

... **CITY OF SOUTH JORDAN**
ELECTRONIC
PLANNING COMMISSION MEETING
COUNCIL CHAMBERS
March 24, 2020

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

Absent: Commissioner Mike Peirce

Others: John Bergen, Mike Wilcox, Bob Wagner, Andrea Sorenson, Brian Rindlisbacher, Holly Adams, Jinkee McFadden, Mike Wilcox, Kenalee Mead, Nathan Winward, Megan Taufa, Tyler White, Peter Gamvroulas, Brandon Aymes,

7:00 P.M.

REGULAR MEETING

I. Welcome and Roll Call – *Commission Chair Michele Hollist*

Chair Hollist welcomed everyone to the Electronic Meeting and noted that all Commissioners have joined the electronic meeting.

Chair Hollist shared a message from Mayor Ramsey by video - (Attachment A)

II. Motion to Approve Agenda

Commissioner Morrissey made a motion to approve the March 24, 2020 Planning Commission Agenda. Commissioner Gedge seconded the motion. Vote was unanimous in favor; Commissioner Peirce was absent.

III. Approval of the Minutes

Commissioner Morrissey made a motion to approve the March 10, 2020 Planning Commission Meeting Minutes. Commissioner Darby seconded the motion. Vote was unanimous in favor.

IV. Staff Business

Assistant City Attorney Sheeran said in accordance with Governor Herbert's Utah Executive Order 2020-1 and 2020-05, we are modifying the Open and Public Meetings Act to be an Electronic Meeting only, to not spread the Covid-19 Virus. We have had to make some changes to do that, but everything meets the code requirements and is properly done.

V. Comments from Planning Commission Members - None

VI. SUMMARY ACTION – None

VII. ACTION

A. FÖHN BOUTIQUE AND EVENT CENTER, CONDITIONAL USE PERMIT

Location: 1098 W. South Jordan Parkway, Suites 103 & 104

File No: PLCUP202000016

Applicant: Jinkee McFadden

Chair Hollist said I wanted to remind everyone that is here tonight for the Fohn Boutique and Event Center Conditional Use Permit that we had a Public Hearing at the last meeting, so we will not be taking comments tonight. We are here tonight to have the staff present to us what they found over the last 2 weeks concerning the parking situation.

Planner Brad Sanderson said I sent out an email and I apologize for the tardiness of it, but you should have received it about 45 minutes ago. If you haven't seen it yet, please get into your email so you can see the updated information (Attachment B).

Planner Brad Sanderson reviewed background information on this item from the staff report. He said we can only condition this based on what the parking demand would be that is above and beyond what the permitted use would be, so based on the operation plan that the applicant gave us called for roughly 100 guests, we figured they would need 13 extra parking stalls for their portion of the businesses. We have added a condition that if they can find 13 extra stalls above and beyond of what they parking center already has, then the rest of the conditions would apply. Since the staff report went out to you originally, the applicant has been diligently working to get those stalls. As you know, there is a site plan approved to the north for an office complex and they are over parked by about 20 stalls. They are under construction right now, but I asked the applicant (Jinkee McFadden) and the land lord (Bob Wager) to approach them and see if they could get a shared parking agreement. I think they are still in the process of having that conversation, we can ask the applicant where they are in the process. If in the event, they can't get the stalls that is where the email I sent you will come in play. They are willing to reduce the number of guest to fall into the number of stalls required for a permitted use

Chair Hollist said so they are 36 stalls short of the current use for all of the businesses combined, and because of the space that this business has you are requiring them to have 13 additional stalls, is that correct?

Planner Sanderson said that is correct. The reason is, we can't require a Conditional Use applicant to solve all of the conditions.

Commissioner Catmull said at the last meeting I asked if you can require that the shared parking agreement be in place as part of the conditional use. I didn't see that in your conditions.

Planner Sanderson said I am not opposed to that, but I would think at some point you would want to have a discussion with the applicant and see where they are at in the process.

