



**CITY OF SOUTH JORDAN
PLANNING COMMISSION MEETING
ELECTRONIC MEETING AGENDA
TUESDAY, JUNE 22, 2021
6:30 P.M.**

Notice is hereby given that the South Jordan City Planning Commission will hold a Planning Commission Meeting on Tuesday, June 22, 2021, in the City Council Chambers, located at 1600 W. Towne Center Drive, South Jordan, Utah with an electronic option via Zoom phone and video conferencing. Persons with disabilities who may need assistance should contact the Planning Department staff at least 24 hours prior to this meeting.

Attendees will be allowed to join via phone or video, using Zoom phone and video conferencing. Note, attendees joining electronically may public comment with access through video conferencing, and a participant must have their video on and working to speak. Attendees who wish to present photos or documents to the Planning Commission must attend in person. Those who join via phone may listen, but not comment.

In the event the electronic portion of the meeting is disrupted in any way that the City in its sole discretion deems inappropriate, the City reserves the right to immediately remove the individual(s) from the meeting and, if needed, end the electronic portion of the meeting with or without a motion and vote. Reasons for removing an individual or ending a meeting include but are not limited to the posting of offensive pictures, remarks, or making offensive statements, disrespectful statements or actions, and other any action deemed inappropriate.

Ability to connect and comment is dependent on an individual's internet connection, not the City. To ensure comments are received regardless of technical issues, please have them submitted in writing to the City Planner, Greg Schindler, at gschindler@sjc.utah.gov by 5:00 p.m. on June 22, 2021

Instructions on how to join the meeting electronically are below.

Join South Jordan Planning Commission Electronic Meeting June 22, 2021 at 6:30 p.m.

- Join on any device, with mobile and desktop availability
- Visit: www.sjc.utah.gov/planning-commission/
- Zoom link, Meeting ID and Meeting Password will be provided 24 hours prior to meeting start time.
- Zoom instructions are posted www.sjc.utah.gov/planning-commission/

THE MEETING WILL BEGIN AT 6:30 P.M. AND THE AGENDA IS AS FOLLOWS:

- I. WELCOME AND ROLL CALL** – *Commission Chair Michele Hollist*
- II. MOTION TO APPROVE AGENDA**

III. APPROVAL OF THE MINUTES

IV. STAFF BUSINESS – *None*

V. COMMENTS FROM PLANNING COMMISSION MEMBERS

VI. SUMMARY ACTION – *None*

VII. ACTION – *None*

VIII. ADMINISTRATIVE PUBLIC HEARINGS –

A. DRIVE THROUGH ADDITION, CONDITIONAL USE PERMIT

Location: 10309 S. Redwood Rd.

File No: PLCUP202100114

Applicant: Robert Moore

B. DAYBREAK COMMERCE PARK PLAT 5A – 1st AMENDMENT, SUBDIVISION AMENDMENT

Location: 6351 W Crimson View Drive

File No: PLPA202100093

Applicant: Nate Reiner

C. FERRAN COMMERCIAL BUILDING, SITE PLAN AMENDMENT

Location: 11336 S Beckstead Lane

File No: PLSPR202100144

Applicant: Travis Ferran

IX. LEGISLATIVE PUBLIC HEARINGS –

D. HOLT (HIDDEN VILLAGE 2) REZONE, Rezoning the subject property from Agricultural (A-5) to residential (R-M-5).

Location: 10291 South 1230 West

File No: PLZBA202000378

Applicant: Ryan Holt

X. OTHER BUSINESS - *None*

ADJOURNMENT

CERTIFICATE OF POSTING

STATE OF UTAH)
 : §
COUNTY OF SALT LAKE)

I, Cindy Valdez, certify that I am the duly appointed City Deputy Recorder of South Jordan City, State of Utah, and that the foregoing Planning Commission Agenda was faxed or emailed to the media at least 24 hours prior to such meeting, specifically the Deseret News, Salt Lake Tribune and the South Valley Journal. The Agenda was also posted at City Hall, on the City's website www.sjc.utah.gov and on the Utah Public Notice Website www.pmn.utah.gov.

Dated this 18th day of June, 2021.

Cindy Valdez

South Jordan City Deputy Recorder

**CITY OF SOUTH JORDAN
ELECTRONIC
PLANNING COMMISSION MEETING
COUNCIL CHAMBERS
June 8, 2021**

Present: Commissioner Michele Hollist, Commissioner Nathan Gedge, Commissioner Trevor Darby, Commissioner Steven Catmull, Commissioner Sean Morrissey, Assistant City Attorney Greg Simonson, Assistant City Engineer Jeremy Nielsen, City Planner Greg Schindler, City Planner Damir Drozdek, Planning Long Range Intern Meadow Wedekind, IT Director Jon Day, GIS Coordinator Matt Jarman, Deputy Recorder Cindy Valdez, Transcriptionist Diana Baun.

Others: Laura and Paul Litka, Ardith Newbold, Greg Jarvis, John Scott, Cy Hendricks, Krystel Christiansen, Cody Christiansen, Darrin Loertscher

6:36 P.M.
REGULAR MEETING

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

Chair Michele Hollist welcomed everyone to the Electronic Planning Commission Meeting.

II. Motion to Approve Agenda

Chair Hollist motioned to approve the June 8, 2021 Planning Commission Agenda with an amendment to the Administrative Public Hearings section under item C. Commissioner Gedge seconded the motion. Vote was 4-0 unanimous in favor, Commissioner Catmull was absent from the vote.

III. Approval of the Minutes

Commissioner Gedge motioned to approve the May 13, 2021 Planning Commission Meeting Minutes as printed. Chair Hollist seconded the motion. Vote was 4-0 unanimous in favor, Commissioner Catmull was absent from the vote.

IV. **STAFF BUSINESS** - *None*

V. **COMMENTS FROM PLANNING COMMISSION MEMBERS** – *None*

VI. **SUMMARY ACTION** – *None*

VII. **ACTION** – *None*

Commissioner Steve Catmull joined the meeting at 6:38 P.M.

VIII. ADMINISTRATIVE PUBLIC HEARINGS –

**A. DAYBREAK SOUTH STATION PLAT 1 AMENDED, SUBDIVISION
AMENDMENT**

Location: 11319 S. Grandville Avenue

File No: PLPLA202100099

Applicant: The Gardner Company

City Planner Greg Schindler reviewed background information from the Staff Report

Commissioner Nathan Gedge asked if they would need to see a new site plan for the new piece that is being subdivided.

Planner Schindler said no because the lines that are drawn for the new piece outline the area, there is no building that will cross over the property line.

Commissioner Gedge asked if the city or previous planning commissions had ever approved something similar, or if this would be the first time.

Planner Schindler said there was one in the Garden Park area of Daybreak, just across Lake Run Road from this project. It was originally going to be condo buildings, but was divided into 2 large lots and one of those lots was divided into two (one for each building for financing purposes) so they didn't have to construct both buildings on the same lot.

Howard Cook (Applicant) said he has appreciated the chance to work with staff and is happy to answer any questions.

Chair Hollist opened the hearing to public comment, there was none so public comment was closed.

Commissioner Gedge motioned to recommend approval of the Daybreak South Station Plat 1 Amended, Subdivision Amendment, File No. PLPLA202100099 as presented. Chair Hollist seconded the motion. Roll Call Vote was 5-0 unanimous in favor.

**B. DAYBREAK SOUTH MIXED USE PLAT 1 AMENDED, SUBDIVISION
AMENDMENT**

Location: 11015 South 6060 West

File No: PLPLA202100066

Applicant: Daybreak Communities/LHM Real Estate

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

Chair Michele Hollist asked if the right of way was 2,000 square feet.

Planner Schindler confirmed that was the correct size.

Chair Hollist asked if there was a minimum acreage to qualify for a P lot.

Planner Schindler said no, there are no requirements. This median was placed in this specific spot because the road starts to split there and when it crosses Kittyhawk Road it becomes two different streets.

Chair Hollist asked if Assistant City Engineer Jeremy Nielsen had the chance to review and feel comfortable with the removal of the drainage easements associated with this.

Engineer Nielsen said that yes, he was comfortable with the plan.

Commissioner Nathan Gedge asked if there will be a separate public hearing for that vacation, or will it just be part of the city council agenda and the public would speak up during the citizen comment portion?

Planner Schindler said there will be a public notice sent out, they are still determining who that will entail.

Commissioner Gedge asked if the city has established a property value for the city council to use during the vacationing process and for their decision.

Planner Schindler said they have not assessed a value yet, but that will be done before it goes to the city council.

Greg Flint (Applicant) said he concurred with everything staff has said and did not have anything to add.

Chair Hollist opened the hearing to public comment, there was none so public comment was closed.

Commissioner Darby motioned to recommend approval of the Daybreak South Mixed Use Plat 1 Amended, Subdivision Amendment, File No. PLPLA202100066 subject to city council approval of the proposed vacation. Chair Hollist seconded the motion. Roll Call Vote was 5-0 unanimous in favor.

Commissioner Gedge welcomed LHM Real Estate and confirmed that Greg Flint will be the new participant on Daybreak's behalf for future meetings.

C. UTILITY OUTBUILDING, CONDITIONAL USE PERMIT

Location: 2612 W. Horseshoe Cir.

File No: PLCUP202100113

Applicant: John Scott

Planner Damir Drozdek reviewed background information from the Staff Report.

Chair Michele Hollist asked if in this zone (R-1.8) accessory buildings are allowed to exceed the footprint of the home and height, and if they are limited to the 35 foot height that applies to all residential areas?

Planner Drozdek said the height is capped at 25 feet, so it is based on either the height of the home or 25 feet for an accessory dwelling.

