

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

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

Others: Danielle Prescott, Andrea Sorenson,

Absent: Chair Michele Hollist

6:34 P.M.

**REGULAR MEETING**

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

Commissioner Nathan Gedge welcomed everyone to the Electronic Planning Commission Meeting. He excused Chair Michele Hollist, who was absent from the meeting.

**B. MOTION TO APPROVE AGENDA**

Commissioner Starks motioned to approve tonight's agenda and amend it to show Commissioner Gedge is leading the meeting tonight. Commissioner Gedge seconded the motion; vote was unanimous in favor. Chair Hollist was absent from the vote.

**C. APPROVAL OF THE MINUTES**

**C.1. October 11, 2022 Planning Commission Meeting Minutes**

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

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

**E. COMMENTS FROM PLANNING COMMISSION MEMBERS**

Commissioner Laurel Bevans addressed an email from a community member who did not agree with a decision the commission made at the previous meeting. She responded that the commission is happy to take criticism, and that they are here to receive comment from the community, especially when someone is upset or concerned about something. She also wanted to express how lucky the City of South Jordan is to have each of these commissioners here to serve. Essentially, as appointed volunteers each member of the commission is here out of a deep love for their community and inspired to serve. She enjoys serving with each of these incredibly talented, smart and compassionate individuals. She wants the public to understand how limited their scope is when it comes to their decisions on whether or not to say yes or no to each application. Their job is not to apply their personal opinion on each item; their job is to ensure each application meets city code and follows the general plan set forth for our community. At times, keeping their personal opinions out of their decisions is difficult, but she can guarantee that each member of this commission is dedicated to being impartial and just in their decisions. She encouraged communication between applicants and those neighbors around them, and those who may be affected by the proposed applications and changes to their neighborhoods. They as a commission definitely appreciated this email from a community member that expressed communication did happen between the applicant and the neighbors, and they were able to resolve some differences amicably. She would also like to encourage the public to attend their planning commission meetings and city council meetings regularly, not just when it affects them, so they can understand the process and are able to participate. The planning commission and city council welcome participation, they encourage it and encourage the public to speak and express support and concern. They are grateful for everyone who does attend, and would love to see them more often.

Commissioner Steve Catmull added that the general plan is voted on every 10 years, and it was done two years ago. That means that in eight years, for those still living in the city, when you get notices about the general plan being updated please take the invitation to come and express your concerns and share your thoughts.

**F. SUMMARY ACTION – *None***

**G. ACTION – *None***

**H. ADMINISTRATIVE PUBLIC HEARINGS**

**H.1. US BANK KIOSK AT WALMART CONDITIONAL USE PERMIT**

Address: 3590 W South Jordan Parkway

File No.: PLCUP20220032

Applicant: Madeleine Reinke, Kimley-Horn

Planner Ian Harris reviewed background information from the Staff Report.

Commissioner Steve Catmull asked for the distance between this proposed kiosk and the gas station.

Planner Harris said his estimate would be roughly 150-200 feet.

Commissioner Catmull noted that there has to be 400 feet between other kiosks, and that in some places a gas station is considered a kiosk. He then asked why that distance was chosen specifically in the code, what the code was trying to prevent or support.

Planner Harris said there is another kiosk in the parcel to the east, he believes it is a Wells Fargo kiosk, and that did affect where this US Bank kiosk could be placed. He was unable to speak to why that specific distance was put in the code.

City Planner Greg Schindler said that the city does not consider gas stations to be kiosks. A kiosk has its own definition, and it's much smaller than a gas station. The reason they have the 400 foot separation rule is because kiosks are required to have stacking for at least two cars at each kiosk, and they know some banks will be more popular than others, so they didn't want any type of kiosks too close together to create blockages or crowding in parking lots.

Commissioner Catmull said it is interesting that this gas station will have as much or more traffic than a kiosk that will be 150 feet away.

Planner Schindler responded that is correct, however where it is located on the site plan will have traffic directed more around it because the Walmart will have its own traffic that will go a different direction. The gas station traffic and kiosk traffic will probably leave from different places than the Walmart traffic.

Commissioner Trevor Darby noted that corner of the Walmart parking lot is basically empty all the time, so it's probably a good use of the corner as far as the gas station goes.

Commissioner Aaron Starks asked who owns that land, and how much is owned by Walmart.

Planner Schindler believes that Walmart owns the entire site they sit on, including where the gas station is going; they do not own the buildings to the east.

Commissioner Starks asked to confirm that US Bank will be leasing this land from Walmart.

Planner Schindler said yes, he believes that is the case.

Commissioner Starks asked if historically on projects like this they have asked to see the leasing agreements to make sure everything is above board before making an approval for land the applicant doesn't own.

Planner Schindler responded that part of the application process is an affidavit from the property owner allowing someone else to act in their behalf on their property.

Commissioner Nathan Gedge asked to confirm that they are removing nine stalls, but adding five on the southwest portion.

