

**CITY OF SOUTH JORDAN  
ELECTRONIC  
PLANNING COMMISSION MEETING  
COUNCIL CHAMBERS  
February 14, 2023**

Present: Commissioner Michele Hollist, Commissioner Nathan Gedge, Commissioner Steven Catmull, Commissioner Laurel Bevans, Commissioner Aaron Starks, 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, Planner David Mann

Others: Jeremy Fenlon, Tyler Howland, Astrid Arias, Sebastian Arias, Tyson Taft, Troy Thayne, Dave Horton, Sharon Horton, Mark Morris

Absent: Commissioner Trevor Darby

6:30 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 Trevor Darby who was absent from the meeting.

**B. MOTION TO APPROVE AGENDA**

**Commissioner Bevans motioned to approve tonight’s agenda as published. Chair Hollist seconded the motion; vote was unanimous in favor. Commissioner Darby was absent from the vote.**

**C. APPROVAL OF THE MINUTES**

**C.1. January 24, 2023 Planning Commission Meeting Minutes**

**Commissioner Gedge motioned to approve the January 24, 2023 Planning Commission Meeting Minutes with the amendment to mark them as “DRAFT” minutes before approval. Chair Hollist seconded the motion; vote was unanimous in favor. Commissioner Darby was absent from the vote.**

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

**E. COMMENTS FROM PLANNING COMMISSION MEMBERS**

Chair Michele Hollist shared a brief overview of both the council study session and regular meetings from February 7, 2023, which she attended.

**F. SUMMARY ACTION - *None***

**G. ACTION - *None***

**H. ADMINISTRATIVE PUBLIC HEARINGS**

**H.1. DAYBREAK VILLAGE 9 PLAT 6 PRELIMINARY SUBDIVISION**

Address: Generally North of South Jordan Parkway between 6830 W and 6900 W

File No.: PLPP202200175

Applicant: Perigree Consulting on behalf of Miller Family Real Estate

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

Chair Michele Hollist asked for an explanation of how net density is calculated.

Planner Schindler responded that only the area of the residential lots is counted.

Chair Hollist asked if each unit requires two off street parking spots, with the twin homes requiring four.

Planner Schindler responded that is correct.

Commissioner Nathan Gedge asked about the address being “general,” and if there is any concern with not having a specific address for this property.

Planner Schindler responded that the general address is acceptable, as the lots are already all labeled with addresses.

**Tyson Taft (Applicant)** with the Larry H. Miller Group is representing the developer, and had nothing to add to the presentation.

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

Commissioner Steven Catmull asked staff when the Trans Jordan Landfill was likely to close down, as it is close to the northern border of this project.

Planner Schindler doesn't believe there is an exact date, but the landfill has indicated that it could be anywhere from 15-20 years; that date will depend on the amounts of garbage generated in the future.

Commissioner Gedge assumes the location will be part of the marketing, and while visiting people will realize that facility is located nearby. He just wants to make sure there is no misleading marketing, as has been seen before in other areas of the city, and that it is fully disclosed that there is a current landfill nearby.

**Commissioner Gedge motioned to approve File No. PLPP202200175, 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 Darby was absent from the vote.**

**H.2. SCHOPPE INC-OFFICE/WAREHOUSE SITE PLAN AND  
CONDITIONAL USE PERMIT**

Address: 11581 S. Redwood Road

File No.: PLSPR202200225 & PLCUP202200226

Applicant: Tyler Howland

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

Chair Michele Hollist noted that she had questions about the park strip, but that those were answered during the report. She asked if the plan for the future is to impose the new standard on new development as it comes in.

Planner Schindler said the Redwood Road Mixed Use Zones have been in place since the late 90's and there was a time when the city was not enforcing the wider park strip requirement. However, for the last 8-9 years it has been noted by staff that it is part of the written code, and that it should be enforced. It is happening with all new development, but there are areas that were developed before the Redwood Road Zones came around in the late 90s and that have the narrower park strips. He noted that with the now seven lanes of traffic on Redwood, those wider park strips give pedestrians much more confidence to walk safely with 12 feet between them and the road.

Chair Hollist asked for more details on the compressor, and whether the decision to move that inside was initiated by staff pointing out concerns with sound.

Planner Schindler noted that staff did express concerns about sound, but it was the business' choice to move it inside. The landscape plan still shows a box where the compressor was originally planned, as that plan has not been updated since the original submission. He believes the applicant realized, after their own research and measurements, that putting the compressor inside significantly reduced the sound.

Commissioner Steve Catmull noted that he assumes, based on the original plan, that this is not a portable air compressor.

Commissioner Laurel Bevans confirmed that she visited the site and this compressor is not a portable item.

Commissioner Catmull was able to locate the Salt Lake County regulations on noise, and there is an exception for portable types of equipment during specific hours.

Chair Hollist asked for the maximum noise allowed by a portable piece of equipment.

Commissioner Catmull didn't see a maximum amount, he was just able to verify that portable equipment is exempt from the max decibel levels allowed under the main code.