Chair Hollist said there was no mention of a second story, attic or basement so she assumes all the rules regarding windows don't apply.

Planner Drozdek said according to the applicant there is no second story, attic or basement as it is an oversized metal shed. It will be used possibly as a gym, storage or riding barn.

Chair Hollist asked for the offsets from adjacent property lines.

Planner Drozdek said applicant has said it will be 20 feet high, and based on that height the offset requirement is 12 feet; his plans are showing 12 to 25 feet for the offset.

Chair Hollist asked for the minimum lot size in an R-1.8 zone.

Planner Drozdek said the minimum is one-third of an acre, most of the adjoining properties are around 2 acres.

Chair Hollist said the Staff Report indicated there were a couple of accessory buildings on nearby properties that are larger than the main buildings, she asked if they were on the same circle.

Planner Drozdek said that is correct and that they were made of similar materials.

Commissioner Gedge asked if the other neighboring buildings had gone through the same conditional use permit process. He also asked if we would be able to restrict use to residential and/or agricultural to prevent commercial and/or industrial use as that was a concern from residents.

Assistant City Attorney Greg Simonsen said based on the staff report there is a concern that there will be a commercial aspect to this building. To do that, the owner would have to apply for a separate permit to pursue a commercial use; however that is not before the planning commission tonight. He doesn't believe it is necessary to make that a condition of the permit, but he leaves that up to the commission.

Planner Schindler said the other nearby buildings probably did not go through this same permit process as they are older and the requirement was not there when they were built. Also, the applicant already has a business license to have a home occupation permit for his business, so as

long as the business use doesn't change he already has the license. The current license would allow 12 one-way trips per day.

Planner Drozdek said that the trips are based on the number of vehicles, not the number of people.

Commissioner Gedge said the neighborhood has an association with covenants. He is assuming anything the resident does, whether they are allowed by their covenants or not, would be a separate private matter between the owner and the association.

Planner Schindler said yes, the city does not enforce private covenants.

Commissioner Steve Catmull asked what would happen to the conditional use permit if this property were subdivided; would it go with additional subdivided properties or is it specific to one of them.

Planner Drozdek said it would only be associated with one property.

Planner Schindler agreed that it stays with the portion of land that it was granted for, but the land couldn't be divided if it only has an accessory structure; that structure would have to be torn down.

Commissioner Catmull asked if any of the subdivided properties retained the conditional use permit, would the new owner be able to build another accessory building that was larger than the main structure, even though the lot size is much smaller.

Planner Schindler said there is a lot coverage issue that they would run into if they tried to build a large accessory building on a smaller lot.

Commissioner Sean Morrissey asked if there are any other properties in this subdivision that have business licenses.

Planner Schindler said he believed there were. When he tried to look up this address there were several other licenses that came up for Horseshoe Circle, some were closed but he didn't look closely as they were only looking for information on the applicant's home.

John Scott (Applicant) said he has nothing but respect and good feelings towards his neighbors, and he knows there are some negative feelings right now. He pointed out that these negative comments probably came about because their covenants are 48 years old, they automatically renew every 10 years. He had wanted to put this building up and instead of financing it, he wanted to sell off half an acre to pay for it. However, he wanted to be respectful to his neighbors and what their covenants were. He talked to attorneys, a couple developers, and he knew he could put a lot of money into it legally and overrun everything; he didn't want to do that. He needed his neighbors to know that he chose not to do that. Their covenants call for 10 out of 19 of the residents to agree be able to change the covenants. He went door to door to almost all his neighbors but stopped short of going to all of them because he didn't have the numbers and he

had already had conversations with them months ago and knew they were opposed to it. At that stage, he opted to finance the building, which is what he has done. He is a former professional player, he coached in high school twice, has been a college coach three times, a player development coach with the NBA. Basketball is his life and his business is called Sport America. He deals with athletes all over the world and he helps them with college recruiting; teaching them what coaches look for, how to do college level workouts. They do not do this in the gym. He has had kids from Australia to Denmark to every state in the country that he has helped get to college. His sport was basketball which he played in high school, was all-state twice. He played in college, played it professionally overseas. When he came home from playing he wanted to give some of that information back. He developed initially a book, and then started to build this company from his home. He got a license for it from the city, he has adhered to the parameters that they gave him since he started the business. He has developed the largest sports library in the world. YouTube kind of dilated that, so that's when they went to college recruiting. He has done 6 books on college recruiting. He doesn't need employees in his offices, he has guys that have been college coaches from Massachusetts to Michigan to California that work for him and they do the same thing he does; they all work from Zoom. Since basketball is his first love he has trained kids since he was in college and half the kids he never charges, half he does charge; this is why he has a business license. He has complied with the number of visits all along and he will continue to comply with that. He was made aware by city staff that they had received a few negative emails, he might want to make sure he is doing his homework. He went and visited with the neighbors in the 300 foot range of where the notices went out and he typed up a letter for his neighbors saying "I am not opposed to the utility recreational building John Scott is proposing to put on his property which will include a gym, golf simulator and putting green, storage and potential riding arena." Again, if he sells the property he wants the structure to be big enough (since they are on horse property) that it could be a riding arena. He does not ride horses, but he wanted it to fit that criteria. Across from him the former city councilman Jack Peck put up a building about the same size, a metal building, and it sits there until this day. He had actually taken photos of a mile in each direction, north and southwest, where there are full court gyms on properties that are one to one and a half acre lots that the city has approved of. The letter further states "I understand it will be used for personal use and he has explained to me that he, from time to time, may give basketball lessons to individuals or a small group of basketball players" and he said he does training one night a week. He will keep it within the parameters for the vehicles. Out of the 20 plus people he spoke with, he got 16 neighbors that have either written or verbally expressed their approval. He pulled out a map of his neighborhood, the properties with circles on them showed they had no problem with what he is doing (this amounted to 19 people). Some of the neighbors said they are not opposed to it, they don't want to get involved in it. He asked if they were okay with him writing down they were not opposed to it and they said it was fine. The other side of Bridle Oak also has three or four more people. He knows that the big issue with his neighborhood started because he wanted to subdivide and that's what most of his neighbors hate and he respects their opinion. He told them, when he talked to any of them, that he respects their opinion, he is allowed to have a different opinion. He has been in the circle for 21 years and he has tried to help almost every one of his neighbors when they needed it, he is not trying to create problems. He meets the height restrictions, there are other properties in his circle with similar amounts of buildings, he meets the land conditions, and he is in full compliance. He was made to understand that some of the letters came from people out of the range of the 300 foot mark, to him that is a moot point since they aren't even in the line of sight. One of the people that he

knows, who is his direct neighbor, who complained isn't even in the line of sight of the building. He doesn't see how those are impacting his case. He has five or six neighbors who run companies, maybe not out of their property, but nonetheless they are plumbers, electricians, contractors and they have trucks and trailers going in and out every day. He isn't looking to subdivide the property at this point, he has put that in the closet since he didn't have the numbers. Not all of the neighbors know that because he hasn't gone back and communicated that because he wanted to get things going on this project with the summer coming. He is happy to answer any questions. They do have a section in their covenants about an architectural building committee but he says that got flushed down the toilet about 15 years ago because half the people in there came in and built new houses, added things, and none of it went to an architectural building committee so it wouldn't hold up in court; he does not need their approval. He is happy to share with them what the building will look like, the color, if they just come and ask him. He has had a few of them talk to each other behind his back and try to get them on their side, he doesn't care and he knows they are upset. He is not mad at them, but he is trying to handle this like an adult. He just finished a book on foul shooting and is in the middle of interviewing with the Utah Stars which is the Utah Jazz Development Team. He is very good at what he does and he has changed kids' lives. He has sent over 300 kids to college in 40 years and hundreds of millions of dollars paid for and life skills, he thinks what he is doing is a good thing.

Chair Hollist opened up the hearing to public comment.

Greg Jarvis (Resident) said he is the new guy in the neighborhood, he has been there for six years. When he moved in there were bylaws that everyone knew about, you can't divide the property or have rentals. From what he can tell, Mr. Scott is the only one on the circle that has rentals and wants to divide his property. Bridle Oak has nothing to do with Horseshoe Circle. They are concerned about the traffic, the properties they have worked all their lives to get; they don't want them commercialized and this will commercialize them. When the middle school lets out, everyone parks along that road to get their kids; this is fine but they almost get hit every day pulling out and this will be more traffic that they just don't want.

Paul Litka (Resident) said he and his wife have submitted written comments. They expressed concerns that the proposed structure would violate the residential nature of the neighborhood as it is the length of an NBA basketball court and it's one and a half times as wide. They also expressed concerns about it being a commercial enterprise and it appears that this is a pretty large scale commercial enterprise. They expressed concerns that attempts to violate the existing covenants, which happen to be valid, would create a very unfortunate situation for them, potentially causing economic harm as no one is going to buy a valuable property like this without guarantees of that undesired development. They feel that might be a real issue for them in terms of the pocketbook as well.

