

**CITY OF SOUTH JORDAN
ELECTRONIC
PLANNING COMMISSION MEETING
COUNCIL CHAMBERS
December 12, 2023**

Present: Commissioner Michele Hollist, Commissioner Nathan Gedge, Commissioner Steven Catmull, Commissioner Laurel Bevans, Assistant City Attorney Greg Simonsen, City Planner Greg Schindler, Deputy City Recorder Cindy Valdez, Deputy City Engineer Jeremy Nielson, IS Systems Administrator Ken Roberts, GIS Coordinator Matt Jarman, IT Director Jon Day, Planner Damir Drozdek, Planner Andrew McDonald, Planner Miguel Aguilera, Meeting Transcriptionist Diana Baun

Absent:

Others: Connie Schreiner, Joan Harris, John Baranowsky, Bruce Devaul, Jackie Devaul, Ben Child, Mark Sontag, Gary Langston, Raymond Ellis, John Karas, Jeff Almond, Corey Middleton, Calvin Perfall, Darren Edman, Jason Treft, Samantha Waatti, Gil Osuna, Debbie Millet, Jeremy Starley, Ramona, David Babnigg – NORR, Debbie, Jennifer Andelin, Morgan Curtis, John Warnick, Greg Paling, Leonard Browning, Chad Lassig, Ryan Berry, Fred Lampropolous, Brady Olson, George Frio, Larry Sommer, Andy Grover, Rebecca Grover, Jason Quigley, Lynn Nelson, Tyler Ellis

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

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

Chair Hollist welcomed everyone to the Electronic Planning Commission Meeting.

B. MOTION TO APPROVE AGENDA

Commissioner Gedge motioned to approve tonight's agenda as published. Chair Hollist seconded the motion; vote was unanimous in favor.

C. APPROVAL OF THE MINUTES

C.1. October 24, 2023 Planning Commission Meeting Minutes

Commissioner Bevans motioned to approve the October 24, 2023 Planning Commission Meeting Minutes as published. Commissioner Gedge seconded the motion; vote was unanimous in favor with Chair Hollist abstaining from the vote.

D. STAFF BUSINESS - *None*

E. COMMENTS FROM PLANNING COMMISSION MEMBERS

Chair Holist gave a brief summary of the December 5, 2023 City Council meetings.

Commissioner Nathan Gedge inquired as to whether there is a current list available, either online or through the city, of all currently active conditional use permits within the city; he has had some questions recently from residents and business owners about accessing those records.

City Planner Greg Schindler responded that no, there is not. If a resident has questions regarding approval for a specific address with a specific use, staff could get that information for them.

F. SUMMARY ACTION - *None*

G. ACTION - *None*

H. ADMINISTRATIVE PUBLIC HEARINGS

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

Address: 5208 W Black Twig Drive

File No.: PLPP202300146

Applicant: Daybreak Communities

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

Commissioner Nathan Gedge asked if there are any reminders regarding extensions given to the applicant before they reach the one year mark.

Planner Schindler responded that it isn't a requirement, but yes, the city does try to as a courtesy. In this case the applicant was aware of the timeline and was just unable to get construction started due to issues on their end.

Commissioner Steve Catmull asked if any ordinances changed after the expiration date, would the applicant then have to follow the new ordinances upon renewal.

Planner Schindler responded that yes, that is correct. In this case, there were no changes in ordinances that affected the renewal.

Chair Michele Hollist invited the applicant forward to speak.

John Warnick (Applicant – LHM Real Estate) – He gave a brief explanation as to why construction was unable to move forward before the deadline, and shared that they are very close to groundbreaking at this time.

Chair Michele Hollist opened the public hearing for comments; there were no comments and the hearing was closed. She encouraged the applicant to make the future residents aware that parking is limited for this project, and to strongly encourage them to use their parking spots.

Commissioner Gedge motioned to approve File No. PLPP202300146, Preliminary Subdivision, subject to the following: that all South Jordan City requirements are met prior to filing the plat. Chair Hollist seconded the motion.

Roll Call Vote

Yes – Commissioner Gedge
Yes – Chair Hollist
Yes – Commissioner Catmull
Yes – Commissioner Bevans

Motion passes 4-0, unanimous in favor.

H.2. DAYBREAK VILLAGE 9 PLAT 5 PRELIMINARY SUBDIVISION

Address: Generally 6740 W South Jordan Parkway

File No.: PLPP202200108

Applicant: Perigee Consulting on behalf of Miller Family Real Estate

City Planner Greg Schindler reviewed background information from the Staff Report. He also confirmed that all requirements in the Master Development Agreement are still being met, even after the slight changes.

Chair Michele Hollist invited the applicant forward to speak.

John Warnick (Applicant – LHM Real Estate) – He discussed the reasons for the additional lots, including a change in builders.

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. PLPP202200108, Preliminary Subdivision, based on the staff report and discussion this evening, subject to the following: that all South Jordan City requirements are met prior to filing the plat. Chair Hollist seconded the motion.

Roll Call Vote

Yes – Commissioner Gedge

Yes – Chair Hollist

Yes – Commissioner Catmull

Yes – Commissioner Bevans

Motion passes 4-0, unanimous in favor.

H.3. DAYBREAK VILLAGE 7 PLAT 5 PRELIMINARY SUBDIVISION

Address: Generally 11700 South 6165 West

File No.: PLPP202300184

Applicant: Oakwood Homes

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

Chair Michele Hollist invited the applicant forward, if present, to speak.

Greg Paling (Applicant) – He explained the reasons for not starting construction within the allotted year.

Chair Michele Hollist opened the public hearing for comments.

Mark Sontag (Resident) – I am here with two issues. One the lane talked about, Tryon Lane, what is not clear from the map in front of you is to the right, as you look at the map, there are six existing homes, one model home currently under construction, a sales office, and eventually two additional homes beyond that. That will bring the number of homes along that alley to 37. It is a 20 foot wide alley from what I can tell from the map and that concerns me, because as was noted it is a 55+ community. The garages are built to house two vehicles per home, which would be potentially 74 cars that would need to exit in the case of an emergency. I would note that if there is a fire somewhere along lot 547, and the firetrucks are blocking Sparrow View, the only option is the lane and that is not acceptable. We probably have a higher incidence of emergency vehicles just because it is a 55+ community, even if it's not a fire. The second point I would like to make, what you don't see on the map is Plat 4. In Plat 4 and Plat 5 there is not one foot of green space, it is all homes, streets and alleys. That is a marked difference from what was approved in Phases 1 through 3 of this project. We would ask the planning commission to consider requiring another exit off Tryon Lane, and to mandate some green space somewhere between Plats 4 and 5.

Chair Hollist closed the public hearing and asked staff to address the public comment concerns regarding what ordinances require in this area, and what has to be considered in terms of emergency access.

Deputy City Engineer Jeremy Nielson responded the lane meets the city's level of service requirements. There are other areas in Daybreak with a similar number of homes along a lane and there are two points of access on each end of this lane.

Commissioner Steve Catmull asked about code requirements regarding emergency egress in certain densities.

Engineer Nielson responded that he is not aware of any emergency egress requirements, other than meeting the city's already established level of service requirements.

Planner Schindler added that a fire can be fought on these lots from either front or back, because fire hoses are a specific length and can be used within 150 feet. These lots are about 78 feet deep, meaning they should be able to get a hose around the back, noting they are also single family lots with ways to get in-between. Regarding emergency vehicles like ambulances getting access, they could go down the lane to get to a garage, but they would probably prefer to come to the front door for a medical emergency.

