

**CITY OF SOUTH JORDAN  
ELECTRONIC  
PLANNING COMMISSION MEETING  
COUNCIL CHAMBERS  
December 10, 2024**

Present: Chair Michele Hollist, Commissioner Laurel Bevans, Commissioner Steven Catmull, Commissioner Nathan Gedge, Commissioner Sam Bishop, Assistant City Attorney Greg Simonson, City Planner Greg Schindler, Deputy City Engineer Jeremy Nielson, Planner Andrew McDonald, IS Systems Administrator Ken Roberts, IS Specialist Michael Erickson, GIS Coordinator Matt Jarman, Deputy Recorder Cindy Valdez

Others: Leon Widdison, Vagner Soares

**6:30 P.M.**

**REGULAR MEETING**

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

Chair Michele Hollist welcomed everyone to the Planning Commission Meeting and stated all the Planning Commissioner's are present.

**B. MOTION TO APPROVE AGENDA**

**Commissioner Bevans motioned to approve tonight's agenda as published. Chair Hollist seconded the motion; vote was 6-0, unanimous in favor.**

**C. APPROVAL OF THE MINUTES**

**C.1. November 12, 2024 - Planning Commission Meeting Minutes**

**Commissioner Gedge motioned to approve the November 12, 2024 Planning Commission Meeting Minutes with the (3) corrections made by the Commissioner's. Chair Hollist seconded the motion; vote was 6-0, unanimous in favor.**

**D. STAFF BUSINESS – *None***

**E. COMMENTS FROM PLANNING COMMISSION MEMBERS**

Commissioner Bevans said Diana Baun accepted another position and last week at City Council they acknowledge her for her work, and mentioned that she also was a part of the Planning Commission meetings. She wanted to be here tonight, but she was in charge of another meeting with her new job. I just wanted to say "Thank You" to Ms. Baun for her work with the Planning Commission over the years.

**F. SUMMARY ACTION** – *None*

**G. ACTION**

**G.1. ACCESSORY BUILDING: CONDITIONAL USE PERMIT FOR THE  
ARCHITECTURAL STANDARDS OF ACCESSORY BUILDINGS IN R-  
1.8 ZONE**

Address: 9557 S. 3770 W.

File No: PLCUP202400128

Applicant: Leon Bryant Widdison

Chair Hollist said that the item that is before us was tabled at the last meeting. We have already held a Public Hearing so we will not be having a 2<sup>nd</sup> Public Hearing tonight. Chair Hollist asked Planner McDonald if he had anything new to share with us tonight?

Planner McDonald stated that he had nothing new to add, but I will make a clarification that a lot of the concerns that have been expressed have had speculation that the property owner was using the building as a guest house or renting the home. The City staff would like to clarify that it is a current right that the property owner has with the current ordinance in place. We do clarify that owner occupancy requirements, whether that be in the ADU space, or in the home itself, that property right is what the other residents also have and can take advantage of. Those that don't have qualifying properties in the City and don't qualify in residential areas can still do internal IADU's. There was one internal IADU that was approved in 2015 on a lot on the other side of the cul-de-sac.

Chair Hollist asked the applicant Mr. Widdison to come to the podium for questions from the Planning Commissioner's

Leon Widdison (Applicant) said I really appreciate the Planning Commission tabeling this item at the last meeting. I am a fire fighter and was on duty at the last meeting so I was not able to step away to be here. I appreciate being her tonight to answer some questions you may have.

Commissioner Gedge said there were some concerns from the residents that you may be using this property for a home occupancy rental, not for the use of this application. Could you confirm what the use will be for this application for an accessory building?

Mr. Widdison stated that it was my understanding when I applied for this permit it was for the size requirement. I am building this as a work shop and a place to store my vehicles. I want be able to keep them out of the elements and have a warm place to work on them. I may change my mind in the future and may want to do something else with this, but that is my intent at this time. I have read through the comments from my neighbors and I do appreciate their concerns. I strive to be a good neighbor and I am hoping the side effect is that this will beautify my property and the neighborhood.

Commissioner Gedge said there were comments and concerns regarding the size of the building in relationship to the primary residence. Do you have any comments regarding that?