Chair Hollist asked if the compressor usage was intermittent throughout the day.

**Tyler Howland (Applicant Representative)** is here representing the owner of Schoppe, Inc. He responded that yes, the use is intermittent. It is a constant feed, but it will only be used for possibly 30 cumulative minutes, at the most, during operating hours. He noted that the specs for the compressor were included in his submitted information, and it is one of the quietest compressors you can purchase as it is a rotary screw compressor, which is historically quieter than the type of compressor most are thinking of that sits in many garages. At its peak, it's running at 66 decibels, and that's while standing next to it during operation and while running. When staff indicated concern regarding noise with respect to neighbors, they ultimately made the decision to pull it inside, realizing that having it in an enclosure would significantly reduce the noise being carried to the residential neighborhood to the east.

Chair Hollist noted that she assumes the company will follow OSHA standards with regards to their employees and noises they will be exposed to.

Mr. Howland said they are significantly below that level. Commissioner Bevans had the chance to visit and tour the facility, and he noted that OSHA standards state anything above 85 decibels is considered harmful and requires companies to provide hearing protection. The decibel levels are logarithmic, so when going from 84 to 85 decibels it is not being increased by one decibel, it is actually being increased by a multiple. Therefore, the difference between 66 and 85 decibels is significant, and they don't come close to that with any of the equipment being used, even with the compressor being the loudest.

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

Commissioner Catmull noted that they already have wording allowing this permit for equipment, light repairs and service; he asked if that has been defined anywhere in the code.

Planner Schindler responded that is not defined in the code specifically, and that's why they asked the Director of Planning to give his opinion regarding whether or not this fits under that label. They are servicing equipment because they are manufacturing and putting together the duct work and other items. The Redwood Road sections of the code have not been incorporated into the "Uses" section of city code, and there are not a lot of defining terms in there. Staff determined that the use best matched was the one chosen and being applied for currently.

Commissioner Catmull agreed that for the current use, that makes sense. Since this permit stays with the property, not the owner, he asked if another owner were to come in and take over the property while still qualifying under the description noted, how would the city address new concerns that were not present during this application.

Planner Schindler said that if a completely different business took over the property, staff would have to see if it qualifies with the same conditional use permit. If there are different factors that needed to be mitigated due to detrimental effects, it could be required of them to mitigate those new things as part of the business permit. Also, when it comes to emissions, if they were doing something with cars, whether inside or outside, he believes that OSHA standards would probably outweigh anything the city would require.

Chair Hollist wanted it noted that the landscape plan did not reflect the update about the compressor, and wants it noted that the commission is approving this if the sound concern associated with the compressor is mitigated.

Planner Schindler said that they could also note in their motion that they are approving the current site plan, as that shows the compressor as internal.

Commissioner Bevans said she did have the opportunity to visit the facility, where they turned on all the machinery, and you could easily have a regular conversation at regular voice levels with no issues. It is very quiet, there were not a ton of employees on site making noise. She did have a concern regarding the sound prior to her visit, but after touring the facility, and her observations above, she no longer has any concerns and feels confident they will be able to mitigate the sound and be good neighbors.

Commissioner Gedge asked if this business is in operation currently, and just now making operations legal.

Commissioner Bevans said they currently operate in the Ballpark District.

Planner Schindler noted that in regards concerns about another business coming in the future, Schoppe, Inc. has been at their current location for around 100 years and the business has been family owned the entire time. They are moving here because there is more work to be done in the suburbs, and he believes the owner lives in the south end of the valley and wanted to be closer to his business. This move was also decided upon due to other issues in the Ballpark area.

**Commissioner Gedge motioned to approve File No. PLSPR202200225 & PLCUP202200226, Site Plan and Conditional Use Permit Applications, based on the site plan presented and discussion regarding sound mitigation. Chair Hollist seconded the motion. Roll Call vote was 5-0, unanimous in favor; Commissioner Darby was absent from the vote.**

### **H.3. CONDITIONAL USE PERMIT FOR A RESTAURANT USE IN THE COMMERCIAL-CORRIDOR (C-C) ZONE**

Address: 10522 S. Redwood Road  
File No.: PLCUP202200235  
Applicant: Troy B. Thayne/SRT, LLC

Planner Andrew McDonald reviewed background information from the Staff Report.

Chair Michele Hollist asked for details on the parking requirements, based on the square footage and based on the number of tables.

Planner McDonald said the requirements for a restaurant are one stall per 100 square feet, but that can also be one stall per four seats; with the seating shown on the floor plan, they would need three spaces. The site itself, with the parking along the front and adjacent to Redwood, combined with the spaces in the rear of the building is 70 spaces. Each current use of the property has its own requirement, which would place the whole property needing around 104 spaces with the current uses in place. However, in regards to the martial arts and dance studios, based on square footage they would need a higher amount. Assuming those have seating, that comes down to the same requirement as restaurants and it's still not a huge concern with staff as driving by at various times of the day shows a flux when the dance and martial arts studios have their sessions, but other than allowing a restaurant to come in and cause a problem with that, they don't see an issue.

