

**CITY OF SOUTH JORDAN
ELECTRONIC
PLANNING COMMISSION MEETING
COUNCIL CHAMBERS
May 14, 2024**

Present: Chair Michele Hollist, Commissioner Laurel Bevens, Commissioner Steven Catmull, Commissioner Nathan Gedge, Commissioner Sam Bishop, Assistant City Attorney Greg Simonsen, City Planner Greg Schindler, Deputy City Recorder Cindy Valdez, Deputy City Engineer Jeremy Nielson, Planner Damir Drozdek, Planner Miguel Aguilera, IT Director Jon Day, GIS Coordinator Matt Jarman, Meeting Transcriptionist Diana Baun

Others: Lexie Ritter, Kathie, Travis Ferraris iPhone

Absent: Commissioner Ray Wimmer

**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, excusing Commissioner Wimmer who was absent.

B. MOTION TO APPROVE AGENDA

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

C. APPROVAL OF THE MINUTES

C.1. April 23, 2024 - Planning Commission Meeting Minutes

Commissioner Gedge motioned to approve the April 23, 2024 Planning Commission Meeting Minutes as published. Chair Hollist seconded the motion; vote was 5-0, unanimous in favor. Commissioner Wimmer was absent from the vote.

D. STAFF BUSINESS - *None*

E. COMMENTS FROM PLANNING COMMISSION MEMBERS

Chair Michele Hollist announced that, per the noticing for this meeting, Zoom participation will still be allowed but public comment will now only be allowed in person during the meeting or submitted to City Staff beforehand.

F. SUMMARY ACTION – *None*

G. ACTION – *None*

H. ADMINISTRATIVE PUBLIC HEARINGS – *None*

H.1. MOSAIC – RESIDENTIAL DEVELOPMENT CONDITIONAL USE PERMIT

Address: 11210 S. River Heights Dr.

File No.: PLCUP202400023

Applicant: Jacob Ballstaedt/Garbett Homes

Planner Damir Drozdek reviewed background information from the Staff Report.

Chair Michele Hollist asked specific questions about the variety of homes that will be available, and whether staff feels the mix presented is appropriate.

Planner Damir Drozdek responded that in the past, as long as a project has two different types of housing they will allow it.

Commissioner Laurel Bevans asked about another proposed project on this property in the past, where there were concerns regarding permanent shadowing. The response at that time was to put two story buildings along the majority of the property for prevention, however this current project has all three story buildings.

Planner Drozdek responded there were no concerns from staff, as it is not uncommon to have three story buildings, including in Daybreak and other locations in the city. He also noted that the stub road at the end of the property does not carry an intention of connecting to another street in the future.

Commissioner Bevans asked about the road width and whether that allows for on street parking.

Planner Drozdek responded that it does not allow for that.

Commissioner Bevans asked about the density for this project, noting the development agreement indicates a density of eight units per acre.

Planner Drozdek responded this project itself is about 20 units per acre, but the total property is about four acres with about 80 units.

City Planner Greg Schindler added that the eight units per acre is for the overall district, and in the 200 acres they are allowed to have 1600 units built within the boundaries.

Commissioner Bevans asked why this project is being allowed with no amenities, turf or green space on site with 76 units.

Planner Drozdek responded that any requirements are usually in the City Code, but there is nothing generally requiring amenities.

Commissioner Nathan Gedge asked about contingency plans for emergency access on 10400 South or 11400 South with basically one street for access to all these units.

Chair Hollist expressed her concerns regarding a lack of parking.

Commissioner Gedge referenced Attachment A, a public comment email from a resident, noting that the city has no control over whether these units are owner occupied or who purchases the units.

Chair Hollist invited the applicant forward to speak.

Jacob Ballstaedt (Applicant) – this is a unique situation since there was already a development agreement signed from 10-15 years ago that was originally done when this district was developed; that agreement is what is guiding them regarding what they can and can't do on the site. As stated earlier, the allowed density on the site is way higher than what is being proposed, and they do their best to be sensitive to issues brought up by the commission like guest parking, open space, fire access, etc. They are not required to provide guest parking, but are aware that is necessary. They provided 31 stalls for 76 units, and that is a pretty strong ratio compared to their other developments. They know this is market driven, and people want places to park. They do control the parking spaces in the garage through the CC&Rs, stating the two car garage must be able to accommodate two cars with space for both, it cannot be used purely for storage. He read the public comment (Attachment A) regarding rental properties, and he is familiar with those types of developments. Ideally, strong neighborhoods are created by home ownership and there will always be investors who buy and rent properties. When they sell a community they always try to limit that at 10-20%, and they have previously included in the CC&Rs where they limit rentals and it just isn't a manageable option. During development, the declarant stays in control of the HOA. Once the last unit is sold, they are required to turn over the HOA to the homeowners.