Mr. Widdison said in the submittal Planner McDonald put the properties that have very similar size building of what I want to build now. Obviously, my home is the smallest home in the neighborhood, but what it comes down to is the aesthetics and financial for me. According to the City I can build a building the size of my footprint or smaller, but the building I want to build is twice the size of my property. According to City Code I can build (2) buildings on my property and be in compliance, but because I want to build (1) large building instead of (2) is why I am here. I think it will look better in the neighborhood and it will save me money because of labor and material costs, so that is why I am asking you to consider this application.

Commissioner Gedge said it was discussed at the last meeting what would happen if this use was violated, do you understand the consequences if the terms were violated?

Mr. Widdison said yes, I do understand. I did notice in the comments from the neighbors that the common theme were ADU issues and that is a separate issue, I know I would need to come back to the Commission for that.

Commissioner Catmull said I would like to thank you for coming tonight. I do think that you have a very unique property and it is a very unique neighborhood with many different kinds of homes. What is interesting about the project that is before us tonight, is how close and how big this building is to the private street. I do have a couple of questions. I would like to know what other placements you have considered on your lot, and could you also talk us through the size and the aesthetics of your building.

Mr. Widdison said there are two buildings in the neighborhood itself that match the size of the building that I want to build, and there is also one on the street behind me that has one. As far as the architecture and how it flows with my property it will be painted the same color as the existing home. The building itself will have a similar shape, and pitch, to the roof as the existing shop.

Commissioner Catmull said it will be metal instead of brick or stucco, correct?

Mr. Widdison said yes, that was my original proposal, but I am not opposed to changing it. My home is mainly brick, stucco, wood board, and batten.

Commissioner Catmull said there are other buildings that have metal structures, but they sit further back.

Mr. Widdison said I have done (2) revisions on the placement on this building. Originally, I was going to place it behind my home, but then the City came back with the setback requirements that I was not aware of when it was first drawn up. Based on the size of building I want to do I thought it was going to encroach into the backyard so to speak. I just don't want it that close to the existing home, so I thought putting it on the side of the home was a better option for me as far as location. Because of the windows on the 2<sup>nd</sup> floor the setbacks needed to be 20ft, but if it is obscured it can be 12ft. I am not trying to hide anything. This is strategic with the City Code, it is in the City Code to subdivide, so if I decide to do something different in the future it works there as well. I have tried to consider all options on this property, because I love this home and I don't want to sell it.

Chair Hollist asked Mr. Widdison, did you say it is in City Code to allow you to subdivide in this location?

Mr. Widdison said that is correct.

Chair Hollist said can we get some clarity because I thought this was not allowed in this area based on the density they already have.

Planner McDonald said the current code does not qualify this property to subdivided as it is published.

Chair Hollist said does the code say they can only have (2) non functional cars even if they are shielded?

Planner Greg Schindler said the code states they can only have (2) cars even if they are shielded in the garage.

Mr. Widdison said I had a City Compliance Officer come out and inspect my property and they didn't think there were any issues.

Commissioner Hollist said I understand this is going to be for a shop, but can you justify for me why this needs to be so large?

Mr. Widdison said for the basement, why not. I would like this to be bigger but cost is an issue.

Commissioner Hollist said could you tell me why you picked the windows that you did?

Mr. Widdison said it was for future planning. I have not plans for an ADU at this point, but who knows in the future what could possibly be put there; such as maybe a game room.

Commissioner Wimmer said when I look at the renderings for the unit and speaking from an amateur architectural eye, I can see that you built a house here. You designed a house with the windows in the right place, and the right size, the right layout for a functional ADU, so it does look as future planned as a possible ADU. I also just want to clarify when you say "some of the other external storage units have set a precedence on the size," I am also a math guy and the two largest additional storage units in the area are 2400 Sq. ft. and 2244 Sq. ft. for the accessory buildings. Yours would actually be setting a new precedence being 25 percent bigger than the second largest being 17.4 percent bigger than the largest current building. That is a pretty substantial jump, have you given thought to reducing the size?