Planner Harris responded that is correct, and said the map in the Staff Report shows the replacement of stalls required by the city for both the gas station and the kiosk which is incorporated into that replacement parking plan.

Commissioner Laurel Bevans said that it appears a lot of the parking spots are removing a lot of the green space, asked if the site is still in compliance with our green space and tree requirements.

Planner Harris said he believes so, but that wasn't a significant portion of his review because the amount of stalls that the kiosk was adding was less significant than when the gas station was brought in. He believes they are still in compliance, and the amount of grass removed because of the kiosk is not significant.

Commissioner Bevans said that this is fairly close to the entrance, and it is a pretty busy entrance. She asked if Engineering has done any studies to see if there could be a backup that comes around the corner, or will they force people to queue in a different way to ensure there is no backup onto 10400 South.

Deputy City Engineer Jeremy Nielson said they don't anticipate that happening, there is enough stacking there for cars to get in.

Commissioner Bevans asked to look at the map with both the gas station and the kiosk from the Staff Report. She then asked about the underground storage tanks for the gas station, if they were on the same side as the kiosk or if they overlap at all.

Planner Schindler said he didn't know, but he's pretty sure the underground tanks are on the site of the gas station. In this case, they might be to the north of the station since they acquired quite a bit of space in the parking lot up there.

Planner Harris said the applicant works for the same firm that is doing the gas station, so they may be able to answer that question.

Commissioner Gedge invited the applicant to speak.

**Danielle Prescott (Applicant)** – she is with Kimley-Horn. Looking at the plan, regarding the proposed stalls being implemented to replace the ATM stalls, those are being implemented with the gas station project. They are not a part of this proposal and will be implemented during the gas station's project and construction; all of that is on their gas station engineering plans. Regarding the traffic, they have traffic studies done on these ATMs and they don't have a significant impact on the traffic coming into the parking lot area. Most of the people using this are already customers of Walmart, so considered a part of that traffic. Regarding the location next to the gas station, that has been discussed extensively with Planning and they are still good in the location because of the lack of traffic in the area; because of that, this was the best location

for the ATM on the site. They hope the ATM will be a great asset to the community.

Commissioner Nathan Gedge opened the hearing for public comment. There were no comments in person or online and public comments were closed.

Commissioner Steve Catmull addressed the queuing and referenced a discussion that took place earlier in the year regarding the ways to deal with that if problems arise since there are rules in the city code regarding how many cars can queue there. He also noted that the CUP for a generic kiosk could be anything else besides a bank, but with the protection of the queuing and what's currently in city code this feels like a reasonable fit for him.

**Commissioner Darby motioned to approve the conditional use permit for File No. PLCUP20220032, allowing the applicant to proceed with a building permit for a kiosk at the address above. Commissioner Gedge seconded the motion; Roll Call Cote was 5-0, unanimous in favor. Chair Hollist was absent from the vote.**

## **H.2. 10196 S 2950 W ACCESSORY BUILDING CONDITIONAL USE PERMIT**

Address: 10196 S 2950 W

File No.: PLCUP202200191

Applicant: Amber Bailey, Roper Buildings

Planner Ian Harris reviewed background information from the Staff Report.

Commissioner Nathan Gedge noted that due to the wall height being less than 16 feet, and the height of the building being 21 feet, there are no additional setback requirements. He invited the applicant to speak if they had anything to add, the applicant declined. He opened the hearing for public comments. There were no comments in person or online, public comments were closed.

Commissioner Laurel Bevans drove this street earlier this week to look at the neighborhood, she confirmed that there are several other buildings that are higher than their existing homes. She also added that she appreciates the applicant noting that they are adding additional space from the property line to make it more livable to those around them.

Commissioner Gedge agreed that this is consistent with the neighboring buildings, and it appears the commission doesn't have any concerns for the neighborhood.

**Commissioner Bevans moved to approve the conditional use permit application for File No. PLCUP202200191, allowing the applicant to proceed with a building permit for an accessory building at the address above. Commissioner Gedge seconded the motion; Roll Call Vote was 5-0, unanimous in favor. Chair Hollist was absent from the vote**

## **I. LEGISLATIVE PUBLIC HEARINGS**

**I.1. FULLMER BOXING GYM AND SOUTH CITY PARK REZONE FROM A-5 TO OS-P ZONE**

Address: 10960 S Park Road

File No.: PLZBA202200195

Applicant: Andrea Sorenson, Salt Lake County/City of South Jordan

Planner Damir Drozdek reviewed background information from the Staff Report.

Commissioner Nathan Gedge asked the applicants if they had anything to add, both the county and the city declined. He opened up the hearing for public comment. There were no comments in person or online, public comments were closed. He added that he thinks it's great the county is relocating an historic South Jordan/West Jordan former gym to South Jordan, he thinks it will be a nice addition to the city and a great way to take advantage of the space.

