condition is met. If this were to go to the city council because someone believed the condition wasn't being met, it wouldn't be taken lightly and the conditions would be reviewed.

Chair Hollist asked if they could bring it back to the planning commission.

Attorney Simonsen suggested, without telling anyone what to do, that they put some kind of limit on the amount of cars in the queue. That way, if city zoning or other enforcement officers are seeing more and this becomes a problem, then someone can make an application to bring it back before the planning commission.

Commissioner Gedge is asking if anyone can report a concern with safety, with any conditional permit, whether or not there is a condition.

Attorney Simonsen said it's a difficult process to modify a conditional use permit, but no more difficult than simply bringing in a regular conditional use permit. Based on the evidence he is seeing, he doesn't believe this will be a problem, but who knows. As far as frequency, there is no way to fully foresee that, but based on the evidence heard it shouldn't be too frequent.

Chair Hollist asked to see the map again from the staff report that shows the queuing. She brought up the citizen comments from the last meeting that presented the unique situation of this being residential homes adjacent to two businesses, all accessing a private lane. We have two different land uses adjacent to one another with unique access, as well as personal experience shared, that indicates there could be problems. As we've seen from other drive thru applications, and the impact the pandemic and staffing has had on drive thrus, she thinks we can all agree that we have personally seen situations where drive thrus run slower than usual and are more heavily used than ever anticipated in the past. Based on both what we've seen and heard, she is persuaded this is a detriment we need to work through, and that may require a condition being imposed to avoid stacking and excessive queuing impacting access to other properties as well as

safety vehicles. Knowing the applicant's business structure, and what they see at other sites, has been very helpful in this decision.

Commissioner Trevor Darby doesn't feel enough evidence has been presented to require a specific condition be added; he is inclined to approve it as it stands.

Commissioner Laurel Bevans mentioned they would have to have 17 cars in the queue before things spilled out onto 10400 South, and she is inclined to agree with Commissioner Darby

Commissioner Gedge motioned to approve File No. PLSPR202100148, for the construction of a drive thru restaurant, with the Planning Commissioner having identified a potential detriment. In the event that traffic stacking exceeds 120 vehicles per hour, as measured over a one month period of time, a circulation plan will be presented to the Planning Commission.

Chair Hollist discussed the motion with the commissioners, clarified that Commissioner Gedge was referring to a "vehicles per hour" number, rather than how many are stacked at one time. She also said the applicant indicated the customers could walk out with a mobile ordering device and start moving down the line.

Commissioner Darby said he has concerns with the 120 number; if they are getting through the line quickly, there won't be any stacking, and that's what they're trying to mitigate. He thinks this condition should be based on stacking on to 10400 S or 1440 W. As previously stated, he would prefer not to have a condition, but if there is one, it should be based on the actual perceived problem rather than the pacing.

Commissioner Laurel Bevans agreed, she doesn't want to put a condition on how many customers per hour they can have without causing a review.

Commissioner Catmull would prefer not to add a condition either. He would like to hear what some of the ramifications of queuing would be from the engineering standpoint. If a condition like this is done, he wants it to be firmly within the control of the property owners to manage, versus the ones who might spill over to 1440 W; there are other vehicles using that road and we don't know where that customer is going to go. Do they have enough availability within the property to sustain the demand in a perpetual way, and if they do, then he has no problem with the drive thru being on that property.

Commissioner Darby asked what the city's approach would be if a business suddenly had an uptick in business and cars were stacking out on to a main arterial road frequently.

Engineer Nielson assumes there is something in the code that allows the city to assess for public safety purposes. They would probably use enforcement to help direct traffic, along with signage to possibly block cars from parking on the side of the road. As far as the official code, he is not sure what specifically would address this, but he assumes there are mechanisms in place to take action. Regarding Commissioner Catmull's question about what would happen if this queuing spilled out to South Jordan Parkway, this site is quite a bit different from Cane's Chicken. There

is a large shoulder along South Jordan Parkway, and in the event the business is extremely successful and they have queuing that spills out to 1440 W, the access road is 40 feet wide which is wider than some collector streets in Daybreak that handle thousands of vehicles a day. From that perspective, they were not overly concerned about 1440 W because there is still 30 feet of access for other vehicles. It is not ideal if it spills onto South Jordan Parkway, but there is an eight foot shoulder which is sufficient width for a car to pull over and not impede the travel lane. It would likely slow vehicles down in the travel lane, but they don't view it as a major hazard and it would be infrequent.

Attorney Simonsen addressed Commissioner Darby's question. He and City Attorney Ryan Loose discussed specifically what happened with Raising Cane's, when the cars were spilling on to the road, and the response was police officers writing tickets and ordering people to move. Attorney Loose received a call from an executive with Raising Cane's, complaining about this happening; the city's response was telling them to control their property, and we will control ours. When things back out on to a city street, that's city property. This is what the city's response would be if it happened at this location as well.

Commissioner Gedge asked to remove his motion, based on the information shared.

Commissioner Gedge motioned to approve File No. PLSPR202100148, for the construction of a drive thru restaurant. Commissioner Darby seconded the motion. Roll Call vote 4-1, unanimous in favor. Chair Hollist gave "no" vote.

XI. ADMINISTRATIVE PUBLIC HEARINGS –

A. DAYBREAK SOUTH STATION MULTI FAMILY #6 PRELIMINARY SUBDIVISION

Location: Northwest Corner of Lake Avenue and Lake Run Road
File No: PLPP202100059
Applicant: LHM Real Estate

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

John Warnick (Applicant) said Sego will be the ones building the townhomes, they are very eager to get started on this project.

Chair Hollist opened the hearing for public comment, there were no comments from the public and comments were closed.

Commissioner Darby motioned to approve File No. PLPP202100059, preliminary subdivision, subject to the following: 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.

XII. LEGISLATIVE PUBLIC HEARINGS – *None*

XIII. OTHER BUSINESS

Commissioner Gedge thanked Assistant City Attorney Greg Simonsen for his training prior to the meeting.

ADJOURNMENT

Chair Hollist motioned to adjourn the January 25, 2022 Planning Commission meeting. Commissioner Gedge seconded the motion; vote was unanimous in favor.

The January 25, 2022 Planning Commission Meeting adjourned at 7:34 p.m.

Meeting minutes were prepared by Deputy Recorder Cindy Valdez