Chair Hollist noted it was mentioned that they were relocating, and asked where they were coming from.

Planner McDonald said he was unaware of where they were locating from, but that the applicant was present tonight to answer questions.

Chair Hollist noted that their sign was already up for the business.

Planner McDonald responded yes, their sign permit application was approved; their business license and tenant improvement applications are still pending the results of their CUP.

Chair Hollist asked if that was the normal order of events.

Planner McDonald responded no, usually the business license application comes last after receiving the approvals through the TI. The sign permit application is usually done somewhere in that process and he noted it is not required to have a sign so it's not necessarily a part of a TI or business license.

Commissioner Steve Catmull asked if there have been any complaints around possible odor from this restaurant, or from any places that serve fried foods.

City Planner Greg Schindler responded that they are required to have proper venting in the business, and that is part of the building department's approval and review. There might be odors, and he noted that just a few buildings away is the Astroburger. This building is not

adjacent to residential units, as there is another building behind it that is closer to the residential units; this is closer to Redwood Road than any residential areas, so he doesn't think there should be an issue with that.

Commissioner Laurel Bevans asked how noticing happens with commercial business licenses, if the notices sent to nearby building owners, tenants, etc.

Planner Schindler said they are sent to every property owner within 300 feet of the business.

**Troy Thayne (Applicant)** said the business is not relocating, they have an existing location in Draper and are just looking to expand.

Chair Hollist asked if the hours will be the same as the Draper store, 5:00 a.m. to 5:00 p.m.

Mr. Thayne responded yes.

Chair Hollist asked if there will be deliveries that early.

**Dave Horton (Business Owner)** said the deliveries with contractors are all set up so they can't deliver any earlier than 6:00 a.m., so most deliveries happen somewhere between 7:00 a.m. and 10:00 p.m.

Chair Hollist asked for more details about the business, whether it's just a donut shop or if it's a business model where people come in and sit down, etc.

**Sharon Horton (Business Owner)** said they are excited to come to South Jordan. All of their customers who have heard they are coming are thrilled. Regarding what they serve, they serve pastries of all sorts, anything from croissants to breakfast sandwiches to donuts and bagels.

Mr. Horton shared they also have a whole selection of drinks like coffee, espresso, etc. The bulk of their business is actually before 10:00 a.m. and he has spoken with most of the tenants in the building. The other tenants are excited they are coming because their businesses don't open until later, so the bulk of their parking will be when the other businesses aren't even open.

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

Commissioner Nathan Gedge noted that he had concerns about signage going up before the approval, and this concerns also applies to another item on tonight's agenda. He is worried the city could be in a precarious position where advertising has gone up, but they might not get the required approvals.

Planner Schindler responded that in this case, the sign permit was obviously approved before the CUP. This means that the applicants are putting up the signs at their own risk, and that's nothing the city can control.

Commissioner Gedge asked if they can encourage it during the application process, to hold off.

Planner Schindler said that might be a good idea to mention to applicants, but this has been quite a process for this business and he feels they probably had some confidence that this was going to be approved since staff was unable to find any detrimental effects that would prohibit the application from being approved. The process for this applicant originally started with a building permit for the tenant improvement, then staff noticed the business was a restaurant and at that time had to inform the applicant that they had to apply for a CUP before they could get the building permit approved. He doesn't believe the tenant improvement has been approved yet, because that normally wouldn't be done until the CUP was approved. Business licensing is the same, but he is not sure whether the business licensing or CUP comes first. Staff was concerned that they didn't have a business license yet, but he believes that Planning was told the applicant wouldn't get that until the CUP was approved. The applicant has had to wait quite a while to come here for the approval, and the applicant was obviously never told not to put up the sign.

Commissioner Gedge noted that he has no personal objections to this property, but there have been instances in the past with similar restaurants or drive through facilities where things have been tabled and the applicant asked to return for further discussion. He just wants to make sure they aren't giving the public the impression that the city has given the green light on a property before it has gone through all the formal channels.

Planner McDonald noted that these are two business owners expanding their geographic footprint, and they are probably trying to mitigate risk by creating brand exposure; having signage on Redwood Road is a good way to see the market and get people talking about their business model. He doesn't believe this is the applicant being overzealous or wanting to skip steps, he believes they are just wanting to mitigate risk and generate future sales.

Commissioner Catmull noted that in addition, there could also be factors in regards to supply chains and getting people to install the signs. He likes the idea of letting the businesses assume risk if they desire, but he likes being encouraging too.

Commissioner Bevans asked when they anticipate the restaurant opening.

Mr. Thayne responded they're planning for the middle of March, if everything is approved, if not sooner.

**Commissioner Bevans motioned to approve File No. PLCUP202200235, Conditional Use Permit application, based on the Staff Report, commission discussion and public comment. Chair Hollist seconded the motion; Roll Call vote was 5-0, unanimous in favor. Commissioner Darby was absent from the vote.**

#### **H.4. BRIGHT BEGINNINGS CHILD CARE SITE PLAN**

Address: 9755 South 4000 West

File No.: PLSPR202100228



Applicant: Alvaro Arias

Planner David Mann reviewed background information from the Staff Report.