Megan Taufa, (Applicant) – said we have been in contact with the construction people that are doing the office building complex to the north of us. They have some excess parking, so we are looking for a shared parking agreement, or if we can rent some parking spaces from them. We are still in the discussion phase of working on things with them, but because of everything that has been happening things are moving much slower. We did discuss stripping the back side of the building, and that would give us an additional 8 stalls, but that would still leave us trying to find 4 more spaces, at least until we could get those 13 parking stalls from the office space on the north side. I think they are open to it, but we don't have anything in writing yet.

Chair Hollist said if you striped the parking stalls in the back will there still be room for a car to pass?

Ms. Taufa said yes there would be room, because the stalls would be at 45 degree angles.

Planner Sanderson said where the stalls would be striped on the back of the building is a public right of way, so I don't know what the City's stand would be on that.

Commissioner Gedge said on the email we received with the revised plan it said they would reduce their guests to 50 to 65, so I would like to ask the applicant how long they could last with the reduced number of guests. I guess I am looking for a time line that they would have to increase their guests.

Ms., Taufu said at this time we don't know. We are experimenting with the microwaving, which will be very popular in the next year because of the covid-19 and having a limited capacity. We would need to have the venue filled to capacity pretty much every weekend. I think we are caught in the middle of some things right now, but there will be a lot of businesses that will be hurting too. All reception and wedding venues are struggling right now, because of all the restrictions, and I think these restrictions will probably go on through the summer.

Commissioner Morrissey said the applicant mentioned she was working with the complex to the north on a shared parking agreement, could I get the name of that business.

Ms. Taufu said it is not a business, it is an office complex that is being constructed, but I don't know the name of the complex.

Commissioner Catmull said what would happen if that parking agreement was to get dissolved and the leaser has the conditional use to do that, what happens in that type of situation?

Assistant Attorney Sheeran said the conditional use would be revoked at that time. If there is a condition that the 13 stall need to be in place, and the condition goes away, they would not be meeting that condition, so at that point a conditional use can get revoked.

Commissioner Gedge said condition #2 is regarding those 13 stalls, could we amend that condition to say "the stalls are obtained through a recorded shared parking agreement."

Assistant Attorney Sheeran said the approved parking stalls would need to be in a forum acceptable to you, and a recorded agreement would be great.

Commissioner Catmull said can we say a sum total of 38 stalls dedicated, or shared parking and however it gets met.

Planner Sanderson said I would like to clarify that this conditional use only needs 26 stalls, and 13 of those stalls are part of this conditional use.

Commissioner Catull said can it say 26 dedicated or shared sum total of stalls? That is my concern, how we address that, if we address that, or can we address that, because if the HOA survives it is on the property.

Assistant Attorney Sheeran said it would be best to have something in writing, but this conditional use permit if approved, would run with the land. The conditions you add would also apply to the business

until the business is no longer there. If there is going to be a shared parking agreement with the complex to the north and the business were to go away, the conditional use permit could be revoked at that time.

Assistant City Engineer Nielsen said I would like to address a question that Commissioner Gedge had earlier about if the Fire Marshall had reviewed this. He reviewed the original site plan, but he has not reviewed the conditional use permit, but he would review it if they made tenant improvements. It would be part of the building permit process and that is how they would be involved. The access ways are not going to be changed, it is only going to be the parking stalls, and so as long as the access stays the same there would be no problem with the emergency vehicles.

Commissioner Gedge said I am concerned about Friday and Saturday nights when people are at the restaurants and they are parked on both ingresses, on both sides of the street. I understand that the police have no enforcement on private properties. If it was parked on both sides I would be concerned that an emergency vehicle could not squeeze in, but I guess it would be up to the HOA to enforce the parking on this property.

Assistant City Engineer Nielsen said I can make the Fire Marshall aware of that concern so they can monitor the situation.

Commissioner Hollist said what would it take for the City to stripe Hindu Lane with additional spots on the west side of this complex?

City Planner Schindler said the only place that I know we have striped on Public Streets for commercial businesses would be in Daybreak on Soda Row. I would think they would be able to park there any way, whether they were striped or not, unless there were some “no parking” signs.

