

**CITY OF SOUTH JORDAN  
ELECTRONIC  
PLANNING COMMISSION MEETING  
COUNCIL CHAMBERS  
April 25, 2023**

Present: Commissioner Michele Hollist, Commissioner Nathan Gedge, Commissioner Steven Catmull, Commissioner Trevor Darby, Commissioner Laurel Bevans, Deputy City Engineer Jeremy Nielson, Assistant City Attorney Greg Simonsen, City Planner Greg Schindler, Deputy City Recorder Cindy Valdez, Senior IS Tech Phill Brown, GIS Coordinator Matt Jarman, Meeting Transcriptionist Diana Baun, Planner Andrew McDonald, Planner Damir Drozdek

Others: Jory Walker, Brent & Lori Hona, Lucynthia Rockwood, Mike Carlton, Chase Andrizzi, Jan Criner, Calmoor Robbins, Kurt Feidler, Don Reese

Absent: Commissioner Aaron Starks

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

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

Commissioner Michele Hollist welcomed everyone to the Electronic Planning Commission Meeting and excused Commissioner Aaron Starks who was unable to attend.

**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. Commissioner Starks was absent from the vote.

**C. APPROVAL OF THE MINUTES**

**C.1.** April 11, 2023 Planning Commission Meeting Minutes

Commissioner Darby motioned to approve the April 11, 2023 Planning Commission Meeting Minutes as published. Chair Hollist seconded the motion; vote was unanimous in favor. Commissioner Starks was absent from the vote.

**D. STAFF BUSINESS - None**

**E. COMMENTS FROM PLANNING COMMISSION MEMBERS**

Commissioner Trevor Darby gave a brief review of the last City Council study session and meeting from April 18, 2023.

Commissioner Nathan Gedge mentioned that he has served on CDBG committees in other cities, and that our city does not currently have an optional representative from the planning commission. He noted that the process is very interesting and encouraged the commissioners to share the program with any charities they might be aware of so they can apply for those grants.

**F. SUMMARY ACTION - None**

**G. ACTION - None**

**H. ADMINISTRATIVE PUBLIC HEARINGS**

**H.1. SOJO 2700 SUBDIVISION, PRELIMINARY SUBDIVISION PLAT**

Address: 10216 S. 2700 W.

File No.: PLPP202200204

Applicant: Dan Scarlet

Planner Andrew McDonald reviewed background information from the Staff Report.

Chair Michele Hollist asked if the other long, narrow properties along 2700 West nearby have a setup to allow them to become flag lots as well.

Planner McDonald said they appear to be too long and narrow for that without obtaining a neighboring property.

**Jory Walker (Applicant)** – noted that Dan is out of the country and asked Mr. Walker to represent him tonight.

Commissioner Laurel Bevans asked if the house had already been taken down.

Mr. Walker responded that yes, the home had already been removed. There were a lot of Chinese Elms in bad repair and the home was rundown, so they cleared the property and worked with the neighbor on the farmland to figure out the drainage easements.

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

**Commissioner Gedge motioned to approve File No. PLPP202200204, Preliminary Subdivision Plat. Chair Hollist seconded the motion. Roll Call Vote was 5-0, unanimous in favor. Commissioner Starks was absent from the vote.**

**H.2. RISE SUBDIVISION PRELIMINARY SUBDIVISION PLAT**

Address: 10657 S. 1055 W.  
File No.: PLPP202200218  
Applicant: Andy Welch, DAI Utah

Planner Damir Drozdek reviewed background information from the Staff Report.

Commissioner Nathan Gedge asked for more details about the 9 foot retaining walls mentioned in the Staff Report.

Planner Drozdek showed on the map where those would be located.

Commissioner Gedge asked staff who approves the materials for those retaining walls and ensures they are fully inspected for the safety of the public.

Deputy City Engineer Jeremy Nielson responded that the builder will need a building permit, which will be done through the building permit process, and it will be designed by a professional geotechnical engineer. After that, it will be inspected by our building department, but it is also his understanding that those will be private walls.

Commissioner Gedge asked to clarify that tonight they are only hearing a preliminary subdivision plat, and rezone and general use was forwarded and approved by the city council already with a development agreement executed. He wants to make sure that tonight they are not looking at the issues presented in previous meetings like density and the historic status of the road.

Planner Drozdek responded that yes, the project being presented tonight is strictly to ensure the project, as presented, meets the city code requirements.

Commissioner Laurel Bevans asked about the two retention ponds in front of the buildings, and whether that will be usable space for the residents.

Planner Drozdek responded that he doesn't believe those retention ponds are going to be usable space, as they are only a few feet deep.

Commissioner Bevans asked if there are any concerns of kids injuring themselves near the retention ponds.

