

CITY OF SOUTH JORDAN
PLANNING COMMISSION MEETING
COUNCIL CHAMBERS
February 25, 2020

Present: Commissioner Sean Morrissey, Commissioner Michele Hollist, , Commissioner Nathan Gedge, Commissioner Steve Catmull, Assistant City Attorney Todd Sheeran, Deputy City Engineer Jeremy Nielson, Planner David Mann, Planner Brad Sanderson, Planner Damir Drozdek, Deputy Recorder Cindy Valdez

Absent: Commissioner Trevor Darby, Commissioner Mike Peirce

Others: Derick Wright, Craig Chagnon

6:30 P.M.

REGULAR MEETING

I. GENERAL BUSINESS

A. Welcome and Roll Call

Chair Hollist welcomed everyone and noted that all Commissioners are present with the exception of Commissioner Darby and Commissioner Peirce, and they are excused from tonight's meeting.

B. Motion to Approve Agenda

Commissioner Gedge made a motion to approve the February 25, 2020 Planning Commission Agenda. Commissioner Morrissey seconded the motion. Vote was unanimous in favor; Commissioner Darby and Commissioner Peirce were absent.

C. Approval of Meeting Minutes from the Meetings held on January 28, 2020 and February 11, 2020.

Commissioner Gedge made a motion to approve the January 28, 2020 Planning Commission Meeting Minutes with corrections. Commissioner Morrissey seconded the motion. Vote was unanimous in favor; Commissioner Darby and Commissioner Peirce were absent.

Commissioner Gedge made a motion to approve the February 11, 2020 Planning Commission Meeting Minutes. Commissioner Morrissey seconded the motion. Vote was unanimous in favor; Commissioner Darby and Commissioner Peirce were absent.

II. INFORMATIONAL ITEMS AND OTHER BUSINESS

A. Staff Business

None

B. Comments from Planning Commission Members

None

III. CITIZEN COMMENT

Chair Hollist opened the Public Comment.

IV. SUMMARY ACTION

None

V. ACTION

None

VI. PUBLIC HEARINGS AND POTENTIAL **ADMINISTRATIVE ACTION ITEMS

****Administrative Action = Less Discretion, Substantial Evidence (Objective Standard)**

A.1 Issue: PARK PLACE SUBDIVISION PHASE 3, SUBDIVISION AMENDMENT

Location: 11065 South 1055 West

File No: PLPLA202000041

Applicant: Nick Mason, Bach Homes

Planner Damir Drozdek reviewed background information on this item from the staff report.

Derick Wright, (Applicant) – said I live just south of this property, and this is a project we have been working on for a couple of years. Myself, and my partner live in this area, and we love it here. This is kind of an unconditional request, because usually you come to a City and request a private street so you can make streets narrower, or smaller, or build them at normal specs like a public street, but the intent is usually to create a PUD, or HOA that is denser. That is not our request tonight. Our goal was to have this circle gated, but we understand that the Municipal Code does not allow gates. We work with staff and put in some islands and things, and it was made a public street. What we are requesting tonight is to record this street as a private street. Our application does not include gates of any sort, and the roads have been built to City specs. The City code says the private streets are discouraged, but they can be approved in the right situation. This road has been built to City specs, and we are simply asking to have it recorded as a private street. There are some improvements in the front of the cul-de-sac that are in the right of way, so we would like to continue to maintain and protect those are in the private street. We had a conference call with Assistant City Attorney Todd Sheeran, and spoke with others, and we all did conclude that there is nothing in the code that should prohibit this from being approved tonight.

Commissioner Catmull said could you go into more detail regarding the comment you made on made a private-street. Do you have some projects that you would like to put in motion?

Mr. Wright said our intention is not to change anything. I know the City has been put in situations where they have been asked to take on streets that are not built to the specs of a City street. We simply want this to be a private street. We want to remove that burden. We will maintain the islands that are in the HOA, and we will maintain the street. In the event, sometime down the road that the City becomes more favorable of the potential of a gate, that would allow us to pursue it down the road. In the interim, that is really our motivation right now.

Chair Hollist asked why just this one cul-de-sac?

Mr. Wright said because it is the only cul-de-sac that has islands. It was built differently. It is our intent to make that one cul-de-sac private, not the rest of the neighborhood. It is a private right-of-way and we are connecting to other projects, and it is a dead end circle. This street would be the only street that has the potential to be gated in the future.

Commissioner Morrissey said by creating a private street you have the luxury of putting these planters in the middle of the road, is that correct?

Mr. Wright said staff worked with us to put those planters within the public right-of-way.

Commissioner Morrissey said so what is the benefit to having a public street.

Mr. Wright said like I said, our intent from the beginning was to gate it. We know that is not going to happen now, but in the future, there may be a change and the municipal code may allow that. It would be hard to come to the City afterwards, and ask if we can have the street back. If it is a private street, we already have to maintain those islands, so I don't think we would be putting a burden on the City to have this a private street.

Chair Hollist said if this was made a private street who would be responsible for snow removal and street maintenance.

Planner Drozdek said they would be responsible for the snow removal and street maintenance.

Mr. Wright said we know that, and we are ok with that.

Chair Hollist said how would the trash be handled.

Planner Drozdek said the same way every other street handles trash. This is not a gated street, so they could get down the streets just like any other street.

Chair Hollist opened the Public Hearing to comments. There was none. She closed the Public Hearing.

Commissioner Catmull said I did some research on private/public roads, and there is a lot of talk about that over multiple decades. I didn't find a lot advocating not having private roads, but I did find a lot of reasons to make roads private, as well as there were some Cities that had no problem having private streets. That is what I found in my research, and to be candid, I am a little concerned with going too hard against a lot of opinions, because I do understand the desire and how it could possibly put the applicant in a better situation in the future, so I appreciate you taking the time to explain that.

Commissioner Morrissey said we have gone through the process and have had a discussion, so I am ok with this going through. This meets all of the City standards and ordinances as well, so I wouldn't want to keep a private citizen from moving forward when it meets all of the criteria.