Mr. Widdison said I have given it some thought, but as I said before, if I could go bigger and I could afford it that is what I would do.

Commissioner Bevans said is the upper floor fully enclosed or is it a mezzazine style?

Mr. Widdison said it is a mezzazine style.

Commissioner Bevans said originally, in the packet staff had asked you to move the setback further back so if the street did become public and widened it would meet the requirements, but you declined. I am curious what your reasoning was behind that, because if that does happen in the future and I think it probably will, this particular structure would be closer to the street than we allow a home to be.

Mr. Widdison said it was just to preserve as much back area as possible. My son, daughter, and I play sports so I am trying to preserve the space, so that was my intent.

Commissioner Bevans said do you intend to rent this out or reside on the property?

Mr. Widdison said we own two homes in South Jordan and we have been using both homes. We intend to rent this one, but the home my wife has the lot is fairly small so I can't fill all of my stuff on her property. My intent is to use this for storage and a shop. We have a unique situation with kids and their schools, but that is my intent.

Commissioner Bevans said we received an email that there are multiple mail boxes on this property?

Mr. Widdison said there are (4) mail boxes on one stand that was put there by the previous owner. I have no issue with removing it and putting up just one mailbox.

Assistant City Attorney Greg Simonson said I have some questions on some aspects of the staff findings. Could you be a little more clear on the use of this property? My understanding is this will be used to restore vehicles, is that correct?

Mr. Widdison said yes, that is my intent.

Assistant City Attorney Simonson asked do you restore these vehicles to sell them and supplement your income?

Mr. Widdison said they are personal restoration projects. I have sold vehicles, but most of the time it is for personal use to buy other vehicles. I have no intent to go into the automotive business, or have any other business.

Commissioner Gedge said do you have any intent to do business?

Mr. Widdison said no, I do not.

Commissioner Gedge said you do understand the process?

Mr. Widdison said yes, I do.

Commissioner Gedge said do you think there will be increased traffic?

Mr. Widdison said no. All I am doing is instead of building (2) buildings I am building (1) big one, but I am open to a discussion. All of the homes in this neighborhood are custom homes. My intent is to keep it consistent with my home.

Commissioner Catmull said when we talk about the look and the appearance of the building, is there anything from the look, appearance, or screening it, that is consistent with the surrounding neighborhood that you have observed that you would not be supportive of.

Mr. Widdison said I will say that each home in the neighborhood are all custom homes and they all look different. I am keeping this shop consistent with my home, that is my intent. I would also like to have a more pleasing landscape, so in the building process it will give me the opportunity to upgrade the landscaping.

Commissioner Hollist said we have ordinances in place because we have identified a detriment, so when we get someone asking for an exception it is usually because the size exceeds, or it is the height that does not meet the criteria that we are trying to mitigate. We then listen to all of the findings to decide if we can mitigate it and see if it fits into the ordinance. We do occasionally allow people to exceed these when they are out of sight or out of view, but fits the structure of the neighborhood. We do appreciate all of the pictures and all of the detailed information of other things in this area, but I am struggling with the enormous size and that it is going to have multiple stories. The barns and accessory dwelling units we have approved that are larger than the original structure, look like barns. They often don't have second level windows, so for me this size does have a detriment and I am not sure how to mitigate it.

Commissioner Bevans said I also share your concern with the size, but he could put multiple buildings on this property and not have to come to the Planning Commission to do that, so I am sensitive to that. I also share the sentiment that most of the other accessory units that have been approved do not look like this building, they look like barns and garages, without windows and multiple levels. The other thing that I find is a detriment is the setback. I would be more open to approving this if we could mitigate that by requiring him to meet the 38ft. setback requirement that was requested by the City originally.

Commissioner Bishop said it seems like there is a risk with the setbacks, who would be taking on the risk?

Planner Schindler said the homeowner would not have to take it down or anything like that, but if the road is made public and it has a 5ft. setback and you approve it, it would become a legal non-conforming use. There may be some risk for the City, but there is no risk for the homeowner. If there are some conditions that you do place on it and he doesn't comply with the conditions, they could revoke the CUP and he could be required to tear it down.