Chair Michele Hollist asked if the applicant is responsible for maintaining the sidewalk along that entire stretch of 4000 West.

Planner Mann said he spoke with the City Engineer about that, it looks like the city is already maintaining a lot of the park strip on the other side of 4000 W, as well as a strip of property at the intersection north of this property adjacent to the canal that is owned by the city. That would all be maintained by the city, so he believes they are working on an agreement to take over that maintenance as far as where it would stop and begin.

Chair Hollist asked for the square footage of the home, and whether that plays into the number of parking spots required, the number of children and employees allowed on site, etc.

Planner Mann said the number of employees and children on site is where this gets into the building and fire codes in terms of entrances and exits, improvements, etc. He believes the house is just over 2500 square feet, and that's how the parking requirement was calculated.

Chair Hollist assumes that as part of their business license, safety is reviewed to ensure proper fencing between the facility and the canal and road; she asked for confirmation on that.

Planner Mann said there would be state licensing, the applicants are present tonight and available to answer questions.

Commissioner Steve Catmull asked if there is a sufficient corridor reserved for any known plans on 4000 W in the future.

Deputy City Engineer Jeremy Nielson responded that there are plans for that to be 5 lanes that far north, but the width is consistent along the entire corridor so they will have to make things work with what is already there. They do not see this as being an issue.

Commissioner Nathan Gedge asked if there is an expiration date on applications like this, or are they open until they are presented, as this one is originally from 2021.

Planner Mann said the timing doesn't start until the application is approved. Once the planning commission approves the site plan, the applicant has one year to get the necessary permits and begin construction.

Commissioner Laurel Bevans noted that this is transitioning from a home occupation license, and she asked if this is currently existing in-home daycare.

**Sebastian Arias (Applicant)** responded this is a current in-home daycare.

Commissioner Bevans asked how long that has been in operation.

Mr. Arias responded about two years.

Commissioner Bevans asked if they were state licensed.

Mr. Arias responded yes.

Commissioner Bevans asked how many kids are onsite, and if this is expanding the number of children allowed.

Mr. Arias responded that there are currently 12 kids onsite, and this will be expanding that current number. That expanded number will depend on what they get approval for at the building permit stage. According to the square footage, the estimate for approval is between 50-75 kids.

Commissioner Bevans asked if this is all contained within the home, and that there won't be anything added to the home or property.

Mr. Arias said they would only be adding play areas in a park-type setup, the rest is inside the house.

Commissioner Bevans asked if the 2500 square foot estimate was accurate for the home.

Mr. Arias said yes, he believes so.

Chair Hollist asked to confirm the home will no longer function as a residence.

Mr. Arias responded no, it will not.

Chair Hollist opened the public hearing for comments.

**Beverly Roth (Resident)** – I live about three houses away and I don't really know much about it, except I just got a letter. I just had a concern that it is not going to greatly increase the traffic because it's a two lane street currently on 4000 W. Skye Drive is also two lanes, and within a couple blocks there is an elementary school; it gets very busy several times a day. I live near the light and it's hard to get out sometimes. If this increases the traffic a lot, it is going to be a real problem for me, if not then it won't, but I don't know because I don't know much about it.

**Lana Smith (Resident)** – I live approximately two houses to the west of this, and we are totally opposed. I think if you would have asked all of Glenmoor Village, instead of just 300 feet, you would have hundreds of people here tonight. It is residential, it has always been residential. We have been there 35 years, we do not want commercial in that area. I don't think it's safe. I worked at Welby Elementary for 30 years, I know how busy the traffic is. When coming off of Stonehaven onto 9800 S, we can't even get out on to 9800 S. I would wait and wait for the traffic, but I couldn't even get out to go to work because the traffic is horrendous. Regarding

accidents, they have gone through the back of my neighbor's fence twice now, which would just be across the street from this residence, they have gone through the light and torn out all the light fixtures several times with the fencing; it is dangerous. Then, right behind it is the canal which is extremely dangerous. They also put up a chain link, and I believe chain link is against the law in South Jordan. I read the business proposal, first of all they said it would be 12 kids and we have been fighting this for a year now. It is not 12 kids, it is 5 teachers or rooms with 12 in each one, meaning 60 students which is a ton, plus the 10 teachers. I don't think it's safe in any way, I've seen too much traffic, too many accidents, and the canal is a huge concern within 10-15 feet from their back door; with all those little kids, I don't think that's safe. So, my concerns are safety, and we really don't want commercial because if they sell out what happens next once it's zoned commercial. I just feel like we have no protections. In front of it, to the sides of it, behind it, everything is residential and I think it should stay residential with no commercial whatsoever.