Commissioner Gedge said it looks like there has been a few historical precedence when the City has approved some private roads, so I guess I would like to know how current the Sand Dunes in Oquirrh Park were approved. My biggest concern would be the fire and emergency access, because it looks like the City standards would not be an issue.

Chair Hollist said I looked at the code too. It was not specific enough to deny the application at this point, and it is my understanding that staff is considering revising the code because it is so vague. Based on that, I think this meets our City codes and we do not have grounds to deny this.

A.2 Potential Action Item – (See VI.A.1)

Commissioner Gedge motioned to approve File No. PLPLA202000041 for a Subdivision Amendment for Park Place Subdivision Phase 3 Subdivision based on what was presented by staff. Commissioner Morrissey seconded the motion. Roll Call Vote was 3 to 1 Commissioner Catmull voted No. Commissioner Wright and Commissioner Peirce were absent from the vote.

B.1 Issue: JORDAN CREDIT UNION DRIVE-UP ATM, CONDITIONAL USE PERMIT

Location: 1750 West 11400 South

File No: PLCUP202000046

Applicant: Ben Wheat

Planner David Mann reviewed background information from the staff report.

Commissioner Gedge said are there any other Financial Institutions in the City that have a similar type structure.

Planner Mann said this is a unique situation. Typically, these would be part of a bank branch, but this will be just the bank headquarters. I think it is part of a marketing tool if anything for the bank. There is a freestanding kiosk at the Wells Fargo Bank on South Jordan Parkway that I reviewed a few years ago.

Chair Hollist said have there been any detrimental effects, or complaints.

Planner Mann said I have not received any.

Commissioner Catmull said if we approve this as a drive up ATM, would there be any constraints on the size, or the footprint of a drive up ATM.

Planner Mann said if the bank decided they wanted to move their headquarters somewhere else and just sell the office building, but leave the kiosk, I don't know if it would be a legal conforming use, or if it would need to be removed. I know the bank is investing many millions of dollars into this building, so I anticipate them being here for a very long time.

Commissioner Catmull said if we don't put any kind of specification into this specific motion, what would prevent it from being anything different.

Planner Mann said the challenge we have seen with conditional uses, is that if we anticipate too far in the future they are hard for staff to track because of turnover in staff, and many other different things.

Commissioner Gedge said I work in the pharmacy field and they have pharmacy vending machines, and that could be something that could fall under the definition of an ATM.

Chair Hollist opened the Public Hearing to comments. There was none. She closed the Public Hearing.

Chair Hollist said I am fine with making a motion on this tonight. I am comfortable with this, and it is nice to have ATM's throughout the City. This seems like a convenient location, and it is on the side of the building so it will not impact parking.

Commissioner Gedge said instead of the motion saying "A drive up ATM" it should say "A Financial Institution drive up ATM." That might alleviate some of my concerns for a future use.

Commissioner Catmull said we might want to also, identify ATM in our motion, and it should be spelled out, "Automated Teller Machine."

B.2 Potential Action Item – (See VI.B.1)

Commissioner Gedge motioned to approve file no. PLCUP202000046 for the installation of a Drive up Financial Institution ATM (Automated Teller Machine) located at 1750 West 11400 South as presented to the Planning Commission. Commissioner Catmull seconded the motion. Roll Call Vote was 4-0 unanimous in favor; Commissioner Darby and Commissioner Peirce were absent from the vote.

VII. PUBLIC HEARINGS AND POTENTIAL **LEGISLATIVE ACTION ITEMS

****Legislative Action = More Discretion, Reasonably Debatable (Subjective Standard)**

C.1 Issue: ORDINANCE 2020-05 TEXT AMENDMENT SECTION 16.04.200(B) FENCING BETWEEN INCOMPATIBLE ZONES

Location:

File No: PLZTA20200056

Applicant: City of South Jordan

Assistant City Engineer Jeremy Nielsen reviewed background information on this item from the staff report.

Commissioner Catmull said what would be replaced there if you don't put a masonry fence.

Planner Sanderson said the simple reason for having a masonry fence is for farm animal rights, but there are many other types of fencing that could secure animals, and work just as well. The circumstances for not doing the fence would be substantial topography, so in those cases the City Engineer has the discretion to not require a fence, or put up another type of fencing that is suitable to keep the animals in. In most cases, it is not required to have fencing between residential uses; it is really just for the use of farm animals.

Commissioner Catmull said in the code, does this cover all zones, or only a subset of zones.

Planner Sanderson said you would have your agriculture zones and the R.1-8 zone. If you are in those zones and you have a piece of property that is a ½ acre, that would qualify you to have farm animals. Those are the circumstances for a masonry fence, or whatever type fence the City Engineer deems suitable.

Chair Hollist said if we send this on to the City Council would we find that they have a strong preference to review things like this.

Assistant City Attorney Todd Sheeran said this text came up when we did a text for pending ordinance several months ago stating that we may be making changes to the code. They allowed that to go forward on the notice pending, and it is being codified, so they are well aware of it. I actually, drafted the language for the ordinance and reviewed it with the City Engineer. It was presented to the City Council, and I think that most of them do not want to get into the technicality of it.

Chair Hollist opened the Public Hearing to comments.

Derick Wright, South Jordan – said I did not know this was on the Agenda tonight, but I am familiar with this, so I can give you a case that would apply. At the Park Place, they have a 40 Lot community and we just talked about one phase of it. Our boundary on the south butts up to Parkway Palisades, and the Parkway Palisades zone allow animals rights. There is one out of 200 some odd homes in there that has a ½ acre lot with an animal larger than a dog, and those that butt up to us do not. Our property line is at the bottom of Midas Creek, and they have a chain-link fence up on their bank, on their side, but our property line goes all the way down to the bottom, and our zone does not allow animal rights. We can't put a fence down in the creek. We have talked to flood control and they do not want us to put a concrete fence up at the top of the bank, because they want to be able to maintain the creek. When the Midas Creek turns and goes north, our property actually crosses Midas Creek and goes up a steep incline to the circle that is up in Parkway Palisades. It would be impossible to get equipment in there to put in a concrete fence. Therefore, you can't put it in the creek you would need to come on the east side of the creek, which means a person buying that property would lose a third of their lot to comply with the ordinance if they put in a concrete fence. They would not have access to their property if they wanted to beautify, or do something with Midas Creek. Coincidentally, our southbound property falls into this criteria. To the west, and the north, we will be installing a 6ft. concrete fence, but on our west boundary against South Jordan Estates, they do not have animal rights, so we don't have a concrete fence there.