**Commissioner Gedge motioned to forward a positive recommendation to the City Council to approve File No. PLZBA202200195, to rezone from A-5 to OS-P. Commissioner Darby seconded the motion; Roll Call Vote was 5-0, unanimous in favor. Chair Holist was absent from the vote**

**I.2. CONTRACT APPLIANCE SALE REZONE FROM C-F TO I-F**

Address: 401 W 10000 S and 429 W 10000 S

File No.: PLZBA202200167

Applicant: Danny Johnson, Contract Appliance Sales

Planner Ian Harris reviewed background information from the Staff Report.

Commissioner Laurel Bevans noted there is one parcel left to the west, asked if there is anything on that parcel and whether or not we know who owns it and their intentions with it.

Planner Harris said it's pretty much undevelopable because it almost completely lies in the flood plain. The applicant tried to get in contact with that owner, Summit Group of Park City.

Commissioner Nathan Gedge said this is probably one of the furthest east properties in the city, and he wanted to make sure that Fire signed off on switching from commercial to industrial to ensure they will still be able to service this property with adequate response times.

Planner Harris said he doesn't believe they had any concerns in the development review meeting. He added that as part of a rezone they are required to provide a fiscal analysis to the city council, however they were unable to get that in the packet for this meeting. The city finance department was able to finish it, and they informed him that they found no considerable impacts based on the information they were able to get from the applicant.

Commissioner Gedge invited the applicant to speak.

**Danny Johnson (Applicant)** – He owns Contract Appliance. They built that building about three years ago thinking that supply chain demands would be the same forever, and we all know what happened there. They had bought the property adjacent to that, hoping that they would never have to use it, but now they do. Their inventory levels have probably quadrupled at least so they are looking for an opportunity to expand and put in warehousing that's closer than what

they currently have in Murray and Tooele County. He believes there is a representative for the property on the corner on the Zoom meeting, and he can speak for himself. Mr. Johnson has reached out a couple of times to find out the other owner's intentions, if they would be willing to sell so he can expand his project, but the other owner did not want to sell. At this point, they are moving forward with what they have.

Commissioner Gedge opened the hearing for public comments.

**Ezra Lee (property owner)** I am the owner of that corner parcel. As far as what the topic is at hand tonight for the zone change, I can't say that I oppose that, I would be fine with it. My only concern with the site plan is the zero setback that is showing with building on the property line, so I'd just like that to be noted, that even constructing that with zero setback is going to be impossible to do without encroaching on my property and to give buffer between the projects. As to the note that was made earlier, I would also like to go on record that I have been communicated to from the City of South Jordan about the flood plain that was on that. South Jordan was working through a flood plain amendment or releasing that area from the flood plain, so I will be in to the city talking with those that were responsible with that, who I have notes from talking with years ago, that I had assumed that would be done by now. There is accountability and ownership there from the City of South Jordan to release that property from the flood plain that it currently lies in and from what was communicated to me, that was already a work in process, and that was a couple of years ago.

Commissioner Gedge closed the hearing for comments. He asked to confirm that even though this is just the rezone, if City Council does approve, this would come back to the commission through a site plan process.

Planner Harris confirmed that yes, that is correct.

Commissioner Gedge asked if the flood plain amendment was in process, or if that was misinformation.

Deputy City Engineer Jeremy Nielson said he was aware of staff looking at what is called a "Letter of Map Revision" to the flood plain, but it's a pretty massive update that involves Sandy City and he doesn't know the current status. It would be best for the gentleman asking to reach out to the person he spoke to.

**Commissioner Bevans motioned to forward a recommendation of approval to the City Council for File No. PLZBA202200167, from C-F to I-F. Commissioner Catmull seconded the motion; Roll Call Vote was 5-0, unanimous in favor. Chair Hollist was absent from the vote.**

## **J. OTHER BUSINESS**

City Planner Greg Schindler announced that Planner Ian Harris will be moving to work with Cottonwood Heights. He wished him well in his new position and thanked him for all his work here in our city.

**Commissioner Gedge motioned to thank Planner Ian Harris for his work with the city. Commissioner Darby seconded the motion; vote was unanimous in favor. Chair Hollist was absent from the vote.**

Planner Schindler said the next meeting will be November 8<sup>th</sup>, and right now there are two items on that agenda. He believes one is an ordinance change, and the other is a rezone.

Commissioner Nathan Gedge asked if City Hall is a voting location that night.

Assistant City Attorney Greg Simonsen responded that there is a deposit box for ballots at City Hall, but it is not a physical voting location.

## **ADJOURNMENT**

**Commissioner Darby motioned to adjourn the October 25, 2022 Planning Commission meeting. Commissioner Gedge seconded the motion; vote was unanimous in favor. Chair Hollist was absent from the vote.**

The October 25, 2022 Planning Commission Meeting adjourned at 7:27 p.m.

Meeting minutes were prepared by Deputy Recorder Cindy Valdez