Chair Hollist opened the Public Hearing for comments.

Planner Drozdek noted that when he spoke with the author of the public comment received for this item (Attachment A) prior to this meeting, he informed them they could either attend the meeting to speak, or do so via Zoom; he was unaware of the new restriction on virtual commenting at the time.

Commissioner Gedge noted, as he has in the past, that he questions whether or not someone should be allowed to comment in person if they submit comments to city staff prior to the meeting, since they are now given two chances to address the commission. He suggested restricting any comments addressing the commission to only items not addressed in public comment previously submitted.

Chair Hollist noted there were no comments, in person or via Zoom, and the hearing was closed. She noted that her concerns shared previously are still valid at this point.

Commissioner Sam Bishop wished there were more green space.

Commissioner Gedge asked if they were allowing the 4:12 roof pitch today, or if it would come with the site plan. In addition, he asked if when the property is turned over to the HOA, does the city have to worry about the private road eventually being taken over by the city.

Commissioner Catmull agreed that there are some things in this project that don't quite align with the General Plan, due to the agreement being created so long ago. He suggested discussing with the council putting limitations on the life of unfinished projects like this in a floating zone with a development agreement.

Commissioner Bevans noted that nearby developments have similar pitches on some roofs, so despite some of these roofs not meeting the development agreement, she doesn't have an issue with allowing them here. She has concerns about no green space and zero turf on this project with two and three bedroom townhomes; there will be kids in these townhomes with no driveways, green space, and really nowhere for those kids to go. She sees that as a detrimental effect on this project with no real space for anyone to be, rather than inside.

Planner Schindler noted that the development agreement states the planning commission can approve a lower roof pitch. Additionally, in regards to the streets going from private to public, they can ask for the city to accept the roads as public but there are a lot of requirements for that to happen.

Deputy City Engineer Jeremy Nielson noted that private roads always have a risk of becoming public, but there is a strict process for that to happen and it includes being approved by the City Council.

Planner Drozdek suggested asking the applicant about providing open space for activities.

Mr. Ballstaedt gave some background on Garbett Homes and their choices regarding landscaping and being sustainable/energy efficient, explaining that many of their projects have little to no sod. However, if sod is desirable in certain locations that can be discussed to allow for kids to play and dogs to use. Regarding the roof sheds, when the plans were submitted they went through the Architectural Review Committee and were ultimately approved as submitted. If the roof pitches were to be changed, it would require a complete reworking of the plans and architecture for those units.

Attorney Simonsen addressed the question regarding no open space being a detriment, saying the commission will have to determine that without his influence and decide if they consider it a valid concern. There has also been testimony indicating the density being proposed tonight is less than what was originally allowed under the development agreement, and he noted that could be taken into consideration. It is also his understanding that this particular segment being proposed tonight is not the entire area of the development agreement and they may need or want to consider what is in other areas within the scope of this development agreement; whether that might satisfy concerns or possibly add additional concerns. He also suggested considering that those moving into the units will have choices, they can consider whether there are amenities available. With affordability being such a huge issue right now, it should be considered whether adding additional requirements might affect the cost of these units.

Chair Hollist asked about River Heights Park, accessibility around the area including sidewalks along the public road.

Commissioner Bevans asked about a potential price point for these units.

Mr. Ballstaedt responded he believes they will be around \$500,000, but that could change. There are two and three bedroom units, so the price will change based on that.

Commissioner Gedge noted that he did see some patches of grass between some units on the plans submitted tonight, including one with a dog shown, and asked if that was in fact part of the plan or just a concept.

Mr. Ballstaedt responded they have not submitted a landscape plan yet, so that must be a concept drawing. He repeated their desire to have minimal irrigation and water, and grass is a big consumer of that. The rendering was more for the elevations, not for the landscaping, so he wouldn't count on it but he won't know until they get to that point.

Commissioner Gedge suggested mentioning that in the motion, as people will go back to these minutes and see there is a picture of grass and a dog, and think that is what they can expect.