Chair Hollist asked about standards for rating lanes in terms of usage and traffic, and the expected number of trips from a residence like this compared to the average.

Engineer Nielson responded they rate lanes similar to residential streets, where they try to keep the volume of traffic down to ideally less than 1000 trips per day. He is not aware of a lane that has that kind of traffic volume, but that is the standard for a similar residential street. In a 55+ community, they estimate between five to eight trips per day, per home.

Commissioner Nathan Gedge noted there have been issues in the past regarding retirement communities and marketing materials versus what is actually being recorded, and asked if that applies here.

Chair Hollist responded that was for a different project, and that this project is being recorded as a retirement community, matching the rest of the project. She asked staff to discuss the concerns regarding green space in a master development, and the requirements for Daybreak.

Planner Schindler responded Daybreak is overall required to have a certain amount of greenspace in their entire development; where they put that greenspace is for the most part up to them. There is an almost half acre lot, the P-135 lot, which will be green space in Plat 5; he was unable to address what is currently in Plat 4 as he does not have that in front of him. There is also a large area, lot 580, which is a big open space with the clubhouse area and open space for the entire development; it makes around two acres of open space with the amenities included on it. There are some other areas with paseos that run between the homes, but there aren't any of those on this plat.

Chair Hollist asked the applicant to comment on what goes into deciding where greenspace is located, and whether or not this particular phase is being developed differently.

Mr. Paling commented that the difference in this phase is due to the street layouts bound around the property, which have been worked out with staff beforehand. This is no different than what was approved a year ago for this project, and it meets all the required standards.

Commissioner Gedge motioned to approve File No. PLPP202300184, based on the staff report, testimony given and discussion this evening; subject to the following: that 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 Catmull
Yes – Commissioner Bevans**

Motion passes 4-0, unanimous in favor.

H.4. CONDITIONAL USE PERMIT FOR DETACHED ACCESSORY GARAGE

Address: 9792 S Temple Dr
File No.: PLCUP202300195
Applicant: Ben Child

Planner Miguel Aguilera reviewed background information from the Staff Report.

Chair Michele Hollist asked if the window in question will have the ability to open, and if having the window is a safety issue or if it is just for light.

Planner Aguilera responded the applicant would be able to answer those questions.

Commissioner Steve Catmull asked if an additional building permit would be required if another window was added in the future, or the current window was expanded. Do they need to include language in this motion that any potential future windows need to be opaque as well.

Planner Aguilera responded that if another window was added to the second story then yes, another permit could be required. Regarding their application for a building permit, they have to show that any window on the west elevation has to be opaque for approval.

City Planner Greg Schindler added that code indicates they are not to have any windows within 20 feet of a neighboring property, but it also allows the planning commission to approve something different when brought before them as a conditional use permit. Normally the condition is for this location's window to be opaque and stationary, unable to be opened. He is unsure if a future application for additional windows would require additional building permits, as they have yet to be approved for this original building permit. In this case, with the applicant agreeing to make the window opaque, he thinks the intention is just for light up in the attic area during the daytime.

Chair Hollist asked if the multiple curb cuts and drives on this property are in compliance.

Planner Aguilera was unsure.

Chair Hollist asked if this property is eligible for a storage building like this up to the size of the home because it's in the A-5 Zone.

Planner Aguilera responded yes, the reason for this exception is because it is larger than the current house, which is smaller than most in the area. They are however within the building coverage allowance for this zone, so including current structures and this proposed structure the total building coverage is 18%, which is well within the 20% limit.

Chair Hollist asked if the building offset is appropriate.

Planner Aguilera responded yes.

Commissioner Laurel Bevans noted that the site plan submitted has notes regarding slope and grading away from the adjacent property, asking if the property behind this one is lower and for an explanation on those notes.

Planner Aguilera responded that this is a conditional use permit, so official building plans were not submitted or included in this presentation.

Commissioner Nathan Gedge asked to confirm that this application is for a detached accessory garage, which will in no way allow for an accessory dwelling unit (ADU). If that is correct, he wished to make that clear to the applicant, nothing that a separate permit application would be required for that use.

Planner Aguilera noted that in the plans provided there was no indication of habitable space in the garage or attic, nor a kitchen. There is a bathroom, on the first floor of the garage.

Commissioner Gedge asked staff to confirm that the commissioners cannot consider "loss of view" as a detriment for a conditional use.

Planner Schindler noted that when considering whether this structure fits into the neighborhood at that height, it is still shorter than many of the neighboring homes which can be up to 35 feet in height. Staff didn't see how this would stand out and be a sore thumb in any neighborhood when it's still the shortest building in the neighborhood.

Chair Hollist noted that imposing the condition that the window be opaque and fixed, should the owner ever want to convert this unit to an ADU, would prevent that window from being opened as a requirement of a dwelling.

Commissioner Gedge added that with this lot's coverage only being 18% with this proposed building, the property owner could still add additional structures to reach that 20%.

Chair Hollist invited the applicant forward to speak if desired.

Commissioner Catmull addressed the applicant, asking if he had considered a sun tunnel or skylight as a means of getting light into the area.

Ben Child (Applicant) – responded that he hadn’t considered that until now, but he did confirm the window is strictly for light. Staff asked him to make the window opaque, and he was fully agreeable to that adjustment.

Chair Hollist asked the applicant if he had considered an adjustment to the height and footprint, to avoid this exception being needed.

Mr. Child responded yes, and that it was originally even bigger. He got his house and lot because he wanted to build a detached garage, and this was perfect with the original farmhouse, two driveways. After speaking with Miguel he was encouraged to go a little smaller, since there is an easement he was unaware of which the existing garage is already located on. He understands the discussion about ADUs and that this cannot be lived in.

Chair Hollist opened the public hearing for comments.

Leonard Browning (Resident) – I am your neighbor, welcome to the neighborhood. I live across the street from him and I called and talked to him for a while. I have just put a building up on my property, a 1000 square foot building that was approved by the city, and which was more on the commercial side of things. I was pretty much under the direct understanding that there was not going to be any business run out of that building, so I had that signed and notarized with the city so I could have the building put up. The concern that I have is that I know I am zoned in a residential zone, but I think the zoning where Mr. Childs lives is in an agricultural zone. Even though it’s in the middle of a residential area, that means Juanita Nader has grandfather rights clause to maintain that as an agricultural property and asked if that was the reason why. My concern is that in that neighborhood, are they allowed to run a business out of that building, because if they are allowed to then I’m putting in an application for mine.

Chair Hollist closed the public hearing and directed questions to staff from the public.

Commissioner Gedge asked staff for confirmation that this is an A-5 zone, and what the permitted uses would be within that zone.

Planner Schindler responded that the A-5 zone allows single-family residential, and he is pretty sure you can’t operate a home occupation business out of a garage, regardless of the zone. He doesn’t believe the applicant is intending to do that, but he probably wouldn’t have a business license approved for that from what he can remember. The animal rights are based on the zone, but also on the lot size, and the lot isn’t large enough to allow farm or other large animals.

Commissioner Gedge asked if this was the last remaining property in the neighborhood to be in that agricultural zone.

Planner Aguilera responded that it appears to be one of only a few lots on the street that remains agricultural, the rest are zoned as R-2.5 and R-1.8.

Commissioner Gedge asked to confirm there are no water issues with this property in relation to the rest of the adjacent subdivision.

Planner Schindler and Engineer Nielson responded that no, they have not heard of any.

