

**CITY OF SOUTH JORDAN
ELECTRONIC
PLANNING COMMISSION MEETING
COUNCIL CHAMBERS
November 12, 2024**

Present: Chair Michele Hollist, Commissioner Laurel Bevans, Commissioner Steven Catmull, Commissioner Nathan Gedge, Commissioner Sam Bishop, Commissioner Ray Wimmer, City Planner Greg Schindler, Assistant City Attorney Greg Simonsen, City Recorder Anna Crookston, City Council Member Patrick Harris, City Council Member Jason McGuire, Deputy City Recorder Cindy Valdez, Deputy City Engineer Jeremy Nielson, Planner Miguel Aguilera, Planner Andrew McDonald, Planner Damir Drozdek, GIS Coordinator Matt Jarman, IT Director Matthew Davis, Senior System Administrator Phill Brown, Meeting Transcriptionist Diana Baun

Others: Barbara Palmer, Chase, Lysie's iPhone, Abby Krout, Jayme Richardson, iPhone Jaima A., Hollie's Phone, Katrin's iPhone, Spencer, Shanon Philips, iPhone, Tanner, Doug Hales, Stephanie Lou Haymond, Clint Ostler, Bennion Gardner, Patrick, Guest, Chris Archibald, Marlin, Jenni's iPhone, Marlene, Barbara, Ben P., Kev, Patrick's iPad (2), KUTV, Katrina Lecheminant, iPhone (8012099516), Jim M., Shari Shari, Stephanie Hurst, Kathy Thompson, Bill Theel, Glen Robertson, Linda Robertson, Tim Hansen, Clayton Austin, June Hansen, Chase Passey, Lily Perkins, Kacie Seamens, Linnie Spor, Michael Spor, Ron Madsen, Jeffrey Walton, Leonard Browning, Vivian Wilson, Sheri Mattle Chris Barron, Bryce Cameron, Krisel Travis, Tom Curtis, Vickie Roberts, Peggy Peterson, Shoa Bess, Jonathan Johnson, Joyce Fenton, Jake Seiler, Gordon Slade, Linda Price, Sharon Price, Perry Nelson, Josh Olofsobi, Marc Halliday, Nathan Miller, Tami Carlson, Michelle Foster, Emily Kartchner, Les Kartchner, Tim Miller, Hollie Poore, Michelle Langford, Jefferson Langford, Tanner Langford, Winslow Krout, Chandler Swenson, Ryan McCoviak, Brent Carlson, Soren Simonsen, Melanie Beaucharid, Monice Halliday

Absent:

**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.

B. MOTION TO APPROVE AGENDA

Commissioner Gedge motioned to approve tonight's agenda, removing Item J.1., discussion of Planning Commission Bylaws, due to the number of items on the agenda. Chair Hollist seconded the motion; vote was 6-0, unanimous in favor.

C. APPROVAL OF THE MINUTES

C.1. October 22, 2024 - Planning Commission Meeting Minutes

Commissioner Gedge motioned to approve the October 22, 2024 Planning Commission Meeting Minutes as published. Chair Hollist seconded the motion; vote was 6-0, unanimous in favor.

D. STAFF BUSINESS

City Planner Greg Schindler reminded Commissioner Wimmer of an Architectural Review Committee meeting tomorrow morning.

E. COMMENTS FROM PLANNING COMMISSION MEMBERS

Commissioner Gedge motioned to limit the public comment section for each item on the agenda to 30 minutes due to the large volume of public comment received prior to tonight's meeting. Chair Hollist seconded the motion; vote was 6-0, unanimous in favor.

Commissioner Laurel Bevans thanked first responders and city staff for their amazing work helping after the tragedy in her neighborhood this past week. She specifically thanked Communication Manager Rachael Van Cleave for the hours spent on site ensuring the correct information was being disseminated, along with our Public Works Department for working throughout the night to stabilize the site and surrounding areas after the explosion. She is so grateful to live in such an amazing city with such amazing staff.

F. SUMMARY ACTION – *None*

G. ACTION - *None*

H. ADMINISTRATIVE PUBLIC HEARINGS

H.1. DAYBREAK SOUTH STATION MULTI FAMILY #7 PRELIMINARY SUBDIVISION

Address: West side of Lake Run Road between Center Field Dr. and Split Rock Dr.

File No.: PLPP202400107

Applicant: LHM Real Estate

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

Commissioner Nathan Gedge asked about the potential parking of construction equipment in the areas intended for ballpark even parking.

Planner Schindler responded he expects most parking to be done on their construction sites since there will be open space while each section is built. In the future, there will also be temporary parking lots built.

Commissioner Gedge asked the applicant to do their best to ensure temporary parking lots are reserved for guests attending events at the baseball field and not their equipment or other storage.

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

Commissioner Gedge motioned to approve File No. PLPP202400107, 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 Gedge

Yes – Chair Hollist

Yes – Commissioner Bishop

Yes – Commissioner Catmull

Yes – Commissioner Wimmer

Yes – Commissioner Bevans

Motion passes 6-0, unanimous in favor.

**H.2. 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

Planner Andrew McDonald reviewed background information from the Staff Report.

Commissioners discussed comparable detached units in the area and their sizes in relation to the main homes.

Chair Michele Hollist noted concerns expressed through public comment regarding potential for use as a rental unit and subdivision. As mentioned during the staff report, this lot does not have an option to subdivide as it is currently zoned, so that concern has been addressed. She then asked about potential for being an ADU in the future as a whole building, or part of the building.

Planner McDonald responded that as a guesthouse it is still subject to the 35% restriction, which is about 620 square feet living space allowed for an ADU.

Commissioner Laurel Bevans asked about additional legal requirements on the building to become an ADU.

Planner McDonald responded the plans would have to show the elements of the ADU, and confirmation that the applicant is isolating the ADU structures and that the living space meets the size restrictions with additional affidavits for parking and other items. Staff would also look into the compatibility of the outside materials if an ADU was applied for.

Commissioner Nathan Gedge asked Legal about the types of evidence required for public testimony tonight, referring to “actual evidence” versus hearsay or other types of information.

Assistant City Attorney Greg Simonsen noted the commission has to go through the analysis required, including having detrimental effects to the community clearly identified by the evidence presented. They cannot speculate regarding the opportunity for detrimental effects in the future.

Commissioner Gedge agreed that speculation around a potential future use that hasn't been applied for yet would make it hard to establish a detrimental effect only being suggested by members of the community. If someone hypothetically ended up living in the detached building being addressed tonight, they would be violating another section of the code, not necessarily the conditional use being considered tonight.

Commissioner Bevans added that in a previous city council meeting it was discussed that the city council has purview to restrict ADUs on properties, so long as it stays within the bounds of an established percentage in certain areas. With that, she asked if this commission has the same purview to restrict an ADU on a specific property under a conditional use permit.

Attorney Simonsen responded the planning commission has the right to place conditions to address detrimental effects, which can be done even if there is already a statute protecting from that. In this case, his understanding is the testimony given so far is that an ADU cannot be built and are restricted from that absent further applications and approvals, and he does believe that could still be labeled as a condition of the conditional use permit.

Commissioner Ray Wimmer asked if staff knew how many of the other large outbuildings in the area are also ADUs currently.

Planner McDonald responded they did not have that information, they only know they are personal garages according to their looks. They would need to do an ADU search to see if anyone on that street has applied for ADU options either internally or on a separate structure on the property.

Commissioner Bevans asked for an estimated size difference from this smaller home's footprint to other larger homes in the area.

Planner McDonald responded there are other homes with almost 1000 square feet more in their footprint than this home. This applicant just happens to have the smallest footprint home in the neighborhood based on building practices during construction.

Commissioner Steven Catmull noted this is a unique shaped property, with the front being a curved area along the street, which includes the privately owned street. The curvature of the road also makes this lot unique and he asked staff to specifically describe the location of the front yard, because he would also like to see if the landscape requirements are met for the property but needs to know where that is located exactly before doing that.

Planner McDonald agreed it is a unique shape for this application. For setback purposes, those lines have to be created rather than assumed, and in this case the applicant and engineer are establishing a front line of the existing home. On a regular shaped lot, home placement would usually define those divisions for setbacks. He brought up the images from the Staff Report to show where those areas would be, noting that on a more typical shaped lot this garage would most likely be in the side yard, relative to the home behind the front plane, given they are establishing the front plane relative to the front property line where the setback is based off of. This front line does have a curve, and the sidelines become different for construction of this structure with the rear yard line being triangular. This gets difficult to explain here because it does get circumstantial as to what the property looks like, which makes it tricky to understand and apply across the board.

Commissioner Catmull noted that the established front plane for this property, which he agreed was understandable, goes all the way from the top to the bottom of the image and to the center point in the road. He assumes the road would then include the front yard and landscaping, but because it is a side yard he is not as worried since it might be a legal nonconforming use situation due to the changes in code. He then asked staff to clarify that the side yard then includes everything from the side of the house and behind the front plane, and along the side part of the house.

Planner McDonald responded that generally, Commissioner Catmull's assumptions would be correct. If the applicant wishes to change his landscaping, he noted it would be better to discuss that now with staff, so they can work through that and the commission wouldn't need to include additional questioning.

Commissioner Wimmer asked Legal about a possible detriment being identified in the future, and if that happened, would that detriment be brought back to the planning commission to attempt to work through. Once a building is built, how do they "unbuild" the building should a detriment be found later.

Attorney Simonsen responded that if there is a violation of established conditions in the future, like an obvious business being added or construction for an additional residence in the building,

and someone is unwilling to abide by the laws, the commission can revoke that conditional use permit and the building would have to come down.

Commissioner Bevans noted this lot is being given a second curb cut, and asked if the road was developed in the future would they require the property to remove that second curb cut/entrance to the property.

Deputy City Engineer Jeremy Nielson responded that was correct.

Chair Hollist asked if the applicant was present this evening, there was no response from the chambers in person or online. In the applicant's absence, she indicated that unfortunately the hearing would have to proceed without their input. She shared the names of those from whom public comment had already been received prior to tonight's meeting (Attachments A, B, C, D, E, F, G, H) and noted that the commission has attempted to address the shared concerns from those comments in the discussions prior to this point in the meeting. She then opened the Public Hearing for comments, noting each commenter will be limited to three minutes and the total public comment time for this item will be limited to 30 minutes, as stated earlier in the meeting. She requested those speaking limit their comments to new evidence not already discussed this evening.

Emily Kartchner (Resident) – (Attachment D) As all of our neighbors can attest, from the moment Mr. Bryant moved in four years ago he has talked to every neighbor, every conversation has been about his plan to build another living unit on this property. When we see this application that says there isn't an intent to have people living there, it feels disingenuous, it feels like even just a few days ago conversation about how he is going to build this and live in it feels not transparent. We know that there is rules about the ADUs and the size of the ADUs, and I am actually a big proponent of ADUs themselves as a way to provide affordable living space, but I think it needs to be done appropriately and with all the right approvals. It also needs to be done in a way that meets the city bylaws and the way already outlined that says the size in relation to homes. There are other homes similarly sized, even though his is the smallest, and the outbuildings that were mentioned I can attest none of them have anyone living in them, they are all used for storage. Essentially I would like to ask that we have more time to review and see if there really is an intent to live there, because that is what he has told all of us for four years, and if there isn't an intent I would request there be some sort of moratorium saying he has to give us 15 years before turning it into an ADU or some line that says at that point you can. Given that it is a private road and the owners of that road pay for all the maintenance of that road, which is not cheap, and adding another essentially full size dwelling to go from 12 homes to 13 homes would increase the use of the road significantly to all of us, which is a detriment, and I would like to say I'm putting my trust in the planning commission to actually follow through with how the building will be used long term.