Commissioner Bevans noted she was able to find their proposed fencing and landscape plan, which does clearly state there will be all shrubs and trees, no turf.

Chair Hollist asked if the individual fenced in areas of each unit will have an option to install grass if they desire on their own after purchase, and whether the HOA would restrict that.

Mr. Ballstaedt responded that if the commission wants them to grass those areas, they are willing to do it as he believes the commission has expressed legitimate concerns about the lack of grass. They are willing to grass some activated areas, and areas that kids can play in, including limited areas inside the fences.

Planner Schindler noted, in regards to grassing the areas in front of the units, if the developer agrees to add grass there it would still be following Jordan Valley's Design Guidelines for landscaping.

Commissioner Catmull asked for clarification that a detrimental effect was in regards to an effect on the zone and area around it, not whether the unit is sellable or the quality of the project.

Planner Drozdek responded it should be anything that could have a negative effect from the use itself.

The commission discussed options for phrasing their motion in regards to grass and open areas.

Commissioner Gedge motioned to approve File No. PLCUP202400023, Conditional Use Permit, in conjunction with the applicable design book and concept plan presented showing different roof pitches as discussed, and that a landscape plan will be presented in the site plan phases showing turf on the activated portions of the property.

Commissioner Catmull expressed concern regarding the specificity of the requirements on a conditional use permit, as he doesn't see the lack of turf as a detrimental effect based on when this development agreement was originally written many years ago.

Commissioner Bevans understands Commissioner Catmull's point, and she believes that as long as the developer states they are willing to comply, which they have, she can trust them to see that at site plan. If not, she will be a definite "no" vote at that point. She thinks this is a great product and that she believes they will do the right thing.

Commissioner Gedge amended his motion to add the phrase "per discussion with the applicant this evening." Chair Hollist seconded the motion.

Roll Call Vote

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

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

Commissioner Gedge motioned to amend tonight's agenda, addressing Item H.3. next, ahead of Item H.2. Chair Hollist seconded the motion; vote was 5-0, unanimous in favor with Commissioner Wimmer was absent from the vote.

Commissioner Bevans motioned to adjourn for a few minutes to allow for a quick break. Commissioner Gedge seconded the motion; vote was 5-0, unanimous in favor with Commissioner Wimmer being absent from the vote.

Chair Hollist motioned to reconvene the meeting. Commissioner Bevans seconded the motion; vote was 5-0, unanimous in favor with Commissioner Wimmer being absent from the vote.

H.2. SOUTH JORDAN CITY PARK PRELIMINARY SUBDIVISION

Address: 10749 S 2200 W

File no.: PLPP202400044

Applicant: Jeremy Nielson/South Jordan City

Planner Miguel Aguilera reviewed background information from the Staff Report.

Chair Michele Hollist asked about the reasons for this subdivision.

City Planner Greg Schindler responded the city purchased all of the property, and there is a chance of a fire station being built there in the future. Lot 1, where the house is located, is being divided but will stay a home and be re-sold to the public. The rest of the property, if rezone is approved, will be rezoned to the Open Space Park Zone to be used potentially as a park area, extra temporary parking for the park, or having the Redwood fire station moved there in the future potentially.

Deputy City Engineer Jeremy Nielson noted that if, in the distant future the fire station was moved here, it would be a large building as it would include both space for administration and the fire station itself. Regarding football space, they have also been looking at the options with the intent of not impacting the existing sports fields.

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

Commissioner Bevans motioned to approve File No. PLPP202400044, Preliminary Subdivision, based on tonight's discussion. Chair Hollist seconded the motion.

Roll Call Vote

Yes – Commissioner Bevans

Yes – Chair Hollist

Yes – Commissioner Bishop

Yes – Commissioner Gedge

Yes – Commissioner Catmull

Absent – Commissioner Wimmer

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

H.3. CONDITIONAL USE PERMIT FOR TEMPORARY PARKING LOT

Address: 1602 W 11400 S

File No.: PLCUP202400051

Applicant: Travis Ferran

Planner Miguel Aguilera reviewed background information from the Staff Report.

Staff and commissioners discussed the order of presentation, in the absence of a lease agreement. Staff noted that it makes more sense to get the approval for the permit before working out a lease agreement.

Troy Ferran (Applicant's brother) – this will be for additional employee parking, with no overnight parking allowed. The brothers own the building adjacent to this, and this additional parking is needed temporarily to accommodate employees not yet taking a company vehicle home, thus needing to drive their personal car to the office and transfer to a company vehicle when starting work. As the business continues to acquire vehicles, more employees will be able to take home their trucks, which would eliminate the need for employee personal cars on the lot.

