

**CITY OF SOUTH JORDAN
ELECTRONIC
PLANNING COMMISSION MEETING
COUNCIL CHAMBERS
October 8, 2024**

Present: Chair Michele Hollist, Commissioner Steven Catmull, Commissioner Nathan Gedge, Commissioner Sam Bishop, Commissioner Ray Wimmer, City Manager Dustin Lewis, Assistant City Attorney Greg Simonsen, City Planner Greg Schindler, Deputy City Recorder Cindy Valdez, Deputy City Engineer Jeremy Nielson, IS Systems Administrator Ken Roberts, IS Specialist Michael Erickson, GIS Coordinator Matt Jarman, IT Director Matthew Davis, Meeting Transcriptionist Diana Baun

Others: Ivan Klotovich, Elisabeth Olschewski, John Warnick, Bennion Gardner, John Gust

Absent: Commissioner Laurel Bevans

**6:32 P.M.
REGULAR MEETING**

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

Chair Michele Hollist welcomed everyone to the Electronic Planning Commission Meeting. She excused Commissioner Bevans who was absent tonight.

B. MOTION TO APPROVE AGENDA

Commissioner Gedge motioned to approve tonight’s agenda as published. Chair Hollist seconded the motion; vote was 5-0, unanimous in favor. Commissioner Bevans was absent from the vote.

C. APPROVAL OF THE MINUTES

C.1. September 24, 2024 - Planning Commission Meeting Minutes

Commissioner Catmull asked for a clarifying statement to be added to the minutes from the last meeting, that was sent via email and is attached to tonight’s minutes (Attachment A), as well as to the September 24, 2024 minutes. He asked for the following statement to be added to the minutes in his email:

“Commissioner Catmull stated that the Flag Lot Overlay Zone code enforces all City Code requirements, except for lot size, unless modified or waived in the development agreement. He found no provisions in the agreement to prevent the spread of flag lots

along a street. Both Commissioner Catmull and Ryan Loose agreed that enforcing intent language is challenging.”

Commissioner Gedge motioned to approve the September 24, 2024 Planning Commission Meeting Training Meeting Minutes as published, with the additional clarifying comments from Commissioner Catmull attached. Chair Hollist seconded the motion; vote was 5-0, unanimous in favor. Commissioner Bevans was absent from the vote.

D. STAFF BUSINESS - *None*

E. COMMENTS FROM PLANNING COMMISSION MEMBERS

Commissioner Catmull encouraged the other commissioners to listen to the audio from the Study Session they attended with the City Council regarding short-term rentals, suggesting staff have a draft legislation before the weekend, so the commissioners can spend time studying it before it is presented in a meeting. Chair Hollist seconded the suggestion.

City Planner Greg Schindler responded that it is looking like that will not be under the zoning code, but under the business licensing, and therefore will not be presented to the commission during a meeting for a recommendation before going before the City Council. He did offer to forward a copy when completed to the commissioners for their information.

Commissioner Nathan Gedge shared he will no longer be absent the second meeting in October, and is planning to attend.

F. SUMMARY ACTION – *None*

G. ACTION - *None*

H. ADMINISTRATIVE PUBLIC HEARINGS

**H.1. DAYBREAK SOUTH STATION PLAT 3 CONDOMINIUMS PHASE 2B
PRELIMINARY SUBDIVISION**

Address: 5263 W. Reventon Drive

File No.: PLPP202400155

Applicant: Daybreak Communities

City Planner Greg Schindler reviewed background information from the Staff Report and his prepared presentation (Attachment B).

Commissioner Nathan Gedge asked the distance from the new Downtown Daybreak area, noting the allowed street parking was before the plans for the ballpark/Trax station, and asked how that will be factored in. He has concerns about the off-site parking for these housing units along with parking for other events and light rail station.

Planner Schindler responded that other events shouldn't be taking up street parking, there are already plans for around 1000 parking spaces for the stadium and megaplex.

Chair Hollist invited the applicant forward to speak.

John Warnick (Applicant Representative) shared this is between two light rail stops, almost right in the middle between the two. The parking is all contained within the condominium development, and should not interfere with anything being planned in Downtown Daybreak.