Linnie Spor (Resident) – (Attachment A) We live to the north side of this property and we have been there for over 30 years. We oppose this building for a variety of reasons. Our road is real narrow, it has no curb, gutter or sidewalk, and we do have issues when it rains and things. If a home is put closer to the edge of this private road, there is no curb and gutter to help with the

water runoff; it will definitely cause a problem. I know that in his plans he has talked a little bit about having some sort of a drainage pond himself, this would definitely be a detriment in our area; we don't want to have that. There are no metal buildings as is stated in his proposal on our street. Our street is unique within the whole area because we are a private road, we have no curb and gutter, and it is narrow. I know that even the sewage and water piping is different, smaller, and so the city can take care of other areas with these other buildings in case there is flooding and different things like that. We won't have that, we will have to pay for that ourselves if there is damage or things like that and there has been damage on our street and we have had to pay for that ourselves. His home is not the smallest home, our home is actually smaller than his, his is just taller so the footprint is smaller in the respect that the size of his home is a triple decker home and ours is a rambler and takes up more of the footprint. His is actually taller and is larger. The stuff that he is replying to when he says stuff doesn't fit in his garage is things that I have shown in pictures like eight cars, three motorhomes that don't work, and they are just for part and things; it is quite messy with the stuff he is thinking will go in there. I know that South Jordan has a ruling that only two vehicles that cannot run, if that is correct, can be in a position or outside and he has many.

Mike Spor (Resident) – (Attachment A) I just live to the north of this too. The question I've got that we are not getting any real information on while everybody is talking, is that to me it looks like he is going to try and do a second dwelling house. What is not noted is whether his water is going to be connected separate in this garage than the house, which brings up that he is going to try and do two houses. If it is connected with the house and sewer than he is paying one bill and as a homeowner his house is up for rent right now. He is going to rent that house and then build this garage and I don't understand what's going on. We want more answers to what is going on with this. If he is going to rent this house and then have this garage, why doesn't he go out to Tooele and buy five acres and have everything. If you're not going to live in the house, something is going on with this garage. That is the answer I'd like, you can't have two dwelling houses so how is this water and sewer being picked up, is it separate or not.

Jeff Walton (Resident) – (Attachment B) I have lived on 3770 W since 1977. I came to South Jordan originally, my first home was in South Jordan, I moved to this home in South Jordan. South Jordan was a community of single family homes where a typical home is a family where people that own the home live in the home, where there is good community support around that. I feel like this property has kind of detracted from the norm of the neighborhood. Right now, I was questioning why, certainly it is nice to have a big garage, I want one on my property as well and I will hopefully do that. One thing I am concerned about is that if we are already in noncompliance with South Jordan guidelines, now we are going and putting quite a large investment into the property to probably look nice, but at the same time if we aren't maintaining and upkeeping the property as it is as what is required in South Jordan, now we are going and building something bigger. Where are the priorities. The other point is when this property was recently purchased by Bryant, the intent has always been as an income property and that's not what I signed up for. That's not what I signed up for. When I buy a house in South Jordan I want family members, neighbors that have families. This seems to be different. Here I buy into South Jordan as a nice family oriented community, and now I've got neighbors who I don't know who they are. They could be a group of people moving in to this rental unit and who's to say what's going on. There doesn't seem to be a lot of enforcement that we as neighbors can do at that

point, and we don't want that to happen. We want to maintain the family nature of our street, have buildings that comply to keep up the nice curb appeal and look of the neighborhood. We put a lot of work into maintaining our homes and having a nice place to live that is family friendly, and we want to make sure this property is also that way and has people that are what we want to be neighbors with. It's not to discourage, but we just don't have any control over this rental. This big garage that could turn into another rental property scares me.

Chair Hollist closed the public hearing.

Commissioner Bevans asked staff if there is any communication from the applicant as to why he is not in attendance tonight.

Planner McDonald responded no, he was informed and gave the hint he would be here, but there is no explanation as to what may have happened.

Commissioner Gedge noted that the commission has some questions for the applicant. He would be in favor of tabling this until a time when the applicant can be present, as there are a few variables that could lend themselves to adding a condition like it possibly being a current rental.

Chair Hollist would be amenable to that motion, but asked to spend a few minutes for a few more questions based on the public comment. She asked staff to respond to the questions regarding sewer and utility connections for this building as a garage and an ADU.

Planner McDonald responded that the connections do have to be shown in the plans for an ADU, as the building department treats it like construction of a new building and has to decide what, if any, upgrades or other changes might need to be made. Those services for a new building do have to tie into the property's existing connections, and if they have to have to upgraded to meet the needs of the new connection that is the responsibility of the applicant. ADUs are not permitted separate meters, addresses, mailboxes, etc., as those are all violations of what the city considers a single family aesthetic.

Chair Hollist asked staff what connections are shown on the plans for this building.

Planner McDonald responded there were some connections on the site plan in regards to this application, but that gets more detailed with the building permit in the next step if this is approved. On the property's site plan it's hard to tell, but between the existing home and proposed garage you can see some of those new connection lines being proposed.

Commissioner Catmull asked if there have been any citizen complaints for this property in the last one to two years.

Planner McDonald responded that there is a code enforcement history, but he confirmed with them earlier today that there hasn't been anything new. In the past there have been some complaints received regarding the conditions of the property and they were handled accordingly and brought into compliance to close the cases. There were cases brought with concerns

regarding the motorhome and cars being nonoperable, Code Enforcement was able to deem everything there operable based on the required criteria. He did note that things like a missing bumper or lack of current registration do not deem a vehicle nonoperable, and therefore would not be reasons for continuing a violation case.

Commissioner Catmull asked staff about the city's authority to validate a building's function as a residential dwelling unit, specifically based on a compliance sweep or citizen complaint.

Attorney Simonsen responded that in the code for ADUs, as he remembers, compliance has right once a permit is issued to enter the unit once a year to check for compliance. It can be difficult to do that based on staffing, but if there is no ADU permit and there are suspected ADU activities happening with people living there, the code enforcement team would respond to that kind of situation quickly.

Commissioner Catmull asked how they would verify that, whether by checking online listing or entering the property.

Attorney Simonsen was unsure of how that exactly happens, but he knows the code enforcement team has a process that works well.

Chair Hollist stated she believes a few detrimental effects have been identified, and it would certainly be helpful if the applicant was present to discuss those with him. One of those detriments being multiple verbal and emailed testimonies of his saying what this is going to be. She always worries about businesses in something of this size and always prefers to hear it from the applicant what the intent is for the building. Additionally, when asked to use discretion in regards to exceeding current ordinances, the guidelines have a purpose in trying to mitigate detrimental effects and when an exception is made in terms of footprint or height there should be a specific reason for a percentage; two times the size is hard for her to handle at this time.

Commissioner Bevans believes the applicant was aware of this meeting happening after conversations with Planner McDonald, and has not given a reason for being absent. For those reasons she strongly opposes tabling this and suggests finishing it tonight since the applicant chose not to attend and answer any questions they might have.

Commissioner Wimmer agreed with Commissioner Bevans' comments about the applicant's absence.

Commissioner Catmull agrees with tabling this issue tonight, and noted he has a different issue he would like to investigate with the applicant in terms of mitigation around the architecture and proximity to how it looks in the neighborhood.

Commissioner Gedge doesn't believe they have enough evidence to just deny this tonight.

Commissioner Bevans asked, if the item is tabled, for the same neighbors to be noticed when this issue comes back to the commission so they can see the process and hear what is discussed at that time.

Commissioner Gedge motioned to table File No. PLCUP202400128, Conditional Use Permit, to the December 2024 meeting. In addition, he requested that all those noticed for this application tonight be noticed again for that future meeting. Chair Hollist seconded the motion.

Commissioner Sam Bishop noted that the main question for him seems to be the main use of this proposed building, and the applicant has already been asked that in the paperwork for this application. He would like the applicant here to ask them those questions, but he isn't sure if that requirement can be imposed to have the applicant at the meeting in person.

Chair Hollist responded they will extend the courtesy one time and request he attend the next meeting. If he does not attend, the commission's intention will be to vote with the information presented.

Commissioner Bishop noted that his concern with that, based on what the commission has been instructed in the past, is they can't speculate the applicant might go against what has already been submitted in his application.

Commissioner Wimmer noted that they are basing their judgment off evidence presented by the public tonight, which indicated the applicant has expressed an intent to rent this building out.

Motion passes with 4-2 vote; Commissioners Wimmer and Bevans voted "no" for tabling the item.

H.3. SOUTH JORDAN CITY AQUATIC RECREATION CENTER SITE PLAN AMENDMENT – COMPETITIVE LAP POOL ADDITION

Address: 10866 S. Redwood Rd.

File No.: PLSPR202400152

Applicant: Rachel Sittler (ArchNexus)

Planner Andrew McDonald reviewed background information from the Staff Report.

Commissioner Laurel Bevans asked if this new area will affect the current outside patio area or the skate park adjacent to the building.

Planner McDonald replied that it will take the place of the current outdoor space, but will not affect the skate park in its current location.

Commissioner Gedge asked if the construction will affect the use of the current pool in the building.

Planner McDonald responded that would be a question for the applicant.

Commissioner Steven Catmull asked if ticketed events would be allowed at this facility per city code.

Planner McDonald responded that it could be considered an accessory use to the primary use of the facility, ticketing for competitive events that could happen but that would have to be worked out with Salt Lake County. From staff's understanding the lanes will be considered multi-use, so when not being used by competitive teams it will be open to the public through the regular use process.

Chair Hollist invited the applicant forward to speak.

Andrea Sorenson (Applicant) – Aquatics at any county facility are not ticketed separately since it's usually parents coming to watch their kids swim. There is a renovation project coming up for the current indoor pool, which will close it for a little while, but once finished that pool will be up and operational through the year construction window for this additional project. She also confirmed the lanes will be open to general public use when not reserved for high school practices.

Chair Hollist opened the Public Hearing for comments.

Tim Hansen (Resident) – If I'm understanding this correctly, based on what I read tonight, the existing aquatic center we have now is a wonderful place and I have thoroughly enjoyed going there when I can. When I say when I can, I have been there several times only to find out we don't have enough lifeguards to cover the existing lap lanes we currently have. When you don't have a lifeguard to watch that side of the pool they shut it down. I am not interested in the other parts of the pool, I would like to swim laps. If we could build this new addition to the existing lap lanes, I think it would be an excellent idea as long as we have the people to man it so it's not closed for those people who are retired that like to go in there maybe in the off hours, early in the morning, and if we could do that I think it would be a great idea but only if we know that it's open for that.

Linda Price (Resident) – I just want to echo his comments. I knew this was in the planning but not how recent it was. I am a lap swimmer prescribed by my doctors, and I actually was at the South Jordan pool today but normally I have to swim at Draper because there are two very narrow lap lanes and when I got there they were all full and I was walking countercurrent, but I would love to have lap lanes here in South Jordan so I don't drive to Draper and I have to get an All County Pass because again, the same thing, I go to the different facilities. They had a swim meet today at Draper which is the reason I was at South Jordan, but I think it would be fabulous for the residents to have a lap pool, as well as the high school kids. They have to commute to other cities to swim, so I think it's a wonderful idea. I don't know the details of the plan and change, but I definitely think it would be wonderful for South Jordan to have a lap pool like some of the surrounding cities do.

Chair Hollist closed the Public Hearing and agreed this would be a fantastic addition for many residents in the area. She has also observed what Mr. Hansen brought up, when part of the pool are closed due to staffing and that is a concern. She asked Ms. Sorenson if she had anything to add and she did not.

Commissioner Nathan Gedge brought up the potential parking issues, especially when there are Junior Jazz games going at the same time. He knows there are not any parking stalls being taken away with this expansion, but he wants to make sure events at the facility are staggered to ensure the parking doesn't become a problem.

Planner McDonald reiterated that the current parking will still meet the code requirements for the proposed upgrade.

Commissioner Bevens motioned to approve File No. PLSR202400152, based on tonight's discussion, Staff Report presented and public comments received. Chair Hollist seconded the motion.

Roll Call Vote

Yes – Commissioner Bevens

Yes – Chair Hollist

Yes – Commissioner Bishop

Yes – Commissioner Gedge

Yes – Commissioner Catmull

Yes – Commissioner Wimmer

Motion passes 6-0, unanimous in favor.

**H.4. INTERMOUNTAIN OFFICES & WAREHOUSE SUBDIVISION 1ST
AMENDMENT**

Address: 11520 S. Redwood Rd.

File No.: PLPLA202400131

Applicant: Jonathan Johnson (CoreArch)

Planner Andrew McDonald reviewed background information from the Staff Report.