Commissioner Catmull said my concern is mostly how it fits in with the surrounding neighborhood, not just the size. I think about trying to find that balance, the right to develop, be flexible, and then of course you have the concerns of the neighbors to think about. I would love to see some conditions put on this to make it fit better.

Commissioner Bevans said if the applicant was to push it back, would that change your mind on the materials used?

Commissioner Catmull said it would depend on how far back. What I observed in the neighborhood is that all of those that were pushed back into the rear of the yard were behind the main home.

Commissioner Bishop said if they were to build an external ADU, what maximum square footage be allowed?

Planner Schindler said the maximum square footage is less, 35 percent of the living area of the home, or 1500 sq. ft.

Commissioner Bishop said I do agree with Chair Hollist that there would be some confusion as to which building is the main house. I think if this had been built the other way around and the main home was the ADU and it was built first, I don't think there would be an issue.

Commissioner Catmull said if you look at the lot coverage, it is allowed. It may not be in balance due to the size of home, but that is why I put more emphasis on the look rather than the size.

Commissioner Gedge said because this is a conditional use permit we will have to give significant evidence and ways to mitigate it. In the previous meeting and the emails we have received from the public all those are if's, and maybe's, which can fall under hearsay, or public clamor, so I don't know if as a body we can consider that. There are the setbacks from a possible public ownership of the road, but the City staff has told us they have no plans to do that, and we have also heard about an ADU, which is not subject before us this evening. The big thing is the size of the property, and in this neighborhood it would be the largest because the footprint is bigger than the main home. There are other similar garages with this type of uses in the R-1.8 in our City that have been approved by the Commission and are present in the City. As Commissioner Bishop said if this was reversed and the primary use was the larger building and this secondary building was the accessory use there wouldn't be an issue. The applicant could just build a second building and they would not have to bring it before the Commission at all. I personally don't feel that there is significant evidence to impose detriment to this application that is before us tonight.

Chair Hollist said are there rules regarding renting a property and still having access to the property for work shops or hobbies?

Planner Schindler said I don't think so, they own the property. I don't think there is anything that would prohibit him from renting the home and still having access to the workshop.

Commissioner Bevans said because this is an accessory building it is generally not subject to SWIFT requirements and inspections, but I do see that this is all required on the site plan, will the City require that through the building phase. I am curious to see how this will be monitored and regulated, especially if someone is living in the home.

Deputy City Engineer Jeremy Nielson said I am not aware of exceptions for an ADU, but I am aware of minimum disturbance areas. I know that the building department will look at those disturbance areas and if they exceed that area then a SWIFT would be required.

Chair Hollist said what are our rules concerning remodeling? If someone were to put up a wall or change their floor plan and etc. What is the process for an existing building?

Deputy City Engineer Jeremy Nielson said typically, with a remodel they would get a building permit.

Chair Hollist said if a kitchen or bathroom were installed, that would require a building permit?

Planner Schindler said it would if they are putting in a water or a gasline, then that would require a building permit.

Chair Hollist asked the applicant to come to the podium for a couple more questions.

Chair Hollist asked the applicant, would you be open to moving the location of this building to behind the home and using the same driveway access on the north side of the home?

Mr. Widdison said I had originally had it drawn there, so yes, I would be open to doing that.

Chair Hollist said am I recalling a reiteration from the information we were given, why was it moved from that location?

Mr. Widdison said it was because of the setbacks and I didn't want it to get too close to the main house on the backside. Those plans were changed that is why you don't have my original ones.

Chair Hollist asked Planner McDonald could you comment on whether that would put the windows too close?

Planner McDonald said with the 2<sup>nd</sup> story windows, and if that wall faces 20ft. of the property lines, we would have to make it a conditional use permit. In speaking to the original design, the setbacks from the property line was within that 20ft. There are 2<sup>nd</sup> story windows and the balcony is part of the design, so rather than going through the CUP process, the application has changed from what you see now, there were amendments to the position on the property and that is what was presented to you tonight.

Chair Hollist said there is not a way to position it on that side to give the offset that they would need?