Chair Hollist asked if they had similar product in Daybreak, allowing them to comment on parking and if the model has worked.

Mr. Warnick responded this is an extension of the Holmes Homes condominiums, being built as Phase 2. There have been no complaints about parking and when asked whether they make it clear to potential residents that they only have one parking spot on-site, he responded that is in their declarations when the units are sold. It is also obvious in the Daybreak declarations as well, and he noted he has a family member that lives right across the street from this project and she has not had any complaints over parking either.

Chair Hollist asked for the bedroom counts on these units.

Mr. Warnick responded he believes this building is two bedrooms.

Commissioner Ray Wimmer asked about the number of parking spaces and units in Phase 1 of this development.

Mr. Warnick responded he did not have that information available at the moment.

Planner Schindler was able to share that Phase 1 has 66 units as well, located directly east of this project.

Chair Hollist opened the Public Hearing for comments; there were no comments and the hearing was closed. She noted that she shares the concerns for parking, but it does meet the requirements for the zone. She is glad to hear there will be additional parking included for the commercial/recreational future projects in the area and doesn't see any reason this should not be passed.

Commissioner Gedge motioned to approve File No. PLPP202400155, Preliminary Subdivision, based on the Staff Report and discussion this evening; subject to the following: All South Jordan City requirements are met prior to recording the plat. Chair Hollist seconded the motion.

Roll Call Vote

Yes – Commissioner Gedge

Yes – Chair Hollist

Yes – Commissioner Bishop

Yes – Commissioner Catmull

Yes – Commissioner Wimmer

Absent – Commissioner Bevans

Motion passes 5-0, unanimous in favor; Commissioner Bevans was absent from the vote.

H.2. DAYBREAK URBAN CENTER PLAT 2 PRELIMINARY SUBDIVISION

Address: Generally south and west of the future Salt Lake Bees Stadium

File No.: PLPP202400050

Applicant: Perigee Consulting on behalf of Miller Family Real Estate

City Planner Greg Schindler reviewed background information from the Staff Report and his prepared presentation (Attachment C).

Commissioner Nathan Gedge asked about connection to adjoining streets.

Planner Schindler responded there will be access to what will become the frontage road, currently Mountain View.

Commissioner Gedge asked if these will have right turn only access, specifically asking about traffic flow when it becomes a frontage road far west of these dedicated properties.

Deputy City Engineer Jeremy Nielson responded it will tie into the northbound segment of Mountain View Corridor with a right-in/right-out access. He also believes the city already has the permits to make both of those connections from UDOT; that has been in the works for quite a while.

Commissioner Gedge asked if UDOT and/or the city has already looked into potential conflicts with Lake Avenue, to the south of the Mountain View Corridor Access, to avoid slow down of traffic.

Engineer Nielson responded yes, that has been looked at extensively with UDOT.

Commissioner Steven Catmull asked if Mountain View Corridor going to travel under this.

Engineer Nielson responded there will be slip ramps coming off the mainline in that vicinity, which has caused some of the complications with these accesses, making sure there aren't strange weave patterns being created for traffic. The mainline will be about the same grade as the frontage roads at that location due to those slip ramps.

Commissioner Sam Bishop asked about any right turn lanes, perhaps widening of the frontage road at that point, to allow for easier traffic flow.

Engineer Nielson could not recall if UDOT required that and suggested asking Mr. Warnick about any planned acceleration/deceleration ramps.

Chair Hollist asked if the two sections missing in this application had already been turned over to the city.

Planner Schindler responded they will not be turned over to the city, but there will be easements recorded there so travel is allowed across the Rocky Mountain property.

Engineer Nielson confirmed that is correct, the city is currently working to get that worked out with Rocky Mountain Power. He added that with the UDOT piece, the city does have a right of entry with UDOT, allowing entry across that segment to the north; that right-of-way dedication is currently being worked out with UDOT.