Chair Hollist closed the Public Hearing.

Chair Hollis said is a flood plain a unique circumstance.

Assistant City Engineer Nielsen said yes. We would need to consider that when putting up a fence, because that could impact the flood plain.

C.2 Potential Action Item – (See VI.B.1)

Commissioner Gedge recommending approval of Ordinance 2020-05 amending/ section 16.04.200.B of the South Jordan City Municipal Code regarding fencing requirements, to the City Council; amending the first line in the packet to say, “Amending sub section may be waved and/or modified where the City Engineer determines strict compliance.” Commissioner Darby, and Commissioner Peirce were absent from the vote.

VIII. OTHER BUSINESS

**D.1 Issue: DISCUSSION REGARDING WIRELESS COMMUNICATION
ORDINANCE**

Planner Sanderson and Meadow Wedekind presented a training on Cell Tower Regulations; see (Attachment A).

Craig Chagnon (Crown Castle) -said wireless is very complex and it moves very fast, and the South Jordan staff is getting very familiar with the concepts and the needs of my request. Crown Castle is a very safe company. We own real estate assets with a very long- term horizon. You asked if we loan or lease, we lease from a landowner, and sometime we own the ground, but whatever the case may be, it is real estate. Our needs in real estate are both vertical and horizontal. When Walmart came here they asked to build a Super Center, they didn't come and ask for 5 or 10 acres, they probably asked for 10, or 20 acres for what they thought was needful for the community. That is what we are doing; we need the space to accommodate the infrastructure, which is the poles, antennas, and other supporting equipment. The code that exists now is not very flexible it was a one size fits all, so we were having a hard time meeting the requirements of the code. There are four core locations, three are Verizon and one is AT&T. We prefer co-location. It is fundamental, and universal in the wireless industry to get as many companies on the pole as possible. The towers may each be a little different, but the more space that we have the better we can mount the equipment, and we can do it more safely. I work in about four different states in the Rocky Mountain region, and I am not familiar with any other jurisdiction that requires the flush mount only. Typically, it is in a residential zone, school, or an area where aesthetics are not as important.

Chair Hollist said is each level a single carrier.

Mr. Chagnon said yes that is correct.

Chair Hollist said does the flush mount prevent you at this time from doing the (4) co-locations you have on hold.

Mr. Chagnon said yes, it is prohibitive. There are multiple reasons. Typically, antenna rays are divided in to three sectors (A, B, and C), and how many antennas can fit in those sectors. With a flush mount, there is one, but it is not uncommon to put up three antennas in each sector. There is a safety issue on the flush mounting, so having the antennas farther off the pole will allow us to put additional equipment.

Commissioner Catmull said does the overall range get affected by the 18 to 36-coverage area.

Mr. Chagnon said yes. Having more antennas up there, we will be able to get a better signal.

Mr. Chagnon said when we were here a few weeks ago at the City Council I had one of my colleagues with me that is much better at explaining things about the antenna technology, but I will try to explain some things that were explained there. Antennas speak to one another, so when you are driving through town you are getting a signal off one antenna to a certain point, then you will get a handoff from another antenna. Multiple antennas will make it so you get a more robust signal and you won't be dropping calls, and having dead spots. We have two ears to function, and they are not on the front of our face, they are spaced apart, which allows us to have our optimal hearing. That is very similar in antenna technology, the spatial orientation is very important. Carriers won't do anything they don't have to do, they are not going to go out and spend more money on a taller, or more antennas, their sole objective is service to meet the demands. They are not asking for way more than what they need, they just want to match the demand.

Commissioner Catmull said how does that fall into 6409.

Mr. Chagnon said 6409 is a FCC order and it was part of the 2012 tax relief. Basically, Congress, recognized that wireless infrastructure, for a lot of reasons is very important to our nation. They wanted to enable us to streamline the process, and get through permitting jurisdictions. I don't think it is anything that you need to be afraid of, but I think it is something that you need to understand. There a couple of gray areas, but it is not as ambiguous as we are hearing. The main point of 6409 originally, was to simply not hold up some of the basic maintenance the we do. If you read it, is says, "Removal, replacement and addition." The majority of the work that I do is upgrade the equipment from 3G, to 4G, to 5G. We are removing, replacing, and adding equipment and antennas. They recognized that we shouldn't be held up in deploying superior technology when we are simply adding, or removing from the configuration.

Commissioner Catmull said what is the lifespan of the equipment?

Mr. Chagnon said it is hard to say, but we are always trying to improve it. I have worked with Crown Castle for 7 years, and I have touched many of the same towers once a year.

Assistant City Attorney said last year we received about five requests on 6409, and only one was approved. There was a lot of back, and forth regarding the ones that were denied, and whether they should have been denied or not. That is a mechanism that is heavily used by the wireless community, but the language itself for 4609 is sparse.

Planner Brad Sanderson said Meadow is going to send out an email with the presentation we went over tonight, so you can go over it. We covered a lot of information tonight, so this will allow you to go over the presentation when you have time. We encourage you to go and look at the sites. They look very different in person, because you will be able to see really how big they are. We will also be sending you a draft ordinance so you can get yourself familiar with that. We will send you our contact information and you can reach out to us if you have any questions, or suggestions. Of course, all of this will be a recommendation to the City Council, and you may even want to talk to some of the Council Members that you are familiar with and get their thoughts and feelings, as they have had additional training.