The commission discussed potential wording for the motion regarding the current window and future windows. They asked the applicant if he was amenable to a requirement that all future windows on that side of the structure be opaque and fixed; he responded that he was agreeable to that.

Commissioner Gedge motioned to approve File No. PLCUP202300195, Conditional Use Permit, based on the staff report and discussion this evening; with a condition that all west side facing windows be opaque and stationary. Chair Hollist seconded the motion.

Roll Call Vote

Yes – Commissioner Gedge

Yes – Chair Hollist

Yes – Commissioner Catmull

Yes – Commissioner Bevans

Motion passes 4-0, unanimous in favor.

H.5. MINERS COVE NORTH PRELIMINARY SUBDIVISION PLAT

Applicant: 10435 S 2200 W

File No.: PLPP202300048

Applicant: Jeffrey Almond

Planner Andrew McDonald reviewed background information from the Staff Report.

Chair Michele Hollist asked staff to address previous parking concerns, especially since the number of spots has changed.

Planner McDonald reviewed what parking is shown on the current application, as well as what would be required based on the current uses. There is a provision that allows the dance studio use to reduce it's current required amount if staff can confirm seating inside the building. That was confirmed by both the property owner as the landlord and the tenant of the dance studio as having 16 seats, which allows a reduction to four parking stalls required for their use. There is still currently an excess of parking and it is anticipated that Lot 2 will have a similar size and use building, with potential relocation of the existing dental office into the new units, with another medical clinic use taking over the other space.

There was a discussion between the commission and staff about the new calculations regarding the number of cars estimated per seat in the dance studio versus the original calculation based on square footage.

Planner McDonald added that whatever parking allocation is given, future businesses moving into the space would have to have uses that agree with the number of parking stalls allowed.

Commissioner Nathan Gedge asked the City Council to reevaluate how this parking was factored in based on seating, rather than square footage, as there are issues with daycare traffic and other studios throughout the city. He also added that in the past, many of these spaces were being leased to Bingham students, which would cut into the capacity of these stalls during school hours. There were also concerns from residents regarding car stacking in the streets.

Chair Hollist invited the applicant forward to speak.

Jeff Almond (Applicant) – He is aware of comments regarding some of the parking issues. This is because the dance studio subleases to a charter school one day a week, on Wednesdays. During pickup around 3:30, instead of blocking the access to his patients and business, they have some of the parents park along 2200 West; sometimes that does leak into the neighborhood just south of the location. If that is a major issue he could ask the dance studio not to sublease to the charter school, which would eliminate that concern. Regarding parking, there has never been an issue, other than the charter school on Wednesdays as mentioned above. There has never been an issue in regards to the dance studio as they are in the evening, and the most cars he has ever counted in that parking lot has been 8-10 max; no one stays and watches their kids, it's actually not recommended by the owner of the dance studio. Regarding the 16 seats, the dance studio owner said they never fill those, so parents don't come to sit and watch for two hours during the classes. Parking has never been an issue, and that's why he helps with the parking issue at the high school by leasing out 30 parking spots. Even with that, there has never been a parking issue at the facility.

Commissioner Gedge asked if the applicant is confident that any information he receives is being passed all the way down to the school as the subleasee, as he is ultimately responsible as the owner of the property.

Mr. Almond noted that he should have put more requirements on the ability to sublease in his contracts, and he will make that crystal clear in the future that any subleasing that affects the parking and would cause overflow would not be allowed. He added that the subleasing will probably end in May; if they have the approval to build the additional building he will no longer be selling permits to the high school. He would also inform the dance studio owner, at that point, that due to the second building she would not longer be able to sublease to the charter school.

Commissioner Steven Catmull noted that parking requirements aren't part of a subdivision plat, those are addressed more during a site plan application and approval. To keep things focused tonight, he suggested tabling the parking discussion for a more appropriate application.

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

Commissioner Gedge motioned to approve File No. PLPP202300048, Subdivision Plat, based on the staff report, testimony and discussion presented this evening; subject to a shared parking agreement between the two properties on the current property, and recognizing the change in the lot line adjustment subject to IBC requirements.

Commissioner Catmull was unsure that they were able to include parking requirements as part of this motion since it is only for a subdivision plat, and whether they needed to include the reason for the lot line adjustment.

Commissioner Gedge amended his previous motion to approve File No. PLPP202300048, Subdivision Plat, based on the staff report, testimony and discussion presented this evening; subject to all South Jordan City requirements being met and recognizing the lot line adjustment presented this evening. Chair Hollist seconded the motion.

Roll Call Vote

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

Motion passes 4-0, unanimous in favor.

H.6. CONDITIONAL USE PERMIT FOR AN ANIMAL SERVICE USE IN THE COMMERCIAL-CORRIDOR (C-C) ZONE

Address: 10479 S Redwood Road
File No.: PLCUP202300194
Applicant: Samantha Waatti

Planner Andrew McDonald reviewed background information from the Staff Report.

Chair Michele Hollist asked if there were limits on the kinds of animals allowed in this location.

Planner McDonald responded that that is specifically dog grooming services, and the applicant's representatives are available both online and in the chamber for questions.

Commissioner Nathan Gedge acknowledged the close proximity to a grocery store and asked if there were any health department concerns with that.

Planner McDonald responded no.

Commissioner Gedge confirmed they are considering a permit for animal uses. Understanding this application is for grooming, what other services would fall under “animal services.” Do they need to be more specific since the conditional use permit stays with the property in perpetuity and another business could come in and do more than grooming.

Planner McDonald responded that “animal services” encompasses everything that isn’t defined as animal husbandry, per the code definitions.

City Planner Greg Schindler added that, regarding future potential uses, the permit runs with the land and they can’t restrict the business from uses allowed by the code unless a detrimental effect is found.

Commissioner Gedge suggested asking the City Council to review the definition of “animal services” for the future to restrict uses to grooming or other specific uses and avoid the more broader definition currently being used.

Commissioner Laurel Bevans noted that the operations plan mentions dog waste, and a dog relief area in the shopping center. She asked for the location of that and whether it was in the front or back of the building.

Planner McDonald said that area has been provided by the owner and city staff assumes it is in the back, but the business is bound to maintain the waste of that area as part of their operations, as if it was part of their business space or responsibility.

Commissioner Gedge noted there is another business in the center that provides fitness classes and they use the sidewalks for running nearby. He hopes there will be communication between tenants to avoid negative interactions with clients of both businesses.

Chair Hollist invited the applicant forward to speak.

Calvin Perfall (Applicant) – Is the owner of the Daybreak location as well as this one. Regarding the dog relief area, there is a crosswalk right outside the store and the relief area is just on the other side, in a patch of grass; this was worked out together with landlord. From owning his current store, 9 out of 10 dog parents will not use that, they take care of that at home. This is a quick in and quick out business, they will close at 6:00 pm, most dogs are out by 5:00 pm, and they do not do any overnight boarding. They only do dogs, not cats.

Samantha Waatti (Applicant) – She is the official applicant on behalf of Calvin Perfall here in person tonight. A lot was already covered, but as the project manager she is happy to answer any questions.

The planning commission and city’s legal counsel discussed the limits of conditions on these permits, and what is required to impose a condition on the permit approval, specifically based on concerns with future owners/business use.

Commissioner Gedge motioned to approve File No. PLCUP202300194, Conditional Use Permit, based on tonight's discussion, findings and conclusions, and the Staff Report; subject to all City, State, County and Federal laws, codes and requirements being satisfied. Chair Hollist seconded the motion.