Mr. Warnick added those will be right-in and right-outs with a small accel and decel lane going in. If you look at the current work being done on Mountain View, in the median between the two frontage roads, the U-turns and right connections are being put in right now. Engineer Nielson was correct that the permits have been given by UDOT, and noted that these will probably be paved in the next few weeks and it's all part of the engineering plan behind getting access in and out of downtown Daybreak.

Chair Hollist opened the Public Hearing for comments.

Bennion Gardner (Resident) – I wanted to add a comment here, I'm not asking for anything in particular, but just sharing a little bit. I was hit by a vehicle last year on Mountain View and South Jordan Parkway, was out for a jog and because of that I have started a petition asking for a pedestrian and cyclist bridge across Mountain View Corridor right in this area. Mainly, that is because I am looking at these plans and seeing this and hearing some of the concerns at this meeting tonight that there is a lot of concern over traffic and what to do with all the vehicles that will be coming and going from this area. What I am looking and asking for is for some balance in the planning. The city has agreed to meet with our group pushing this petition, which I am excited for, and I am hoping to learn more information. If you want traffic and vehicles, then you will make it easy for cars to get to this area; adding more roads, lots of parking lots in the area, that will bring lots of cars to the area. If you want to reduce traffic and reduce parking issues, then we need to make it easy to get to these games and get to this area on foot or on bike. Not everybody owns a car either and wants to get around by vehicle. I am hoping as the planning goes forward and plans are made, that we can have more of a balanced approach than what I have been seeing so far and make it safe for people to get around in Daybreak. Daybreak is known as a walkable community, but it seems like that has kind of gone to the wayside here in this area. I know the plan eventually is to build overpasses for Mountain View, but that wouldn't have helped me in my situation as the car that hit me was turning right on to Mountain View. Two weeks ago a mom and her four year old were hit by a vehicle exiting Mountain View, and now here we are adding two more on and off ramps basically to Mountain View. It is not a freeway yet, it is a frontage road still, and those access points create hazards for people on bikes

or on foot. That is my ask, we work to make it safe for everyone that wants to get to the games and make it easy for those who don't want to drive a car so traffic and parking is reduced.

Chair Hollist closed the hearing and asked staff to comment on concerns shared, specifically any plans for walkability and pedestrian/cyclist access to this area.

Engineer Nielson responded there are a number of things being done for multimodal opportunities at the ballpark. There is a new Trax station being built right on the east side of the ballpark that will make it very easy to access it via transit. Lake Avenue has a center running cycle track that will allow access, as well as South Jordan Parkway having that center running cycle track for similar access. They have found that many of these pedestrian accidents occurring are due to right turning vehicles, because when they are making a right turn they are looking left and the pedestrian is on the right side. In fact, 90% of the pedestrian accidents on Mountain View in South Jordan are exactly that conflict. The crossings on South Jordan Parkway and Lake Avenue are center running, crossing in the middle of the intersection which eliminates that right turn conflict. There will also be some grade separated crossings at the drainage basins at Bingham Creek on the north end of the city, as well as at Midas Creek on the south end of the city. He also added that the city is only aware of the petition referenced through the media, they have not received a formal petition. The City Manager has reached out to Mr. Bennion and there is a meeting scheduled this week.

Commissioner Catmull asked if the pedestrian access issue would be something UDOT would delegate to the city if additional structures or access were desired.

Engineer Nielson responded he didn't know, as those are UDOT facilities currently.

Commissioner Catmull noted that those issues are probably beyond this application anyway, since they are only looking at the subdivision and whether it meets the current requirements.

Commissioner Gedge asked for the next steps towards dedication to the city, does it go to City Council, or just city staff.

Planner Schindler responded this will be dedicated through the recorded plat, just like any other street.

Commissioner Gedge asked, because part of these roads will be easements and not actually property owned by the city, what happens in terms of maintenance and liability.

Engineer Nielson responded that situation comes up in many areas of the city, the easement allows the city to operate and maintain the roadway.

Commissioner Wimmer asked what caused the city to decide that an easement was the best option here versus ownership.

Planner Schindler responded that was Rocky Mountain Power's decision, not the city's; they don't want the city to own property that is part of their whole property, and will require the city to maintain the roads.