Chair Michele Hollist invited the applicant forward to speak, the applicant indicated they had nothing to add to the presentation from staff. She then opened the Public Hearing for comments; there were no comments and the hearing was closed.

Commissioner Gedge motioned to approve File No. PLPLA202400131, Subdivision 1st Amendment, based on the findings in the Staff Report. Chair Hollist seconded the motion.

Roll Call Vote

Yes – Commissioner Gedge

Yes – Chair Hollist

Yes – Commissioner Bishop

Yes – Commissioner Catmull

Yes – Commissioner Wimmer

Yes – Commissioner Bevans

Motion passes 6-0, unanimous in favor

H.5. IHC HOMECARE OXYGEN “WAREHOUSE BUILDING B” SITE PLAN

Address: 11520 S. Redwood Rd.

File No.: PLSPR202400130

Applicant: Jonathan Johnson (CoreArch)

Planner Andrew McDonald reviewed background information from the Staff Report. He also discussed the proposed lighting plan, sound mitigation and the proposed specific location of the oxygen tanks, all of which met current city codes for the zone.

Commissioner Laurel Bevans noted a discrepancy in noticing in the Staff Report and asked for clarification.

Planner McDonald responded that each application was noticed differently based on its specific type, but for the site plan application a 300 foot noticing area would usually be required. However, due to additional requirements based on other parts of the application and impact control measures that noticing area was increased to 600 feet within the City of South Jordan limits. There was no requirement to post a sign on the property line for this application, but it was posted in all the other required locations online and at City Hall.

Chair Hollist invited the applicant forward to speak.

Jonathan Johnson (Applicant) – the purpose of this project is IHC’s effort to take an existing function within the existing building and expanding/relocating those functions to another facility on the site dedicated to that purpose. The primary purpose for this detached building is an increase in safety and to contain the oxygen storage provided. These tanks are used for home care providers and serve a crucial role in the community. Regarding lighting, they are required by code to provide photo metrics with full cutoffs on the site and that has been addressed. There are planned motion sensors. The existing facility has lights in very similar locations so it’s not a different condition, and the new motion sensors will only be activated from IHC’s side of the fence. In regards to the tank position, it will be on the other side of the building which is an improvement in both visual and sound screening. The current tank’s filling has some noise associated with it, and as he understands it the new tank being installed will address some of those noise concerns.

Chair Hollist asked why the docks are opposite the tank position.

Mr. Johnson responded they wanted them on the west side for the best flow, the rest of the building is dedicated more to storage of the tanks being filled.

Chair Hollist asked if the noise is related to the compression being used.

Jake Seiler (IHC Project Manager) – responded the noise is related to the pressure within the tank itself, taking from a liquid and making it into a gas at this point and that includes bleed off from the pressure. There are mufflers installed to decrease the amount of noise produced and only happens during operating hours when being filled.

Chair Hollist asked if individual users will come to this site for the tanks, or if this is more of a distribution point.

Mr. Seiler responded the traffic will be the same as what is currently experienced at the location since the operations will not change.

Chair Hollist asked for the source of the oxygen.

Mr. Seiler responded that is the purpose of the large tank, which receives things as a liquid from a large truck provided by a third party vendor and funnels that into the building where it is turned into the gas to fill the individual oxygen tanks.

Chair Hollist asked about the fence height around the tank.

Mr. Johnson responded the chain link fence surrounding the new tank will be six feet high, which is standard and what is currently in place.

Commissioner Laurel Bevans asked if larger trucks like tractor trailers will ever be necessary on the property.

Mr. Seiler responded that the current facility does have tractor trailers on site, and the new facility will have the same traffic but he noted those types of trucks will mainly be going to the existing facility, rather than the new one. There are docks large enough to accommodate those trucks during their rare visits.

Chair Hollist asked about safety procedures in place to avoid valves being frozen open.

Mr. Seiler responded the liquid side will not be owned by IHC, it is provided by the owner of the bulk oxygen tank. They will be the ones to maintain that tank.

Commissioner Bevans asked if the city was to receive complaints from the residents regarding sound, could the city require IHC to complete the sound study that was declined with their application.

City Planner Greg Schindler responded that yes, that could be required when it becomes a code issue with noise complaints.

Chair Hollist opened the Public Hearing for comments, noting that comments were received and reviewed prior to tonight's meeting (Attachment I); there were no comments and the hearing was closed.

Commissioner Catmull motioned to approve File No. PLSPR202400130, Site Plan Application, with the requirement that the final plat for the location above officially records in the Office of the Salt Lake County Recorder. Chair Hollist seconded the motion.

Roll Call Vote

Yes – Commissioner Catmull

Yes – Chair Hollist

Yes – Commissioner Bishop

Yes – Commissioner Gedge

Yes – Commissioner Wimmer

Yes – Commissioner Bevans

Motion passes 6-0, unanimous in favor.

H.6. SOJO STORAGE SITE PLAN AND CONDITIONAL USE PERMIT

Address: 10907 S. Jordan Gateway

File No.: PLSPR202400183

Applicant: Jeffrey Bernson

Planner Damir Drozdek reviewed background information from the Staff Report.

Commissioner Laurel Bevans asked about separate fencing between the two areas of the storage site.

Planner Drozdek responded the areas will be separately fenced with a gate inbetween.

Chair Michele Hollist invited the applicant forward to speak.

Commissioner Bevans asked for confirmation that the facility will have coded access, as well as whether there will be separate access for the RV facility. She also asked about security plans for the RV area.

Jeffrey Bernson (Applicant) – responded that the only access at the main gate will require a code for entrance, and that is the entrance that will be used as well for access to the RV area. The public access will only be open until 10:00 pm, and businesses that are 24/7 are given access outside of regular hours. For the outside RV storage they will be doing the parking and retrieving the vehicles, so the general public will not have access to that area. The RV area will have new cameras installed that allow voice interaction, which will be monitored 24/7. He believes there

are around 35-40 cameras through the facility in general, so they know when someone enters the gate.

Commissioner Bevans asked about the distance from the closest emergency response personnel.

Mr. Bernson responded they will all have access to get into the facility at any time, and with the one incident they've had requiring police response there was someone there within 9-10 minutes. There will not be anyone living onsite, but there will be employees there until 6:00 pm.

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

Commissioner Bevans motioned to approve File No. PLSPR202400183, Site Plan and Conditional Use Permit. Chair Hollist seconded the motion.

Roll Call Vote

Yes – Commissioner Bevans

Yes – Chair Hollist

Yes – Commissioner Bishop

Yes – Commissioner Gedge

Yes – Commissioner Catmull

Yes – Commissioner Wimmer

Motion passes 6-0, unanimous in favor.

Commissioner Gedge motioned to take a short break, Commissioner Gedge seconded the motion; vote was 6-0, unanimous in favor.

I. LEGISLATIVE PUBLIC HEARINGS

I.1. BESS DENTAL OFFICE LAND USE AMENDMENT AND REZONE

Address: 9828 S. Temple Drive and 9816 S. Temple Drive

File No.: PLZBA202400175

Applicant: Shea Bess & Ben Purdue

Planner Miguel Aguilera reviewed background information from the Staff Report. He discussed the parking and setback requirements with commissioners as well, confirming everything meets or exceeds the current code requirements.

Chair Michele Hollist asked about the potential plans for two or more dental/medical practices at this location.

Planner Aguilera felt the applicant should speak to those plans, but the overall use presented by the applicant was dental services.

Chair Hollist asked to confirm there will only be one access point off Shields Lane, and that it will not line up with the circle across the way, resulting in two staggered access points on a curve; does staff have any concerns with that.

Deputy City Engineer Jeremy Nielson responded this is only a concept and not to scale, the intention is for the two accesses to line up.

Commissioner Sam Bishop asked staff to address what makes this land unsuitable for being a park.

Planner Aguilera responded that the land is currently not owned by the city, so a park is not an option at this time. When the city did own the land, the size, shape and location all made the land unusable as a park. In addition, residents had presented concerns regarding traffic next to this kind of street where it could expand for other projects and cause safety issues for children crossing the street. He also referenced the city's Master Parks Plan, noting that this area is not marked as an option for a park and can no longer even be considered as the city does not own the property.

City Planner Greg Schindler added that, regardless of who owns the property, it had already been planned for removal from the Master Parks Plan due to the reasons mentioned previously.

Commissioner Nathan Gedge asked to confirm that regardless of who owns this land at time of development, with the potential to be two to three offices or two to three homes in the proposed zoning change, the traffic on Shields Lane would not be seriously impeded.

Engineer Nielson responded that based on square footage being discussed, the standard estimate for the peak hour would be about 20 trips, or about one car every three minutes. Engineering had no concerns with this plan, especially with its proximity to a collector street, noting that the nice thing about a dental facility like the one proposed is there is no strong peak time with a surge of traffic like a dance facility with a strong pick-up/drop-off pattern.

Chair Hollist asked about the service rating for Shields Lane in this area.

Engineer Nielson responded it is a Level of Service C, and they don't predict any change in that level with this additional facility.

Commissioner Laurel Bevans asked about possible intentions to make either of the accesses here for the office or the circle right in/out only. Do we intend to maintain left turn access at the time of development.

Engineer Nielson responded that is the current intention, to maintain full access, but that can always change with updated safety data in the future.

Commissioner Bevans noted that at one point the commission was presented a site plan for one of the utilities located here, and there was an emergency access on the west side; is that access being maintained with this current proposal.

Planner Aguilera believes she is talking about the Questar Gas property, and this application is currently not affecting that property at all.

Commissioner Steven Catmull asked how the city and developer decided what services would be allowed in terms of the Professional Office (PO) Zone uses. Specifically asking about tattoo places, payday loan services and a dental lab.

Planner Aguilera responded that he was not a part of those specific conversations between the planning director and applicant, but they were limited to 10 uses and the residents' comments regarding commercial or commercial sounding uses were taken into consideration. They also took into consideration the amount of traffic created by each use in the area when coming up with the list. He talked about the potential uses allowed in the Personal Use Zone, and noted that the planning commission can exclude specific uses from that list if they see fit.

Planner Schindler added that since the parking requirements for the proposed zone haven't been updated in a long time, dental offices or services are not listed specifically. Medical clinic/general office uses as listed require one space for every 200 square feet, standard professional office uses require one space for every 300 square feet. The only person allowed to interpret the code in terms of deciding where a service falls is Planning Director Steven Schaefermeyer, and he felt this proposed use fell under the medical clinics category in terms of parking.

Commissioner Bevans asked if this site could accommodate another building, or will this be the only one allowed on the site.

Planner Aguilera responded that currently the concept is only showing one building. The development agreement requires any buildings constructed to be located in the southwest corner, so it's limited to what they can fit in that area. To add a building somewhere else on the property the development agreement would have to be amended in the future.

Commissioner Bishop asked about lighting in the parking lot, would they disturb neighbors.

Planner Aguilera responded that lighting is not reviewed at this stage, it would be reviewed in a site plan application with parking.

Assistant City Attorney Greg Simonsen noted that this property would be subject to two things. First of all, the PO Zone, which has a long list of uses and restrictions; some permitted uses, some conditional uses. In addition, lighting is addressed in that zone along with many other things. Second, it will be subject to the development agreement which is more restrictive in the uses than is the zone itself. On pages 2 and 3 of the development agreement, you can see the use is allowed there. He also believes it is relevant to look at the code and the purpose of the PO

Zone. In Title 17, Chapter 62.10 it states that “smaller office developments should be harmoniously integrated with surrounding residential areas and serve as residentially compatible buffers to heavier uses such as commercial and industrial businesses and major roadways.” It is up to the commission to decide whether or not that is occurring here, but he wanted to make the purpose of the PO Zone clear.

Commissioner Catmull asked to confirm that the planning commission has 30 days to report on a land use change to the city council, noting there are 28 days until the next meeting. Chapter 8 of the General Plan discusses the importance of monitoring the quality of the existing stable neighborhoods, and preserve them where possible. He asked if any staff was aware of what is currently being done to monitor the quality of existing stable neighborhoods.