**Kevin Smith (Resident)** – I have just a few questions and concerns. I know for a while, and I don't know that it isn't still going on, that they also ran an automobile detailing business at that site. I am wondering, is that going to continue there. The next thing is I have a real problem changing residential area to commercial, particularly in our neighborhood, with the state legislation that allows people to rent out bedrooms in their homes. There have been a lot of people coming in, buying the homes and renting out the bedrooms of the homes. I didn't buy here 35 years ago to have apartment complexes across my street, I didn't come here to live in an area that has commercial property. I want to know what the rights are of the citizens who live in a residential area. Granted, they have made the checklist to move to commercial, but what about our rights and what we expected when we moved in the area.

Chair Hollist closed the public hearing. She asked staff if this requires a rezone to transition to a business use.

Planner Mann responded that no, it does not as it is a permitted use that is allowed in residential zones, provided they meet the acre requirement. There are actually a few instances in the city of properties that are in residential or agriculturally zoned areas that are around or over an acre; there are even some commercially zoned properties that are adjacent to residential that are less than an acre that have occupied businesses within the city. This is only a site plan for a permitted use.

Commissioner Gedge asked if, as a permitted use in a residential zone, the property has to have a primary occupant residing in the home.

Planner Mann noted that is how it is currently operating with a home occupation business license. They will not be living on the property, it will just be used for daycare purposes, which is a permitted use in residential zones. Zones have multiple different types of uses, it is not just people living in residences that are allowed to occupy a residentially zoned property; we allow schools, churches, parks, etc., so there are many different uses that can exist there.

Commissioner Bevans asked to confirm that if they were to sell the property, it would still be residential.

Planner Mann said that's correct, they could not operate any other type of commercial business.

Chair Hollist asked if there is any other use that could come in later, like a church.

Planner Mann said it would have to be a very small church, as this property is pretty much maxed out in terms of how they are able to use it because of the odd shape.

Chair Hollist asked staff about the ratings for 4000 W and Skye Drive, as well as any comments on that intersection potentially being hazardous or having more accidents than a typical intersection.

Engineer Nielson responded that like any other intersection, if they see a spike in incidents they might look at restricting some access at the location, but that wouldn't be the intent initially and they would continue to monitor the area. He said 4000 W is a major collector road, so the bit of traffic this would add is insignificant.

Chair Hollist asked for an estimate of additional trips they might see during the peak hours.

Engineer Nielson said that for 50 kids, that's a maximum of 50 vehicles during an hour to either pick up or drop off, which works out to about one vehicle per minute if the traffic is distributed evenly. Like most daycares, they will need to have a pickup and drop-off plan to prevent stacking on to 4000 W, but 4000 W is planned to have five lanes total, including two lanes in each direction with a center median in the future.

Chair Hollist asked if that intersection specifically has been flagged as worse than others.

Engineer Nielson said no. He is certain there are accidents there, every signalized intersection has accidents, but it has not been flagged as more than any other intersection with similar traffic volumes.

Commissioner Bevans asked if there is room in front of the property currently if someone were to try to park there, could they park there without impeding traffic.

Engineer Nielson believes there is currently sufficient shoulder for them to pull over.

Commissioner Aaron Starks said he drives this every day, and there is an ample shoulder, but it is a busy intersection.

Engineer Nielson added that in the future, there won't be much of a shoulder when this is converted to five lanes.

Commissioner Bevans asked how many parking stalls they will have.

Chair Hollist responded nine stalls. She then asked if the applicant has submitted a drop-off/pickup plan, and indicated how they will stack cars on their property.

Planner Mann said it comes down to how many people the building and fire codes will allow. In their business plan they did say they were not going to have 50 students arrive all at the same time, it would be throughout the day, with some even being every other day. There might only be four to five cars there at a time with nine parking stalls on the property.

Chair Hollist said this stacking problem has been faced with previous applications many times, and she asked staff to discuss what happens if this starts to stack on to a public road.

City Planner Greg Schindler said this has been discussed before, and our city attorney has mentioned that if cars start stacking in the road they will be ticketed, almost immediately if it becomes an issue. It would just take someone alerting the police to the issue and they would come out and watch, ticketing when it happens.

Chair Hollist asked if it is required with a site plan like this for the pickup and drop-off plan to be presented.

Planner Mann said there is nothing that outlines the level of detail, or that it has to be done to a certain specification. The combination of the business plan, as well as the site plan and civil plans for this application, were felt by staff to be sufficient to evaluate how it would operate on the site coming off a collector street. Similar to the Raising Cane's restaurant that caused traffic issues when they first opened, the restaurant had to deal with that and there were some payments to the city for the time using police to direct traffic.

Commissioner Starks noted that he lives very close to this intersection, and he can speak first hand to the volume of traffic, especially during peak hours with Welby Elementary so close. He loves the enterprising idea behind the business and expansion, and certainly there are business opportunities and this is a good business model. However, he doesn't feel that it's additive to the community, and given the current infrastructure in place he doesn't know that it's conducive to the expansion of this business. He doesn't know if that road can handle more traffic volume safely, while maintaining good standards in the community and thinks it makes it a bit less livable.

Commissioner Catmull noted that there was a comment regarding canal safety and asked staff to address that.