Planner Drozdek responded that he does not have any concerns about kids injuring themselves on the retention pond areas.

**Chase Andrizzi (Applicant)** is here on behalf of the applicant, who is in the audience as well. He wanted to add, regarding the fencing, that they have worked with staff and the property owner to the south to ensure there is appropriate fencing. To mitigate the apparent height of the fence they have chosen to install a retaining wall to the south, which is shown in the Staff Report and indicates it will be about 8 feet at the highest point. Instead of having a precast fence on top

of that retaining wall, they will install a fall protection fence that mitigates the height. On the north end there will be a tiered retaining wall, and on top of that at the existing grade of the property there will be a precast fence.

Chair Michele Hollist asked to confirm that these will all be rental properties, and if the Rise Development will be overseeing those rentals.

Mr. Andrizzi responded that they will all be rentals, and that there will be a private property management group who will manage everything including the facilities and maintenance for all of the buildings.

Chair Hollist asked if there was a pathway discussed in the development agreement in regards to making these units for sale in the future.

Mr. Andrizzi noted that wasn't addressed in the agreement, but it is something they have done in the past. The current plan is to have them for rent, but they wouldn't take that option off the table if the market conditions were right and things worked out.

Planner Drozdek said for that to happen in the future, they would have to subdivide with each unit becoming its own parcel.

Commissioner Gedge noted that staff included three stipulations in their recommendations, and he asked if the applicant was agreeable to those stipulations.

Mr. Andrizzi said that those issues had been worked out with the planning department. One of those was the right of way dedication along 1055 W, and they have a single family lot there which failed to include that right of way dedication on the original plat. Their engineering department has updated that and it will be included in the final plat. He also noted that the 10 foot PUE will be indicated along that same single family lot, and they have worked with the land owners to the south to enter into a private agreement whereby they will dedicate a portion of the road along River Stone to bring that full right of way width to 62 feet. Subsequent to the private agreement they have amended that road dedication plat to ensure they have the 62 feet right of way on that road.

Commissioner Steven Catmull asked about the pedestrian connection to the office park, and whether that will be ADA accessible.

Mr. Andrizzi responded that there will be two accesses, one being a trail they have planned on the north end at the northeast corner; that access will be a little bit steeper. There is also trail access on the south end through the pedestrian sidewalk to the trail that would allow wheelchair access.

Commissioner Bevans said she asked about the garages at the last hearing, but the renderings were still showing single car garages. She asked to confirm that there are in fact no single car garages.

Mr. Andrizzi responded that she is correct, there are no single car garages.

Commissioner Bevans noted that there are 154 units, 308 garage stalls, but only 240 driveways. She asked if that means the private alleyway units have no driveways.

Mr. Andrizzi responded that yes, some of those only have aprons, and there is additional off street parking provided for those.

Commissioner Bevans asked for the number of units in Phase 1 versus Phase 2.

Mr. Andrizzi wasn't sure of the exact count, but offered to get back to her with those numbers.

Commissioner Bevans indicated that her question had to do with the development agreement specifying that the developer has to start the amenities when they hit building permits for 30 units. She then asked if they anticipate any residents moving in prior to the completion of those amenities, or if they will be worked in throughout the process.

Mr. Andrizzi said there may be one or two buildings that are complete before the amenities are completed, but in similarly sized projects they've done in the past the amenities are usually finished before half move in.

Planner Drozdek added that on the plat he sees 14 buildings in Phase 1 and 23 buildings in Phase 2, with multiple units in each building.

Chair Michele Hollist opened the public hearing for comments. She noted that there was a public comment received prior to the meeting from Jessica Hamilton (Attachment A), and that the commissioners saw and reviewed her comment.

**Don Reese (Resident)** – I have two concerns tonight, I just want to reiterate to make sure we are on the same page. On the north end of the subdivision of the Rise Development there is an access road coming off 1055 W. I want to make sure that is designated as a one way road, and the second question for the developer is what the width of that road is.

**Kurt Feidler (Resident)** – I have a couple of concerns, and probably a couple of questions. If you go past the Wyngate apartments, there are about 20 cars that are always parking on the park side of the street, that belong to the people in the apartments. Then, there is probably another 6-7 cars that park in front of The Garden. I am wondering if the parking that is made available in this development, if you have considered the amount of parking places that are available there and have taken into consideration that you might have 2-3 cars per unit; if the parking allowed here is going to cover that. The second question I have is, on the west side of this development where the road empties out in to 1055 W, there are no sidewalks, there is no curb and gutter. If you have people from 142 units walking in and out of there with no sidewalks, in my opinion you have got a safety issue. There are a lot of people that walk in the mornings down there and

there's no sidewalks, and it's kind of a narrow road, getting even narrower as you go to the south.