Planner Sanderson said the only thing striping really does is help the spacing of cars the access for parking is already there.

Commissioner Gedge motioned to approve Conditional Use Permit application, file number PLCUP202000016, for the Fohn Boutique and Event Center business, based on the information provided to the Planning Commission and the evidence collected thereto, the Planning Commission approves the Application with the following conditions of approval, all limited to the event/reception portion of the business, based on the number of guests to mitigate the detrimental effect identified:

1 to 50 Guests:	51 to 100 Guests:
A. Föhn shall follow the second submitted Operations and Circulation plan. See Exhibit A.	A. Föhn shall follow the first submitted Operations and Circulation plan. See Exhibit B.
B. Föhn shall notify its guests that there is limited parking and people are to carpool at four people per vehicle on average.	B. Föhn shall provide 13 additional parking stalls through a recorded parking agreement before the reception/event portion of Föhn operates. These additional parking stalls shall meet all the City’s parking standards, including that they be located within 400 feet of

the proposed use and not divided from the use by a public street (*see* City Code § 16.26.030.N).

- C. Föhn shall provide adequate notice to guests and place signs in the parking lot for the additional parking stalls directing its guests where to park for all events.
- D. Föhn shall only operate events, receptions, and similar gatherings after 6:00 p.m. on Thursdays and Fridays, and from 9:00 a.m. to 10:00 p.m. on Saturdays.

Commissioner Darby seconded the motion. Roll Call Vote was 5-0 unanimous in favor; Commissioner Peirce was absent.

B. EQUESTRIAN PARK IMPROVEMENTS AND REPLACEMENT,

CONDITIONAL USE PERMIT AND SITE PLAN

Location: 11160 South Redwood Rd.

File No: PLCUP201900702

PLSPR201900520

Applicant: Andrea Sorensen, Salt Lake County

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

Chair Hollist said I appreciate the letter we received from the director of the facility stating that they will be emptying the bins at least 3 times a week, so they should be on site regularly taking care of that situation.

Commissioner Gedge said I would like to echo your statement, and I would like to thank the County for their work on this memorandum, it alleviated the concern that I had at the last meeting,

Commissioner Gedge motioned to approve applications:

- **PLSPR201900642 to allow for demolition of existing structures and construction of new; and**
- **PLCUP201900702 to allow public or quasi-public facilities in the MU-SOUTH Zone;**
- **And that the County operate the manure operations according to the County's Memorandum from March 17, 2020.**

Commissioner Catnull seconded the motion. Roll Call Vote was 5-0 unanimous in favor; Commissioner Peirce was absent from the vote.

VIII. ADMINISTRATIVE PUBLIC HEARINGS

C. DAYBREAK VILLAGE 5 MULTI FAMILY #6 AMENDED SUBDIVISION AMENDMENT

Location: 10499 & 10501 S. Liv Way
10523 S. Liv Way & 5504 W. Burntside Avenue
File No: PLPLA202000026
Applicant: Daybreak Communities

City Planner Greg Schindler reviewed background information on this item from the staff report.

Tyler White, (Perigee Consulting) – said those lots are actually owned by HOMES-HOMES, and we did file in their behalf, we just offered that as a service for them. They did change a couple of those units, they are shared homes, so they do share a wall. They changed the dimensions on one of the units, and on the other one they added a porch, because they needed to extend the property line to meet the set-backs. That is the purpose for it, and that is how it came to be.

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

Commissioner Gedge motioned to approve File No. PLPLA202000026 as presented. Commissioner Darby seconded the motion. Roll Call Vote was 5-0 unanimous in favor; Commissioner Peirce was absent from the vote.

D. BINGHAM COURT, PRELIMINARY SUBDIVISION PLAT

Location: 1414 W. 11400 S.
File No: PLPP201900538
Applicant: Peter Gamvroulas / Ivory Development LLC

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

Chair Hollist said I remember when this came to us before, and all of the homes bordering the existing homes needed to be single family homes that were one-story homes, is that still the case?