Chair Michele Hollist indicated there was public comment received by city staff prior to the meeting, and those comments have been included in the minutes as Attachment B. She asked staff about the city's role in adjacent property damage during construction per the public comment questions.

Assistant City Attorney Greg Simonsen responded that if Risk Management believes a claim for damage against the city is justified, it would be negotiated and taken care of. However, something like this would be handled by insurance, which the applicant renting the property is responsible for obtaining.

Chair Hollist asked about pavement and lighting.

Deputy City Engineer Jeremy Nielson believes this will be covered in a road based surface, not asphalt, and noted there will be no lighting due to the temporary nature of the agreement.

Chair Hollist opened the Public Hearing for comments.

Nancy Lowry and Diana Ziska (Residents) – Nancy Lowry as speaker: First of all, we have a real property exchange agreement with South Jordan, we share that access, we own part of it. We have a temporary easement, "Ziska/Lowry hereby grants and conveys to the city..." we have a signed shared access agreement with South Jordan. We do not believe the shared access includes Travis Ferran building a parking lot. I don't believe it gives the city the right to allow him to do that because we are all part owners. It is a safety issue as we come out of our driveway, come around the corner, there could be a head-on. **Ms. Lowry shared images and the referenced agreement via overhead camera in the chambers, those images are attached as Items C and D.** We own half the driveway in the easement. From 114th turning on to Beckstead Lane going north there are arrows before our driveway to turn, which creates a safety issue trying to turn into the driveway and we'd get that much more traffic turning in with the arrows because there is no

left hand turn from Beckstead into our driveway. Going south on Beckstead there is only a right turn out. The road between the Rocket Express Carwash and Massage Lux, which has no name, has no stop sign at the road onto Beckstead Lane which is another safety issue. We have to come around the corner, which is a blind corner, and if someone is there it is a safety issue. Along with the traffic you have to watch for, people walk their dogs on the sidewalk. From 114th to our driveway it is only 86 feet 3 inches from the no name road, and 70 feet from 114th, so there is a lot of traffic in a short amount of space. Adding traffic coming in that parking lot, with pedestrians, trying to watch behind you so you don't get hit trying to turn into that area, watching what's ahead of you because people are trying to get into the turn lane to go to the carwash, there is a lot going on there for safety. Again, we do have this agreement with South Jordan, which I think is a big point. The safety, our utilities, and I believe another reason is because we have our home up for sale, there is a for sale sign out there. Travis Ferran approached the city previously asking to purchase South Jordan's property and he was told no because there was no revenue in a parking lot. I'm not sure why the city is now considering giving him a conditional use permit while our property is for sale. The city has agreed they would sell their property in addition if a buyer wanted it and I believe that's the 24-36 months provision. Plus, is there a provision in that lease agreement that when our property sells, the city can get themselves out of the lease agreement to sell their property along with our property; we are just over an acre. The reason for the parking is there are three businesses run out of two buildings and they didn't plan for parking for the employees. They have been parking over at the church parking lot, they originally were parking up and down Beckstead Lane, so they didn't plan for parking.

Chair Hollist closed the public hearing and turned to staff for answers to the public comment questions.

Engineer Nielson responded, regarding the road and its markings, that if the road were re-striped they would probably stripe it differently to accommodate the parking lot better, but with the low volume on Beckstead Lane and the relatively low traffic volume coming from this parking lot, from a temporary basis; they were comfortable with them having full access. If it became an issue they could restrict the access at any time to be a right in/right out.

Chair Hollist recommended, for safety, potentially look at requiring stop signs at both places to show Beckstead has the right of way and drivers need to ensure their way is clear. However, if it was a right-in/right-out, there should be no conflicts.

Engineer Nielson noted the carwash access is private, and sometimes commercial accesses add stop signs, but that choice is up to the property owners. It is implied the main street has the right of way. He doesn't see an issue with requiring a stop sign for the parking lot.

Chair Hollist didn't realize the applicant's access came from around the back, and she feels that requiring signage there would help educate those using the parking lot are aware they cannot block the resident's ability to get around that corner. It will probably be striped to indicate that, but a reminder in the way of a sign could be merited, as it could potentially be an impact that needs mitigation.