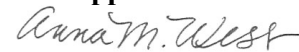
ADJOURNMENT

Commissioner Catmull motioned to adjourn the February 25, 2020 Planning Commission meeting. Commissioner Morrissey seconded the motion. Vote was unanimous in favor.

The February 25, 2020 Planning Commission Meeting adjourned at 8:30 p.m.

Meeting minutes were prepared by Deputy Recorder Cindy Valdez

This is a true and correct copy of the February 25, 2020 Planning Commission minutes, which were approved on March 10, 2020.


South Jordan City Recorder

South Jordan City

Cell Tower Regulations

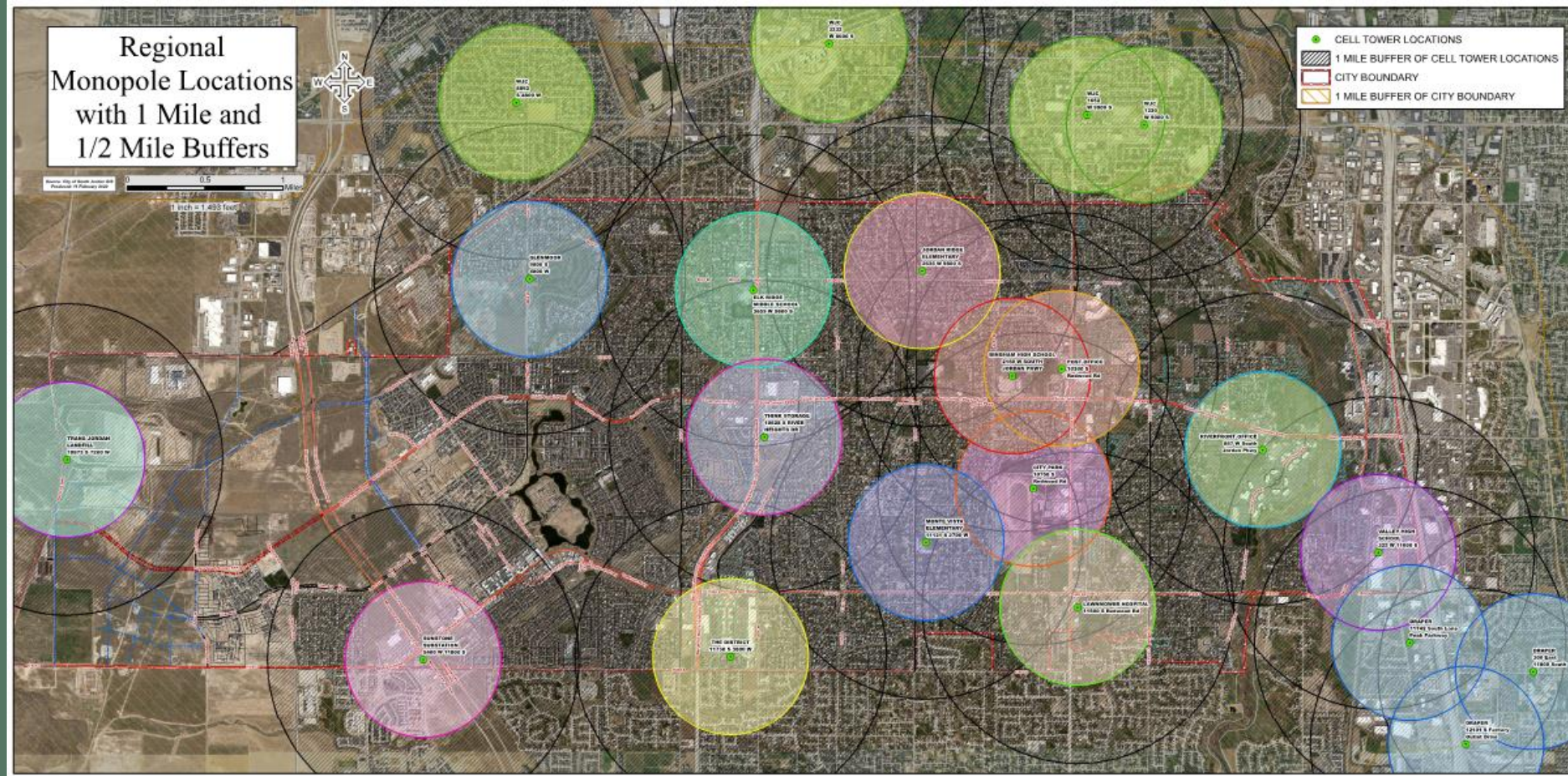
What is being considered?

Discussion Items:

- Enclosures
- Landscaping Requirements
- Flush vs. Standoff Mounts
- Height
- Location of Poles

Understand:

- Effects of 6904



Possible Effects of 6409

- After a wireless tower is built, the tower may still be eligible to increase its size under “Section 6409” if the tower’s dimensions does not “substantially change.”
- “Substantial change” means:
 - In the right-of-way: increases height of tower or base station by more than 10 percent or 10 feet, whichever is greater; or protrudes from the edge of the structure more than 6 feet.
 - Out of the right-of-way: increases height by more than 20 feet or 10 percent, whichever is greater; or protrudes from edge of tower more than 20 feet or more than the width of the tower structure at the level of the appurtenance, whichever is greater;
- Changing landscape.