Planner Aguilera noted that when it comes to rezones, the city really does try to take into consideration the residents’ feelings about the proposal since the rezone will affect them most directly. He was unaware of what specifically the city does in terms of monitoring, but staff does try to ensure the areas are maintained as residential in large part. Regarding the 30 day notice to the city council, this item is currently on the December 2024 Council Meeting Agenda.

Commissioner Catmull asked to clarify whether or not their presentation of the commission’s decision can only be done formally in one of their meetings, or can that be done in the other forum. He is only bringing this up because the next two items are land use amendments, which are not seen very often, and he wanted to make sure he understood the code correctly.

Planner Schindler commented that the commission could table this for their December meeting, and the decision made there would still be within the 30 day limit, but the official presentation to the City Council would then be moved to the City Council’s January agenda.

Chair Hollist invited the applicant forward to speak.

Dr. Shea Bess (Applicant) – thanked city staff for their professionalism and attitude of customer service towards residents of the city. He has been working on this with various members of staff since April, and every encounter with city employees has been impressive, courteous and professional. He also thanked community members for their willingness to come tonight. He is a long time resident of South Jordan himself, moving here when he was 12 years old. He has raised his family here, practicing dentistry his entire 22 year career on 9800 South, his office is currently located on 9800 S and Bangerter. In his opinion, the ground being discussed tonight no longer lends itself to residential use. The gas company changed the possibilities with this ground when they purchased the 60 foot side piece against the fence of King Benjamin Court and added a large gas line. In a conversation with Brian McLeary, the controller of the water district, he was made aware some time ago a residential developer contacted the water district about purchasing their ground and moving the well that is on their property to another location. Brian said the developer was informed that would cost approximately \$2 million to move the well, and upon that finding the developer went away. I understand that some members of the community have enjoyed having some undeveloped ground in the area, however he now owns the ground being discussed and for obvious reasons it will be developed and provide a return on the capital

invested. The only question remaining is what kind of use will be allowed. It is his intention to build an attractive, professional building, to make the landscaping very nice, to continue providing a service to the community in oral health, not to oversell the property and create a parking issue. It is his intention to sign a land use agreement to limit the height, number of floors and types of businesses allowed. He hopes this will ease the minds of many members of the community. It is his intention to be a good neighbor. Regarding other uses of the building, when he originally approached the city to purchase the ground his intention was to build a building just big enough for him and his business partner, who have practiced together for over 20 years. With such an odd and awkward shape, trying to create something that would fit for both practices and parking, he approached the water district about buying a small piece of their ground. They informed him they would be up for discussion, but any ground he purchased would have to include all the unwanted ground. They then came back and said he would have to purchase much more ground than he had intended, which brings up the question as to what other offices might be there. His goal is to find something else dental related, reaching out to others in the industry to see about partnerships. He also spoke with someone about potentially a mental health business. He is not looking to add a dental laboratory.

Chair Hollist asked to confirm that the maps shown tonight are the actual land Mr. Bess owns, and should he get an approval tonight he plans to purchase additional land to make things fit better.

Mr. Bess responded yes, he cannot put the building in the place proposed on just his current land. He is very close to being under contract with the water district, and he is looking to buy an L-shaped piece of land from the water district which would allow the building and plenty of parking. They are looking at building something with a total of 3200 square feet for he and his partner, with the total square footage being around 7000 feet to fill in with another business. His intent is only to build one singular building on the property.

Commissioner Wimmer asked why the applicant chose to buy a residentially zoned parcel when he would have to attempt a rezone to use it.

Mr. Bess said he has spent a year looking for a piece of ground that would work, and to try and get all the piece together is challenging. He thinks he treats his patients well and that they will follow him, but if he goes too far outside of a small area he will lose patients; he doesn't want to do that. His current lease is expiring and he would like to own, rather than lease now. They also currently practice in about 2200 square feet and it's not enough space.

Commissioner Catmull noted that one of the purposes of the zone is to harmoniously integrate with the surrounding residential areas. In the packet, the office drawn had lots of glass and square shapes and he asked how tight the applicant is to that concept versus something to make it look more residential.

Mr. Bess is very open to other options, he is not set in stone. When staff requested a photo of what his building might look like he chose a photo of a building he liked in Heber, but it's not

something he's set on. He is happy to work with staff and just wants it to look nice and represent his practice well.

Chair Hollist feels the development agreement should reflect issues like this so they are covered at the beginning. She asked if the applicant would be open to a single story structure, or limit it to the same height restrictions as a residential area.

Mr. Bess would prefer not to, because everything is still up in the air and he doesn't know exactly what is going to happen in terms of parking spaces needed. The last thing he wants to do is create a parking problem, which is what is happening at his current location. He chose the 40 foot height randomly, but he feels confident saying it wouldn't be more than two floors and there are many homes in the area that are two story and just as big as the building he is proposing.

Chair Hollist noted that at the last meeting, the commission heard comments from Ms. Hurst, Ms. Mattle and Ms. Wilson. In addition, prior to this meeting the commission has heard from multiple residents in writing and those comments are attached to these meeting minutes (Attachments J through PP). She then opened the Public Hearing for comments.

Glenn Robertson (Resident) – I am not questioning the integrity of anyone in South Jordan, but I find it suspicious that South Jordan would own this property and sell this to somebody knowing they want it for commercial use when it is developed right now for residential use. Is the idea that if it doesn't get approved they just take the risk and have to eat the cost of owning that property. I just think the cost of a piece of property that's residential is probably less than a property that is commercial and I would hope that is a fair process. I question the 30 minute limit. If you look at a lot of the other items that were on the agenda where no one came up and talked, we have a lot of people that waited 2.5 hours to speak and for you to limit it to 30 minutes seems a bit questionable in my mind.

Linda Robertson (Resident) – We moved here based on South Jordan City Master Plan. Why, we are literally the burned poster child of this type of decision and need a safe place to heal. I have several points I want to make, some of those I will skip because you've already addressed them. We previously lived in Bluffdale at 1741 W 14000 S when we too received the required legal notice that impacted those here. I had given 4.5 years of service to Bluffdale's Emergency Program Manager, I also initiated the referendum against the change in form of government via state statute, and spoke to the state committee at the Capitol; all volunteer. Why, point one, because I, like you are doing here, wanted to be the solution in the community that I lived in with residents having their voices be heard. We were putting down roots and how has that been repaid, Maverick quietly bought the residential house directly across the street from us then applied for a commercial zoning permit. The zoning and planning commission agreed with us residents that the application went against the city's own master plan. However, now for the burn and betrayal, the city council overruled that decision and approved it. You already mentioned street infrastructure so I'm skipping that. Unlike most developers we followed the current zoning rules and were up front with South Jordan City by our intention prior to purchasing our home. We found out the requirements allowing for creation of an ADU in order for us to even afford to remain in this county. Why are you allowing a developer to come in and apply for a rezoning

change after selling the property to them. Next point, where is the integrity of keeping true to the master plans designated zoning. It begs the question, what parties are benefitting from this development. Next point, this application approval would establish precedent for other developers in the area, specifically the field east of Palmer Park Lane to apply for economic or multipurpose rezoning which really is technical BS for commercial, allowing for those future developers to secure similar rezoning. Next point, which I am skipping because you addressed traffic. Next point, if you do approve it, seriously provide a just compensation fund.

Chandler Swenson (Resident) – (Attachments M, NN) After the development agreement was posted online, before I treat it like a foregone conclusion that this is going to get passed and address the development agreement, I would like to address a couple of the comments made in the room tonight. Staff's report mentions that this is compatible with the lot size and that there is no lot size requirement for this zoning. That is true, but there is a one acre requirement for a project size in this zone, and it doesn't meet that, it is 40,000 square feet not 43,000, it about 8% short of what is required, even if they get the land from the water department. I will also mention on the comment that there are multiple parks serving this area, in fact on the parks master plan there is only one established park that serves the majority of this stable neighborhood, and that is the regional park at the parkway, and it does not include playground equipment. On the comment of Bess Dental now owns this, there is nothing that can be done, I believe Utah State Statute does allow anyone to file suit to avoid any sale between a municipality and a private individual. I don't know if we are outside of that 60 days but I wanted to enter that into the record as well. My last one on my objections to it are environmental concerns. The EPA has strict guidelines for dental offices. Dental offices are allowed to store up to 2200 pounds of biohazardous waste onsite according to the EPA and dentistry is the number one contributor of mercury and heavy metals into public water supplies; this is right next to a water well. Those are my objections, now on the development agreement, I believe 40 feet is too tall, I believe a requirement on lighting that exceeds what is in the current zoning should be implemented, dark sky lighting is the trade term which is to not just shine light on adjacent properties, but to minimize the light that appears on the ground. I appreciate the mentioning of the parks master plan being updated, but nowhere have I heard a mention that the Shields Lane Corridor Master Plan or transit corridor is in process. A development agreement where the city is assisting an applicant is a perfect opportunity to implement some of the things that the Shields Lane Project will talk about, which is dedicated green space, shaded areas for those needing to take a break from the cycling corridor. On the right in and right out question, I think that's a great idea being a resident that will share this driveway, I would recommend that is implemented for both drives. It is a hazard and it will result in accidents. There are only two houses on the cul-de-sac that are owned, and that will be five.

Stephanie Hurst (Resident) – (Attachment GG) I wanted to give new information on the petition that was signed. We submitted the information gathered both manually on a paper printed copy and a web version as well. I Friday when we submitted there were 137 signatures in both formats, today before coming to the meeting we had 277 signatures, so this is a significant number. We did keep it to South Jordan, and especially in the area. That petition down urge you commissioners to vote against the rezone.

Sherri Mattle (Resident) – (Attachment BB) My concerns, many have been addressed, but I did go online and I was the one that listed on page 12 of the parks plan there is a Shields Entry park and I just don't know how citizens get noticed when things are changed. Do we have to attend parks commission meetings, do we have to keep up on that, how are we notified of things that have been changed in that. Both of those streets are bike corridors with the fancy green paint and recognized as that, and I have to say as a bike owner and rider I am more and concerned every time I try to ride. Granted we have been a construction zone in our area for it feels like two years now, and so that it is always frightening to ride a bike in that. It feels like those streets aren't very safe anyways, and I was hoping when the construction was finished I was pleased with them being bike corridors. I realize they said a park couldn't be put there, but it could be green space. There is some green space on 9800 S and Redwood Road that the city always puts signs in, I think something like that would be appropriate for the neighborhood. The building, as addressed, can be 40 feet high. I know there are two story homes in the area, but I don't think any of them are 40 feet high. I agree with the aesthetic that was in the materials, that does not match our established neighborhood. My biggest concern is there is a lot of agricultural land along 1300 West, there is ones near the temple, the ones mentioned by another couple that is north of us, and all of those, if this zoning is granted, what is stopping somebody else from saying you granted that one, I want it too, that would not be fair if I'm unable to do that. We are an established neighborhood, we are one of the oldest. I live in Lantern Road and we are one of the oldest subdivision type places in the whole city. I don't know if they have it planned for how deep they are going, but there is also a lot of water lines and things like that going throughout that property to include pressurized irrigation near it.

Ryan McCoviak (Resident) – My home actually shows up in most of these exhibits. I am a licensed architect who lives and works here in South Jordan. I have represented applicants trying to come and do a rezone, it is not an easy spot to be in. The first unwritten rule of rezone requests is be sensitive to the neighborhood, because otherwise you run into people like me and people like my friends here. If the applicant thinks he is being sensitive I appreciate that opinion, I disagree with it. If an applicant is not sensitive to the neighborhood, that's when we rely on our planning department to be sensitive to the neighborhood. I was rather surprised actually to see that staff recommended approval, and I appreciated the inclusion of the purpose of a PO Zone is to be a buffer, because this is not a buffer to any commercial zone whatsoever, this is creating an island. When planning staff then is not sensitive to the surroundings, then we certainly look to our planning commission to do the same thing. I certainly hope that you are sensitive to what you are hearing, what you are reading, and the passion you are seeing here. I think the nomenclature we are hearing when changing from a stable neighborhood, we are stripping this piece of dirt from stable neighborhood to something else is rather appropriate because this is a stable neighborhood and I think you had a good question about how you maintain or monitor that. You monitor that by holding planning commission meetings and hearing from your constituencies, and the people around the property. I think you are going to hear and probably have heard that this is not a great solution to this property. I don't doubt for a minute this will be developed, it's just the way it works especially with land as it is being hard to come by, but I don't believe this is a professional office location, it does not serve the purpose of a professional office zone, so I hope you very carefully consider this because this is not a great solution for this piece of land.

supposed to rely on staff for protection and sensitivity when landowners are not. This is not a buffer, surprised that it was recommended for approval, now looking for PC to be sensitive and to passion. Nomenclature being heard changing from stable neighborhood to something else, this is a stable neighborhood and that's monitored by planning commission meetings with public input. Don't doubt this will be developed, but not a professional office location or serve that purpose. This is not a great solution for this piece of land.