Roll Call Vote

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

Motion passes 4-0, unanimous in favor.

**H.7. LASSIG DETACHED BUILDING AND GUESTHOUSE
ACCESSORY DWELLING UNIT (ADU)**

Address: 10698 S Bison Creek Cv

File No.: PLALU202300193

Applicant: Chad Lassig

Planner Damir Drozdek reviewed background information from the Staff Report. He reviewed an email sent in as public comment prior to the meeting (Attachment B), noting that all buildings currently on or planned on this property, combined with this current application, are still under the lot coverage limit for this zone.

Chair Michele Hollist asked why the storage area is being left out of the square footage calculation.

Planner Drozdek responded that is because it appears to be a separate space, and per the report, with or without the storage area it still exceeds 1500 square foot. The storage area is also not connected to the ADU, and one would have to leave the ADU to get into the area.

Chair Hollist asked about the three bedroom limit in an external ADU, and whether the 4th room here, labeled as an office, puts this over that limit.

City Planner Greg Schindler responded that they have no way of knowing if that could be turned into another bedroom at some point. They are showing three bedrooms on the plan and the city cannot speculate regarding future use.

Chair Hollist expressed concerns over the number of kitchen being shown on this application.

Planner Schindler noted that there are no longer restrictions on the number of kitchens allowed on a property, per State regulations.

Commissioner Nathan Gedge asked about parking requirements for a three bedroom ADU, whether they can require additional parking based on the likelihood of multiple tenants.

Planner Drozdek responded that code only requires the one additional parking space, with no flexibility to increase that parking requirement. He also added that the gym itself appears to be 18 feet tall, so it doesn't look like a typical living space and more like a court or other sports area. He also added that the city has approved basements in primary homes with kitchenettes without requiring an additional ADU permit, in response to the commission's concerns and discussion regarding this structure having both a kitchen and a kitchenette.

Chair Hollist invited the applicant forward to speak.

Chad Lassig (Applicant) – He explained the reason for project, having elderly parents that can no longer use stairs. The intent is to build out the space for them to reside in without any stairs. In regards to the office concerns, he is happy to remove the closet if that relieves those concerns.

Commissioner Laurel Bevans asked if the applicant's parents currently reside on the property.

Mr. Lassig responded that they do.

Commissioner Gedge asked the applicant to confirm that the gym is intended for that use, and not for an additional rental.

Mr. Lassig confirmed that was correct.

Commissioner Gedge asked the applicant if the one parking stall dedicated to this ADU was sufficient for the intended use.

Mr. Lassig responded yes.

Chair Hollist opened the public hearing for comments; there were no comments and the public hearing was closed. She noted that they will be seeing more and more of these, and the state is slowly removing the city's ability to regulate to the applications.

Commissioner Steve Catmull noted the close proximity of this building to the existing home, and mentioned that the typical zoning requirement for R-1.8 in the rear yard is a 25 foot setback for an interior lot. This ADU is probably the size of homes in other zones and it's a fine line noticing that the small 6-8 foot distance between structures could easily be connected to the main building. Due to this, he would suggest reviewing the purpose of the setbacks and looking at consistency as he questions the purpose of the 25 foot setback if this structure is practically attached to the main dwelling.

Planner Schindler responded that a detached garage could be built within three feet of the main home, so long as it isn't over 16 feet high, and this ADU actually requires more space than that.

The code has been written so people can have exterior ADUs, otherwise if the same setback was required he doesn't believe anyone would be able to meet those requirements.

Chair Hollist asked to confirm the square footage being used, whether it was in fact the entire footprint minus the storage area.

Mr. Lassig clarified that the math being done on the 54 x 30 number encompasses part of the storage, reducing that is where they are getting the other numbers.

Commissioner Gedge reiterated the process for the residents listening, stating that even though it may not be highly enforceable regarding code complaints and violations, they can report issues through the city website's anonymous reporting tool. He also asked the City Council, as more and more of these come up, to think about discussing the dedication of more resources to code enforcement with the current amount of abuse going on.

Commissioner Bevans motioned to approve File No. PLALU202300193, Detached Building and Guesthouse Accessory Dwelling Unit. Chair Hollist seconded the motion.

Roll Call Vote

Yes – Commissioner Bevans

Yes – Chair Hollist

Yes – Commissioner Gedge

Yes – Commissioner Catmull

Motion passes 4-0, unanimous in favor.

Chair Hollist motioned for a short recess. Commissioner Gedge seconded the motion; vote was unanimous in favor.

H.8. MERIT MEDICAL SYSTEMS SUBDIVISION PRELIMINARY SUBDIVISION PLAT

Address: 9924 S. Redwood Rd

File No.: PLPP202300199

Applicant: Joseph Milillo, MHTN Architects, Inc.

Planner Damir Drozdek reviewed background information from the Staff Report.

Chair Michele Hollist invited the applicant forward to speak.

Ryan Berry (MHTN Architects – Applicant Representative) – He did not have much to add, but noted that the home mentioned on the map is zoned as commercial and is not a residential dwelling.

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

Commissioner Bevans motioned to approve File No. PLPP202300199, Preliminary Subdivision Plat. Chair Hollist seconded the motion.

Roll Call Vote

Yes – Commissioner Bevans

Yes – Chair Hollist

Yes – Commissioner Catmull

Yes – Commissioner Gedge

Motion passes 4-0, unanimous in favor.

H.9. MERIT MEDICAL DISTRIBUTION WAREHOUSE SITE PLAN

Address: 9834 S Redwood Rd

File No.: PLSPR202300165

Applicant: Joseph Milillo, MHTN Architects, Inc.

Planner Damir Drozdek reviewed background information from the Staff Report.

Chair Michele Hollist asked about the height differences in the fencing.

Planner Drozdek believes it is based on the grading, but the applicant can elaborate on that.

Chair Hollist noted there was a letter included indicating hazardous materials and chemical storage would not occur, and she asked what would be happening in this building.

Planner Drozdek responded that he believes it will be a distribution center and warehouse, with no manufacturing.

Commissioner Nathan Gedge asked about transportation of finished goods from the existing manufacturing building to this new distribution center.

Chair Hollist invited the applicant forward to speak.

Fred Lampropoulos (CEO Merit Medical - Applicant) – Gave a brief history of Merit Medical in South Jordan, beginning in 1995. They have shifted 60% of their shipping of goods to Richmond, VA, because they can no longer accommodate here and it is closer to their customers. They have also run out of space in their molding, technical and machine shop areas. Part of this new plan is not only to distribute the products, but provide for a remodel in the future, allowing for more employment and growth of the business in the current facility. Regarding the goods that will be shipped from this proposed building, they are produced in the current main facility across the street, and would be driven to the new facility across the street.

George Frio (Applicant Representative) – Explained that much of the product made on their east campus is put on trucks and taken downtown to a sterilizer, with the product being brought back. That is the reason for the incoming product on the north side of the building, with the shipping going out to customers via shipping carriers goes out the south side of the building.

Ryan Berry (Applicant Representative) – He discussed the fence heights mentioned earlier, noting that during their neighborhood outreach there were concerns from the neighbors to the south of the proximity of the loading dock. As a result, they moved the loading dock a bit further from them, increasing the distance, along with increasing the height of the wall there from a six foot to an eight foot fence. There were fewer concerns about that on the west side because there is greater distance and less proximity to the loading docks. He discussed the building height in relation to the slope of the current lot. As part of the operations plan of the building, it is planned as warehouse and distribution with some finished and raw goods like cardboard. He discussed the submitted operations plan, which references their expected number of trucks, which is very low in relation to other buildings this size.