Planner McDonald said possibly, It would be up to the applicant if they would want to concede to that, and where it could go would take up a large amount of room. The applicant mentioned they would like to have as a rear yard space and it would be taken up by a building.

Commissioner Bevans said what is your timeline on building this?

Mr. Widdison said if you approve it, I would like to start construction in the next month.

Commissioner Catmull said if you were to build an ADU, where would the access be?

Mr. Widdison said it would be an exterior stairway on the east side.



Commissioner Catmull said would you be willing to put fence for screening on your side of the yard up to your driveway? When I think of screening I envision fencing or dense trees.

Mr. Widdison said I would be open to denser trees more than a fence.

Commissioner Catmull said we would like to achieve the least amount of restrictions, but find a balance to this.

Mr. Widdison said I have secured the funds to build this building, so whether it be (1) building or (2) buildings, I still plan to move forward and build this. I appreciate your concerns, but this is my dream. I want to be respectful of my neighbors and for this to enhance the property so that is why I am asking for you to allow me to build (1) building instead of (2).

Commissioner Bishop said I think in regards to the closeness to the street that we ought to think about the long term. I would be more comfortable if it were pushed back. I just imagine that in the future that street is going to be upgraded, so I would like to have it in the right place. If we are looking at this more like an ADU, maybe the building should be more home like in terms of the materials.

Commissioner Bevans said I do like the location of the property on this side better. Specifically, for the reason that if he intends to rent out the house property, I think this gives a little more separation to the renter and the building since he intends to be using it. There will be someone living in the house, so I hesitate to require it to be moved so they would need to use the same driveway as the house. This gives it a good separation from that standpoint, but I think I would like to see it pushed back to the original City setbacks. This neighborhood has a very eclectic look so it does make it a little less of an issue.

Commissioner Catmull said my proposal to the applicant would be to screen it with evergreen trees on the west side of the building and on the edge of the driveway. In my opinion, that is the least invasive way to accomplish what my main concerns are. I would love to go further back, but I think we start to get out of balance.

Commissioner Bevans said I would like to ask the applicant if he is willing to push the building back.

Mr. Widdison said I would like to go home and measure it out 12ft. and see if it works on my property. I would consider it, but I would like to do a little more measuring on my property.

Commissioner Catmull said my question for the Commission is there a consensus that there are any detriments?

Commissioner Wimmer said I have several detriments that I see with this, one of them being out of character with the rest of the neighborhood. There is a setback issue that concerns me, so we can do what we can do about that, or not. I also see just the size being a detriment. I also see that this will someday turn into an ADU, by the applicants own acknowledgement this was designed from the very beginning planning stages to accommodate an ADU. While it is not currently being used as an ADU, chances are in the future someone is going to come and live in that ADU.

If we can see by the applicants own acknowledgement that he may come back and make it an ADU, and I don't doubt that he will be storing his vehicles there for the time. I think we should talk about mitigating it now, and not kicking the can down the road. I think all of those things need to be addressed before I would consider voting yes to this application.

Commissioner Bevans said so how do we mitigate that if Assistant City Attorney Simonsen said we cannot change the legal setbacks?

Commissioner Wimmer said it makes it very clear that if we cannot legally mitigate that and we have identified this as a detriment, it is then my responsibility to deny the request.

Assistant City Attorney Simonsen said the applicant is not filing for an ADU before you tonight, it is a potential issue down the road. The ordinances may change before then and he will have to comply with whatever the laws are at that time. If you are saying that you don't know how he will comply as they are set forth now, that is his problem, it is not something that you have to address at this time, it is something for the future.

Chair Hollist said I also have concerns with the screening and it fitting in with the neighborhood, which is also in our land use plan that certain areas have a certain look. The size for me is an issue, I think we can mitigate that by making it smaller. This is not just asking for an exception for his property in respect to this being the smallest property, this is larger than what anyone else has. I would open to an annual inspection to make sure the things we have asked about are being complied with. I don't think this is a proper location for something this big.

Commissioner Bevans said what if we mitigate this by moving it back so it is not so close to the street, more similar to the other structures in the neighborhood.