Joshua Olofson (Resident) – A lot of what I was going to say has already been said, and will second it. However, this meeting does feel a little disingenuous that the city already sold him the property knowing his intention. That doesn't feel right in any way, shape or form. I did want to bring up the traffic issue. I know you talked about the number of cars it would bring, or that his clients are already using 9800 S. I don't know that it's the number of cars that's the issue, in my opinion it is the cars coming in and out of that property on that busy street. If you've never driven down Shields Lane, everyone thinks it's some secret passageway they've found to get in and out of South Jordan. It is no longer a secret passageway. It is stacked. My wife works over at the Aetna building by Southtowne Mall and we live in King Benjamin's Court. It takes her 25 minutes to drive home, it is not a slow street, especially if it's not going to control a left handed turn out of there, there is going to be car accidents and issues. Also, they are putting the entrance in on a curve, and it's almost a blind curve because it goes straight and then curves like an S, that is not an easy line of sight for people to see as they are coming in and out of the building. I would echo again, those of us who purchased this property did look at the master plan of the city, you are messing with people's property values and that's something to consider. When I'm looking at a home I look into all the factors that go into purchasing a home and in my opinion this will negatively affect my property value, something that I took into consideration when I purchased this property in South Jordan.

Leonard Browning (Resident) – I live right across the street from Benjamin Child who just built their building, and in this meeting I feel like I am college educated when I am actually an uneducated, disable Marine who has put a building up and been denied the use of my building for any kind of a use, with all kinds of restrictions from the city; they told me no on everything. Benjamin Childs put his building up, they put all kinds of restrictions on him, you cannot have a building or commercial or any kind of business, but you are going to turn around and let some guy come in behind us and put a building up and say yes to him. If you guys do that it would be a major biased decision on your part. A one sided decision to tell us no and tell him yes, and with due respect to him he is moving a business that he is saying only has so many chairs, and he is coming here into this neighborhood and putting more chairs in and he's saying the traffic won't get increased. If he puts more chairs in it's going to be more traffic, and increase the flow of the problem we have already at this intersection where I live and watch the cars speed by at unbelievable speeds with uncontrolled traffic by the City of South Jordan that's not under control. I have called many times and said these speeders are busting through here like it's the Indianapolis 500 and then you're going to allow more into it when it's not already under control. I think the building is not going to look aesthetic no matter what he does. I do not want it in our neighborhood. There is also an existing 24 inch gas line, like this lady mentioned there is a house that just blew up, a child was killed. If he puts that in there and we have a gas leak, who is going to get his patients out of that building, evacuate and then bring all the attention to that. That gas line is right in front of my house and Vivian Wilson's, we are not happy. If that thing blows, we

go. There is a gentleman in my ward behind me who works for a construction company who just had a gas explosion on one of their sites, it killed a bulldozer operator, it killed an excavator and a water truck a half mile away. If that gas line blows up it is going to take his office out, our neighborhood out, and we are all going to pay the price so we are not happy about the gas line so take that into consideration by adding more emergency stuff that would have to be addressed if that gas line were to blow or go. They have only got a block wall on it, Benjamin Childs' house would just be eliminated, and then for that to go in and us not hear about it and really get to voice our opinion, that's in a residential neighborhood where he wants to build in a residential neighborhood. We have been denied our building permission and to do that for him would be completely biased on the City of South Jordan. I hope you hear our concerns, and not lend a deaf ear to the veterans who would like to have a business as well in my building.

Clayton Austin (Resident) – This same situation happened to me 25 years ago. I was living in Burbank and I went to a meeting because a property they bought for a park was all the sudden going to be something else. I thought well I'm going to go, won't make a damn bit of difference, and the whole damn town was there and the mayor and everyone had to run out. The next thing you know, two years later there was a park there. Will this council grow a pair and say this can't happen. They have to change their own zoning to finish pulling this crap. The fact is that the residents don't want it and it doesn't fit in the zone, I don't know why any of these other questions are being asked. I live there going nice, this is where I want to live and where I want to die. It's like, I lived in LA long enough to know the first sign of something going to hell is the commercial coming close to your neighborhood. I guarantee if you don't let that happen it will stay good. Everybody here, I hope they know to call their city council member, because they will pull this crap if you let them, they have done it before.

Hollie Poore (Resident) – I live in my dad's basement, my children have hardly any friends, we get like two trick or treaters each year. Which may not be a big deal to you, but to other families like mine who have been waiting 10 years to buy a home in this neighborhood that we can afford it is a big deal. I am trying to make staying next to my widowed dad a possibility, and I don't want to leave him but houses are ridiculously expensive. Use this property for young families to have an opportunity to afford a single family home in our neighborhood. Don't send them to Eagle Mountain. We need young people and this property is for residents, don't take it from us just because you can. I am sure there is some kind of a tax write off for this, and I'm not talking about apartments, give someone the American Dream, give them a home and a yard where their kids can play, make South Jordan young again. Another issue I have added tonight, I've needed \$20,000 of dental work done personally for years, so when I hear dentists talk about how they want to help the neighborhood, I don't believe you because you charge too much, and only a small percentage of people can afford that; certainly not young families trying to simultaneously feed five kids. You have spent a year looking for somewhere, I have been looking for a home for ten.

Linda Price (Resident) – I am within walking distance of the property and I also drive by it very often. You've hit on most of my things, but I do want to mention, don't underestimate the value of a neighborhood. I have not lived anywhere where anytime there is good weather you have kids out on bikes and scooters, you have got families riding bikes together, couples out walking, lots of dog walkers; everyone interacting. It's really a wonderful neighborhood in there. My

other big concern which you touched on is precedent, I do believe this will snowball. I agree with whoever said it's going to go down 1300 W, I think in both directions. The one point that hasn't been touched on is safety. We have got 9000 S over here, and 10600 S over here, and Redwood here, none of those are really movable on a bike. I hope nobody is going to get on 9000 S and Redwood, where they go is Shields and 1300 W. This property is crossing Shields and 1300 W, and as people have said, Shields curves right there. If you have got bicyclists commuting, a car every three minutes, that are not all looking for the bikes, especially with the traffic on Shields. Most of Shields is through traffic, this is going to add the ins and outs, and when you are saying a car every three minutes, I'm sitting there saying how in the world can a bicyclist get by. I think that not only do you have car issues, you have bike issue by taking out that thoroughfare, which is the only one left when you've got 10600 S, 9000 S, and Redwood surrounding it.

Winslow Krout (Resident) – I have been in the architecture field for around 10 years, as a draftsman and project manager of multiple big businesses, big buildings, and a lot of residential, so I have been in kind of both fields. I feel a lot for what the architect has said. One of the big things I wanted to bring to your attention and make you think about is the potential uses of this building. He says it will be a dentist's office and dentistry alike, at the end of the day, how is that ever going to be enforced; it could be anything, any small business that is in that code, there is ways around different things to get into a building like that. My house currently sits lower than Shields, so most of my house would be completely exposed by a 40 foot building; I don't agree with that at all. I feel for Dr. Bess and trying to find property to build a building, but currently there is a lot of available building he could buy and retrofit to make what he wants. I feel for him in that he bought a piece of land thinking he could get it rezoned, I don't think he should, I think it should stay residential and we should find a good use for this piece of land.

Chair Hollist stated the next commenter would be the last one and would be given a full three minutes.

Vivian Wilson (Resident) – I just want you to know that I love all my neighbors, this has given you an idea of the type of people that these are. This neighborhood is zoned residential, it is not in the master plan to put it in as office. It doesn't meet the zoning or the master plan, but these guys in my neighborhood are very tight. You think it's just a piece of land, we close all over, I love all my neighbors and I know everybody where I am at plus farther over. This will impact us, I am right across and this is going to ruin my view. I want you to please consider this, reject this, and let it be denied because it going to affect our whole neighborhood again. You wouldn't like this in front of your house either really.

Chair Hollist closed the Public Hearing and noted concerns heard about a master plan and buying a home based on that, concerns associated with rezoning that and the impact to the residential fill and stable as defined by the master plan. She asked staff what noticing is required when city property sells.

Attorney Simonsen responded the city has requirements that it be approved by the city council, along with the ordinary notices that go out on a council item.

Planner Aguilera noted that this property was not specifically noticed because it is under the one acre minimum requirement for noticing.

Commissioner Bevans noted city council usually goes into a closed discussion to discuss sale of real property, and it's not discussed in an open meeting, so it wouldn't necessarily have been posted on the agenda with an address. After discussion about whether or not it would be discussed, she noted that as of tonight that isn't being discussed as the property has been sold and is no longer under the city's management.

Commissioner Gedge noted that, as was mentioned by a resident, there may be some state legislation or rules regarding a protest within 60 days. However, we do not have the transaction date of the sale, and if it has been more than that 60 days that no longer applies. He also believes that the sale was not contingent upon an action of a rezone, so the new owner took that risk upon himself of it not being rezoned. Just like a private property transaction, you wouldn't have to notice your neighbors of the sale, and this falls under the same thing since the sale did not include the right to rezone. Additionally, this zone in the master plan has changed in the past, as this area including the west side of 1300 W and Temple Drive was agricultural for at least seven decades that his family owned it. His family owned the majority of this property on the west side, so if you live on certain streets there it was agricultural and has been rezoned for the homes currently there; it has not always been residential, and that's why this process exists for property owners to come before the city to apply for a rezone and land use change.

Chair Hollist noted there was a concern brought up regarding the land around the well.

Planner Aguilera explained he believes the concern was regarding the one acre requirement for the project, this application includes three properties combined which do equal one acre.

Chair Hollist asked about noticing required for changes to the parks plan.

Planner Schindler responded that there are no noticing requirements in the zoning code, and noted the parks master plan is updated as an addendum to the General Plan. It is therefore published as a general notice on the Utah Public Notice site and the city's website.

Chair Hollist acknowledged the comments on lighting, and asked staff about this project's effect on the bikeability of the corridor.

Engineer Nielson responded that they are trying to stay within the footprint of Shield's Lane, having no impact on the adjacent properties. In that respect, he doesn't see any impacts. It's always ideal to have no access, but there are property owners all along the corridor that need access, and that's the balance they are trying to strike, making that as safe as possible.

Chair Hollist acknowledged concerns about precedent, this project being a buffer, and the fact that change happens. She discussed the idea of the access being full versus partial access and that staff acknowledged they are looking at the sight distance in the area, but it's too early to really

make a decision on that. She brought up the discussions about the gas line and safety, noting that everything is always marked out before construction. She discussed the concerns about affordable housing in the area, safety with additional traffic.****

Commissioner Catmull noted comments about a local regional park without playground equipment and asked staff about other parks in the area.

Planner Aguilera responded that he believes there is a park within a half mile of this location with a playground.

Chair Hollist invited the applicant forward to answer questions, she began asking about their handling of hazardous waste.

Mr. Bess responded they occasionally extract teeth and they are thrown in the trash, not saved or stored. All teeth with fillings are also thrown in the trash, as that is standard practice.

Commissioner Catmull asked if Mr. Bess would be willing to sell the property for the right price with all the concerns being raised about the land and its use.

Mr. Bess responded no, he wants to build his office here.

Commissioner Gedge asked about gases, injectables, needles, etc., whether they follow all requirements for disposal and storage.

Mr. Bess responded yes, they follow OSHA standards, all x-rays are digital as well.