Mr. Lampropolous shared that in the last week of May, the products produced in that facility saved his life, so this is more than just a job for him and it will save many of the lives in this room at some point in the future.

Mr. Frio said they have had meetings with the neighbors, inviting them to come over as well as visiting the neighboring homes and sitting in their backyards to see what they would be seeing.

Chair Hollist asked approximately how many jobs this would add to our economy.

Mr. Lampropolous responded that this would add about 50 new jobs in the new facility itself, and probably several hundred more in the area. He also pointed out that because of parking and other requirements, Merit's Garden will almost double in size because of remote work options now available. There will be a couple of hundred high paying, high technical jobs created over time on this site.

Commissioners and applicants discussed the intended routes for the trucks coming in and out, noting that the common carriers moving the product will make those choices; however, historically they have used Redwood Road to get back to their hub locations.

Commissioner Gedge asked about the timeline for construction of this new building.

Mr. Lampropolous responded that they have cash to build the building and they are ready to get started with all the engineering work being completed. They are planning to start in February or March if this is ultimately approved.

Commissioners and applicant discussed their plans and proven measures taken in the past to mitigate construction issues including monthly meetings with the project managers, regularly

spraying everything down to help with dirt and providing car washes, and access to one of their employees, George Frio, for questions at any time.

Mr. Frio added that along with car washes, in the past they have also cleaned windows at the end of other projects as a sign of good will. He also shared that with this project they have discussed the fencing with the neighbors, and that with it being on Merit Property the adjoining neighbors are welcome to take down their fences if they'd like and even toss their waste from that over the fence for Merit to clear up. They have also had a few neighbors note they need some additional dirt for their yards and ask if they could have some from the construction, with Merit gladly agreeing to deliver extra dirt to those who would like it for free.

Mr. Lampropoulos added that they have been very conscientious about being leaders, making sure the entire Merit Facility is xeriscaped, spending almost \$1 million to redo that and save millions of gallons of water for the community without being required to.

Mr. Frio added they are planning to retain as many of the mature trees as possible along the property line that are already existing, including having an arborist present to ensure they don't remove anything that doesn't need to go.

Commissioner Bevans asked for details on the timing for the inbound and outbound trucks for the record.

Mr. Berry responded the inbound trucks essentially work banker's hours, 8:00 am to 5:00 pm. The outbound trucks are a little different and will be based on the shipping company's deadlines for shipping. There is a single truck that will go out for specific urgent items going to places like hospitals, and that will be at midnight.

Chair Hollist opened the public hearing for comments.

Joan Harris (Resident) – I live in one of the south residences abutting this property. I have attended the meetings Merit has held, I do think that they have been mindful of their neighbors and really stepped up to address some of my personal concerns. However, I am of the opinion that this particular building does not really belong where they are proposing to build it; that is what I would like to address tonight. This area is zoned as Mixed-Use Research and Development, and it is designated as a planned development site. As I have looked at some of the zoning, I am not an expert, but from what I understand the purpose of Mixed-Use Research and Development is to encourage primarily office, commercial and high tech laboratories and manufacturing development in a well landscaped campus environment. Permitted uses are office, service, and research and development facilities. Conditional uses can be granted for things such as daycare, office PUD or condominium, offices with customers on the premises, projects smaller than five acres, public or quasi-public uses, residences with single-family dwellings or any non-staffed residences. Specifically, the one I am looking at most carefully is where it says high tech light manufacturing warehousing and distribution. Well, this is not a building with light manufacturing and warehousing. It is 212,000 square feet, 50 feet tall, 46 feet most of the way around where the residences are. An average Costco is 140,000 square feet, this is the size of an

additional third of a Costco, it is huge. Speaking of the amendment brought before the City Council, the neighbors were not informed of that meeting and there was no public input given on that amendment. This distribution center is not what had been planned previously for this space when we met with Merit in 2019. They proposed first of all a daycare on that premise, and then their dental and medical offices for their employees; both of those were met with approval from all of the neighbors. However, that is not the case with this particular building. Residences border two sides of the building, and another third if you count Santorini on the north. My home lies directly on the south end, it has the delivery bays there for 20 trucks, even though they are saying only so many trucks are coming and going at this time, they can't guarantee for the future, and they have said that particularly to us in our meetings. The south bay is right next to my home and right outside my master bedroom, I am concerned with the noise and traffic it will produce, even with the sound barriers proposed. I believe that this kind of a center should be placed in an industrial zone. I have looked at that, and according to South Jordan's C-I Zoning, it says the purpose of Commercial-Industrial zoning as defined is to provide areas where research and development, light manufacturing, assembling, processing, packaging, warehousing, distribution and related activities can be located and preserved without creating significant negative impacts on surrounding commercial, office and residential uses. Well, this does affect us. I know they maintain beautiful landscaping but they can't guarantee the future or forever. This project does not belong in a neighborhood area, it belongs in an industrial area. If it is built where it is proposed, it will negatively affect the aesthetics of our community and quality of life of its residential neighbors.

Connie Schreiner (Resident) – I live in the northern most house backing up to the west side. A couple of things discussed with Merit Medical, regarding the fence height I did complain that I felt like we should have the same fence heights they did on the south side, especially for my house and the other house backing up on 9800 S, there will be a lot of noise for us. All of the trucks are going to be coming behind our house, some turning to the north and some going to the south, but we should have the same fence heights. Also, like Joan said, we were not notified of the meeting with the City Council in October, which we should have been. I want to go on record that I don't think this is a good use of the land, especially because they are taking the products all the way downtown to get sterilized, bringing them back and then shipping them out again; that is a lot of pollution being put into the valley. Another concern, Merit has been bending over backwards to mitigate light effects and sound effects, but they haven't said anything about pollution and the pollution from these trucks in my backyard. Are they going to be poisoning my plants that I have, I grow a big garden. Have any studies been done about the pollution effects, and if not, why not. The other study that I think needs to be done, and that I haven't heard anything about is the traffic. There are so many accidents on that corner of 9800 S and Redwood, and then adding a bunch of semis. At one of the meetings they said that a lot of semis would be coming in during the early morning hours, around the time people are going to work. They are going to have semis turning left into that and the traffic backs up really bad. We have problems in our subdivision already with traffic, if you are aware there is a street that comes on the south side of Merit Medical and then we jog and the entrance to our subdivision is about 15 feet off. There have been times when I have been coming north on Redwood, trying to turn left into my subdivision, and I counted seven cars trying to go through that little space at the same time; it is a bad situation and there needs to be something done about traffic. One of the issues I want to address more than anything, and I really feel bad because I know many of my neighbors feel

differently than I do, is the city telling Merit they have to allow a certain amount of space for a future road to go in, connecting our neighborhood to Shields Lane. That should not be a future road, if this is going to be developed, it needs to be done now. You have said several times tonight there are reasons for ordinances, and that they need to be followed. The original plan for this field had another subdivision mirroring Town Meadows on the other side with an exit at 9800 S. The fence there that now blocks off that stub says "road will continue in the future," Nobody can say they bought houses in this area and didn't know that road was going to go through, from the very beginning it was planned, and it is a real hazard and danger. There are over 50 houses in this neighborhood with one exit and one entrance, and that is in an area where it is incredibly difficult to get in and out of there. I spend five minutes getting out of my subdivision, going through the light and getting 10 feet away from my property; with that road it will take me five minutes to do that.