Cy Hendricks (Resident) said he wanted to potentially support something that Mr. Scott said, he does feel the respect and he feels like he has tried to exercise the liberties we have in the state of Utah to run a commerce as he sees fit and to operate it with the commission's approval. As he said, it is his right to disagree or do what he wants, and it is his right living in a circle that is not HOA governed to press against those. He was not one of the ones circled on the map that was shared. He and his wife have horses, if this is subdivided it will change the core nature of this

subdivision. He has a few thoughts he wanted to share, that the support of this is to freedom of home commerce as outlined by the ordinances that the city governs and to operate one's household as one sees fit to their quality of life. The point of contention there turns into when one's freedoms encroaches onto another's desire to have an equal quality of life that they define. He doesn't know that he is deeply concerned about the line of sight, seeing a steel building, as right across from his driveway he sees the Lyman's steel building. These two buildings would accompany each other and this is not purely aesthetics. Yes, Mr. Scott's would be larger, similar to the Torres home (previously Jack Peck's arena). His concern is that their circle does not have sidewalks or speed management mechanisms to create safety; there is no outlet. There is a lot of traffic that comes through looking to get to the other side of the neighborhood, even down towards the high school. They come through quite quickly and there is no speed management or safety measures for pedestrians or those that are walking. Mr. Jarvis had mentioned the traffic, as they come in from the middle school there are parents that drive through the circle quite quickly. This, he sees, as a compounding nature. He knows that Mr. Scott would do his best to manage the traffic, but there would be some traffic and that is his current concern; he doesn't know how meaningful his effect would be, but his biggest concern is traffic. His last concern is similar to Mr. Litka, how do we qualify the detrimental value and how do you mitigate that. If, as Mr. Scott said, the lot division is in the closet, he believes that mitigates a lot of it if it is permanently there because he would prefer to retain the two acre lot sizes as they are now. The minimum acreage for this neighborhood is one-third acre, and he asked if he could build everything Mr. Scott has on a one-third acre lot.

Planner Drozdek responded that there is a density requirement, it is 1.8 lots to the acre, so that density requirement would have to be met for the city to approve a subdivision.

Mr. Hendricks said this is his last concern, that if they create one lot that is high density then that would be material to Mr. Litka's concern, it would detract heavily from everyone in the circle. Certainly he wouldn't want to buy a \$2 million dollar lot (one of the homes is \$2 million plus in their circle) if three lots down is a high density building area. All in all, he supports Mr. Scott and is all for him running his commerce, he does appreciate the support he gives his son in mowing the lawn, but his concern lies with division, traffic and some aesthetics. He just wants the building to be as nice as it can be.

Krystal Christiansen (Resident) said along with everything that has already been stated, her main concern is the water flow. She is the house directly west of the applicant. Previous buildings before they got there had already been built below grade and have caused previous water issues. They have done everything on their side to mitigate that but their homes are, from what she understands, designed to let water flow. Not just the water from their water rights or rentals, but also runoff that they don't always know when it's coming. She wants to make sure that if they get water, either intentionally or unintentionally, that this building will not completely block and back up not only Mr. Scott's property and buildings, but hers.

Chair Hollist asked if she was referring to flood irrigation.

Ms. Christiansen said yes, they have flood irrigation in their circle.

Commissioner Sean Morrissey asked her to point out on the map the area she is referring to.

Ms. Christiansen pointed her property out and said that her property is uphill from his, her water goes to him and then his goes to the next one and on down the line until it flows out of the circle.

Chair Hollist asked if Ms. Christiansen was concerned that she would be responsible.

Ms. Christiansen said yes, she is concerned with who is responsible if the water backs up.

Chair Hollist said she would get staff to answer that for her.

Darrin Loertscher (Resident) said he appreciates Mr. Scott trying to keep them informed. He doesn't want to stop him from adding another building. He himself tried to put another building, (he is the newest one in the circle, built a brand new home there back in 2015) a garage, and he couldn't even get past the initial steps with the city. He spent over \$8,000 designing it and couldn't get it past planning and zoning. It was going to be a 60 by 60 garage for his motorhome and trailer, not for a business, but he believes the issue was he went to 36 feet. He was going to have to go to a flat roof to do the 60 foot span. The point is that he doesn't have a problem with the building but he thinks there are ulterior motives that they are all concerned about. They want to keep Horseshoe Circle quiet, no bigger than it is. He remembers a time when South Jordan was all about bigger lots and less density, which has completely changed. He is a contractor and he builds a lot in Daybreak, he appreciates the work, but there are still a few places that are big but quiet and he wants to preserve that because he doesn't believe you can even find an acre lot anymore anywhere in the south end of the valley. That is what a lot of their concern are, they love what they have and they don't want to change it. He knows other people have come in and tried to subdivide, they don't even want an avenue of subdivision coming in there.

Ardith Newbold (Resident) said she is a little confused on what Mr. Scott wants to do here. Two months ago he called her and wanted to get her approval on selling the one part of his property and she told him no. She has lived there for 37 years and she is probably the longest living resident there now. She told him that would totally take away the integrity of Horseshoe Circle and that she would not approve of it and her late husband would not approve of it. She feels for Mr. Scott, she knows he wants to have a business there, but she is confused because he wanted to sell it as a lot so someone could put a home on it but now it is going to be a business and that she is opposed to because they don't need any more traffic in the area. They like it the way it is, like Mr. Loertscher said.

Cody Christiansen (Resident) said his uncle, Roy, was the first one that bought a house in the neighborhood, back in 1973; he still has the house deed from when he bought it. He has known Mr. Scott his whole life and he is a good man and he does respect him. However, like the others have said he is worried about the neighborhood getting busier. He has three kids and they go out and play, there is no divider from the road and his property line, and many others around him have kids. His fear is someone coming into the neighborhood going 60 trying to get to someone's house so they don't miss a meeting or a basketball game and some kid getting killed. Regarding the property getting divided, Mr. Scott spoke with him about that and he told him he wasn't for it. He likes South Jordan the way it is, the way it has been ever since he was eight

years old and he came out to ride Clydesdales at his uncle's or to work on the tractors. Yes, a lot of people in that neighborhood do have trailers and other things, but a lot of them are either for farm equipment or doing things around the property. There are people that have had businesses that are not there anymore. Mr. Scott knows this, he has actually borrowed some of Mr. Christiansen's equipment before. He is not against coming to an agreement or figuring out a way to make him and everyone else happy, but he likes the neighborhood the way it is and he doesn't want it to change. He doesn't want a big basketball court. If you drive around Salt Lake City you see buildings are empty, vacant, destroyed, parking lots grown over with roots just because they want a new building. What about all the other buildings we have around that are vacant, empty and falling apart? Is there any way they could help him get a building like that before we build something else that we do not need.

Brenda Lyman (Resident) said she does support Mr. Scott in this initiative, but she also supports her neighbors' comments that they want to keep Horseshoe Circle as it is. She does not support subdividing a lot and is grateful that is not part of the initiative. She does support the building. She lives just to the west and believes she would be the most impacted by this particular building, in that it will be right in her vision line. She doesn't want more traffic but she would like to see the city take some initiative to try to prevent the traffic that is happening right now with the middle school pick-up because that is not appropriate. She thinks that if that got taken care of, that would decrease a lot of the concern that the neighbors have towards adding more traffic.

Jim Mickelson (Resident) said his main concern is the potential traffic flow. He is concerned that this is a commercial venture. He also agrees with the previous statements and concerns. Even though he is not within the 300 foot limit, this is a circle and there are only two ways in and out. Yes, the middle school has been a problem, in fact he remembers contacting the South Jordan Police a few years ago because he almost saw someone get hit and that is definitely something that needs to be addressed. Just from his taxes, he is paying for the peacefulness and quietness that he hopes will stay that way; that is why they bought the property to begin with and has been a resident for about 22 years. His biggest concerns are the additional traffic and the changing of the neighborhood, as well as a potential loophole for breaking the covenants.

Chair Hollist closed the public comment.

Chair Hollist reiterated that this is not a property division, they are not addressing that or voting on that tonight. She also wanted to clarify that even if there are private covenants that would prohibit property division, the city cannot oversee or enact those.

Attorney Simonsen said the private covenants are contractual and run with the property, but they are between property owners. It is not the city nor the commission's place to evaluate or enforce those covenants.

Chair Hollist said that traffic was a big concern, she asked to be educated on what resources are available to the residents through the city. She mentioned that she believed Temple View Lane had some signage that prohibits junior high pick-up and drop off for this same school on the east

side; could the same be enacted on the west side if the citizens were to get together and request it from the city? She asked about possible speed bumps or other mitigating measures.

Engineer Nielsen said that if speeding is a concern they can reach out to him as the transportation engineer and he can do a speed study. Looking at the road, it is quite narrow compared to the typical subdivision streets, as well as very curvy, so he doesn't see it as a big concern from a speed perspective. He is however happy to do a speed count to see what is happening out there. Volume wise, unless they are getting a lot of cut through traffic, it doesn't appear that there would be a high traffic volume there as it looks like a pretty quiet street. The residents are welcome to reach out to him. He did warn them, as far as speed bumps, the city has a policy that they do not do speed bumps; they were eliminated back in the 90s as there were a lot of claims for vehicle damage and a lot of other issues. Also, he is happy to look at middle school drop off as well if that is an issue. School pick-up and drop off at any school is a mess for 15 minutes, but if it is out of hand there are things they can look at.

Chair Hollist encouraged the residents to reach out to Engineer Nielsen. They had a student hit at Jordan Ridge Elementary which is just down the street from this and Engineer Nielsen responded by installing a camera to see what the issue was, where things could improve. He got involved with the school and they took measures to avoid this again in the future like installing red curbs. She is very sensitive to the school issue, these are children and they are important and not always watching out.

Engineer Nielsen said the city does have some grant funding and will be doing some sidewalks on 2700 West, which should improve safe walking for the kids accessing that middle school. It is probably about a year out from happening, but the funding is in place.

Chair Hollist said that several residents mentioned the commercial aspect of this property. She asked to be reminded of what the resident is allowed now and explain how that will apply in the future, at what point would he have to apply for an additional business exception.