**Calmoor Robbins (Resident)** - Gave a set of papers to the commissioners (Attachment B). The only thing that I wanted to bring up, that has never been addressed until today's meeting, is the retention wall that will be going up 8 feet, the last time I heard it was 9 feet. Then, there is going to be a slope back taking it up another 7-8 feet. It has been designed and approved, but on the first page of Attachment B it shows the current elevations actually going on to their property as well. It is a very gradual slope in that area, it doesn't go up very much. The next page is actually why they had to raise it, which was the sewer line that does run through the middle of that property. The third page is showing this in reality is going to be a dead end. If the city has approved going up 16 feet in elevation over 20 feet, if they want that road put in, I want the city to understand they are the ones that adjusted this elevation, which is the proof that you have in front of you (Attachment B), and that they are the ones that would be connecting that. I think maybe the reason for actually doing that is because the other exit that exists to the property to the south of them is only 1055 W. I have sensed from the city that they are trying to minimize that impact, this one will block that from happening. It is just an interesting thing that this was not very well presented in any of the other meetings, in fact I think the first time it actually came up was in the city council meeting when they were approving the development agreement. It has been an interesting process not to fully understand that. In fact, when I left that meeting I still didn't understand what was going on, and it was a week later when I happened to run into one of the planners and he explained they need to raise it to get the sewer to go back into that area. It finally registered that they have really got to raise it to make that happen, which they really have, and I just think the city maybe wants to at least say they are abandoning that and realizing that we are going to put a lot more traffic on to 1055 W.

Chair Hollist asked Mr. Robbins if he was asking ultimately, when the road connects to the property to the south, he wants to make sure there is a plan for making it possible for that road to connect.

Mr. Robbins - If they want that connected, I want to ensure that the city is going to do it because they are the ones that approved this change in elevation, and they are the only ones I see that should be willing to take on that cost. Otherwise, it's not going to happen and that's what I'm indicating, that the city has changed it and the traffic is going to go on to 1055 W.

Chair Hollist closed the comments portion of the public hearing.

Planner Drozdek addressed the west to east one way road and that the connection will allow entry to the project from 1055 W, but you will be unable to exit from the project on to 1055 W. The road will be a standard width with concrete barriers to avoid traffic both ways.

Deputy City Engineer Jeremy Nielson noted that this road was designed at the full width with the concrete barriers to allow a two way road to be accommodated if needed in the future.

Chair Hollist asked what would be required for that to happen.

Engineer Nielson responded that process had not been determined yet, but something significant would have to happen in the neighborhood for them to consider it.

Assistant City Attorney Greg Simonsen discussed the PC Zone, and how different it is from the rest of the zones in the city. The purpose of the PD Floating Zone is to allow flexibility in the application of zoning regulations and development provisions of the title, and most of that flexibility is being exercised at the very beginning. Applicants have to come in with a development plan, and the applicant has done that. The development plan has to be part and parcel with the development agreement, and the applicant has done that. However, you look at sub part D, it indicates that the planning director may authorize minor deviations from an approved development plan to resolve conflicting provisions, or when necessary for technical or engineering considerations. Such minor deviations shall not affect the vested right of the PD District and shall not impose increased impacts on surrounding properties. In his interpretation as a junior employee of the city, he looks at that and sees that they have uncovered an engineering issue with this pipe mentioned going through the middle of the subdivision that necessitates a retaining wall at the far end. That was an unforeseen engineering issue, and that may be something the planning director weighs in on. The other issue with the one way street is that the neighbors have made it very clear that in their opinion that is going to affect them if that changes. As he interprets the code here, that will not be allowed to be changed by the planning director, it is something that would probably have to go before the city council to be changed.

Commissioner Bevans shared that the section just discussed was 5.9.2, and it is located on the city's website in the packet available for tonight's meeting.

Chair Hollist addressed the parking, noting that she believes parking was added to ultimately have 4 parking spots per unit.

Planner Drozdek said that parking was reviewed during the zone change, and was put into the agreement. The project currently meets or exceeds city parking requirements.

Chair Hollist asked to be reminded of the sizes of these units.

Mr. Andrizzi noted that wasn't addressed in detail in the development agreement, but the architectural plans presented to the review committee highlight anywhere from 2 bedroom to 4 bedroom units, with some having basements as well. Thirty of those basements will be finished.

Commissioner Gedge asked if with these rental properties there will contractual language indicating the maximum number of vehicles allowed per property if they were to sublet their unit, as well as what types of enforcement mechanisms the property management company will have for that.

Mr. Andrizzi responded that when a tenant comes in they sit down with them and go over all the rules and restrictions. In this instance, these are public roads, so they would be informed of that

and that the city is responsible for enforcing parking there. However, they have included as part of the development agreement that there will be no parking along Riverstone.