Chair Hollist thought that was addressed previously, but did note there was a comment about fencing. It was mentioned that there was previously a chain link fence and the resident wanted to know if that was permitted in the area.

Planner Mann said he believes they installed a chain link fence in the front yard at one point. However, Code Enforcement was called out and it was removed, replaced with a vinyl fence which is allowed according to code.

Chair Hollist said there was a comment about other businesses operating off of this property, and asked if this business plan allows for any other type of business, including auto and car repair.

Planner Mann said that auto and car repair is not an allowed use, even as a home occupation.

Assistant City Attorney Greg Simonsen said the most significant thing heard tonight is that this is a permitted use, and he can understand where the residents are coming from. As has been pointed out, legislative bodies from time to time make exceptions to having only residential occupants in those zones, and the most notable exceptions we get quite often in the city, and that is not even brought to the planning commission, are sober living homes. Those are operating businesses and they come right into neighborhoods. The Congress of the United States has passed the Fair Housing Act, and that's why those are allowed in a residential area. What is being seen here is something that our local legislative body has said is a permitted use if the land is over 1 acre, even in a residential zone. So long as the applicant complies with the site plan issues and everything else that has been pointed out, we can't overturn what the legislative body has enacted.

Chair Hollist noted that was a good reminder that the commissioners are not elected, thus their powers are limited to a significant degree if code and ordinances are met. She asked if staff had located the service ratings for the adjoining roads.

Engineer Nielson said that currently 4000 W is at a Level of Service C with traffic volumes, and the city's goal is to keep roads at a Level of Service D or higher.

Commissioner Bevans noted that there have been concerns with the parking plan and the number of kids/teachers onsite that will be using those parking spaces. She asked if the commission has the purview to table this and request that kind of in and out parking/pickup and drop-off plan.

Attorney Simonsen said this could be tabled if information isn't available tonight, and he suggested turning to members of staff who might have the information they are seeking.

Chair Hollist noted they could also ask the applicant about their plans, how staggered their arrivals are.

Commissioner Bevans added that if there are five teachers on site, plus any staff and admin, that's at least five of those nine stalls always taken. She addressed the applicant, noting that it was mentioned there was a plan for five classrooms, and asked if that was correct.

Mr. Arias said they did not mention that, that was from a public comment.

**Astrid Arias (Applicant)** said it all depends on how many kids they are approved for, then they will work based on that. Currently they serve multiple ages, including school-age children, and they pick up the school-aged children; that doesn't create traffic for drop-off since they are picking them up. They are also considering having at least three classrooms. They are a family business, so her husband will be part of the administrative staff, and she is a teacher, so they will get there in the same car. If traffic is always a problem they can work with the city and she appreciates all the comments. She wanted to say that they are not a school, there is no set drop-off time. They can drop off at any time and they have been at this location for almost two years

now, with a home occupation business in Daybreak previously; they have been in South Jordan for almost 10 years. Most of the parents drop off at different times and work from home, she even has parents that only use it to run errands and drop off in the afternoon. Pick-up is also at different times during the day, there is no set time. She wants to reassure everyone that they are not looking to increase traffic or anything like that, they are willing to work with the city and neighbors to ensure they are not an inconvenience for them.

Commissioner Bevans asked if they offer nighttime care.

Ms. Arias responded no, just during business hours of 8:00 a.m. to 5:00 p.m. and they are closed on weekends.

Commissioner Bevans asked if they have any kind of written or detailed drop-off/pickup plan they could provide the city.

Ms. Arias said it could be done, but it wasn't required when they applied and they have been working on this since 2021. If that was required, she wishes it had been mentioned before because it has been very, very long and very expensive. They hope this gets resolved quickly, but if that's required they can provide that, she just wants it noted that it wasn't required or mentioned previously in the process. It is very simple since there aren't specific times. She has worked in childcare before, and in the last 10 years she's been in South Jordan she has never had multiple parents arrive at the same time. She is also not looking to be a big center, because that's not her business mission or vision; she is looking to be more of a family oriented childcare program with a family feeling for the kids. They want smaller groups, like maybe 12 kids per classroom, keeping things small; they are not looking to have 70-80 kids, even if they were approved for that.

Chair Hollist asked if most of the parents park and bring their kids in, or if there was some sort of pull up and drop off.

Ms. Arias said that with the planning they have it will be like a drive through, but they will be able to park as well. She doesn't think it will be an issue with traffic, but that can be addressed as well.

Chair Hollist asked the applicants if they understood that if their customers start lining up on 4000 W, the police will be contacted.

Mr. Arias said that even as they have been operating currently, all the parents park in their driveway to drop off; there is no parking on the road.

Commissioner Gedge reviewed the duties of the planning commission. They have a site plan in front of them, it is not a conditional use or rezone, so if they meet the standards they are tied to what they can and cannot do. His one question is whether they can table this based on a traffic plan not being provided, but also not required.

Chair Hollist told staff that traffic is the number one thing heard about from residents in these situations, and she asked if staff can let the applicants know that any information to help alleviate those concerns or showing thought into the process of mitigating those issues is desirable and in their favor.