Assistant City Attorney Simonsen said the problem with mitigating a setback is that those are specifically set forth by the result of the zoning that is passed by the legislative body.

Commissioner Hollist said based on the applicants testimony and the plans presented to us with testimony during public comment about the potential future use of an ADU. As well as a discussion about activities that will be going on that are not business related, this conditional use will incorporate an annual inspection to insure that is being followed. Additionally, this is so out of compliance with our typical ordinances. I would need appropriate screening so that this building would not dwarf the existing structure which is something we typically require in our residential zones.

Commissioner Catmull said I was thinking about how we could make the screening enforceable. I think about 60 to 70 percent of the west facing wall surface area should be screened. The City code ordinances may only allow trees, so you would have to think about evergreen trees for the winter. That might give the applicant the most flexibility and the percentage to screen the wall area, so I will throw that out there for consideration. The annual inspection feels like a risk mitigation effort, than a harm that is identified and could be a potential problem, but there are City codes and ordinances in place to already deal with that and residents can file a complaint with code enforcement.

Commissioner Wimmer said haven't the residents already made it clear by the public comment, sending emails, and letters, that this is something they are concerned about and would want it mitigated on a ongoing bases.

Commissioner Catmull said for sure, but it is not minority report. We can't say this is what is going to happen, because we don't know.

Commissioner Bevans said I don't have an issue with this, I think from everything presented they would get a hold of Code Compliance very quickly.

Commissioner Gedge said we could add a yearly inspection to the motion, it would be an additional layer to insure the safety that is covered and hopefully Code has the staff to cover that annually.

Commissioner Hollist said I am going to say it once again for the record, it needs to be smaller in size or be placed more prominently, I wont specify which.

Commissioner Bishop said I am wondering if we can just say one, or the other, it has to be pushed back or made smaller.

Commissioner Gedge said at the end of the day the square footage is going to be (1) large building, or (2) smaller ones, something is going to be built to that size. We can present smaller or be moved if the applicant is agreeable, but it sounds like he needs some time to consider that.

Commissioner Wimmer said isn't that why we give him a choice, screen it or move it. If he doesn't want to do that he can build (2) buildings.

Commissioner Hollist said I am going to make a suggestion to ask the applicant to come to the podium to see what he is most agreeable to, and this is the unpopular part, we ask him to come back in a month and tell us what he is most comfortable with so we can make a decision base on that.

Commissioner Gedge said I would ask him back for sure, maybe his thoughts have changed on the property as well.

Chair Hollist asked the applicant to come back to the podium for a discussion.

Mr. Widdison said I was listening to you guys and looking at the questionnaire Planner McDonald sent me and it may or may not have any weight at all. The curb setback is 30 ft. on the south-west corner, so that would be a concern. In the questionnaire he is asking me to set it back to 38ft. so if I agree to the additional 8ft. would that make any difference at all?

Commissioner Hollist said I would like to confirm that would be 8ft.behind the front yard line?

Planner McDonald said the comment that was made wasn't based on the front line of the home. It was based on the proposed setback in the back from what is now frontline center line, and

increasing that to accommodate potential new road right-of-way, curb/gutter, sidewalk, and wherever the new side line would be.

Commissioner Catmull said as you have pointed out 8ft. is not a lot, so for me I would still love to see even existing trees.

Mr. Widdison said I am open to that. I enjoy my privacy as much as a lot of people, so I am open to putting additional trees on the south side. Obviously, if you are requiring me to put them along the entire border that can get pretty pricey and more than just putting up the (2) buildings.

Commissioner Catmull said for me it would be screening the street view giving the proximity and how close it is. Would you be open to percentage requirement?

Mr. Widdison said yes, I would be. I don't know if you can see it, but there is an existing fence that runs east and west. There are (2) evergreens on the corner and then there is a gap between the third and fourth evergreen, so I could put one in between there, it would screen it all the way around the driveway to the corner on the north.

Commissioner Gedge said would you be opposed to an annual inspection of the property.

Mr. Widdison said that is my biggest hang up out of everything we have discussed. There are safeguards that are already in place by the City if a neighbor was to complain to Code Enforcement and they would do a follow up. I would not agree to an annual inspection.