John Baranowsky (Resident) – The north side of my backyard is on 9800 S, with a side facing the warehouse. I am against having a road cut in from Shields Lane that goes through our subdivision, because I feel it would be dangerous with a lot of young kids there. When the traffic backs up on 9800 S and Redwood, people try to cut through our subdivision, come to the end, and it doesn't go through. I think if there is a road there, people will use that as a cut off. Also, the way 9800 S curves to match up to Shields Lane on the other side of Redwood Road makes it hard to see any cars coming down the south side of the street. We did have a little poll in our neighborhood about who wanted a road put in and who didn't, I think it was overwhelmingly more people that didn't want the road in if I remember right. Regarding Okland Construction, I've worked with them on projects and they are a top notch outfit, as well as the architects being top notch, so I think that we will be getting good quality there. When Mayor Money was mayor I had someone come out from the city, they wanted to buy the corners of my property when they were putting in sidewalks. They wanted a cut out for a road coming in, that would make three roads covering my property, and I had to tell Mayor Money that I was going to sue them because I didn't want that, so they backed off on that. Plus, the guy from the city, Mr. Stracken, was trying to bribe me saying "you won't get your wall in the back if you don't allow that." I still might have to end up suing again, that's the way I feel about it.

Larry Sommer (Resident) – I moved into South Jordan in 1984, which is probably longer than anybody in this room has lived here. I have seen a lot of changes, all of them have been good, and I think the Planning Commission has done a really great job in this city. I realize that we have to live and work here, and Merit has been a really good neighbor, they have done a lot of good for this city and this state. For that reason, I think the commission should consider accepting their proposal.

Andy Grover (Resident) – There are a few items of concern for me. First off, what was the outreach to the neighborhood because I live within four houses of the proposed development; I received no notice from anybody outside of the notice for this meeting right now. The last week meeting with Merit, didn't even know it happened. I understand there is probably some ordinances guiding how big that is, but this affects the entire neighborhood all the way around, everybody in the neighborhood should have gotten a notice about this. Secondly, the plan for Merit right now is they ship their product to be sterilized downtown, and then ship it back to then be shipped out. No mention was made about where that sterilization process is going to happen

now. He said they are going to ship it across Redwood, take it in to the warehouse, and then ship it to the end user. Does that sterilization now happen in this facility, and if so is that in their operational plan, because I haven't seen anything about it. Do we have 100% transparency with their operational plan is what I'm asking. The next thing I'd like to know about, I'd like to speak out against the outlet for the neighborhood, the egress in the neighborhood going out to Shields Lane. I bought my house with the express reason that it was quiet, close to everything, but it was like a country house. I live in a cul-de-sac, my kids can run around, I have very little fear of anybody getting hit by a car. That road extends out, that becomes a great concern to me. I want to know what the process is, how to stop it, and I want to be notified before it happens because right now I haven't been notified of a thing. I want to say that I like what Merit does, their facilities are nice and clean, they are good neighbors; I don't think this facility belongs in this area. They are already shipping their products out and then shipping them back in, they are doubling the pollution, the traffic, and they are putting all this right inside of a neighborhood.

Jason Treft (Resident) – I live about two traffic lights west of the property. I moved to South Jordan about eight years ago. I work for Merit Medical and I used to live in Bountiful. I moved down here so I could work and live here, and I love the trees. It's a great city and I am not just interested as an employee, but also as a citizen of the city, to have a mix so we are not just a bedroom community and there is actually an economy here. I definitely believe in the mission that Merit has, and the good that they do. I have had the opportunity to be involved with a number of buildings they have, both here and elsewhere in the world, and I can tell you that everywhere we are we are a great neighbor.

Rebecca Grover (Resident) – A few things that weren't addressed yet are that the access road connecting on to Shields Lane is a school walking route. There are many children in our neighborhood that take this road to walk to school. There is not a crossing guard until 2200 W, there is nowhere for our kids to cross safely until they get there. With the increase in traffic just from our neighborhood alone, not including what the trucks would bring, increases the danger to our children exponentially. I am also against having the road continue, it definitely impacts our quality of life in our neighborhood. To the statement that the sign has been there since we moved in, that's factual. This development has also been there for more than 25 years to my understanding, my house was built in 1996, so we have been living this way for a very long time, successfully I would argue. Another safety issue I have noticed that is common, not necessarily with this development, but with the Merit Facilities, is they have employees turning left through the left turn lane into their facility; their southbound employees blocking our left turn lane into Shields trying to turn into their facilities, which poses a very high risk of accidents. There are constantly accidents at that crossroad and that is a really big problem we have daily, especially at the 3 o'clock time when we are going to pick up kids from school. I also want to state that this distribution center does not belong in residential areas, there are much better places to have facilities like this and it is not where we are living.

Jason Quigley (Resident) – I have lived in South Jordan for 20 years and worked with Merit Medical for over 20 years. As far as safety goes with traffic in this area, having the distribution center where it is at will be a lot less traffic than if we sold it off and had residential homes and families going in and out with cars and walkways. Merit Medical takes pride in keeping the sidewalks cleared. With the distribution center there we are going to have a six foot sidewalk,

eight foot park strip, and we clear that before anyone out of the city comes and clears that; we keep our sidewalks cleared. It will actually be safer having this extended sidewalk, extended park strip, especially after last year with all the snow when the city couldn't get out for days and days, we were the only ones that were able to clear all our sidewalks and keep everything clear. We focus on safety and having that distribution center will be a lot less traffic than a Costco or having 100 homes back there.

Brady Olson (Resident) – I moved here about four years ago, and I moved here because I worked for Merit Medical. I didn't want to live downtown, out west, so far south, and I wanted to live in an area that I was close enough to come home quickly. That has made a big impact on my family, and Merit Medical has been great to my family and me. I believe they have been great to their neighbors as well.

Chair Hollist closed the public hearing. She asked for staff responses to concerns regarding connection of a residential road to Shields Lane, noting that was not mentioned in the Staff Report and asking is that is even a part of the decision being made tonight.

Deputy City Engineer Jeremy Nielson responded that she is correct, that road connection is not being addressed with this issue tonight and is not tied to this project, nor does the city have any current budget or plans to continue the road at this time.

City Planner Greg Schindler added that there is no public noticing requirement to put a road in, and any noticing done would be done as a courtesy to those in the area. The city already owns a right of way there, adjacent to Mr. Baranowsky's property.

Chair Hollist asked about the access location off Shields Lane for the new facility, and whether that has been approved or reviewed by UDOT yet.

Engineer Nielson responded that access off Shields Lane has been approved by the city's engineering department, it does not get reviewed by UDOT.

Chair Hollist asked about the residential road and the locations of both being close together.

Engineer Nielson responded the locations are not ideal, but the city doesn't want to limit itself by blocking this to a single access with all those homes only being able to access through one location.

Chair Hollist shares the concern about left hand turns off Redwood Road into the existing Merit Medical Facility, with those employees crossing over a double yellow line. Is there any plan for adding a barrier to prevent that in the future.

Engineer Nielson responded that there is no current plan to change that from UDOT, as they are the ones over that road.

Chair Hollist asked staff about the concerns regarding zoning on this property, specifically the meaning of a mixed-use zone.

Planner Drozdek responded that there is an agreement on this property, and that agreement governs the use of the property. Within that agreement, the uses are listed and a warehouse is listed as a permitted use. The resident discussing the Mixed-Use Research and Development Zone was quoting from that zone's specific code requirements, and that doesn't apply here since the development agreement is where all of that is defined.