Planner Schindler said he already has a business license to run his business, he has a website but he is limited to how many trips per day he can have at his home. Multiple businesses doesn't increase the number of trips a resident is allowed per day. He is allowed 12 one way trips, come and go is one trip. It is not a detrimental effect with the traffic since our ordinance allows that for anybody. If he is in violation of our codes they can revisit the conditional use approval and it can be revoked at that point.

Chair Hollist asked to be educated how a resident would have that investigated if they felt it was being violated.

Planner Schindler said the resident reporting the violation would have to do the investigation and provide the city with proof it is happening, hopefully on more than one instance. It would need to happen on a regular basis, not just on one day. It is one word against the other, but they need to have some proof or some way to prove that it is causing traffic issues.

Chair Hollist asked if they were to determine that cars parked on the road caused a detrimental effect, could they require that they be parked off the road or that he mark spots on this driveway going back to this gym as business parking spots.

Attorney Simonsen said he is imagining a gym where people are lifting weights, however it is also described as storage. When he answered Commissioner Gedge's questions early on he was totally unaware (as it wasn't in the staff report) that there was a business license issued. The staff report also made the reference to the possibility of a horse arena. He is still somewhat unclear as to what this building will be used for, however he is not the decision maker here. There was no reference to a license so he did not do any research and go back to look at what the city's laws are regarding having a business in a residential area. He believes Planner Drozdek and Planner Schindler are much more on top of what is required and what needs to be done to look at that. Whether just having a business license allows someone to operate a business where customers are coming to the residence, and conducting a business in a building on the property, he is not sure if there are any additional permits needed (if any) to do that. Regarding the parking, he doesn't know if parking is addressed in the licensing requirements.

Planner Drozdek said home occupation business licenses are issued by city staff, no hearing is required. In residential areas, any small businesses can get a home occupation business license. There is only a limited number of businesses that cannot be run out of a home, for instance a massage parlor; otherwise, the home businesses are only governed by number of vehicle trips per day.

Chair Hollist asked if there are any other restrictions or limitations that this level of a business license in a residential area includes.

Planner Drozdek said there are other restrictions, but not related to vehicle trips. There are hours of operation requirements, noise requirements, no signage, etc. The only type of business that governs the amount of customers or kids is a daycare type business. To address previous comments, any resident can make a complaint to a city compliance officer if there are concerns that something is happening that isn't right and they will look into it and see if there are any violations.

Chair Hollist asked to address water flow concerns and run off.

Engineer Nielsen said this is a private irrigation system, there should be a ditch master that is responsible for that ditch, but for the most part they are privately run. There are all kinds of laws in place preventing people from disrupting the historic flow of an irrigation ditch without the permission of the ditch master.

Chair Hollist asked if this is a necessary step before this is constructed, that the ditch master sign off that there is no impact.

Engineer Nielsen said only if they are moving or affecting the ditch, otherwise city does not regulate the ditch. The city informs the applicants that is necessary, but we are not the regulator of the ditch.

Commissioner Trevor Darby asked to clarify this is just regarding the ditch; once the water is out of the ditch and on the surface of the ground, the ditch master isn't responsible.

Engineer Nielsen said if they are talking about surface runoff, in that case that isn't the ditch master. As far as grading your site so it doesn't flood, anyone that is part of the building permit process will be looking at the grading to make sure it won't cause a hazard to related properties.

Commissioner Gedge has had experiences where water ran off into adjoining property and they were liable for the damage; he believes that would still be the case, that it would be a private civil matter.

Chair Hollist asked if they are concerned that water will no longer reach certain properties, so the opposite concern?

Engineer Nielsen said that isn't anything the city regulates. If there is a field that counts on the surface water to sheet flow across the property and then irrigate a field adjacent to it, they don't address that in the building permit process.

Commissioner Gedge said Mr. Lurcher said he had previously applied for a garage that was denied through the city staff process. That does not apply here as this is a different part of the code that goes toward the planning commission due to the size (larger than the footprint of the home).

Planner Drozdek is not sure what the reason for denial was, the resident had mentioned height and the maximum height is 25 feet and it sounded like his structure was going to go above that. The structure here tonight is at 25 feet.

Commissioner Gedge asked if a 25 foot height limit is going to work for a 10 foot basket height.

Mr. Scott replied they only need 20 feet for a three point shot. He said that neighbors expressed concern about the traffic, and he shares that concern. He is a big target on the street when he walks around and he is concerned about the speed of the traffic. He has suggested to a few of his neighbors that they all get together and talk about funding speed bumps in the neighborhood since the city won't do it. He doesn't know if it's allowed but they can discuss it later. He said it earlier, he wanted to go house by house and a few weeks ago it became apparent he wasn't going to get the numbers for subdivision; that's when he decided to finance the building himself. The subdividing is off the table. There were a number of people not opposed to it, but the majority was not in favor if it so it is off the table. Regarding the flooding, The Christiansen's are west of him and uphill, but in the last 21 years he is the one that has been flooded three times where his back building is at the expense of \$20,000; he has never asked for a penny. The irrigation lines run along the circle, on the outside, away from where the back building would be. The building would run west/east and he pointed to where the irrigation ditch is and where it runs along his pasture. It has been blocked since he moved in because he blocked it, it has never flooded there. He and Ms. Lyman have already talked about working together on that irrigation ditch so it drains better for both of them because it is old. Mr. Jarvis has the best unit as well as Ms. Newbold since they have cement. He doesn't believe the flooding is an issue for his uphill

neighbor based on how the water currently runs downhill anyways. He recognizes the traffic flow, the covenants are there for a reason. The business covenants are 5.38.010 and 5.38.020 that he adheres to and has always adhered to, and he agrees to continue to adhere to. They all worry about the speed of the traffic, the people driving too fast are usually the parents in a hurry that are picking up their kids and they are usually coming from the south side and coming around the circle to their side. They don't fly into the north side and circle around to the west side. By the time they get to their side of the circle, they are going fast. His neighbors in the audience agreed with that.

Chair Hollist asked the applicant to describe what the building will be, she also envisions weights in a gym versus a gymnasium.

Mr. Scott said he already has a weight room in his back building, that isn't what this building is for. As mentioned earlier, the reason he wants it to be this size is because these are horse properties. If he dies or sells the property he wants it to be able to be sold as a horse property with a building that can be used as a riding arena. He could have shrunk it but he wants it to have that future capability. He is putting a "sport court" in there, not a wood basketball court, very movable. He is also adding a putting green and a golf simulator, some of the space will be used for storage.

Chair Hollist asked if he would be open to adding off road parking spots for his business.

Mr. Scott pointed to the map and showed where he planned on putting in a driveway, going south to north, as well as a basket on the outside with the driveway being wider (30 to 40 feet) and actually having it big enough for parking. There will not be any street parking.

Commissioner Catmull asked about exterior lighting.

Mr. Scott said he planned on having it on the entry facing west, pointing towards his property only, a sensor light for security. On the back of his current driveway and back building he has a 20 year light (many neighbors have them) and he might put one of those up, but if he did it would be on the south side which goes across the pasture about 2/3 of an acre, across the street, and really isn't in the line of sight of any neighbors.

Chair Hollist said based on the feedback here tonight she feels that the primary concern is the potential for subdivision, which is not being discussed tonight. She feels that their second biggest concern is traffic. They have heard from the city that he is already entitled to a certain number of trips with the business license he already has and this will not increase that limit that he is allowed. There are also resources available should he exceed that and neighbors can report violations with a possible revocation of the conditional use permit. Seeing those two issues essentially off the table she feels that most of the major concerns brought this evening have been addressed in terms of being detrimental and then mitigated. She encouraged other viewpoints to be expressed at this time for discussion.

Commissioner Sean Morrissey said he agrees with her statements, he doesn't have anything to add at this time.

Commissioner Darby just added that there were some concerns about the business, but that is already there, they are not addressing the business license. The residents can take up any future issues with the city, we are only addressing the conditional use for a building and he believes the real issues have been mitigated as best as possible.

Commissioner Catmull said it feels like an appropriate conditional use as has been defined. His concerns are about future subdivision, he doesn't know if he got clarity as to what would happen to the conditional use permit if it were subdivided so he doesn't know if a condition could be added to limit it to a specific property or get clarity.

Attorney Simonsen said a subdivision is a completely new and separate application and he can't really comment on what what may happen in a future application or situation. He believes that if they issue a conditional use permit and they suddenly lose a bunch of the vacant land, he can't think of anything that would change the effect of the permit that had already been issued.

Planner Schindler said unless the subdivision separated this building from the main house (if they divided the lot north/south and had two different lots), they wouldn't allow a subdivision that would place an accessory building on a lot by itself. If that was done we allow people to bond for the demolition of buildings and they get one year to either build a primary structure or demolish the accessory one. If it was divided, would he be building that structure for himself because he wouldn't have it in the house he's living in? They have had several conditional use permits on properties that could be divided in the future and they have never been really concerned about what happens to them and he is not sure if he'd be able to divide it anyways since they have the covenants that prohibit it. It would still be legal through the city, but if he was taken to court and he lost he would have to put it back together again. It appears he has enough frontage, but there are frontage requirements for lots and he would have to have 90 feet of frontage for each new lot. He doesn't believe a flag lot would be possible on this property, so the regular lot rules would apply. Regardless, division of property seems very unlikely but he can always apply for that in the future.

Planner Drozdek said these seem to be two separate issues, an issue of subdivision and the outbuilding being proposed. If you can relate those two issues, show that this approval would be detrimental to the subdivision then this could be a mitigation to say subdivision is not allowed.

Commissioner Catmull was just wondering if the conditional use goes with the property, and if the property gets divided could they build another outbuilding on the subdivided portion. Now that he is looking at the recommended language however, he sees that it actually has the address for the property. In a subdivision, there would be a new address and therefore that would contain this permit to the one property with the house number listed. As a staff question, he asked what the exterior lighting restrictions are for this area.