Planner Drozdek said yes that is still the case, they will be ramblers.

Planner Hollist said are 9 of these Town Homes still going to be “D” restricted, which the City would control?

Planner Drozdek said yes that is correct. They won’t be any different than the other units in the development, so you won’t be able to tell which ones they are, but they will be subsidized by the City.

Peter Gamvroulas, (Applicant) – said I commend you for jumping on to this new forum that we are all getting used to virtually. This is a product that we are really excited about, and appreciate the partnership that we have with the City, and using RDA funds to do this. I would like to reiterate that we have worked with the neighbors having meetings, phone calls, emails, and text messages, and part of that agreement is in the development agreement. There will be a thoughtful barrier with trees that will go along the north property line. All of the homes on the north are limited to ramblers only, and we will also be installing a new masonry fence along the north property line. We have worked with the neighbors and they are very supportive. These 9 Town Homes will have the same interior and exterior as the ones being sold at market rate.

Chair Hollist said has the City Council decided who is eligible for these deed restricted units.

Planner Drozdek said priority will be given to essential employees, but I don't know if we have a list or not.

Mr. Gamvroulas said it will be for essential employees, and I already have a list of 8 or 9 City employees. Director Brian Preece with the City has been giving them my information to contact me and a few of them have started the qualifying process.

Chair Hollist opened the Public Hearing. There were none. She closed the Public Hearing.

Commissioner Gedge motioned to approve the Bingham Court preliminary subdivision plat, File No. PLPP201900538. Commissioner Catmull seconded the motion. Roll Call Vote was 4-0 unanimous in favor; Commissioner Darby and Commissioner Peirce were absent from the vote.

E. PEARL COVE PHASE 3, FIRST AMENDMENT - SUBDIVISION AMENDMENT

Location: 1962 W. Nicholas Farm Ln.

File No: PLPLA202000073

Applicant: Brian Rindlisbacher Planner Brad Sanderson reviewed background information from the staff report.

Chair Hollist said would this come back to the Planning Commission when they build the garage to make sure it meets the City ordinances, and restrictions.

Planner Sanderson said the Planning Commission will not, but it will be reviewed by the Planning and Building staff.

Chair Hollist said is there a reason that we don't remove the second meter now. I wasn't entirely clear on what you were stating.

Planner Sanderson said we as staff recommended it and pushed that it be removed, but the applicant strongly insisted that they wanted to keep it. I don't know if they are planning to use it for their landscaping, or for use in the garage. It does cause us some concern when we see those things, especially when we haven't seen the layout of this yet, but it is hard to say no when we don't have a code that required for that meter to be abandoned.

Brandon Aymes – said I am representing Brian Rindlisbacher on the subdivision amendment. There are absolutely no intentions for the garage to be anything else but a garage. The reason we felt that it was a good idea to keep the meter there, was so that there wouldn't be a need for any construction or digging if we leave it there, and the water line does run across the street into the neighbors park strip. The water was always just intended to supply the garage with water for the recreation room, and game area for the grandkids. It just makes more sense to run water from both directions on this particular lot and the way it lays out, rather than running a line across the entire lot.

Chair Hollist opened the Public Hearing.

Mike Wilcox, South Jordan - said I am curious how the code applies to the fencing, because it is a corner lot impacting the front yard, and they proposing to make it a rear yard, is that going to impact the neighborhood? I would also, like to know why this was done as a subdivision amendment, and not a lot line adjustment to consolidate the lots?

Chair Hollist closed the Public Hearing.

Assistant Attorney Sheeran said I can address the reason for the subdivision amendment. The Utah Code dictates whether things should be done by a subdivision amendment, or a lot line adjustment. The codes states that anything that changes the boundaries of the subdivision, or any changes in a subdivision need to be processed by a subdivision amendment. There was an attempt at this last Legislature Session to include an easier process to do lot consolidations. They are fairly simple, and there are not as many concerns as there would be with a subdivision amendment, but that ultimately wasn't brought forth at the Legislature, so until we have some clarification to the Utah Code we will be processing a lot consolidation in a subdivision through a subdivision amendment.