Commissioner Gedge asked if the city has the option to use eminent domain for something like this, or if that was impossible due to this being a regulatory agency.

Engineer Nielson responded the city could use eminent domain if desired, but the first approach is always to try and make things work for both parties. He also noted that generally, whoever owns the property first retains the property and grants easements for whoever crosses it in the future. That is how the city handles park properties if a power line or something similar crosses the property, the city would grant an easement without allowing the entity to buy the property.

Commissioner Catmull motioned to approve File No. PLPP202400050, Preliminary Subdivision; subject to the following: All South Jordan City requirements are met prior to recording the plat. Chair Hollist seconded the motion.

Roll Call Vote

Yes – Commissioner Catmull

Yes – Chair Hollist

Yes – Commissioner Bishop

Yes – Commissioner Gedge

Yes – Commissioner Wimmer

Motion passes 5-0, unanimous in favor; Commissioner Bevans was absent from the vote.

H.3. SOUTH JORDAN COMMERCIAL PRELIMINARY SUBDIVISION

Address: Generally located along the north side of South Jordan Parkway between Grandville Avenue and Mountain View Corridor (10850 S. 5675 W.)

File No.: PLPP202200141

Applicant: Trish Smith – Arbor Commercial/Residential

City Planner Greg Schindler reviewed background information from the Staff Report and his prepared presentation (Attachment D).

Chair Michele Hollist asked about a parcel for a road.

Planner Schindler responded this will be a private roadway going through, and he was unsure if, when the north side developed, they would add another segment of the parcel to make it wider. There is one road being dedicated as public, the rest are drive aisles and similar things that will be private.

Chair Hollist noted there were two acreages listed, one at 5 acres and one at 8.1 acres.

Planner Schindler responded it is 8.1 acres, the 5 acre measurement was a mistake.

Chair Hollist invited the applicant forward to speak.

John Gust (Applicant Representative) is the President of Arbor Commercial/Residential Properties. He asked staff if the traffic signal was still listed in the requirements. He continued, noting they are in agreement with the Staff Report as presented, noting a concern with the signal issue previously being worked out. They will begin construction early next year, the architect is doing several renderings for his approval currently and they are trying to come up with something different to be a good entrance to that area.

Chair Hollist noted that his answer would not impact the commission's decision tonight, and asked if Mr. Gust could share anything about the future plans for the properties.

Mr. Gust responded it will be commercial. They are next to the University of Utah and currently have 17 acres there on the odd shaped north piece. The University has 80-90 acres to the north and they have been negotiating with them to include 15 acres of their property. They have worked an agreement out with Daybreak in the last 60 days, selling 10 acres across the street to them so they could have the cohesive development to the north where the ballpark is. As part of that whole agreement, it was agreed that he could work with the University to bring in 15 acres of their land if they could come together with a development they all like.

Chair Hollist asked about potential tenant information.

Mr. Gust responded they get calls every day. They are going to own the whole development, they will not be selling anything there, and will be building it out as the owners. They feel it is one of their most valuable pieces of property, and as a result will be taking their time to make sure it is done right and he hopes the city will like it; he thinks they will.

Chair Hollist asked for the purpose of the specifically designated section labeled as "parcel".

Mr. Gust responded that is just an access road, so after entrance visitors can leave via different accesses and allow for better traffic flow.

Chair Hollist opened the Public Hearing for comments; there were no comments and the hearing was closed.

Commissioner Steven Catmull noted that with commercial developments like this there are vehicle access minimum widths between lots for vehicle access, and asked if those also apply to the CC Zone. He didn't see anything called out in the Staff Report, but also didn't see anything that looked inappropriate.

Planner Schindler responded these properties may have separate accesses from South Jordan Parkway, those accesses would have to be granted by the city and there are limitations on how close they can be on collector streets.

Mr. Gust added that parking and movement of traffic will be under the future development agreements with each tenant; everybody will be granted access to those access points and parking, and those will be shown on future site plans submitted.

Commissioner Sam Bishop noted that his first concern upon seeing this application was connectivity, and he appreciates the thought put into providing that here.