Planner Schindler said there are things in the code that talk about the lumens put out by the light, but that's it. Code enforcement would have to investigate if there was a complaint. At one point the city had a light meter, he has not seen it but they could always get another one if Code

Enforcement can't locate it. What irritates people is the bright lights coming on their property, so they only measure lumens.

Planner Drozdek said he doesn't believe there are residential requirements for lighting, the lumen requirements are only found in the commercial section of the code.

Commissioner Catmull wondered what would happen, if we have appropriate coverage to not have a detrimental effect on lighting to adjoining properties.

Commissioner Gedge said all of his concerns before public comment have been alleviated. He likes that there are sidewalks being added which will increase safety and help decrease traffic hopefully. He likes how the building could be converted to an indoor arena to match the neighborhood by a future owner. There are no other concerns he has with mitigating factors and his vote will be to approve.

Planner Drozdek said that code requirements in residential zones is that lighting has to be shielded to prevent glare onto adjacent properties.

Commissioner Catmull motioned to recommend approval of the Utility Outbuilding, Conditional Use Permit, File No. PLCUP202100113 as proposed. Chair Hollist seconded the motion. Roll Call Vote was 5-0 unanimous in favor.

IX. LEGISLATIVE PUBLIC HEARINGS –

A. TEXT AMENDMENT - AMENDING CITY CODE SECTIONS 16.04.060 AND 17.04.060 CONCERNING PUBLIC NOTICING

Ordinance No.: 2021-11

Applicant: South Jordan City

Planning Intern Meadow Wilkinson reviewed background information from the Staff Report

Commissioner Trevor Darby asked what kind savings we will see from this change in a year.

Planner Greg Schindler said we post one for every week, four times a month, with \$90 a week being the average cost.

Commissioner Nathan Gedge asked if part of the application fee was going towards the publication fee.

Planner Schindler said no, the application fee goes towards noticing when done via mail to the residents within 300 feet. The city no longer charges postage for that, it is included in the fee. The publication fee was never included in the application fee.

Commissioner Steve Catmull said that he is looking at 16.04.060B and wants to confirm that we are dropping language that talks about two sets of printed address labels and postage and

replacing it with a generic term of “notice,” as well as dropping the language that says “ensuring that the list of property owners and address labels are accurately complete.”

Planner Schindler said we used to require every applicant to go to the county and get a list of every homeowner within 300 feet of them. We have advanced technologically where we can do that for them with a simple computer program and maps, this also generates the mailing labels. It has been at least 10 years that the city has been providing this for applicants. It is time that language was removed from the code.

Commissioner Catmull is trying to figure out how this correlates to the language that “the city shall ensure that the list of property owners and address labels are accurate.” He is unclear which address labels they are referring to.

Intern Wilkinson said this is just moving the responsibility from the applicant to the city, these are the labels for the addresses within 300 feet that are being notified. Since the city is now generating those, they are responsible for making sure they are accurate instead of the applicant when they would submit them.

Planner Schindler said originally when the applicant was responsible for getting that information, if they didn’t give the city the right info it was their fault because we didn’t verify it.

Chair Hollist opened the hearing for public comment, there were no comments so public comment was closed.

Commissioner Catmull loved that we are moving away from newspapers as they are not used or seen, times are changing.

Commissioner Gedge motioned to recommend approval of the text amendment amending city code sections 16.04.060 and 17.04.060 concerning public noticing requirements, Ordinance No. 2021-11. Chair Hollist seconded the motion. Roll Call Vote was 5-0 unanimous in favor.

X. OTHER BUSINESS – *None*

ADJOURNMENT

Chair Hollist motioned to adjourn the June 8, 2021 Planning Commission meeting. Commissioner Darby seconded the motion.

The June 8, 2021 Planning Commission Meeting adjourned at 8:37 p.m.

Meeting minutes were prepared by Deputy Recorder Cindy Valdez

SOUTH JORDAN CITY PLANNING COMMISSION REPORT

Meeting Date: 06/22/2021

Issue: DRIVE THROUGH ADDITION
CONDITIONAL USE PERMIT
Address: 10309 S. Redwood Rd.
File No: PLCUP202100114
Applicant: Robert Moore

Submitted by: Damir Drozdek, Planner III

Staff Recommendation (Motion Ready):

- **Approve** application PLCUP202100114 to allow for addition of a drive through window and lane located at 10309 S. Redwood Rd.

ACREAGE:	0.4 acres
CURRENT ZONE:	MU-CITY (Redwood Road Mixed Use – City Center) Zone
CURRENT USE:	Commercial building
FUTURE LAND USE PLAN:	MU (Mixed Use)
NEIGHBORING ZONES/USES:	North – MU-CITY / Commercial South – MU-CITY / Commercial West – MU-CITY / Redwood Rd. East – MU-CITY / Commercial

CONDITIONAL USE REVIEW:

17.84.060: PLANNING COMMISSION REVIEW AND ACTION:

A. The Planning Commission shall approve a conditional use permit application if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed conditional use in accordance with applicable standards.

B. The Planning Commission may deny a conditional use permit application if the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards. (Ord. 2015-04, 5-5-2015)

17.84.090: COMPLIANCE AND REVOCATION:

- A. A conditional use may be commenced and operated only upon:
1. Compliance with all conditions of an applicable conditional use permit;
 2. Observance of all requirements of this title relating to maintenance of improvements and conduct of the use or business as approved; and
 3. Compliance with all applicable local, State, and Federal laws.
- B. A conditional use permit may be revoked by the City Council at any time due to the permittee's failure to commence or operate the conditional use in accordance with the requirements of subsection A of this section.
- C. No conditional use permit shall be revoked until after a public hearing is held before the City Council. The permittee shall be notified in writing of such hearing. The notification shall state the grounds for complaint, or reasons for revocation, and the time and location of the hearing. At the hearing, the permittee shall be given an opportunity to be heard and may call witnesses and present evidence on his or her behalf. Upon conclusion of the hearing, the City Council shall determine whether or not the permit should be revoked. (Ord. 2015-04, 5-5-2015)

BACKGROUND:

The applicant is requesting that the Planning Commission review and approve a Conditional Use Permit for a drive-through window and lane addition to an existing commercial building. The building is located at 10309 S. Redwood Rd. A fast food restaurant (Pizza Hut) used to operate out of this location. They have left recently and since then the building has been left vacant.

The proposed drive-through facility will be located at the east facing side of the building, away from the road. The addition of the proposed drive-through facility will eliminate some of the existing landscaping that is abutting the building from the east side. The landscape area proposed to be eliminated consists mostly of grass and low-lying shrubbery. No trees will be taken out or eliminated with this addition. The existing irrigation box located to the northeast of the building will have to be relocated as well to accommodate this addition.

The drive-through facility will consist of a single drive lane and a drive-through window. The lane will be 10' wide. All of the signage shown on the plans will have to go through a sign permit application review and approval process. The applicant will have to apply and obtain a building permit to allow for the drive-through window construction once the planning commission approval is granted.

STAFF FINDINGS, CONCLUSIONS & RECOMMENDATION:

Findings:

- The subject property is located in the MU-City (Redwood Road Mixed Use – City Center) zone.
- Drive-through facilities for approved uses are listed as a Conditional Use in the zone (§ 17.54.110: C.).
- Staff has not identified any potential detrimental effects that the proposed facility may cause to the immediate neighboring properties or the community in general.

Conclusion:

- The proposed use does not appear to violate any health, safety or welfare standards. In addition, staff was not able to identify any detrimental effects to the adjacent properties. Therefore the planning staff recommends approval of the application.

Recommendation:

- Based on the Findings and Conclusions listed above, Staff recommends that the Planning Commission take comments at the public hearing and **approve** the Application, unless, during the hearing, facts are presented that contradict these findings or new facts are presented, either of which would warrant further investigation by Staff.

ALTERNATIVES:

- Approve the Application with conditions.
- Deny the Application.
- Schedule the Application for a decision at some future date.

SUPPORT MATERIALS:

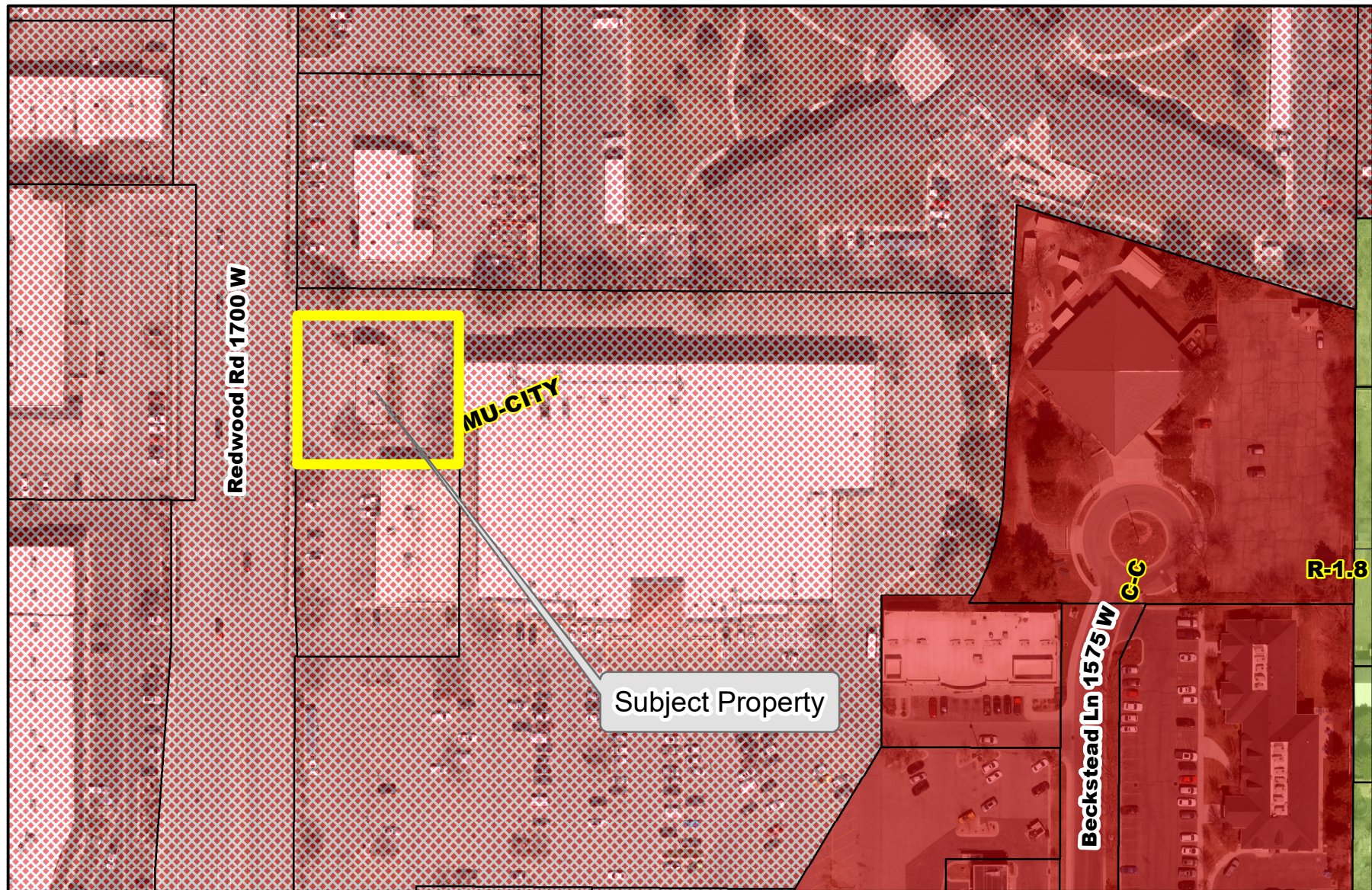
- Aerial Map
- Zoning Map
- Demolition Plan
- Site Plan
- Floor Plan and Elevation



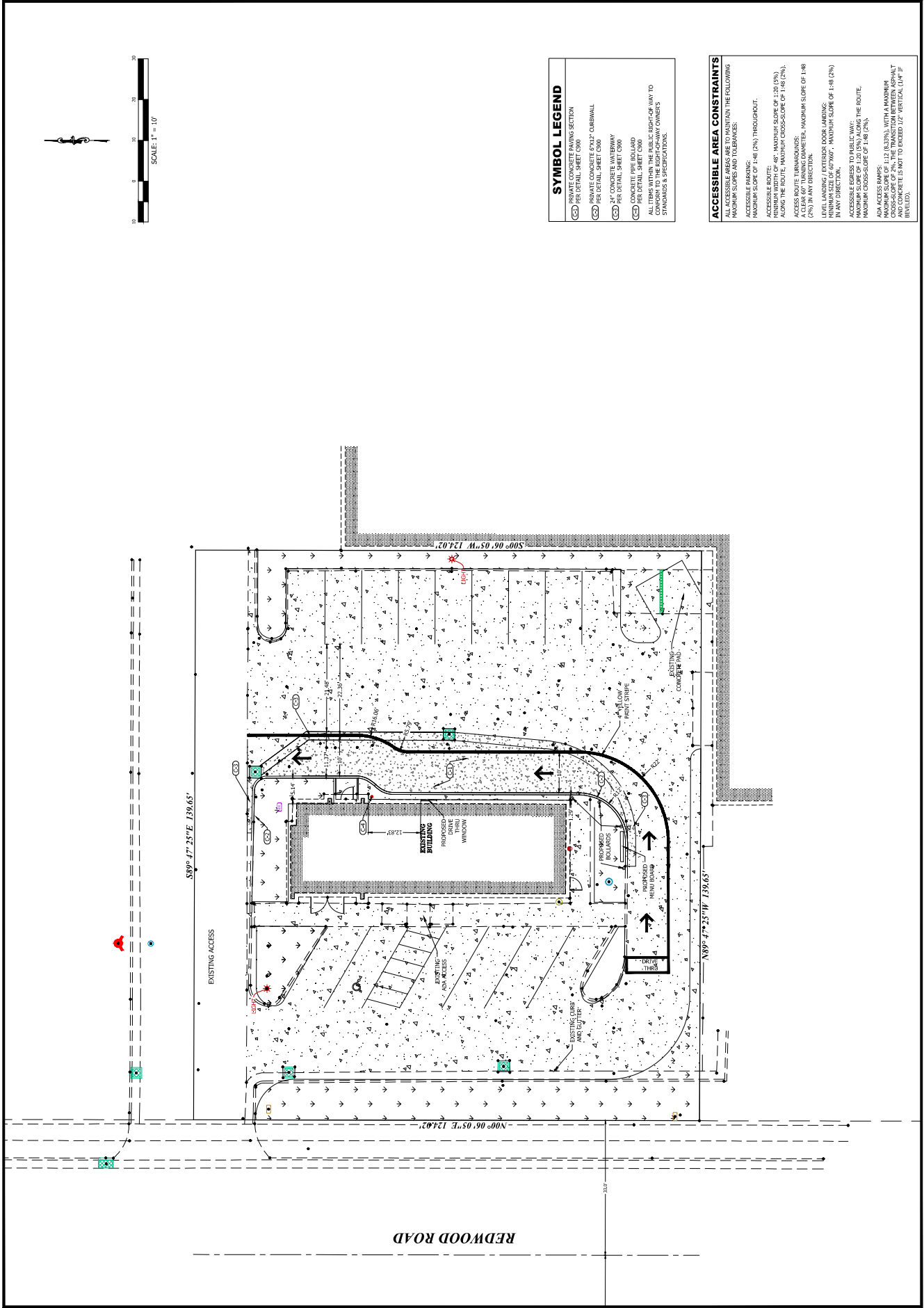
Damir Drozdek, AICP
Planner III
Planning Department



Legend STREETS PARCELS	Aerial Map City of South Jordan	0 40 80 160 240 320 Feet Aerial Imagery 2021 
--	---	--



Legend STREETS PARCELS	Zoning Map <i>City of South Jordan</i>	0 40 80 160 240 320 Feet Aerial Imagery 2021 
--	--	--



clarity design group
architecture planning interiors
5525 W. 120th Ave. Suite 340
Denver, CO 80231
T. 303.247.8970

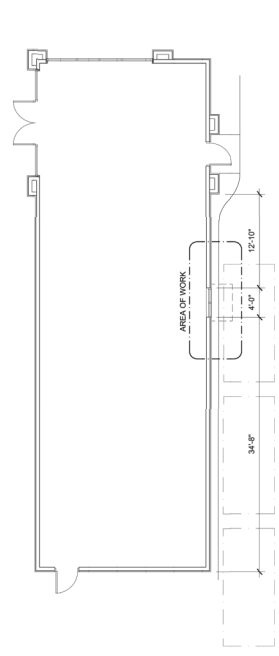


- REMARKS
1. (E) FOUNDATION WALL AND ANCHOR BOLTS
 2. (E) BOTTOM PLATE
 3. (E) WALL STUDS
 4. (E) DR. TOP PLATE JOIST BEARING CONFIGURATION UNKNOWN
 5. TRIPLE FULL HEIGHT 2x6 WITH 2x4 BRACING AND 2x4 TOP PLATE AND SILL PLATES. 2x4 BRACING ATTACHED TO TRIPLE STUD
 6. SINGLE BEARING STUD/MAN
 7. TRIPLE 2x4 HEADER WITH (2) 12" PLYWOOD FILLERS
 8. 2x6 @ 16" O.C.

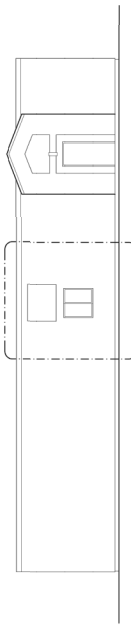
PARTIAL FLOOR PLAN
SCALE: 1/4" = 1'-0"
NORTH

PARTIAL EAST ELEVATION
SCALE: 1/4" = 1'-0"

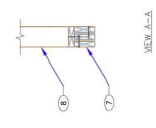
NOTE: THE SCOPE OF WORK INCLUDES THE PARTIAL REMOVAL OF EXISTING WINDOW AND THE INSTALLATION OF A NEW DRIVE THRU WINDOW.



EXISTING FLOOR PLAN
SCALE: 1/8" = 1'-0"
NORTH



EXISTING EAST ELEVATION
SCALE: 1/8" = 1'-0"



VIEW A-A

DETAIL 8
No. 8041

consultants

DRIVE THRU
WINDOW
ADDITION
10309 SOUTH
REDWOOD RD
SOUTH JORDAN
UTAH

PROJECT NO:	21005	
DRAWN BY:	TA	
CHECKED BY:	TA	
ISSUE DATE:	04/13/21	
REVISION	DATE	DESCRIPTION
1		
2		
3		
4		
5		
6		
7		
8		
SHEET TITLE		

FLOOR PLAN
AND ELEVATION

SOUTH JORDAN CITY PLANNING COMMISSION REPORT

Meeting Date: 6/22/2021

Application: DAYBREAK COMMERCE PARK 5A – 1ST AMENDMENT

Address: 6351 W Crimson View Drive

File No: PLPLA202100093

Applicant: Nate Reiner

Submitted By: David Mann, Planner II
Chris Clinger, Senior Engineer

Staff Recommendation (Motion Ready):

Approve file no. PLPLA202100091 to amend the Daybreak Commerce Park 5A subdivision and create eight commercial lots, located at approximately 6351 W Crimson Park Drive as presented to the Planning Commission.