Enclosure

Current: Masonry Building



Enclosure

Possible: Masonry Wall



Landscaping Requirements

Current: Trees, landscaped berms, and/or other landscaping materials



The District
3800 W 1800 S



Glenmoor Golf Course
4800 W 9800 S

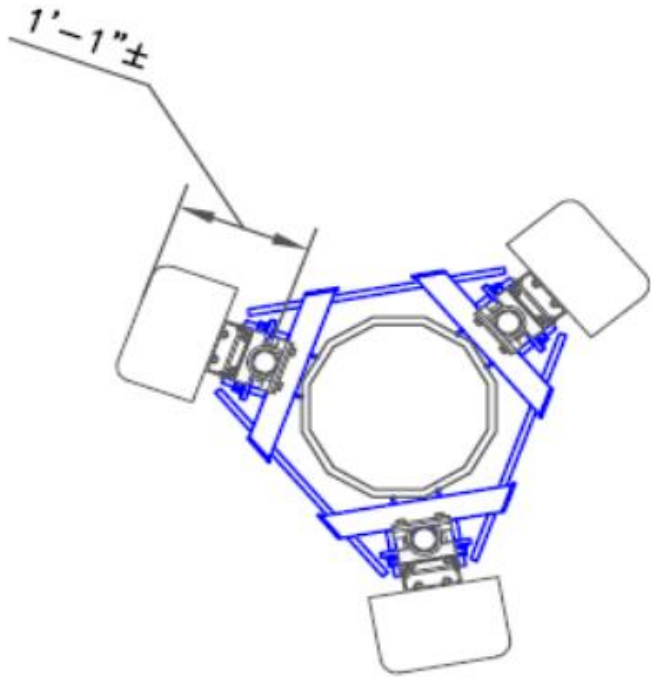
Landscaping Requirements

Possible: Flexible/ no requirement

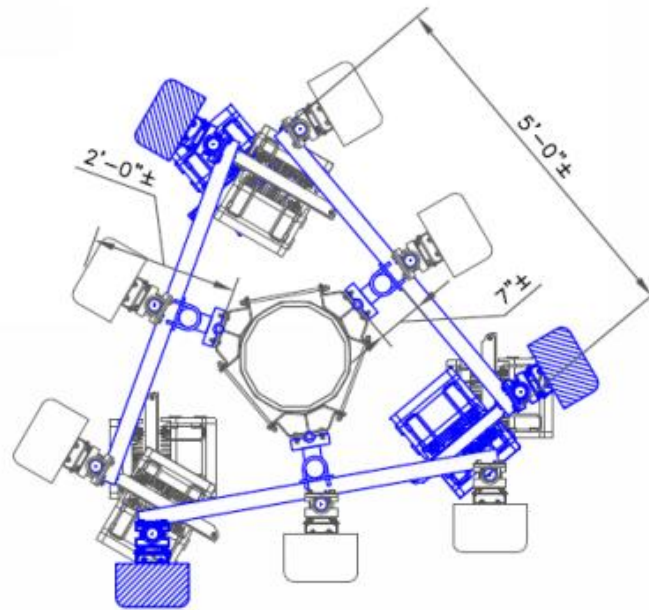


Flush vs. Standoff Mounts

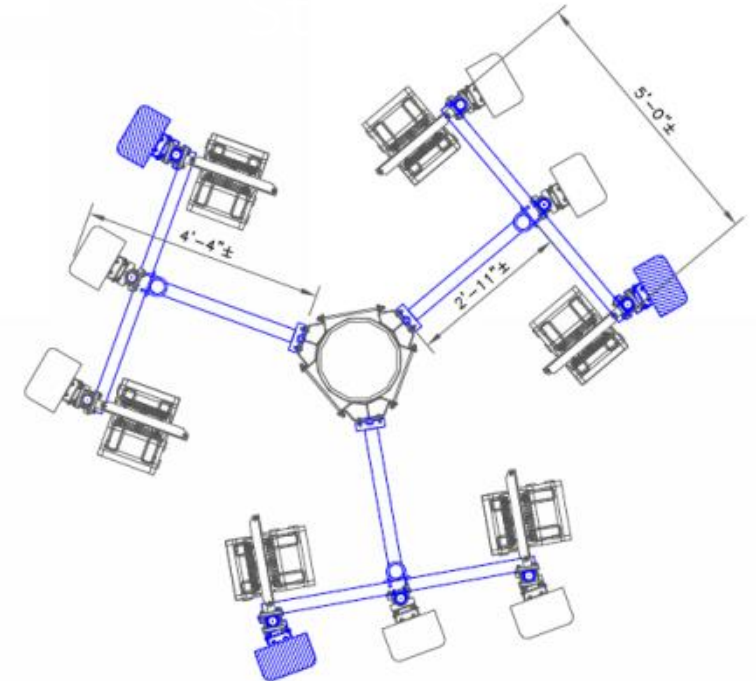
Current: 18" Flush



24" Standoff

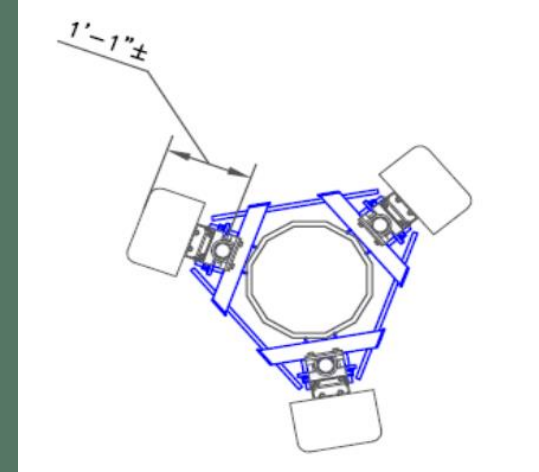


Possible: 36"