Commissioner Gedge asked if there are any limitations for a renter in regards to renting a four bedroom unit, and to have up to 8 single adults with each having their own vehicle.

Mr. Andrizzi responded that they screen for that.

City Planner Greg Schindler added that accessory dwelling units, in any form, are not permitted in this zone. Subletting and having more than four unrelated people in the building would not be allowed by the city code as well.

Planner Drozdek confirmed that the developer is providing funding to the city for improvements along 1055 W on the portion adjacent to their property.

Engineer Nielson said those funds will likely be held in a fund until a larger stretch was to be completed.

Chair Hollist noted that in response to the question of walking along 1055 W, the improvements are planned for but will not be done immediately.

Commissioner Gedge about potential school pick-up locations in the area and the lack of sidewalks or a safe walking route currently.

Engineer Nielson said that will be discussed when coming up with the safe walking route plans, but the school district usually decides on the bus stop locations.

Chair Hollist asked staff to address the retention wall and possible future road connection concerns.

Engineer Nielson responded that on the plat the city is preserving right of way, so a street could be punched through. However, the city also recognizes that may be very challenging because of the site conditions, the sewer location and connection, etc. The intention is not to put an undue burden on whoever develops the parcel to the south, so that will need to be determined in the future if the road ends up being connected.

Chair Hollist asked what the planning commission needs to do to document those concerns brought up, and to ensure that expensive road grading isn't required by the owner to develop that property.

Engineer Nielson said there are already a lot of laws in place protecting the developers from the cities forcing undue burdens on them to develop properties. At this point in time the city will not be forcing this, the road isn't that significant to tie into.



Attorney Simonsen added that they will have to see what happens. They will not be binding the city to a course of action in a planning commission meeting years before this might actually happen. He understands the adjoining property owner's concerns, especially with the big drop off, but he doesn't know that the city can relieve those concerns here tonight.

Commissioner Gedge asked to clarify that when that property to the south develops, even if the road never goes through, Fire will have to sign off on ensuring adequate access to any new development.

Engineer Nielson said that is correct.

Commissioner Trevor Darby said he would think if that property were to be developed it would need additional roads anyways. It would be hard to imagine they could depend on that small access road for their main traffic, so he would assume other roads would be created for fire and other services.

Engineer Nielson said there is a road being stubbed into that parcel, on the east end.

Commissioner Bevans asked staff if this property is being raised up 16 feet from native grade across the whole property, or if it is just the small portions on the edge.

Engineer Nielson said it's difficult to say how much the whole site raises, and it is driven by the depth of that sewer line; currently that sewer is 4 feet deep. They need to add about 3 feet of fill to be able to use that sewer and everything is based on that sewer elevation.

Commissioner Bevans asked what the height of these buildings is going to be, and if that is being measured from native grade, or where the new grade will be.

Planner Drozdek said that the whole property isn't being raised. Along the north boundary it will drop, it will be raised at the south and east end. These buildings will not tower over the existing residential neighbors.

**Commissioner Gedge motioned to approve File No. PLPP202200218, Preliminary subdivision plat, with the following stipulations:**

- **Right of way along 1055 West to be dedicated as per city standards.**
- **Lot 137 to have a 10 foot PUE, public utility easement, along the front property line.**
- **The remaining piece belonging to the Robbins Family, and pertaining to the Riverstone Way Road dedication be added to the final plat for road dedication.**

**Chair Hollist seconded the motion. Roll Call Vote 5-0, unanimous in favor. Commissioner Starks was absent from the vote.**

## **I. LEGISLATIVE PUBLIC HEARINGS**

**I.1. Text Amendment – City Code § 17.130.050: Planned Development Floating Zone**

Assistant City Attorney Greg Simonsen reviewed background information from the Staff Report.

Chair Michele Hollist opened the public hearing for comments. There were no comments and the hearing was closed.

**Commissioner Bevans recommended approval of the text amendment to the Planned Development Floating Zone. Chair Hollist seconded the motion. Roll Call Vote was 5-0, unanimous in favor. Commissioner Starks was absent from the vote.**

**J. OTHER BUSINESS**

City Planner Greg Schindler was unsure what might be on the agenda for the next meeting.

Commissioner Nathan Gedge asked about the recent announcement of a potential large stadium downtown, and whether that has any impact on the stadium planned for our town.

Planner Schindler said the Miller Family is still going forward with their plans here in the city, and he has heard rumors that the Miller Family is also involved with the potential larger stadium.

**ADJOURNMENT**

**Chair Hollist motioned to adjourn the April 25, 2023 Planning Commission Meeting. Commissioner Gedge seconded the motion; vote was unanimous in favor. Commissioner Starks was absent from the vote.**

The April 25, 2023 Planning Commission Meeting adjourned at 7:38 p.m.