Commissioner Wimmer noted this is a complicated issue with a few points for him. He is sympathetic to retaining clients when a business moves. He is also sympathetic to the idea of owning versus renting. As a financial planner he is sensitive to seeing a return on a major investment. However, all investing involves risk and some risks are entirely avoidable, including not buying land that is unsuitable for the use desired and hoping to change things to make it work. For this reason, he does not find it a good reason for this rezone request, and this doesn't really meet the standard for the buffer in the OP Zone in his mind. This sets a precedent encouraging other risky and speculative investing in the area, requiring other rezones to make their investments pay off, and that is not something he can support.

Commissioner Bishop noted that Commissioner Catmull raised the subject of the 10 appropriate uses for the proposed development agreement with some of those uses concerning him. If this accepted, he wonders if they should restrict those uses more.

Commissioner Gedge noted that when this was proposed on the last meeting's agenda he was very against this, as it is completely surrounded by residential. However, after visiting the location several times his one concern now is the Questar facility next door, the 60 foot property makes this a little more unique than just solely residential. He doesn't like the idea of that being surrounded on all sides because right now it's zoned residential/agricultural, and as such,

something is going to go in there eventually, it will not be a park or a vacant lot forever. Ultimately the planning commission is just a recommending body to the elected officials and they will make the hard decision. The city has already made the decision to sell the property, by the elected body, to the current owner. He has some concerns with the 10 uses permitted as well, but he believes if they can work together they can come up with something that works. He is looking now at what will be the least impactful use for the residents, and a vacant lot is not an option. It will either be homes, and the question is how many, or a dental office or other offices. He grew up five doors to the north of this property when it was all land, the majority of the people living in the current neighborhood are there because his family sold their farm. Times change, this is the last 1.1 acres left in that section on that side of the street and something has to go in there. He believes a rezone is the best use to protect the residents before someone else comes back with something truly commercial that a future planning commission might adopt.

Commissioner Catmull discusses the main points of the general plan, with the two most applicable to this application being to preserve stable neighborhood and support infill. That is a delicate balance, especially with a tricky lot. He is empathetic to both. The developer has property and the right to develop it, and at the same time residents have the right to protection and feedback. At the surface this does not feel like a buffer to him, it feels like an incursion into a stable neighborhood. He was completely against the item that was going to come before them originally, but when the development agreement came he felt that was the best solution given the circumstances. Now the question is what they can include in that development agreement to bring the most value to everyone involved. Something he is interested in is putting in a restriction that requires the aesthetics to match the rest of the area. There is clearly a church nearby that is taller than 40 feet, but it's shaped reasonably like residential or a home, and seems to blend in well. If this goes forward, there is an opportunity to limit things and require it to blend in and be more harmoniously integrated with the surrounding area. Regarding services, they should be things generally desirable to those within a half mile radius because of the sensitivity of this. He doesn't find that some of the options given would be good fits for that.

Chair Hollist noted that infill is the biggest piece of the puzzle. This has some hard features in terms of the what's there, and she is open to the potential of a development agreement but not in its current form; she needs more specifics. She would like to see square footage, now exactly what's going in there with more information about operating hours, number of customers coming and going, etc. She thinks it should include a 35 foot height limit since that's the housing requirement. She also wants to see at least an understanding in place that the other piece of land has been acquired. If voting tonight based on the current information she would probably vote no. She lives along 9800 S, near places where gas stations and retirement communities have come in, and she thinks that's OK along the busier roads when shielded from residents by appropriate fencing and access.

Commissioner Bevans stated that coming into tonight she didn't have an opinion one way or another, but in general she doesn't like changing land use designation without good reason. She especially doesn't like changing stable neighborhood to commercial. There was a similar situation in her neighborhood a few years ago and she understands. She is also a strong believer in property rights, and the ability of someone developing their land. This property does pose unique challenges, which have already been brought up by the other commissioners. There are

some things that can be mitigated, but this is a bit premature knowing there is a chance of additional land purchase. She's not sure if she's swayed one way or the other, but she does want those listening to remember that they are just a recommending body, and encouraged everyone to speak with their council members. Additionally, she encouraged residents to have conversations with the property owner and the other way around, as communication leads to better outcomes.

Commissioner Catmull would be open to leveraging the 30 days to give them time to come back and discuss this more.

Commissioner Bevans is sensitive to the fact that residents have already shown up twice for this.

Commissioner Gedge asked about what things they would like to see staff discuss for the development agreement if this passes.

Attorney Simonsen noted that the commission has three items before them. One is the idea of whether they recommend the development agreement. If not, does that impact the second decision, which is whether they recommend the land use designation change. The third decision is whether they recommend the zoning. To him, the three are all intertwined, so if they are not going to recommend one, they may not recommend all three but can explain their reasoning. He believes the citizens and applicant would like to see this go forward to the council, so if they can make a recommendation on each item he would urge them to do that.

Commissioner Gedge stated that as presented, he would be against the development agreement due to the desire to recommend changes. He is partially in favor of the other two things, but he understands the idea that if you can't recommend one, you shouldn't recommend all three.

Commissioner Catmull suggested the commissioner discuss their thoughts with their specific council members, and that given the sensitivity of the subject it might be a good idea to see how much common ground the commission has.

Chair Hollist suggested recommending a maximum height requirements of 35 feet to the development agreement.

Commissioner Bevans suggested recommending removal of personal services as possible uses under the development agreement.

Commissioner Catmull suggested removal of other services, research and development, professional services, and vocational/professional services.

Commissioner Gedge suggested removal of financial services.

Attorney Simonsen asked to clarify if the commission is gathering stipulations that would ultimately not recommend the development agreement in its present form. The motion should be they are not going to recommend the development agreement in this form for the following reasons they are stating.

Commissioner Gedge suggested requiring architectural design consistent with the surrounding area and properties.

The commission discussed the combined recommendations, noting that the council should be reading these minutes to see their recommendations and reasons for them.

Commissioner Wimmer noted that City Council has the right to reject any or all of the commission's suggestions, and encouraged everyone to voice their concerns now so they can be noted, regardless of how they believe the council will vote or feel.

Commissioner Gedge motioned, based on the Staff Report, public testimony and discussion tonight, to recommend denial of the Bess Dental Development Agreement to the City Council as presented in Resolution R2024-45, citing the recommendations suggested by the commission for the development agreement concerning the following:

- **Architectural Design to more harmonious with the neighboring properties.**
- **Height**
- **Use in the professional office of this application**

Chair Hollist seconded the motion.

Roll Call Vote

Yes – Commissioner Gedge

Yes – Chair Hollist

Yes – Commissioner Bishop

Yes – Commissioner Catmull

Yes – Commissioner Wimmer

Yes – Commissioner Bevans

Motion passes 6-0, unanimous in favor.

Commissioner Gedge motioned, based on the previous motion to recommend denial of the development agreement as presented and discussion tonight, to recommend denial both Resolution R2024-44, Land Use Designation Change, and Ordinance 2024-09-Z, Zone Change. Chair Hollist seconded the motion.

Roll Call Vote

Yes – Commissioner Gedge

Yes – Chair Hollist

Yes – Commissioner Bishop

Yes – Commissioner Catmull

Yes – Commissioner Wimmer

No – Commissioner Bevans

Motion passes 5-1, with Commissioner Bevans voicing the “no” vote.

I.2. ALTITUDE LAND USE AMENDMENT AND REZONE

Address: 515 W. Ultradent Dr.

File No.: PLZBA202400018

Applicant: Andy Welch, DAI Inc.

Planner Damir Drozdek reviewed background information from the Staff Report.

Commissioners and staff discussed easements in the area and concerns expressed regarding those easements. Planner Drozdek noted that is all contained in the development agreement, and if it can't be worked out then it can't move forward.

Chair Michele Hollist asked if any building is being allowed in the flood plains, either the 100 or 500 years sections.

Planner Drozdek responded yes, there is building being allowed in the 500 year plain, but not in the 100 year plain.

Deputy Engineer Jeremy Nielson added they will have to do a letter of map revision to be allowed building in that flood plain. They will have to raise the elevation to take it out of the flood plain.

Commissioner Laurel Bevans asked about prior funding already supplied for the bridge, and if so, whether that actually means there is a trade with the applicant.

Engineer Nielson responded there is some grant funding, but there is a match to that funding source and these additional funds would fulfill that match requirement.

Chair Hollist asked about the Level of Service for the street in the area.

Engineer Nielson responded it is a major arterial road and has not been on the city's radar for any concerns.

Planner Drozdek noted there was a traffic study done with this project, which did not result in any major recommendations in relation to the two accesses.

Chair Hollist asked about the setback from the river.

Planner Drozdek responded he believes it is about 200 feet from the nearest point from the buildings to the river. At some points it is over 400 feet.

Chair Hollist asked if that space was required to stay open in the development agreement.

Planner Drozdek responded that it's in the concept plans, and would require an amendment to change that.

Commissioner Bevans asked about stabilization requirements for the area being raised out of the flood plain.

Engineer Nielson responded part of the letter of map revision process is the verification process to validate the work was done correctly.

Commissioners and staff discussed the large number of units with only two accesses with Planner Drozdek noting there will be two stubs provided, which might end up providing additional access in the future. They also discussed the density and how that is calculated with the land proposed.

Chair Hollist invited the applicant forward to speak and add anything to the Staff Report.

Nate Shipp (Applicant) - gave an overview and explanation of the proposed plans.

Chair Hollist asked why they have chosen rentals over ownership.

Mr. Shipp explained that the original conversation was for all units to be rentals, during the council conversation they were asked to address the need for owner occupied units in the city. At that point all financials had been done with rentals in mind, and that left them stuck which led to a compromise of half the units being for sale and deed restricted.

Chair Hollist asked about the purchase and rental prices they are expecting.

Mr. Shipp responded the sale prices will begin in the low \$500,000s and rentals will be between \$2500 and \$4000 a month. This is not an inexpensive piece of property to develop, and consequently they will have to build a Class A product and believe it will be accepted in the market.

Commissioner Nathan Gedge asked about possible agreements with adjacent landowners to ensure access to the river and other areas.

Mr. Shipp responded they understand everything has to be in writing before they can begin and he is hopeful that will all happen.

Commissioner Steven Catmull asked if the garages are all standard size.

Mr. Shipp responded they will all accommodate two cars.

Commissioner Catmull asked how they intend to ensure access to parks and other areas for these future residents.

Mr. Shipp noted there will be private amenities for those onsite residents, in addition they will have the connection to the canal and adjacent amenities.

Commissioner Ray Wimmer asked if the bridge would actually encourage more foot traffic along those pristine woodlands being discussed.

Mr. Shipp responded that he hopes people will be respectful and stay on the established trails, but it will be privately owned and they could enact mitigating factors if that became an issue.

Commissioner Bevans asked about onsite management of the two sections of the development.

Mr. Shipp responded the entire property will be professionally managed, both sections will be managed by the same company. They intend to maintain control of the HOA once build out is complete.

Commissioner Bevans asked how they plan to manage the HOA with boardmembers from both sides. She also asked which units they plan to build first.

Mr. Shipp responded they will plan to have a board with both rentals and owner occupied tenants. Their intent is to being with the for sale product, moving into the for rent part later, but they will not be that far apart. Rentals and owner occupied will not be in the same buildings.

Commissioner Catmull asked if they think Class A residents are going to be inclined to use the public transport expected in this development.

Mr. Shipp responded those renting are doing it by choice, they are not there because they have to rent.

Chair Hollist noted that public comments were received before the meeting tonight (Attachments QQ – WW), and opened the Public Hearing for comments.