Chair Hollist asked, Why??

Mr. Widdison said it is because of personal privacy and the City already has a process in place if there was an issue for them to be able to enforce it.

Commissioner Catmull said would you change the size for the inspection?

Mr. Widdison said no.

Commissioner Catmull said if you had to choose, what would you choose?

Mr. Widdison said I would build (2) buildings.

Commissioner Hollist said would you be open to decrease the size of the building by 500ft.?

Mr. Widdison said no.

Commissioner Hollist said is there a reason you chose not to disclose that you would not be living at this property.

Mr. Widdison said because it doesn't make a difference in whether I build this or not. It really comes down to the fact that I have complied with all of the City requirements, I do respect the Commissioner's and I have learned a lot in the process, but I was not asked or required to

disclose if I was going to live there or not. At this time I am not coming to you for an ADU, that doesn't mean that I may do that in the future, but that will be a totally different discussion.

Commissioner Hollist said I would like to state for the record that I have neighbors that were out of compliance with not applying for an ADU, and running a triple's out of a single family residential home. I have called the City for compliance and it is hard to enforce. It still has never been enforced after all of the calls I have had with the City, so that is why I brought up the annual inspection.

Commissioner Catmull said it would be helpful to know where all the Commissioner's are at before we make a motion.

Commissioner Hollist said 8ft. is not enough for me to make this fit in with the character of the neighborhood, as far as screening and positioning with respect to the existing home with the size that he is asking for. I would propose moving it back where it originally was, but also enforcing whatever off-set would be required from the property on the north for his second story windows. That is the minimum that would be needed for me to approve this.

Commissioner Wimmer said I feel the same as Commissioner Hollist. The size is the big issue for me, it is just too big of a jump to have a 25 percent increase.

Commissioner Bevans said this has been a one of the more difficult ones we have had in a very long time, and it is a very interesting piece of property. If he is willing to move it back it eases my mind on a lot of things, but I do share the concern on the size of the building and the construction of this. I appreciate the fact that the applicant has the right to build (2) buildings and can do so without our approval at any point and time, but I also wonder if we are concerned about preserving the look of the neighborhood. Is (1) building or (2) going to do that in a distinct manner. I think the main concern that neighbors brought to us was the possibility of future issues but does not sway my vote to one or the other. I don't remember hearing a lot of complaint about the size of the building. Although, I don't like it I would prefer to see (1) building over (2), I think (2) would clutter up the property. I would approve this with conditions as discussed.

Commissioner Bishop said we are in a place where it is difficult to make a decision for all of the reasons that have been previously mentioned, so when it comes down to something like that I usually lean towards the property rights of the owner. I am a hesitant yes.

Commissioner Gedge said I agree that this is an extremely large, almost too large of a building, but I would rather have (1) building rather than (2), which we wouldn't be able to have input on. At least with the setbacks and the possible screening we would be able to somewhat mitigate what is there currently. As we discussed earlier that this is not an ADU, but if that is a possibility in the future there is a process in place with code enforcement to deal with it. I would vote yes with the mitigations that we have discussed this evening.

Commissioner Catmull said I don't have anything new to add, but I will make the motion.

Commissioner Catmull motioned to approve with conditions the conditional use permit File No. PLCUP2024-00-128 based on the public testimony the item discussions and presentation

materials subject to it being in compliance with all of the South Jordan City laws and ordinances. The conditions applied to this application are that 65 percent of the exterior walls visible from the street be screened to mitigate the effect on a building of this size, location, and building material would have on the overall character of the surrounding neighborhood. And that the application be adjusted and filed appropriately through existing City procedures to reflect 8ft. further back from the current setback on the presentation material as agreed by the applicant. Commissioner Gedge seconded the motion. Roll Call Vote was 4 to 2.

**Roll Call Vote**

**Yes – Commissioner Gedge**

**No – Chair Hollist**

**Yes – Commissioner Bishop**

**Yes – Commissioner Catmull**

**No – Commissioner Wimmer**

**Yes – Commissioner Bevans**

**H. ADMINISTRATIVE PUBLIC HEARINGS**

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

Address: Generally 6900 W. South Jordan Parkway

File No: PLPP202400180

Applicant: Perigee Consulting on behalf of Miller Family Real Estate

Planner Greg Schindler review background information from the staff report.