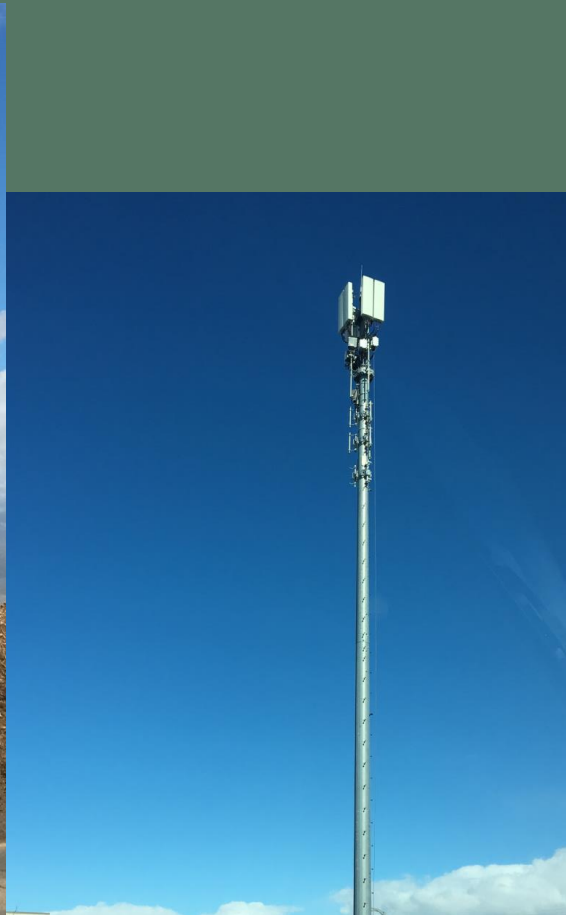


Flush vs. Standoff Mounts

Current: 18" Flush Mount



Trans-Jordan Landfill
Bacchus Highway



Valley High School
325 W 11000 S



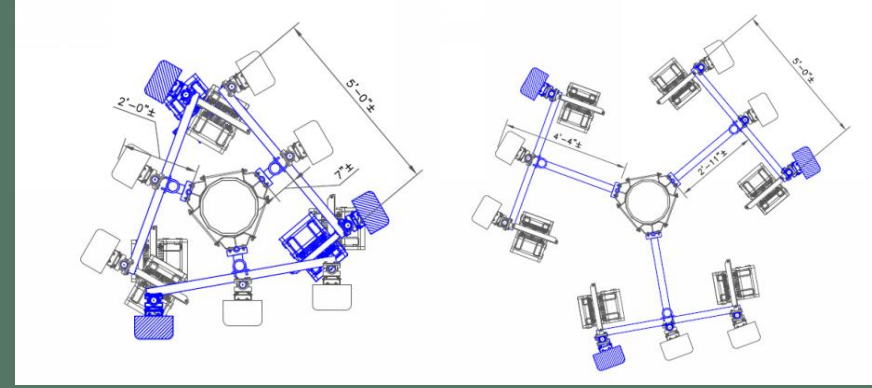
Think Storage
South Jordan Parkway, Bangerter Highway



Riverfront Office
900 W South Jordan Parkway

Flush vs. Standoff Mounts

Possible: 24" to 36" Standoff Mount



Glenmoor Golf Course
4800 W 9800 S



Post Office
10200 S Redwood Rd



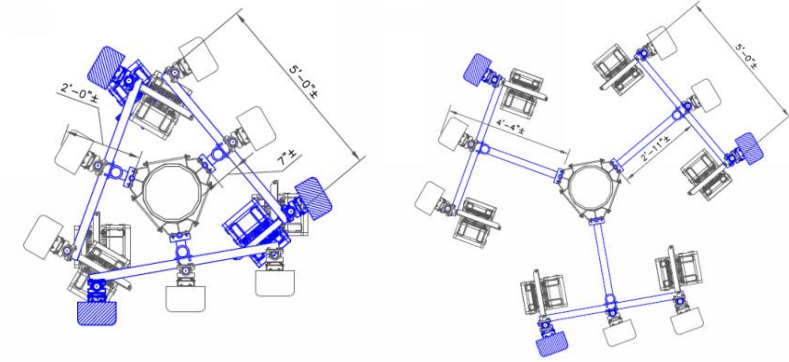
City Park
10800 S Redwood Rd



Elk Ridge Middle School
9800 S Bangerter Highway

Flush vs. Standoff Mounts

Possible: 24" or 36" Standoff Mount



Glenmoor Golf Course
4800 W 9800 S



Post Office
10200 S Redwood Rd



City Park
10800 S Redwood Rd



Elk Ridge Middle School
9800 S Bangerter Highway

Pole Height

Current

- Max 100ft

Possible

- Max 100ft (120ft with 640g)
- Taller further away from existing residential

Monopole Height	Distance From Residential Property Line
> ~~45~~ <u>50</u> feet	~~200~~ <u>220</u> feet
≤60 feet	~~225~~ <u>245</u> feet
≤70 feet	~~250~~ <u>270</u> feet
≤80 feet	~~275~~ <u>295</u> feet
≤90 feet	~~300~~ <u>320</u> feet
≤100 feet	~~325~~ <u>345</u> feet

Location of Cell Towers

Current

- Public (school, church, park, government building), commercial, office, industrial use property

Possible

- Not in parks



Thank You

Stealth Cell Towers

Riverton



Provo



Herriman High School



Monopine

Salt Lake City



Bingham High School

(2200 W South Jordan Parkway)