Planner Sanderson said if and when this lot gets approved and consolidated it is intend to all become the rear yard, in which case the applicant could run a fence along the adjacent sidewalk around the home to the north. That being said and based on the concept that you have there is a 30 x 30 clear vision site triangle on the corner that needs to be maintained so traffic can see there. There is also a clear vision site area next to the driveway that is 10 x 10 triangle, and that is there to allow a vehicle to be able to pull out and see a pedestrian coming down the sidewalk.

Commissioner Gedge motioned to approve Pearl Cove Phase 3 First Amendment, File No, PLPLA202000073, as proposed. Commissioner Catmull seconded the motion. Roll Call Vote was 4-0 unanimous in favor; Commissioner Darby and Commissioner Peirce were absent from the vote

IX. OTHER BUSINESS – None

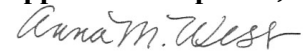
ADJOURNMENT

Commissioner Catmull motioned to adjourn the March 24, 2020 Planning Commission meeting. Commissioner Morrissey seconded the motion. Vote was unanimous in favor.

The March 24, 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 March 24, 2020 Planning Commission minutes, which were approved on April 14, 2020.


South Jordan City Recorder

Cindy Valdez

From: Brad Sanderson
Sent: Tuesday, March 24, 2020 7:49 PM
To: Cindy Valdez
Subject: FW: FOHN boutique and Event center
Attachments: Operational Plan 03242020.pdf; Fohn

From: Brad Sanderson
Sent: Tuesday, March 24, 2020 6:22 PM
To: 'Michele Hollist' <michelehollist@gmail.com>; Michele Hollist <MHollist@sjc.utah.gov>; 'Nathan Gedge' <nate@nathangedge.com>; Nathan Gedge <NGedge@sjc.utah.gov>; 'Steve Catmull' <slc.sendonly@gmail.com>; Steven Catmull <SCatmull@sjc.utah.gov>; 'Trevor Darby' <darbytrevor@yahoo.com>; Trevor Darby <TDarby@sjc.utah.gov>; Sean Morrissey <SMorrissey@sjc.utah.gov>; 'sdmorrisey79' <sdmorrisey79@gmail.com>; 'Michael Peirce' <mikepeirce3@hotmail.com>; Michael Peirce <MPeirce@sjc.utah.gov>
Cc: Todd Sheeran <TSheeran@sjc.utah.gov>; 'Fohn Events' <fohnevents@gmail.com>; Greg Schindler <GSchindler@sjc.utah.gov>
Subject: FOHN boutique and Event center

All,

I apologize for sending this email out so late in the day. The applicant has been diligently working through the recommended conditions. We made some minor clarifications which is still **based on the current operations plan showing 100 guest.** (see below)

Also there has been some discussion about when and if the additional stalls may be secured by the applicant. As such, the applicant has modified their operations plan by reducing the number of guests to 50-65 guest (see attached); in which case the City's Legal team has recommended alternative conditions (also see email attached).

Staff Recommendation (Motion Ready): I move that the Planning Commission approve Conditional Use Permit application, file number PLCUP202000016, for the Föhn Boutique and Event Center business, subject to the following conditions:

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1. The business shall follow the proposed Operation and Circulation plans.
 2. The business shall provide thirteen additional parking stalls, as approved by the Planning Commission, before the [reception/event portion of the] business opens. These additional stalls shall meet all City parking standards, including that they be located within 400 feet of the proposed use and not divided from the use by a public street (see City Code § 16.26.030.N).
 3. The business shall provide adequate notice to guests and place signs in the parking lot [for the additional parking stalls] directing its guest where to park for all events.
 4. The business shall only operate events, ~~meetings~~, receptions, and similar gatherings ~~that exceed ten persons~~ after 6:00pm on Thursdays and Fridays, and from 9am to 10pm on Saturdays. All such events shall be limited to 100 guests.