Planner Mann said that with the fact they are already operating on a smaller scale for this use, they have experience running it at this location, and they stated their intention is not to create a massive use right off the bat they weren't required to provide anything like that.

Commissioner Catmull agrees that the site plan meets all the requirements. It's a tricky lot and he admires the creativity and fortitude to stick with it for a few years to work it out. He understands that comes with impacts to neighbors, and that feedback needs to go to the residents' elected officials. This commission is not elected, and they are here to basically help make sure certain requirements and regulations are followed, especially in the cases of site plan approvals.

**Commissioner Catmull motioned to approve File no. PLSPR202100228, Site Plan Application. Chair Hollist seconded the motion; Roll Call vote was 5-0, unanimous in favor. Commissioner Darby was absent from the vote.**

#### **H.5. CONDITIONAL USE PERMIT FOR AN ANIMAL SERVICES USE IN THE COMMERCIAL-CORRIDOR (C-C) ZONE**

Address: 1091 W South Jordan Pkwy #250

File No.: PLCUP202300002

Applicant: Jeremy Fenlon

Andrew McDonald reviewed background information from the Staff Report.

Chair Michele Hollist asked if this type of service is specifically called out as requiring a CUP.

Planner McDonald said the CC use has changed over time, but animal services has remained consistent over time as requiring a conditional use permit.

Commissioner Laurel Bevans said that Sandy is noted as their busiest location, and asked how many other locations they have.

**Jeremy Fenlon (Applicant)** – they have a shop in Highland, West Jordan and Sandy.

Commissioner Nathan Gedge asked if there are any plans to make improvements inside the building, specifically for noise mitigation.

Mr. Fenlon responded that all of their locations are in strip mall type areas like this, and they have never had any complaints or issues from any landlords over the course of five years.



Commissioner Gedge recommended working with the property owner to get a few dedicated stalls for their business due to the high volume of cars at certain times of the day.

Chair Hollist opened the public hearing for comment. There were no comments and the hearing was closed. She appreciated the plan submitted, it provided a lot of relevant details and gave her a better understanding of what is going to go on, the number of people expected, and that animals will not be there overnight.

**Commissioner Gedge motioned to approve File No. PLCUP202300002, Conditional Use Permit application, based on the findings and conclusions listed in the Staff Report. Chair Hollist seconded the motion; Roll Call vote was 5-0, unanimous in favor. Commissioner Darby was absent from the vote.**

## **I. LEGISLATIVE PUBLIC HEARING**

### **I.1. South Jordan Streetscape Master Plan Resolution, South Jordan**

Associate Director of Parks, Trails and Open Space Colby Hill introduced Mark Morris with VODA Landscape and Planning.

**Mark Morris** – reviewed prepared presentation (Attachment C)

Chair Michele Hollist asked what it means if an area has no color highlighting on the maps in Attachment C.

Mr. Morris responded that means it is not maintained by the city, those areas are maintained by the private property owners and are a significant amount of the area. He continued reviewing Attachment C.

Chair Hollist referenced the recent canal improvement off of 2200 W, between 9400 S and 9800 S, where they completely redid the park strips and mostly installed pavement. She noted that work did not follow this plan being shown and asked if it is going to be redone in the future.

Mr. Morris responded that the city has some existing standards for those types of projects, the intent is that any new improvements would follow these presented standards.

Director Hill added that at 2200 W there were initially plans to do something similar to what is described in Attachment C. However, due to some extenuating circumstances the trees and plants were pulled from the project, with the intent to come back and put them in later.

Chair Hollist noted that she does not like what was put there, and believes it contributes to the urban temperature rise being seen. She does think what is being proposed addresses the water concerns while still putting in foliage that helps combat that.

Director Hill agreed and said they had to accept the trees and plant them somewhere else, because they had already been delivered, with the intent of coming back and putting in trees at a later time.

Commissioner Laurel Bevans asked if there has been any consideration to backseeding some areas before we get there to combat that and add some of those more drought tolerant types of grasses that could consume less water while we wait for this process to finish.

Mr. Morris said it had been considered, and noted that when UDOT expanded 11400 South they put in a drought tolerant grass along 11400 S. However, the maintenance on a grass like that is very different and the intent is for it to be a little bit longer. The public did not like that and they ended up cutting it, causing it to consume just as much grass as any other type of grass. Current park strips are okay, but Jordan Valley Water Conservancy District has required the city to adopt different standards; anytime they are doing work on a new park strip they would be required to follow those standards, which does not allow grass.

Commissioner Bevans asked if there will be any more “flowering pear trees” put in, as they smell terrible.

Mr. Morris said they are not on the list, and when speaking about Urban Forestry, diversification is key. The city already has enough flowering pears so it has been removed from the list.

Commissioner Bevans asked if in the prioritization process there is any consideration being given to areas that already are requiring attention. Specifically, an area on 3200 W where all the trees are dead and the neighbors have been told the city will be coming in this spring to replace them. Will they be replaced in line with this proposed plan sooner, or will they stay on the third prioritization list.