Commissioner Gedge motioned to approve File No. PLPP202200141, Preliminary Subdivision; subject to the following: All South Jordan City requirements are met prior to recording the plat.

Commissioner Gedge then asked to confirm that this file number is from 2022, and whether there are any statute of limitations/timelines that need to be considered before approval.

Planner Schindler responded that once approved there will be time limits, but there is nothing in the code related to this submission in terms of time limits. The city knew what the issues were here, and why it wasn't moving forward; however, if it was a different project that had no updates they would have contacted the applicant and inquired about going further with their application or clearing it from the system. In this case, there were good reasons for the delays.

Chair Hollist seconded the motion.

Roll Call Vote

Yes – Commissioner Gedge

Yes – Chair Hollist

Yes – Commissioner Bishop

Yes – Commissioner Catmull

Yes – Commissioner Wimmer

Absent – Commissioner Bevans.

Motion passes 5-0, unanimous in favor; Commissioner Bevans was absent from the vote.

I. LEGISLATIVE PUBLIC HEARINGS - None

J. OTHER BUSINESS

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

Chair Michele Hollist noted that Commissioner Steven Catmull has done a lot of legwork finding examples and sharing those with the commission via email. After reviewing the materials shared, she feels the Santaquin City Planning Commission Bylaws (Attachment E) were a good place to start. The commission reviewed the referenced bylaws together, with her noting she liked their outline on how meetings run, with the standard procedures they follow; those would be nice to have, especially for a new commissioner, to help define what they mean when they say they

follow Robert's Rules in general. Her hope is to have a working copy by the commission's last meeting in November to allow a copy to be given to Attorney Simonsen for feedback; she noted they would appreciate Attorney Simonsen's input greatly, due to both his legal background and helping a planning commission in the past do something similar.

Assistant City Attorney Greg Simonsen was willing to offer any help possible.

Commissioner Sam Bishop asked for clarification regarding remote attendance and participation by commissioners during meetings.

Chair Hollist shared her preference would be to require in-person participation, but she is also open to following the council's rules on the subject.

Commissioner Steven Catmull noted that was his question, if they only chose to follow the City Council's procedures for remote participation, why would they follow Santaquin's procedures for everything else.

The commission discussed whether or not our City Council has their own rules of procedure or bylaws, agreeing that would be a good place to start. She noted that the Santaquin example appears to follow the template from the League of Cities and Towns, which was a little more involved than the ones they discussed from Murray. Commissioner Gedge added that the Santaquin example was very similar to West Jordan's.

Attorney Simonsen noted the city does have guidelines for boards and the like, but they specifically exclude the planning commission. He believes the reason for that can be explained by looking at Section 17.16.010, sub part 1, where it lays out specifically what the planning commission can do, and gives the commission a lot of discretion. He noted the commission's limits are going to be pretty obvious, as the code already gives the commission rules on how they conduct their business. However, he gave the extreme example of if the commission decided in the name of efficiency that they were going to cut public comment in a way not allowed by the code, or do anything else that infringes on constitutional due process, obviously the code would already limit that. As long as the commission's motivation is to get fair process for people, allowing them to feel heard, as well as incorporating efficiency in meetings, those things should be okay. He believes that, even though nothing is written currently, the commission does have some rules already. Some examples of that were seen tonight, telling those speaking they have three minutes, which is not written down officially anywhere. The way our commission responds to questions is a little unusual, but he feels it is done in a good way, taking all the public comment, writing down all the questions and responding at the end; does the commission want to officially write that down as a rule that will be continued to be followed, or not.

Chair Hollist asked if they wanted to discuss this further tonight, or take the paperwork home to review. The subject she always struggles with finding an orderly way to proceed with, especially on a hot topic item, is how to handle the question/issue where they could have an opportunity to clarify, or the answer to the question brings up another question. Another thing the council currently does that the commission does not, that can be discussed, is having an open comment

section at the beginning of the meetings. That has not been done in the past for various reasons, and it has been discussed with Director Schaefermeyer.

Commissioner Gedge noted that if they want this done in November, they should probably add reviewing the draft as an action item on the next agenda, noting they need to leave time for possible approval by the city council or other issues.