Commissioner Catmull added that is important, especially since the owners of the parked vehicles will not be available to move cars out of the way if needed.

Chair Hollist asked about access rights via the city property for the current property owners, but staff was unable to comment on that agreement as it was not included in this application. She noted that based on maps, this would include a joint access agreement.

Attorney Simonsen commented, regarding the agreement being discussed between the property owners and the city, that staff doesn't have a copy of the agreement in front of them at this time, he has not seen it. During the verbal presentation he noted terms used such as "we own part of it," "we have an easement," and all of those are different forms of ownership of property. He would not recommend giving an opinion on a contract you haven't seen, and he cannot do that tonight. How this agreement discussed affects the conditional use permit he is not sure, but it is a contractual arrangement of some type. The residents who have spoken clearly have an agreement, but he doesn't know what that includes or says, and neither does anyone else here. If the city was not involved as an owner, he would suggest to the residents that they deal with the other owner of the property in their private contractual arrangement; that is what they need to do now. They need to go to the city, who happens to be the property owner here, and present the agreement with their argument that this somehow violates their agreement, and that city staff has not been considering it in this application. He doesn't believe it precludes issuing a CUP, but it does raise a concern that needs to be addressed with the residents regarding exactly what the agreement says and whether it bars entering into a lease agreement with the applicant.

Planner Aguilera agreed that he was unaware this agreement existed.

Commissioner Gedge thinks they should table this item due to the open questions left. The city now has a copy of the agreement, but the commission has not seen it yet.

Chair Hollist recommended, before tabling anything, that they finish addressing the presented questions. She was curious about the claim that Mr. Ferran offered to buy this property but the city declined, and if that is the case she questions whether or not this parking need is actually temporary.

Planning staff were unable to comment on any history of potential purchase offers, as they are not the staff who would have dealt with that in the past.

Commissioner Bevens noted this was presented as a temporary issue, and asked if the city has any concerns regarding the inadequate amount of parking in the Beckstead parking lots. Are there businesses located there that shouldn't be, what is the issue causing this need for additional offsite parking, as that seems unusual.

Planner Schindler noted the applicant indicated the reason for the extra parking needed earlier in his comments, and was related to company owned vehicles not yet being taken home by employees at night. The applicant did indicate that once they are able to send each employee home with a vehicle, the need for parking would greatly subside.

Commissioners discussed allowing the applicant on Zoom to speak to the commission, as they have ceased allowing online comments and he does have his brother here in person at the meeting as a representative to speak on his behalf. It was decided that they would continue to allow his brother in person to speak on his behalf, not allowing comments from the applicant online.

Mr. Ferran did note that the nearest building across the street, which has been licensed appropriately, has a parking lot that is not overused. There are parking spaces available there, so the current lot is adequately accommodating all businesses on the lot.

Commissioner Gedge motioned to table File No. PLCUP202400051, Conditional Use Permit, until a date uncertain when the documents have been reviewed, noting that the public hearing has already been completed. Commissioner Bevans seconded the motion.

Roll Call Vote

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

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

I. LEGISLATIVE PUBLIC HEARINGS

I.1. SOUTH JORDAN CITY PARK LAND USE AMENDMENT REZONE

Address: 10749 S 2200 W

File No.: PLZBA202400043

Applicant: Jeremy Nielson/South Jordan City

Planner Miguel Aguilera reviewed background information from the Staff Report.

Chair Michele Hollist asked about the zoning required for a fire station to be built on the second lot in the future. Staff responded that it would be allowed on the lot being zoned as Open Space Park Zone. She says she could see the future owner of the home on Lot 1 fighting the building of a fire station next door when proposed and didn't know if zoning would possibly be an issue as well.

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

Commissioner Bishop motioned to recommend approval of Resolution R2024-32, Approving a Land use Amendment. Chair Hollist seconded the motion.

Roll Call Vote

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

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

Commissioner Bishop motioned to recommend approval of Ordinance 2024-07-Z, Approving Rezone. Chair Hollist seconded the motion.

Roll Call Vote

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

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

J. OTHER BUSINESS

City Planner Greg Schindler reviewed potential items for the next meeting's agenda.

ADJOURNMENT

Chair Hollist motioned to adjourn the May 14, 2024 Planning Commission Meeting. Commissioner Gedge seconded the motion. Vote was 5-0, unanimous in favor; Commissioner Wimmer was absent from the vote.

The May 14, 2024 Planning Commission Meeting adjourned at 8:38 p.m.