ACREAGE:	16.84 acres
CURRENT ZONE:	P-C
CURRENT USE:	Warehouse/Industrial
FUTURE LAND USE PLAN:	Industrial
NEIGHBORING LU DESIGNATIONS, (ZONING)/USES	North - Industrial, (P-C) / Vacant South - Industrial, (P-C) / Vacant East - Natural Area, (P-C) / Vacant West - Industrial, (P-C) / Vacant

STANDARDS FOR SUBDIVISION AMENDMENT REVIEW

The Planning Commission shall receive comment at a public hearing regarding the proposed subdivision amendment. The Planning Commission may approve the amendment if it finds good cause to amend the subdivision, and the amendment complies with City Code Chapter 16.14, other City ordinances, and sanitary sewer and culinary water requirements. The Planning Commission may only deny the amendment if there is no good cause for amending the subdivision and the proposed amendment does not meet all provisions of City Code Chapter 16.14, other City ordinances, and sanitary sewer and culinary water requirements.

BACKGROUND & ANALYSIS:

Nate Reiner has filed an application for a four lot commercial subdivision that would amend the Daybreak Commerce Park 5A Subdivision that was recorded in 2020. This amendment will separate each existing and future building in the subdivision to be on its own lot. The proposed amendment meets all city codes and standards.

STAFF FINDINGS, CONCLUSIONS & RECOMMENDATIONS:

Findings:

- The proposed plat meets the required lot size and frontage requirements for the P-C Zone.

Conclusion:

- Based on the application materials and the findings listed above, the proposal is consistent with the City's General Plan and with the purposes and objectives of the pertinent requirements of the City's Planning and Land Use Code (specifically Chapter 17.72).

ALTERNATIVES:

- Deny the application.
- Propose modification(s) to the application.
- Schedule the application for a decision at some future date.

SUPPORT MATERIALS:

- Location Map
- Zoning Map
- Subdivision Plat





Zoning Map



LOCATED IN THE NORTHEAST QUARTER OF SECTION 15 AND THE NORTHWEST QUARTER OF SECTION 14,
TOWNSHIP 3 SOUTH, RANGE 2 WEST, SALT LAKE BASE & MERIDIAN
SOUTH JORDAN CITY, SALT LAKE COUNTY, UTAH

JUNE 2021

LINE #	LENGTH	BEARING
L1	79.70	N21° 31' 11"W
L3	24.54	S68° 28' 49"W
L4	44.25	S33° 11' 02"W
L5	57.58	S28° 49' 53"W
L6	44.16	S34° 22' 36"W
L7	25.74	S18° 02' 56"E

OWNER / DEVELOPER:
Short Daybreak Holdings 1, LLC
9901 South Prosperity Road
West Jordan, Utah 84088

EXHIBIT B - Access Easement 2

Beginning at the southwesterly corner of Lot 1A; thence South 22.73 feet; thence N. 81°53'17" E. 223.82 feet; thence N. 69°00'32" E. 363.03 feet; thence S. 21°31'11" E. 24.00 feet; thence S. 69°00'32" W. 374.94 feet; thence S. 81°53'17" W. 261.89 feet; thence North 54.69 feet; thence East 40.00 feet to the Point of Beginning.

SHEET
1 / 1

SURVEYOR CERTIFICATE

I, GARY CHRISTENSEN, do hereby certify that I am a Professional Land Surveyor in the State of Utah and that I hold License No. 51526171 in accordance with Title 56, Chapter 22, of the Professional Engineers and Land Surveyors Act; I further certify that by authority of the owners I have made a survey of the tract of land shown on this plat and described herein, and have subdivided said tract of land into lots and streets, together with easements, hereafter to be known as **DAYBREAK COMMERCE PARK PLAT 5A - AMENDED** and that the same has been correctly surveyed and monumented.

Signed this 1st day of June, 2021.



BOUNDARY DESCRIPTION

All of Daybreak Commerce Park Plat 5A Amending Lot C-121 of Daybreak Commerce Park Plat 5 recorded November 9, 2020 as Entry No. 13454915 in Book 2020 of plats, at Page 275 in the Office of the Salt Lake County Recorder.

Contains 733,589 Sq Ft, 16.840 acres more or less. 8 Lots

NOTES:

- (1) Existing 40.0% Shared Access Easement per Daybreak Commerce Park Plat SA recorded November 9, 2020 as Entry NO. 13454915 in Book 2020, at Page 275.
- (2) Existing Storm Drain Easement as Entry NO. 13365681 in Book 11001, at Page 8518-8524.
- (3) Existing Water Line Easement as Entry NO. 13358550 in Book 10997, at Page 4468-4474
- (4) Existing Sewer Easement as Entry NO. 13320470 in Book 10993, at Page 9273-9276.
- (5) Existing 40.0% Shared Access Easement per Daybreak Commerce Park Plat SA recorded November 9, 2020 as Entry NO. 13454915 in Book 2020, at Page 275.
- (6) Existing 10.0% PUE per Daybreak Commerce Park Plat SA recorded November 9, 2020 as Entry NO. 13454915 in Book 2020, at Page 275.
- (7) Existing 200.0% Restricted Property as Entry NO. 10677607 in Book 9711, at Page 2425.
- (8) Existing 30.0% Pole Line Easement as Entry NO. 4406716 in Book 5940, at Page 2186
- (9) Existing 25.0% Radius Monitoring Well Easement and 14" Transite Pipeline as Entry NO. 8442505 in Book 8695, at Page 7730
- (10) Existing 25.0% Radius Monitoring Well Easement as Entry NO. 12253295 in Book 10404, at Page 2137.
- (11) Existing Tank SA Inlet Pipeline Easement as Entry NO. 6979701 in Book 9309, at Page 2542.
- (12) Existing Public Utility Easement as Entry NO. 12887764 per Daybreak Commerce Park Plat SA as Entry NO. 12887764 in Book 10404, at Page 2137.

OWNERS DEDICATION

Short Daybreak Holdings 1, LLC, the owner of the described tracts of land to be hereafter known as DAYBREAK COMMERCE PARK PLAT 5A - AMENDED, does hereby dedicate for the perpetual use of the public, all streets and other property as reflected and shown on this plat to be dedicated for public use. owner(s) hereby consent(s) and give(s) approval to the recording of this plat for all purposes shown herein.

In witness whereof, I have hereunto set my hand this _____ day of _____, 2020.

Short Daybreak Holdings 1, LLC

Ry

Print Names: _____

2000

NOTARY ACKNOWLEDGMENT

State of Utah)
) ss
County of Davis)

On this _____ day of _____, in the year 20____, before me, _____ a Notary Public, personally appeared _____ the _____ of _____ proved on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to in the foregoing owner's dedication and consent regarding the **DAYBREAK COMMERCE PARK PLAT 5A - AMENDED** and was signed by him/her on behalf of said _____ and acknowledged that he/she/they executed the same.

Commission Number _____
My Commission Expires _____

Signature: _____

Print _____

A Notary Public Commissioned in Utah

DAYBREAK COMMERCE PARK
PLAT 5A - AMENDED

LOCATED IN THE NORTHEAST QUARTER OF SECTION 15 & NORTHWEST QUARTER
OF SECTION 14 TOWNSHIP 3 SOUTH, RANGE 2 WEST, SALT LAKE BASE & MERIDIAN
SOUTH JORDAN CITY, SALT LAKE COUNTY, UTAH

Recorded # _____
State of Utah, County of Salt Lake, Recorded and filed at the request of _____

Date: _____ Time: _____ Book: _____ Page: _____

Fee \$ _____ Deputy, Salt Lake County Recorder

SOUTH JORDAN CITY PLANNING COMMISSION REPORT

Meeting Date: 6/22/2021

Application: FERRAN COMMERCIAL BUILDING SITE PLAN AMENDMENT

Address: 11336 S Beckstead Lane

File No: PLSPR202100144

Applicant: Travis Ferran

Submitted By: David Mann, Planner II
Shane Greenwood, Supervising Senior Engineer

Staff Recommendation (Motion Ready):

Approve file no. PLSPR202100144 for the construction of a commercial building in an existing parking lot located at 11336 S Beckstead Lane as presented to the Planning Commission.

ACREAGE: 0.56 acres

CURRENT ZONE: MU-SOUTH

CURRENT USE: Vacant

FUTURE LAND USE PLAN: Mixed Use

NEIGHBORING

LU DESIGNATIONS,

(ZONING)/USES

North - Mixed Use, (MU-SOUTH) / Ferran Office Warehouse
South - Mixed Use, (MU-SOUTH) / Rocket Express Car Wash
East - Stable Neighborhood, (A-5) / Single Family Residential
West - Mixed Use, (MU-SOUTH) / Vacant

STANDARD OF REVIEW:

All proposed commercial, office, industrial, multi-family dwelling or institutional developments and alterations to existing developments shall meet the site plan review requirements outlined in chapter 16.24 and the requirements of the individual zone in which a development is proposed. All provisions of titles 16 & 17 of the City Code, and other city requirements, shall be met in preparing site plan applications and in designing and constructing the development. The Planning Commission shall receive public comment regarding the site plan and shall approve, approve with conditions or deny the site plan.