Commissioner Steven Catmull addressed the public in attendance, noting that this has an overlay zone which appears to be a Research and Development PD Overlay Zone. "Overlay" means development agreement, and that agreement constrains the development to what is defined in the agreement. Many standard zones have a great deal of flexibility, but this overlay is very specific and indicates exactly what has to be built in that location, with everything else going through the agreement.

Chair Hollist asked staff about pollution concerns.

Planner Schindler responded that he believes the State of Utah does not require environmental impact review on site plans like this, which means the cities generally do not either. They will have trucks going back and forth, but if there was a neighborhood with houses and cars making 10-12 trips a day out of each house, he thinks that would cause just as much, or more, pollution.

Chair Hollist asked about offsets of the building in different areas and staff referred to the Staff Report for those distances. She then asked about any potential traffic studies for this development.

Engineer Nielson responded a specific traffic study was not required due to the lighter traffic volumes expected to include the 50 employees and half a dozen trucks throughout the day. Shields Lane's capacity will not change because of this project's additional traffic volume. He also added that the comment made during public comment was correct, that the impact on traffic is much less with this facility than if the property was developed with a neighborhood or other business.

Chair Hollist asked the applicant about their outreach area to the neighbors, and staff about the city notices.

Planner Schindler responded the city's notice was to anyone within 600 feet, but Merit was not required to notice or contact anyone, and any noticing done by them was up to their discretion.

Chair Hollist asked about the safe walking routes for the elementary school in the area, and if anything would change with this development.

Engineer Nielson responded that he would have to look a bit closer, but he doesn't believe there would be significant changes in regards to kids crossing the new access to Shields Lane due to

the low volume of traffic expected there. He discussed a few of the options for those walking, and noted that he was unsure as to how many kids would actually be walking from that point and if they were, they'd be going west without a need to cross the access.

Chair Hollist suggested the city reaching out proactively to either the School Community Council at Jordan Ridge or the district to have that evaluated for the next year.

Engineer Nielson spoke with the district a few years ago about the students on the east side of Redwood Road, and the district is issuing permits for bussing those children; he has not heard anything about it since that discussion. Staff will be meeting with Jordan Ridge in about 90 days to discuss safe walking routes and he will make a note to discuss that.

Commissioner Catmull asked about the traffic safety at Redwood and the accident volume there versus an average intersection.

Engineer Nielson responded the intersection definitely has a higher number of accidents, but it's hard to say that it's more than other similar intersections, especially since it's a very high volume intersection with high speeds. If the city did find there was an elevated number of accidents and the city chose to highlight this intersection for UDOT, staff would start working with UDOT on that concern.

Chair Hollist invited the applicants up to discuss public concerns, beginning by addressing the fence heights.

Mr. Lampropoulos responded that he would have no problem at all installing a taller fence to match the other side for the resident, Ms. Schreiner, who was concerned.

Chair Hollist indicated the commission was not going to mandate the change, but encouraged Merit to work that out during their public outreach to the neighbors. She then asked to address outreach from Merit, assuming that they reached out to those directly adjacent to their property.

Mr. Lampropoulos responded that they used a list provided to them by the city.

Planner Drozdek added that he generated a notice, but it was only for a 300 foot radius, not the 600 foot radius. A zone change, which requires an agreement, only requires a 300 foot radius notice.

Commissioner Gedge added that the noticing goes to the owner on record with the county, at their provided address, which means those renting or who have a different address on file with the county would not have received those notices directly.

Chair Hollist asked about staff the issue with noticing previously on an amendment related to this project.

Planner Drozdek responded that no public notice was required, per the City Attorney's office, to make the previous amendment to the agreement.

Assistant City Attorney Greg Simonsen clarified that the noticing was not required because the uses were not changing, it was just the position of the uses.

Chair Hollist asked the applicants about sterilization.

Mr. Lampropolous responded they do none of the sterilization at the facility, and that there are two sterilization sites used; one is in Sandy, and one is out near the airport. It is Merit trucks moving the products back and forth, and Merit is committed to having an entirely electric fleet in the near future. He drives to work every day and uses an electric car, as do many other employees at their facilities which include the means to accommodate the charging of those cars.

Chair Hollist asked to address the questions about an operations plan, noting that she doesn't believe that is something businesses generally make public.

Mr. Lampropolous said they were speaking and are able to say they are committed to taking care of Redwood Road and Shields Lane, all the way to 2200 W in terms of clearing sidewalks for pedestrians. If it was appropriate and they got any needed approvals, they might consider even putting up a chain link fence to prevent children from entering their property from the street area. That has not been asked, and the concern not raised until this evening, so he was not aware of the amount of children passing by that way.

Mr. Berry responded regarding the operations plan, that there are some proprietary things in there, but there is an operations plan required as part of the development agreement which talks about business hours and similar information. This distribution center does handle the finished goods, but it is also the central warehousing point for all of the operations in the production facilities on the east side of Redwood Road.

Mr. Frio addressed the concerns regarding pollution, and noted that they could require the vehicles not owned by Merit, or third party vendors, to turn their vehicles off while loading and unloading.

Commissioner Gedge asked to address concerns over southbound traffic turning left into the existing property on the east, and whether Merit would be open to internal communications with their current employees to minimize that conflict point.

Mr. Lampropolous responded that they are already doing that. There are three entryways into Merit, and they try to encourage the use of the entry off Reunion since they already own a majority portion of the condos there. However, with the construction happening on 1300 West it has been difficult to do anything in the short term.

Mr. Berry addressed the concerns over sound and sound mitigation, noting they commissioned a sound study that was just completed this afternoon with a copy sent to staff. That study shows

the mitigations attempted by Merit with additional sound walls around the loading docks are reducing sound emissions from the trucks that will be present in the loading docks to well within the county's noise ordinance requirements.

Planner Drozdek noted the agreement says the City Engineer may require a sound study, and he did not hear plans from the Engineering Department to require that, so it sounds like this study was done by Merit on their own.

Commissioners and staff discussed possibly adding the study to the information tonight, and it was decided that since the materials were not reviewed by the commission or the public prior to the meeting, that the study should not be part of the record and that the commission's decision be based on the evidence presented tonight.

Chair Hollist agrees that change is always hard, but with this development agreement in place, the location on Redwood Road with the overlying zone, co-location with other facilities, and the light traffic volumes anticipated she is inclined to vote in favor of this application.

Commissioner Gedge seconded Chair Hollist's comments, adding that Merit Medical has been a great partner to the city. Nothing in the discussions tonight has proven a contradiction to the development agreement already in place, and Merit Medical has made it clear they are amenable to working towards improvements and changes with the neighbors.

Commissioner Catmull didn't have much to add, but noted that he did get an answer to a question he had after serving jury duty in the past where half the room was from Merit Medical. That was because many of the workers have moved closer to the facilities, and he very much appreciates that. Where there is opportunity to improve the applicant is still willing to engage with the community, and that goes a long way. The general plan has shown Economic Infill Opportunity for at least four years in terms of future land use for this property, and this development is consistent with that.

Commissioner Bevans agreed with what has been said by her fellow commissioners, and thanked those in attendance for sharing their thoughts and feedback. She has had several interactions with different people at Merit Medical, and the one thing she hears consistently from those at the company is their concerns with being a good neighbor and bettering our community. They have been great stewards of business and land in the community, and she appreciates their efforts to mitigate some of the neighbors' concerns. She also recognizes that change is hard, and that this will have an impact on the neighborhood, but based on the commission's limited scope in this type of hearing, she doesn't see anything that would give them an opportunity to vote no on this.