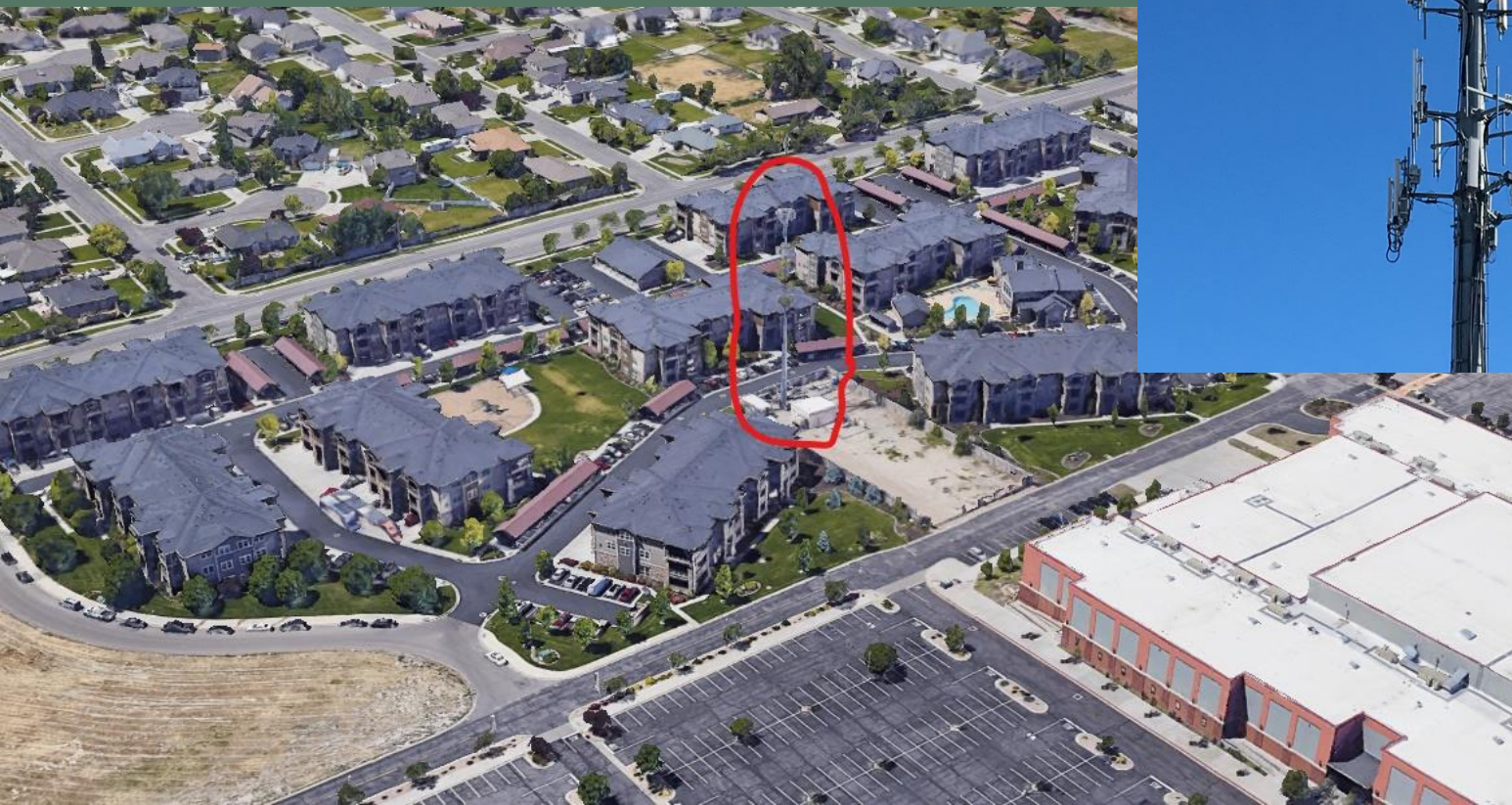
City Park

(10800 S Redwood Road)



The District

(3800 W 11800 S)



Elk Ridge Middle School

(9800 S Bangerter Highway)



Glenmoor Golfcourse

(4800 W 9800 S)



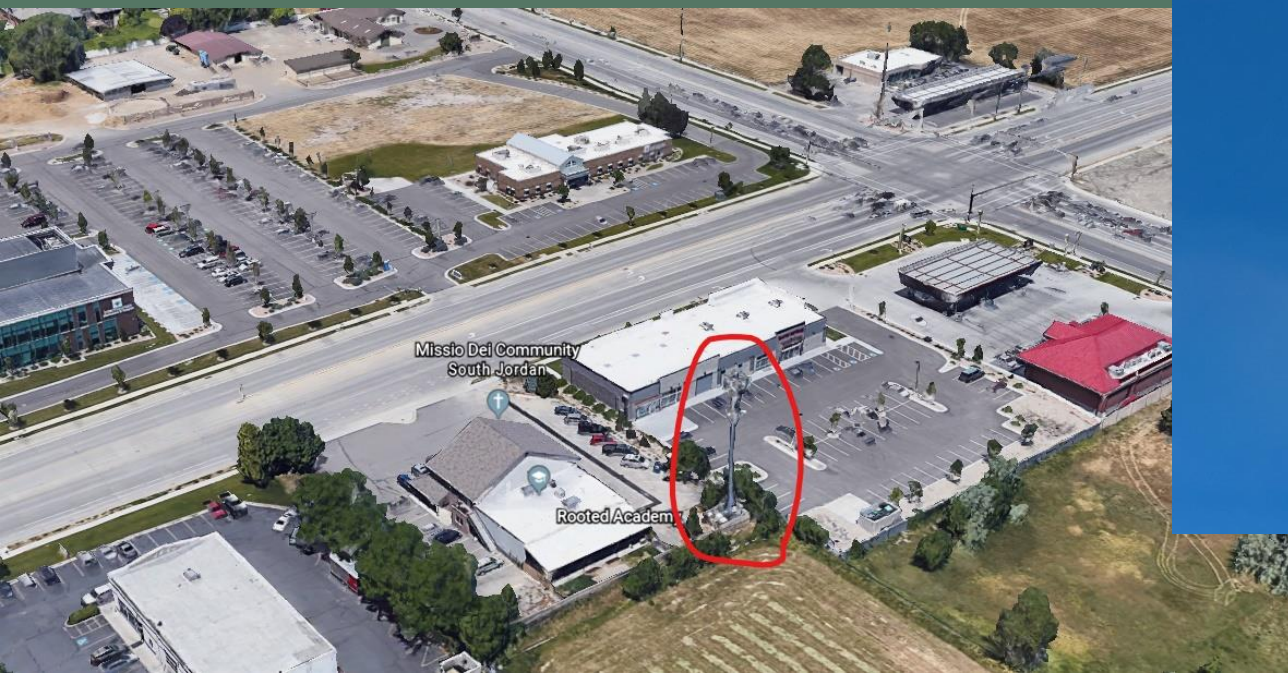
Jordan Ridge Elementary

(2700 W 9800 S)



Lawnmower Hospital

(11400 S Redwood Road)



Monte Vista Elementary

(2700 W 112000 S)



Post Office

(10200 S Redwood Road)