Attorney Simonsen invited the commissioners to review Section 17.16, noting that he would interpret that to say the commission's rules on conducting their own business is in their domain. The council can do things as noted in that section, like removing a commissioner, but in terms of setting rules there is room for broad discretion under the code.

Chair Hollist asked if they are allowed to discuss this over email, as long as the results are presented in public.

Attorney Simonsen would prefer that wasn't done. If group discussions start happening it begins to conflict with Public Meeting requirements. If a discussion is started, he asked to be copied on those emails to ensure there are no potential problems down the road.

Commissioner Catmull asked about creating a subcommittee of less than the majority, if they could then draft something up and share it with the rest of the group.

Attorney Simonsen noted that there is still time with another meeting in October, and a meeting in both November and December to present drafts. The ordinance allows the commission to make changes at any time, not just the first of the year, if more time is needed. It would be good for both the commission and city as a whole for any discussions to be open for anyone to hear.

Chair Hollist asked if it would be appropriate for one commissioner to take on the task of creating the first draft, or even just an outline for the next meeting.

Attorney Simonsen didn't see any other way of beginning the process.

Chair Hollist asked if it would be more complicated if more than one person worked on that, or would it be better to just have discussion noting what specifically they would like to keep/remove from the example, noting why in a group setting.

Commissioner Catmull feels it would be best to have one or two people take the previously given suggestions and create something for everyone to review.

Planner Schindler noted that would be a better process, using the example of the last city council meeting where they discussed the short-term rentals. The Legal Department came to the council in an open meeting and helped the council start drafting that ordinance by bringing up each point and asking what they'd like to include. If each commissioner could come up with a list of what they'd like to see in the ordinance, they could have a similar discussion in the next meeting regarding what they want in the rules with everyone participating.

Commissioner Ray Wimmer asked specifically to address a mechanism to ask questions of public commenters. He has felt many times that the ability to ask a simple clarifying question could have avoided a heated discussion, and there is currently no mechanism for that.

Attorney Simonsen additionally noted that he'd like to avoid a group of emails being written outside of the public's view, and those things being brought to a future meeting where the commission has already reached a consensus but the public hasn't had a chance to give their input.

Commissioner Catmull asked if they could have a work session where they worked on a Google Doc to share and present those ideas.

Attorney Simonsen responded yes, as long as it is noticed properly.

Planner Schindler reviewed the items expected on the next meeting's agenda, noting that he will be absent and Planner Miguel Aguilera will be presenting items in his absence.

Attorney Simonsen shared some insight from the city's code regarding commission rules and regulations, noting it says they may be modified or amended at any time by the planning commission, at any of its regular meetings. He doesn't know if that excludes noticing of special meetings or not, but to be safe he thinks it would be good to keep it in the regular meetings and be especially careful about avoiding any private meetings related to the topic.

Chair Hollist recommended adding it to the agenda for their next meeting, similar to how it was done for this meeting, and allotting up to one hour for that discussion. She would also like to see the example submitted tonight to be slightly edited to have South Jordan on the top and published with the next meeting's packet as the working copy they will be using for their discussion that night, allowing for the public to give input beforehand.

Attorney Simonsen believes it is okay for the commissioners to speak to city attorneys, as well as have verbal discussions with each of their council representatives, which might yield additional helpful suggestions.

Commissioner Catmull suggested making that discussion a standard agenda item for a few future meetings to prioritize the election of specific positions within the commission and keep things moving.

Chair Hollist agreed, noting that prioritizing the election of those "special positions" at the beginning of the year would be helpful, expediting the discussion of rules for that process. The commission agreed that at the next meeting they will prioritize discussing the appointments for the beginning of the year, traditionally a Chair, Vice Chair, and Art's representative; also inviting suggestions for additional elections.

ADJOURNMENT

Chair Hollist motioned to adjourn the October 8, 2024 Planning Commission Meeting. Commissioner Gedge seconded the motion. Vote was 5-0, unanimous in favor; Commissioner Bevans was absent from the vote.

The October 8, 2024 Planning Commission Meeting adjourned at 7:53 p.m.

UNAPPROVED