Brent Carlson (Resident) – I live on the west side of the river, directly across from where this is being built and I got to tell you, from what I've heard tonight from the applicant it confirms to me this is nothing more than a land and money grab based on what the situation is with this land right now. As you know, the Jordan River Corridor Conservation Master Plan, which you are probably all familiar with, designates that this is protected property against development. That is the one thing I want to make sure that we all understand, it is protected property, and they are coming in trying to change and amend the zoning so they can build 187 units, with two cars per unit is about 374 cars additional going across Jordan Gateway, out to I-15 to merge on the freeway, or down Shields Lane as we talked about last night already for the last 5 hours while we waited to talk to you guys. This will increase the congestion. Let's talk about the wildlife which was not mentioned by the applicant, there are so many different animals and birds that this will affect in the area, and if you've walked on the Jordan Parkway like my wife has hundreds of miles, like I have biked thousands of miles on the bike parkway, you see these animals and you see them in all aspects. Anything from a Blue Herron to a coyote to a deer to hawks to Sand Hill Cranes to eagles to pheasants to wild turkeys, foxes and even rattlesnakes are out there. My point is this, you have a responsibility to the residents of this area, especially the Riverwalk area, who

is right across the river, to protect this land as it is, leave it alone. Don't be fooled by the smoke and mirrors of the \$350,000 that they are going to give you in advance, and the big bridge they are going to build. It will increase congestion and the flood plain, yeah, they addressed that tonight, but it's going to happen, there are going to be issues down the line. Plus, you bring in more dirt to level above the elevation plain of the flood plain, you've all seen what's happened with developments where they bring in dirt and then build, there is erosion and the homes start sinking, and there will be issues with those homes after about five years if they do bring in dirt and try to build.

Marc Halliday (Resident) – This was originally my great grandfather's property, we have the original deed that goes back into the mid 1800s on that property and it has been sectioned off. We used to own over where the apartments are on the other side of Shields Lane. Back not too long ago this was MU-TOD property, and then through the master planning and public they decided to change it over to historical preservation R-1. The applicant had the time to take the property then because they happened to be the landowners, I don't think DEI owns it yet because we haven't been notified of that, it's still under my cousin's property, and they got that because their father passed away. He wanted it to be historical agricultural preservation. The son is a developer, he wants to see it mass developed; that is not the wishes of his father, nor is it the wishes of us. I would like to know why you are taking it back from MU-TOD when they had the chance to acquire that property and they didn't make that choice, now you want to let them go back to MU-TOD instead of the historical agricultural preservation. I am not against development, I don't want development to be this massive. I would like to see it be as single dwelling units with maybe equestrian. The equestrian trail starts right there and goes all the way down south, we don't have any equestrian homes anywhere around except where the equestrian park is, and from which it's hard for them to have horses. It should be larger sized lots, single dwelling homes. The governor and legislature, for which I am big part of, not only here but in Washington, DC, wants to see more single dwelling homes that people can afford and get in to. Not pigeon coops that are stacked up that bring no revenue, no tax basis to the communities. They want to see that and I would push that firmly with legislature and government. I will be speaking with them in Washington, DC, here shortly. I would like to take and see no less than the R-1 density where they are larger lots, but I am not sure what the sizes are, but at a minimum. There is secondary water there, the developer has taken and run some of this apartments that are there on the northeast side of this property over the ditch as shown, I don't know why he is looking at doing that. We have large animals there too, they need to be spoken for. Does DEI own the property?

Nathan Miller (Resident) – I've been waiting 5 hours to make this really quick, I've had someone covering my surgical call at the hospital for the last five hours. In summation, this property was established as protected green area in 2011 for a reason and a purpose. That reason and purpose has not changed since then, once that wildlife is gone, once it's killed off or driven away, once that nature is destroyed it's not ever coming back, ever. That's a done deal. My grandfather in Norway says that every man has a price, and basically what he is saying is that every man and woman has a point or price they are willing to bend or break their moral or ethical obligation; he always follows that up with he hopes he never finds what his price is. I sincerely hope tonight that our price for South Jordan is not a \$350,000 bridge. In my mind, it is absolutely ludicrous that we are considering taking back protected lands to stuff 10 pounds of people in a

five pound sack, absolutely ridiculous, and I hope you'll take this into consideration when you guys make your recommendation.

Bryce Cameron (Resident) – I live across the river. My point echoes some of the same, that this is also protected land. South Jordan is the steward of only four beautiful miles of the Jordan River, and to bastardize this land and shove a bunch of people in it seems very short sighted in our long term vision of this valley. This is a core artery of wildlife and enjoyment. When you plug it up with just more and more housing it causes so many problems, that's my biggest concern because I enjoy the trail with my children. I am one of the few people with children who live this close, also the prices are astronomical they are going to charge and won't allow for assistance to those who need affordable housing. Class A is not going to work out that way. I worry about the flood zone as well, I live on the side that is also close to a flood zone and with the weather heating up so quickly and the snow melt melting so quickly, there was a lot of concern the past two years of what is going to happen to Mulligans and us nearby, disrupting the land in the area will only make that a deeper concern. The parking isn't sufficient for them, people in these size homes don't park in their garages, what do they put in there, all their stuff. Their ratio of parking is insufficient and will be clogging the whole area. I care about the wildlife, I think most people here do; South Jordan only has a small bit of it, so let's be intentional and not follow the money.

Tim Hansen (Resident) – I am kind of new, just heard about this recently, this development that's going on. There are three things that come to my mind that I want you guys to consider when you take this on further down to people who might be able to make this happen. The first thing, somebody has to be a steward for those animals that are down there, and we've all talked about it, we've all seen it, there is a variety of things down there. Somebody has to speak up for those poor things, I don't want to be the person that says I was part of the initiative to starve those animals to death and push them out, and I don't think any of you do, nor do these people back here. That's one thing, the other thing that was talked about, this floodplain. When you think about that, they said they were going to build dirt up so it's above the floodplain. Okay, now on top of that we're going to build these apartments. We've all seen it, when we go down I-15 in the Draper area and you see those multi-floor units, do we like the way those look, does anybody like the way that looks. Most of the people who I associate with are saying that the Salt Lake Valley is so overloaded with those kinds of things that it takes away from our city, either Salt Lake, Murray, Riverton, Draper; I don't think we want to do that and that's kind of how this sounds is what they're going to do. The third point of it is, he mentioned there is going to be quite a few rental units and some individual homeowner units. Let me ask you, would you like to buy a home nestled amongst some apartments. Think about that, would any of you like to do that, not me, and I bet you none of these people would either, so I don't know what the developer is thinking, I just can't see how that would work very well. For the most part, people that rent aren't dedicated to the property nearly as much as the people that own the property. How that's going to look down the road I don't know, but those are the three things that popped into my mind, and pretty much anything that anyone else has said, there is no need to repeat it, there are a lot of us that feel the same way.

Soren Simonsen (Jordan River Conservancy) – As a former planning commissioner in another community, I applaud your efforts in sticking with this. I am the Executive Director of the Jordan

River Commission and I am here in my official capacity. I have not had an opportunity to meet with the developers, we often do try and meet with those developing around the Jordan River to offer recommendations and creative input on proposals and would love an opportunity to do that, either formally or informally following the meeting tonight; I just learned about this proposal about a week ago, so I haven't had a chance to prepare any written comments. I will summarize a few thoughts. We are working with all of the communities up and down the Jordan River to preserve this incredible gem, and it has suffered from a lot of not appropriate activity over the last probably 120-130 years or so. There has been great strides to try and reverse some of those trends. There are some specific recommendations I would make for your consideration tonight. First of all, hearing about the fill of the floodplain is one that we would strongly discourage. Although you can raise land to be above the floodplain, which protects the properties from damage and risk, it does create risk and up and down. The river needs space to do what rivers do, and that is to ebb and flow with seasons and cycles. Some of those cycles can be decades, although we are seeing a hastening because of climate change with those cycles creating more extreme water events, which we have seen over the last couple of years. There is also a great effort to get more water into the Jordan River so we can get it to the Great Salt Lake and that of course is resulting in very different kinds of dynamics. We are seeing properties in other communities that are outside of those floodplains that have in recent years been flooding because of the loss of floodplain which carries those floodwaters when they occur. That does present risks, not to this property, but to other properties up and down the river. We would love to minimize fill in this area, upland areas are a critical part of habitat. This property, as noted, happens to be nestled in-between two properties that have over 150, close to 200 acres of preserve, dedicated limited human interaction, in areas and this has the potential to fracture that significant wildlife habitat. If there are opportunities to cluster the development closer to the transit and minimize the impact on the bluff and down into the river bottom area we feel that would be a preferential way to develop, as many communities are doing around the Jordan River and other locations. We encourage you to maybe consider ways to address those river needs as you are thinking about other needs in your community like housing and development.

Melanie Beaucharid (Resident) – I live directly west of this proposed development. I just wanted to bring up a couple things noted in the Jordan River Open Corridor and Open Space and Habitat Conservation Master Plan that has been mentioned a couple of times, and just evidence of having that plan means that natural and open space is important to all residents of South Jordan. It says in here “the Jordan River Corridor Master Plan designates land use zoning and ordinances for the river corridor to ensure that open space will be preserved for its wildlife habitat and recreation values, with a consistent intent regardless of whether changes occur within South Jordan city’s managing and planning personnel.” It also says it was “developed according to the express needs of South Jordan City’s citizens for more natural area open space and the needs of wildlife species that depend upon the Jordan River and its associated habitat for their continued survival, protecting rivers, creeks, and canal corridors, ranked as the highest value for the city’s open space program and was rated as the most important natural space value.” This has already been studied, looked at, and it’s obviously really important to a lot of us and I think this area in specific is very unique because it’s right by the river, so I am not saying anything new that anyone else has not said already, but wanted to add my voice to theirs and let you know how I feel. Also, I am very concerned with the density proposed, just looking at the map compared to our neighborhood. Our neighborhood, I know it’s not the exact same size, but it seems kind of

comparable while being smaller. We have got 84 units compared to 187, and I just think the density is just huge and I just second other people's comments that it doesn't seem like a desirable community to purchase a place in if there is rentals and ones for purchase.

Monice Halliday (Resident) – I am one of the landowners directly north of this, and we are not going to develop in the future, we will be staying agricultural. It has been agricultural since the 1880s when we were in the homestead, and we will be keeping that the same.

Kathy Thompson (Resident) – I live down in the Riverwalk Estates. I would just ditto everything that has been said, but I also wanted my voice to be heard as taking very strong consideration and looking at that rezoning. A lot of things have been said about the Jordan River Corridor and open space, and I'm not sure is this taking some of that away, or it's 200 yard away, but you are going to mess up that whole ecological balance with all the water and animals and everything. So, even if you are 200 yards away it's still going to disrupt that whole balance and all the animals and water going on down in that area, I think that needs to be taken into strong consideration. Again, I just hope that you look at that. They know it's pristine land, they know, they talk about the disturbance and everything with the animals. They may have great intentions, but you are going to disturb that area and those animals aren't coming back and that's gonna take away that whole area.

Lily Perkins (Resident) – Everybody else talked about what is important, which is the open land. I think this is a huge mistake. This development where we live, It's a gated community and by making that bridge, it's just going to make our community vulnerable that are accessing over the side of the west. The city has made a great job every time I call you guys to prune the fire hazard tall grass that grows in there, and some teenagers and other people that are walking the trails are hiding behind those bushes and peeking in through my window. When I was talking about an American Dream, I used to design mountains in a little house, and the sun rising, and I have that view, I paid for that premium lot to have that view, and those three stories buildings will take away my little American Dream and make us vulnerable to people to walk in our development and check around. We know each other, we have a gated community, we want people that live there, we trust each other. I don't have blinds in my windows, I have a beautiful open window on my north side, and the whole east side, it's gorgeous, I paid for that premium lot. I don't want that to be taken away, it's not fair. I know change happens, but just changing and violating a contract just because of developer greediness is not okay. I have beautiful pictures of a bald eagle in that little area, please don't destroy it.

Michelle Foster (Resident) – I am in the Riverwalk Community also. The only comment I can come up with that nobody else has said is I am really curious about the water, I want drinking water in South Jordan and all over Salt Lake we keep getting higher and higher density. What about the water, is anybody thinking about that. That's a huge concern for me, don't we have to stop somewhere, we've been in a drought for how many years and I don't hear anybody talking about that and I'm very concerned about the water.

Chair Hollist closed the Public Hearing and turned to staff for responses to public concerns, including information about historical or preservation applications to this land.

Planner Drozdek was unsure of any historical preservation, the current land use he believes has it marked as agricultural preservation and maybe that's what is being referred to. To note as well, this property is zoned A-1, so the applicant, if they desired, could develop the property under the A-1 zoning requirements with no buffer, building right up the river if they wished.

Chair Hollist asked who the author was of the Jordan River Master Plan.

Planner Drozdek was unfamiliar with the document and had no answer.

Chair Hollist asked staff about congestion and service levels of roads.