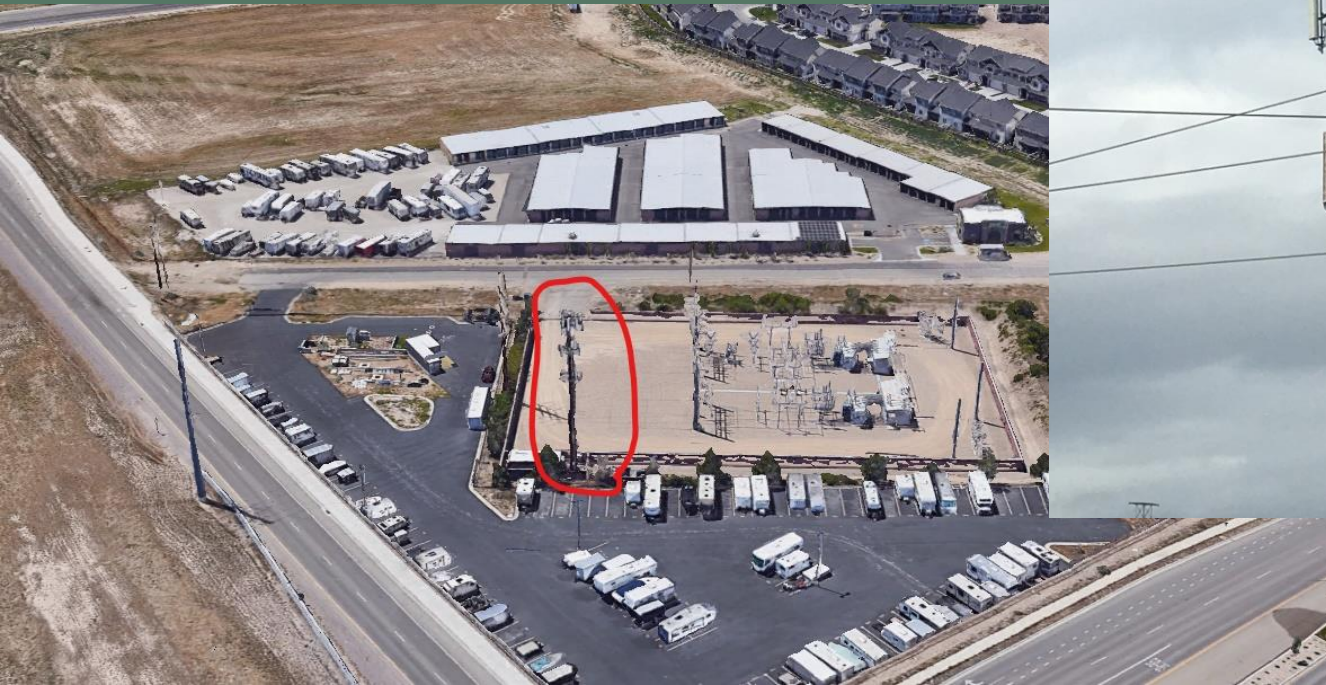
Riverfront Office

(900 W South Jordan Parkway)



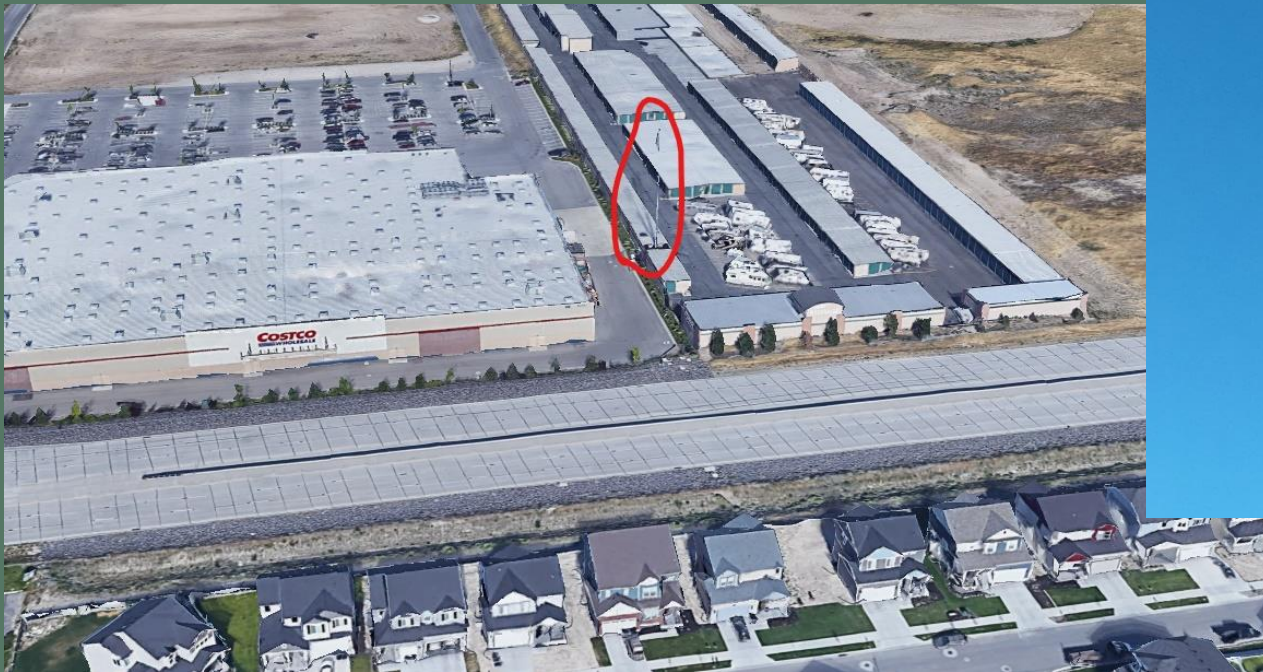
Sunstone Substation

(6000 W 118000 S)



Think Storage

(South Jordan Parkway, Bangerter Highway)



Trans-Jordan Landfill

(Bacchus Highway)



Valley High School

(325 W 11000 S)