Mr. Morris responded that they will approach each location separately. It is good to know that 3200 W is a concern, and he thinks their approach to the prioritization is that it’s a great recommendation for them to follow, and if they can do that they will. However, there may be some circumstances where they are looking at other properties and shifting things around.

Commissioner Bevans just wanted to make sure they aren’t going to come in and replace everything with what was already there, and then in a few years replace it again according to this new plan.

Mr. Morris responded that if it is replaced this spring, it will stay there, adding that the intent is not to remove any trees unless they are dead. They will xeriscape around the existing trees and put the new irrigation in for those trees.

Chair Hollist asked if one of the concerns with variation is to avoid disease coming in and taking out every tree.

Mr. Morris responded that is the reason for diversification, along with beauty.

Commissioner Steve Catmull asked how long they think it will take to get through all three priority levels.

Mr. Morris said it depends on funding. They will make requests, and there are requests currently in for the upcoming fiscal year that starts in July. If the budget passes they are looking at about \$300,000-\$400,000 and they are also researching grants to see what they can get with regards to water conservation. There are quite a few out there the city will be able to match because the city has money already for this, but it just depends on funding and the installation costs. It would be difficult to put a date on it, but they will move as fast as possible. As an estimate, he thinks it would be between 5-10 years.

Commissioner Catmull asked about a possible estimation of gallons of water they would save in a year with this new landscaping plan.

Mr. Morris responded that it would be millions of gallons. He didn't know what percentage of water saved that would be, but did mention there are plans to do something similar in the parks and they have already identified multiple parks where they plan to make some changes. Those are not reflected in the streetscape master plan, but they are part of the water conservation plan. They will be leaving some grass for recreation, but they will be removing grass from the unusable parts and doing something different.

Commissioner Catmull likes that this is only the start of our changes. He asked about the snow plows throwing snow on to the park strips, and whether hardiness of these ground plants will be an issue along with considering funding for new conversations.

Mr. Morris responded yes, none of the plants on the final lists are woody shrubs or things that would be damaged by the snow; they are all perennial and will come back every year. For the most part they are things that will be cut to the ground on an annual basis, and any snow plow damage was part of the consideration.

Commissioner Nathan Gedge asked about the properties that will need to start being maintained by the property owners, and whether there will be any types of grant or funding applications to assist with the improvements.

Mr. Morris appreciated the question but noted that the intent is not to go to the homeowners and tell them they are now responsible for their park strips. Some of those park strips were created through agreement when right-of-way was purchased for sidewalks and other things. The intent is just to make everyone aware of how many miles of park strips the city has, and to show how many of those miles the city is maintaining versus what the code says the city should be maintaining. They want to make sure staff is aware of that, but there is no intent at the moment to go to homeowners and turn over that responsibility.

Commissioner Bevans asked if, as people come through and develop some of the areas that are marked red, the developers or new neighborhoods will be required to maintain those park strips or will the city continue to maintain the strips in those cases.

Director Hill responded that as businesses come in the maintenance is usually turned over to the developer .

Commissioner Catmull asked if, when those are turned over, the sprinklers and valve systems are adjusted or designed to operate independently.

Director Hill said that yes, they are adjusted to operate independently. It becomes troublesome when the city irrigation system continues, but it usually just goes through the property with the city maintaining it on either side. As more areas develop, they start cutting things off for the new owners to take over.

Chair Hollist asked to confirm that additional pavement in park strips is not a part of this plan, and that they are removing it.

Director Hill said that he wasn't sure about removing it, and 2200 W will be an interesting case because it was just put in. He wishes they could have done the plants at the same time, but because this new concrete was just put in, staff may need to have a conversation with city administration and have them give some direction on whether they think it would be wise to tear out a huge investment that was just put in, only to put in another investment. They can still do the proposed plans, and they may revisit 2200 W at some point, but he is not sure how that will be approached.

Chair Hollist asked who a concerned resident would reach out to for discussion on this issue.

Director Hill responded that they can speak with him. He loves having conversations with residents, as more minds participating allows for better solutions.

Chair Hollist opened the public hearing for comments.

**Assistant City Attorney Greg Simonsen** noted that he agreed with everything that was said about 2200 W, and will be taking the list of trees home for personal reference.

Chair Hollist closed the public hearing.

**Commissioner Bevans motioned to recommend the adoption of Resolution 2023-11, Adopting a South Jordan Streetscape Master Plan for the City of South Jordan. Chair Hollist seconded the motion; Roll Call vote was 5-0, unanimous in favor. Commissioner Darby was absent from the vote.**

## **J. OTHER BUSINESS**

City Planner Greg Schindler reviewed the potential items for the next Planning Commission meeting.

## **ADJOURNMENT**

**Chair Hollist motioned to adjourn the February 14, 2023 Planning Commission Meeting. Commissioner Gedge seconded the motion; vote was unanimous in favor. Commissioner Darby was absent from the vote.**

The February 14, 2023 Planning Commission Meeting adjourned at 8:38 p.m.

UNAPPROVED