Engineer Nielson responded the road is currently at Service Level B as a five lane collector road, and this would not change that.

Chair Hollist asked about requirements for environmental impact studies on this type of land.

Engineer Nielson responded that for the bridge over the river there will need to be an environmental study, but not for the development.

Chair Hollist noted that there were recommendations on density, but it has already been noted that as currently zoned, this could be developed as is with one acre lots.

Attorney Simonsen noted there are three decisions in front of the commission tonight, one of which is approving the land use amendment. In the staff report, one of the items is the land use boundary adjustment for the NA (Natural Area). If the natural area boundary isn't adjusted, then you can't rezone the area where that boundary is moving. Regarding the natural area preservation, when the public states this land is protected, he is not aware of a law guaranteeing that. He disclosed that he rides that trail often, so isn't coming down on either side of this discussion. He acknowledged it's probably listed in a plan somewhere, not wishing to dispute that claim from the public, but again stated he is not aware of any law protecting it other than the city's general plan with a natural area boundary. The commission is being asked tonight to adjust that natural area boundary and rezone it, along with deciding whether to recommend the development agreement. Those are all decisions that need to be made by the commission, and it's his job to ensure the commission is legally within their prerogative to do that one way or another; he confirmed that they are within that right based on the information presented tonight.

Chair Hollist motioned to take a quick break, seconded by Commissioner Bevens; vote was 6-0 unanimous in favor.

Chair Hollist acknowledged discussion of environmental impact, comments on the rental/owner mix and noted the commission will come back to that discussion, concerns about changing floodplain including the ebb and flow noting she has the same concerns, concerns over the natural area and preserving open space, protecting animals in the waterway, the north property owner indicating no plans to develop, concerns over the bridge making the neighborhood to the

west more accessible and potentially more vulnerable, and concerns about drinking water. She acknowledged the shared concerns over drinking water and asked staff to discuss that.

Engineer Nielson noted the city works closely with Jordan Valley Water Conservancy District and has a Water Master Plan to ensure adequate water for the city. As part of that, there are conservation measures, ordinances frequently passed in attempts to conserve water. In addition, the city is trying to lead the way in accessing new water, noting the current reuse pilot project at the water reclamation facility. In terms of providing water to this development, that is covered in the city's Water Master Plan when zoning and future uses are considered.

Chair Hollist asked Commissioner Bevans if she had any insight into some of the concerns shared regarding building in the floodplain.

Commissioner Bevans noted that she chooses not to build in floodplains for the reasons being discussed. She acknowledged land can be removed from a floodplain, and noted she is not an expert in that area, but working in development and having experience in the area she knows there are implications for sites like this, which is why she was inquiring about specific geotech info earlier; while land stabilization is possible, it is generally not preferable. She sees this is in a natural preservation area, and without the floodplain area coming into this development and trying to move it up it does seem a little more palatable knowing they would avoid those types of issues down the road.

Chair Hollist asked staff, if the commission decided not to amend the natural area land use, would that only eliminate building in the floodplain, or does the boundary fall outside of that.

Planner Drozdek responded that the boundary does closely match that area.

Commissioner Wimmer stated that they are called downstream effect for a reason, whatever is done on one area affects the next area in the line, and the next, etc. At some point, as was stated, water does what it is going to do. He doesn't have any particular concerns about this development, because those floodplain effects in this certain area can absolutely be mitigated with these buildings being perfectly safe, but after this where the water goes becomes a real concern when thinking about being good neighbors for adjacent communities and developments down the road.

Commissioner Catmull addressed staff, asking to confirm that when they address this as an RM-PD Zone, it is an RM Zone with the Planned Development overlay. He also asked for more information on the PD Floating Zone, Section C where it states "residential density shall not exceed eight units per acre on properties outside of the designated station area plan, where the City of South Jordan is not the applicant."

Planner Drozdek responded this is within the station area plans. The state requires cities to come up with station area plans around any rail stations, and this being within the half mile radius fits within that required area and allows for the higher density.

Commissioner Bevans noted for the public that the transit oriented area plan being referenced tonight is available on the city's website for them to review at any point.

Chair Hollist continued, noting that housing is needed here but this is very expensive housing. She wonders if it makes sense for deed restricted properties to be Class A, asking if that is the best use as these will not contribute to affordable housing, rather they will offer high end housing that will be more affordable than it could have been.

Commissioner Bevans asked for staff to explain the term "Class A" housing so it is used appropriately and understood, as well as what deed restricted means.

Chair Hollist shared, after a quick Google search, that it appears to refer to extremely desirable, high quality construction location properties. Essentially a higher end product in a desirable location. She then invited the applicant forward to explain what they are defining "deed restricted" as for this project.

Mr. Shipp responded that, in its simplest form, those who live in the units designated as owner-occupied will be the owners of those properties; they will be unable to rent those units while owning them.

Commissioner Bevans asked if they plan to include anything in the HOA covenants that an owner-occupied unit cannot rent out rooms specifically.

Mr. Shipp responded yes, the intent is that they are not rentals. Those who own the units live there, they do not rent any part of that unit to anybody else.

Commissioner Catmull asked if the applicant was okay with that being in the development agreement.

Mr. Shipp responded that is already in the proposed development agreement, and he is fine with modifying that to say a room/any part of the unit cannot be rented out.

Commissioner Bevans noted that she does not like the idea of adding that, but they can discuss her reasons for that later in the conversation.

Mr. Shipp noted they are trying abide within the spirit of their intention, create units that are sold and owned, with a myriad of reasons why that is really important including the concept that those who own their units live in the community differently than those who rent.

Commissioner Bevans noted they have discussed how owner occupied residences are general treated differently than rental units, and asked why they would want to mix those together in one housing project. The developer has acknowledged doing a split project like this before, but with the stated discrepancy, why the drive to mix owner-occupied and rental units.

Mr. Shipp responded that he agrees with the other side of the argument, he doesn't believe there is a difference. He lives in a community where he is in a single family home with about one-third of his neighbors actually rent their houses. He stated that unless you knew they were actually renters you would never know the difference, so his experience has shown him different results. In the conversations previously held with the city, there have been other with strong opinions on the other side of the argument, which is what he is trying to accommodate here.

Chair Hollist began her comments, noting this is an interesting project to bring housing. If high density is going to be done, this is the right area for it in terms of location and proximity to transit. She has concerns about the change in the natural area, and she would be inclined to vote against the change in the Natural Area Land Use designation. Based on the question she asked earlier, if she understands everything correctly, that change would effectively remove the ability to build in the floodplain and would make her more comfortable with this project. She did want it noted that she would not suggest still having 187 units in a smaller space, she would want to limit it to the 14 acres outside of that Natural Area designation as discussed earlier. She could potentially still support the zoning change in the area without the Natural Area Land Use, but again with the reduction of the number of units and having the trail from transit down to the river.

Commissioner Bevans asked if Chair Hollist would be okay with retaining the 10 units per acre, allowing approximately 140 units instead of 187.

Chair Hollist responded yes, as long as they are not built in the area currently designated as Natural Area for land use.

Commissioner Gedge thanked his neighbors for coming out, the applicant for attending, and staff for their work on this. He agreed with Chair Hollist, and struggles with the Natural Area Land Use designation and floodplain. He is also torn in terms of a landowner's property rights. This is not going to stay a vacant field, especially the 14 acres not in the floodplain; there needs to be a compromise. He is leaning towards a negative recommendation on the land use change, but would like to see if applicant would be open to working on the property and the 14 acres not in the floodplain. He also struggles with the need for a bridge over the Jordan River in this location as people can cross as Shields Lane at 10400 South or 11400 South where this is a pedestrian bridge; the need there really only serves those adjacent, and he struggles with interrupting the animal rights and natural habitat there as well. He is not sure that is the best location, noting that the only supporting idea is its alignment with the Frontrunner. As presented tonight, he would vote in the negative with the land use agreement, and he believes the other two motions would fall in line. Something will eventually go here, he is just not sure if the development being that close to the river is the best fit.

Commissioner Bevans reiterated that she is a firm believer in property rights, the rights of the owners to develop as they see fit. However, she is also a firm believer that they as a commission and council have an obligation to the community to do what's best for the entire community. While she agrees there is a definite need for more affordable housing, particularly in the transit zone areas, she doesn't see this as affordable housing for either ownership or rentals. She

believes this is the right area for higher density housing with the proximity to the transit hub, but knowing how development works, this project has too many unknowns, complications, and potential downsides; specifically for the natural preservation area and floodplain surrounding the Jordan River. There was some compelling evidence presented by the Director of the Jordan River Commission, and that holds extra weight for her in terms of expert advice on what this area should be. For those reasons she is a no on this item as presented tonight.

Commissioner Wimmer supports property rights as well, owners should be able to build whatever they like on their property. As presently allowed, the landowners here are welcome to build a single family home on each acre; he doesn't believe in changing zones for individual's profit at the expense of others, especially posterity or our natural friends. When that space is gone, it's gone, so why trade a last in our lifetime space for overpriced apartments and homes that many South Jordan residents couldn't afford anyways. If it comes down to the city's benefit being a \$350,000 donation for a bridge, he'd rather donate that money to the city to avoid wasting our disappearing natural beauty on townhomes. He is a no on all items.

Commissioner Bishop noted he lives in a neighborhood like this as an owner, and the prices are pretty typical. They looked at renting their home and the numbers provided earlier were what he would expect his home to rent for. He is in line with what was said earlier with regards to the natural area and flood zone, but he does think it makes sense to take advantage of this land near to the transit stop. He would be a conditional yes for the items presented tonight.

Commissioner Catmull came into tonight leaning more towards a yes on the proposed motion, but after listening to the testimony and discussions, he concurs with several other comments. Sometime timing and location can be difficult to align, and the timing here doesn't feel right. He appreciates the goals in the packet and how the developer tried to align with those, and that was great. However, he looks at some of the development coming up in the city on the west side in the near future to bring tons of housing units online at very affordable prices. He doesn't like the density on this project, noting that type of density is usually used to shield between commercial use and lower density projects. In this case it feels like it's a buffer between a lighter use, rather than a heavy use, and he is concerned about that. It is an interesting solution, but he is uncomfortable with the density and compatibility, favoring sustainable long-term solutions, and a someone who has used public transit for decades he is not convinced that many people there would use the available public transit. There are better places for the density, and he would be a definite no on the first two items, and probably on all three.

Commissioner Bevans added that she believes the project has potential, she likes the concept and the idea, but the execution of it is lacking for her.

Commissioner Catmull added this is also very isolated with the owners on the north stating no plans for development, and the land on the south believed to be government owned and very unlikely to be developed.

Commissioner Gedge motioned to recommend denial to the City Council of Resolution R2024-24, Approval of Land Use Amendment. Chair Hollist seconded the motion.

Roll Call Vote

Yes – Commissioner Gedge

Yes – Chair Hollist

Yes – Commissioner Bishop

Yes – Commissioner Catmull

Yes – Commissioner Wimmer

Yes – Commissioner Bevans

Motion passes 6-0, unanimous in favor of a negative recommendation regarding a change to the land use.

Commissioner Gedge motioned to recommend denial to City Council of Resolution R2024-21, Authorizing the Mayor to Sign a Development Agreement, and Ordinance 2024-05-Z, Zone Change, based on the previous recommendation for denial of the land use amendment to City Council. Chair Hollist seconded the motion.

Roll Call Vote

Yes – Commissioner Gedge

Yes – Chair Hollist

Yes – Commissioner Bishop

Yes – Commissioner Catmull

Yes – Commissioner Wimmer

Yes – Commissioner Bevans

Motion passes 6-0, unanimous in favor of a negative recommendation regarding signing a development agreement and proposed zone change as presented this evening, but noting there is potential with a different solution.

Commissioner Bishop noted that he voted yes, but without the land use amendment he would have most likely been in favor of the remainder of the items.

J. OTHER BUSINESS - None

ADJOURNMENT

Chair Hollist motioned to adjourn the November 12, 2024 Planning Commission Meeting. Commissioner Gedge seconded the motion; Vote was 6-0, unanimous in favor.

The November 12, 2024 Planning Commission Meeting adjourned at 12:35 a.m. on November 13, 2024.