Commissioner Catmull motioned to approve File No. PLSPR202300165, Distribution Warehouse Site Plan, consistent with the materials and testimony presented tonight. Chair Hollist seconded the motion.

Roll Call Vote

Yes – Commissioner Catmull

Yes – Chair Hollist

Yes – Commissioner Gedge

Yes – Commissioner Bevans

Motion Passes 4-0, unanimous in favor.

I. LEGISLATIVE PUBLIC HEARINGS

I.1. DEVAUL REZONE

Address: 2530 W 10950 S

File No.: PLZBA202300197

Applicant: Robbie Pope

Planner Andrew McDonald reviewed background information from the Staff Report. There is a pending application for a detached structure on this property, which was presented and approved by the commission in October 2022, but that expired. Those applications and standards are separate, distinguishing between this rezone and what is applied to the application. There are restrictions in this zone regarding running home-occupied businesses in this zone, and that would not be allowed from a detached structure. There is also a structure showing on the maps in the Staff Report that has already been removed and cleared with the proper demolition permit.

Commissioner Laurel Bevans asked to clarify that the only detached structure currently on the property is the one from the application that has expired, and would require the property owner coming back to the city to continue construction.

Planner McDonald responded that yes, if they wanted to build something more than what is allowed by the zone, they would have to come back to the commission for a Conditional Use Permit for those specific areas beyond current ordinance allowances.

Commissioner Bevans asked if this rezone changes what the owners are allowed to build in terms of a detached building other than the lot coverage.

Planner McDonald responded that if they wanted to exceed the estimated 2087 square foot footprint with their building on the application they would have to come back with a CUP application.

Chair Hollist invited the applicant forward to speak.

Bruce Devaul (Applicant) – His engineer submitted this application, and Jackie Devaul is the homeowner, who he is here representing. They were here last year and a building was approved on the property. They were going to file for an extension, but were told that extension wouldn't be approved because the building exceeded the size allowed on the lot; apparently that was not caught during the last meeting. The building approved was beyond the 20% allowed on the property, and they were informed they would have to apply for the lot change and reapply for an

additional CUP to have the building constructed. They also wanted to change the orientation of the building and spoke with the neighbors on all sides, building relationships with them and agreeing to a different offset than originally discussed on the first CUP application, bringing it five feet further from their property line and changing the orientation so they were not within 40 feet of the other house to the west. They covered all the questions raised by the neighbors. Before continuing, they apparently need the zone change now, as the original application should have not have been approved with it being over the allowed size.

Chair Hollist asked if the applicant planned to apply for a similarly sized structure if the rezone is approved.

Mr. Devaul responded that they actually reduced the size of the structure by roughly 400 feet, with the height staying at 18 feet, and there is a pending application in for that structure. He also confirmed the demolition of the other barn on the property; it has been completely removed. There is also a light pole in their backyard that is owned and maintained by the city, with the property owners paying to have it there. The other building previously approved would have forced the removal of that light pole, which was a long process, leading to the decision to change the orientation of the building which caused the flagging of the 20% rule.

Chair Hollist opened the public hearing for comments.

Lynn Nelson (Resident) – My property is one house over from this property. I have lived there for 26 years, moved out here to have a taste of rural America. I mainly attended tonight to see what their goal was in rezoning the property. I hadn't heard anything until I read the sign while walking by, then I got the notice. I think I have received the clarification I needed. I am still unsure of what the building is, but I think I have learned that it cannot be commercial. There is already too much traffic on our street, with trucks always parked, and you can't get up and down our street at times during the day because of UPS and other delivery services, along with residents that need to park out on the street. I have no objection.

Tyler Ellis (Resident) – I am just a little bit further down than Lynn and I similarly just wanted to know what was going to be done with the property. I like where they are talking about not being able to subdivide it or do anything like that. Everything was brought up that I had any concerns about, including the traffic, since it is a single entrance on to that road and it is a skinnier street than normal. I know whatever the rules say is what you are going to do, and I just wanted to make sure nothing crazy was going to happen.

Chair Hollis closed the public hearing. She asked staff how something like this gets overlooked, especially since the applicant then had to come back.

Planner McDonald responded that the mistake happened with the original approval, and that expired. The code for an extension is strict on being within a certain number of days, and they fell within that range that it was set to expire and an extension could not be done because it would not have been completed within that timeframe. It's not that staff would not have approved the extension, it's just they wouldn't have been able to accept the application and a

new one would have been required; especially since there were changes to size, orientation, setbacks and other factors that have to be addressed in relation to possible detrimental effects brought up during the first hearing. The application is still in review with city staff, and the date for that coming to the commission is still waiting on that review.

Commissioner Gedge asked that the application for the building not be scheduled for the planning commission's review until this rezone is approved by the City Council, so the applicant doesn't end up having to come back more times than necessary.

Planner McDonald responded this is scheduled for the City Council meeting on January 16, and they are planning to add the building application to the Planning Commission meeting agenda the following week to allow for proper noticing. If there is a delay from the rezone it can always be pulled from the agenda.

Commissioner Gedge asked to consider making renewal notices a requirement rather than a courtesy to help ensure applicants aren't missing their renewal windows.

Commissioner Bevans commended the applicant for working with the neighbors.

Commissioner Catmull motioned to recommend approval of Ordinance No. 2024-01-Z, Rezone from A-5 to R-1.8. Seconded by Chair Hollist.

Roll Call Vote

Yes – Commissioner Catmull

Yes – Chair Hollist

Yes – Commissioner Gedge

Yes – Commissioner Bevans

Motion passes 4-0, unanimous in favor.

I.2. GLENMOOR GOLF CLUB

Address: 9800 S 4800 W

File No.: PLZBA202300207

Applicant: Kirk Young

Planner Andrew McDonald reviewed background information from the Staff Report.

Chair Michele Hollist removed herself from this discussion since she was not present at the previous meeting where public testimony was shared.

City Planner Greg Schindler shared that this hearing tonight was noticed again, but noted that this is what the public saw previously. The only thing changing is the description of the property being recorded, and now the written description will match the visuals used.

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

Commissioner Nathan Gedge raised questions based on this being approved in the October minutes, and those minutes not being officially approved until tonight.

Planner Schindler noted that this will be going to the City Council with the commission's recommendation again for their approval.

Commissioner Gedge motioned to recommend approval of the following:

- **Resolution R2024-02, Correcting Exhibit A of the Glenmoor Golf Club Development Agreement**
- **Resolution R2024-03, Land Use Amendment**
- **Ordinance 2024-02-Z, Rezone**

based on this evening's discussion and the Staff Report. Seconded by Commissioner Bevans.

Roll Call Vote

Yes – Commissioner Gedge

Yes – Commissioner Bevans

Yes – Commissioner Catmull

Abstain – Chair Hollist

Motion passes 3-0, in favor of approval, with Chair Hollist abstaining from the vote.

J. OTHER BUSINESS

City Planner Greg Schindler discussed the next Planning Commission meeting.

The commission discussed potential commission changes with the new year and who will be continuing on the commission in 2024. All commissioners should plan on continuing to the meeting in January, and staff will contact them if there are any changes.

ADJOURNMENT

Chair Hollist motioned to adjourn the December 12, 2023 Planning Commission Meeting. Commissioner Bevans seconded the motion; vote was unanimous in favor.

The December 12, 2023 Planning Commission Meeting adjourned at 10:50 p.m.