Vagner Soares (Applicant) – said I am the Director of Land Development for Larry H. Miller.

Commssioner Bevans asked do you know what the breakdown is of single family versus townhomes?

Mr. Soares said we have an average of 25 percent on each, it has been master planned and broken down very even.

Commissioner Hollist said what is the timeline for breaking ground?

Mr. Soares said we are hoping to start January 15, 2025.

Chair Hollist opened the Public Comment. There was none. She closed the Public Hearing.

Commissioner Gedge motioned to approve File No. PLPP202400180 subject to the following: All South Jordan City requirements are met prior to recording of the plat. Commissioner Hollist seconded the motion. Roll call vote was 6 to 0 unanimous in favor.

**Roll Call Vote**

**Yes – Commissioner Gedge**

**Yes – Chair Hollist**

**Yes – Commissioner Bishop**

**Yes – Commissioner Catmull**  
**Yes – Commissioner Wimmer**  
**Yes – Commissioner Bevans**

**H.2. DAYBREAK VILLAGE 12B PLAT 3 PRELIMINARY SUBDIVISION**

Address: Generally 7120 West Docksider Drive

File No: PLPP202400186

Applicant: Daybreak Communities

Planner Greg Schindler reviewed background information from the staff report.

Commissioner Hollist asked, how do your street names get named?

Vagner Soares (Applicant) said we have large list of names that we let the employees add to and when we pick a street name we check with the County to see if it is already taken.

Commissioner Hollist asked when you plan to start construction?

Mr. Soares said we are planning to start construction the beginning of February 2025.

Commissioner asked how long will it take to complete this project?

Mr. Soares said with something of this size it will take about 4 to 6 months.

Commissioner Bevans said the minimum lot is is 2975 which is 0.6 acres, that is super tiny, what size home are you building on these lots.

Mr. Soares said Larry H. Miller is trying smaller homes, townhome type of homes. We are seeing some singles and couples that wanting smaller places that are affordable for them. Larry H, Miller is also working with affordable housing which is part of the State, and Daybreak as well.

Commissioner Hollist opened the Public Hearing to comments. There were none. She closed the Public Hearing.

Commissioner Bevans motioned to approve File No. PLPP202400186 Daybreak Village 12B Plat 3 Preliminary Subdivison subject to the following: all South Jordan City requirement are met before the recording of the plat. Commissioner Hollist seconded the motion. Roll Call Vote was 6 to 0 unanimous in favor.

**Roll Call Vote**

**Yes – Commissioner Gedge**  
**Yes – Chair Hollist**  
**Yes – Commissioner Bishop**  
**Yes – Commissioner Catmull**  
**Yes – Commissioner Wimmer**  
**Yes – Commissioner Bevans**

**I. LEGISLATIVE PUBLIC HEARINGS**

**J. OTHER BUSINESS**

**J.1. Planning Commission Discussion regarding Commission Rules for 2025.**

Commissioner Hollist said due to the time and long discussion tonight, would everyone be ok with moving our discussion item to the second meeting in Januray?

All the Planning Commissioner agreed to move the meeting to the second Planning Meeting in Jauuary 2025.

Commissioner Wimmer said I will not be at that meeting. This will be my last meeting with the South Jordan City Planning Commission. I have moved to Salt Lake City and will not be eligible to be on the Planning Commision.

Commissioner Hollist motioned to table the Planning Commission Discussion Rules for 2025 to the second Tuesday Meeting Januaruy 28, 2025. Commisioner Gedge seconded the meeting. Roll Call Vote was 6 to 0 unanimous in favor.

**ADJOURNMENT**

**Commissioner Hollist motioned to adjourn the December 10, 2024 Planning Commission Meeting. Commissioner Bevans seconded the motion. Vote was 6-0, unanimous in favor;**

**The December 10, 2024 Planning Commission Meeting adjourned at 9:25 p.m.**