BACKGROUND:

Travis Ferran submitted a site plan application for the development of a parking lot area associated with a future office building that was approved on December 8, 2020. The Applicant has now finalized the plans for the commercial building that will include retail and office uses. Since the majority of the site is already developed, the Applicant was only required to amend the original site plan to ensure the building met the requirements of the underlying zone.

ANALYSIS:

The Applicant will be able to meet the minimum parking requirements based on the building area and proposed uses. All other architectural requirements in the MU-SOUTH Zone will be met.

STAFF FINDINGS, CONCLUSIONS & RECOMMENDATIONS:**Findings:**

- Staff finds that, according to the submitted building plans, the proposed structure and uses will meet the requirements contained in the municipal code.
- Staff received a complete application on June 9, 2021 and no revisions were required.

Conclusion:

- Based on the application materials submitted by Applicant, Staff review of the Application, and the findings listed above, staff concludes that the proposal is consistent with the City's General Plan and the pertinent sections of the City's Planning and Land Use Code (including section 17.54).

ALTERNATIVES:

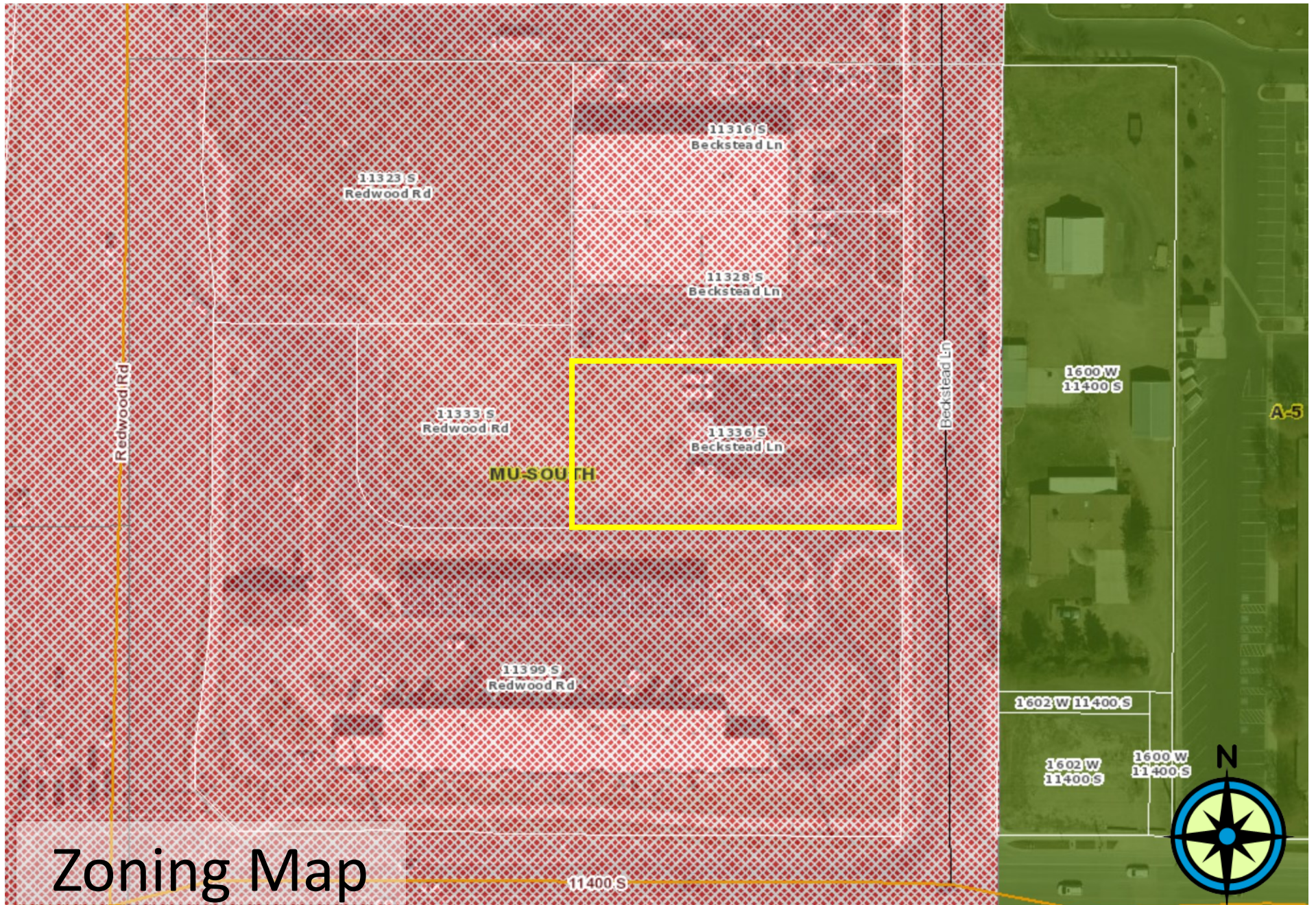
- Deny the application.
- Propose modification(s) to the application.
- Schedule the application for a decision at some future date.

SUPPORT MATERIALS:

- Location Map
- Zoning Map
- Site Plan
- Building Elevations



Location Map



Zoning Map

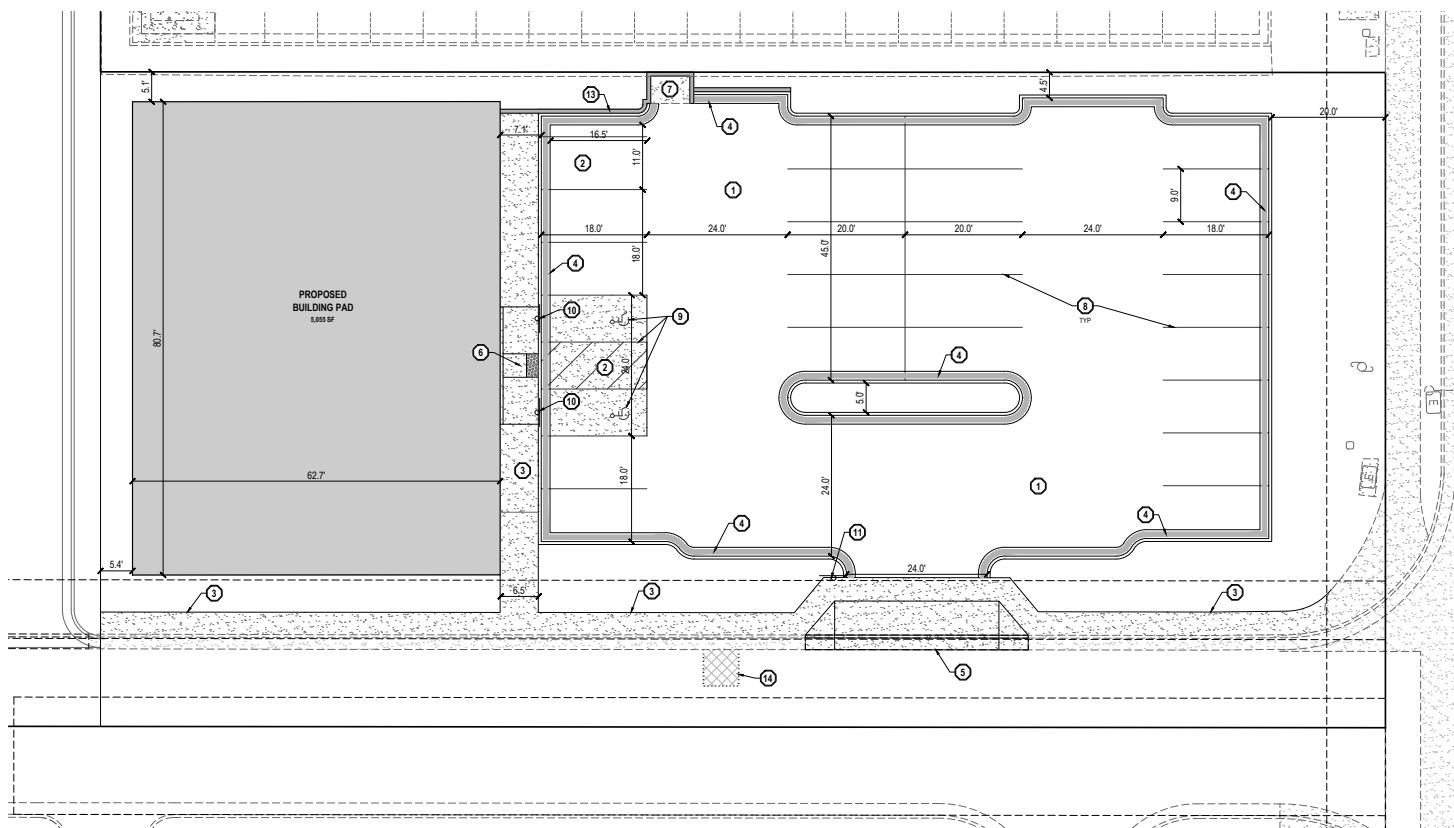
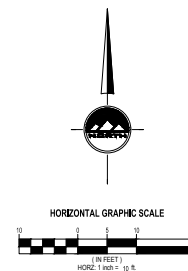


PROVIDE, INSTALL AND/OR CONSTRUCT THE FOLLOWING PER THE SPECIFICATIONS GIVEN OR REFERENCED, THE DETAILS NOTED, AND/OR AS SHOWN ON THE CONSTRUCTION DRAWINGS:

- 1 ASPHALT PAVEMENT PER GEOTECHNICAL REPORT AND DETAIL 1C-600.
- 2 CONCRETE FINISHMENT PER GEOTECHNICAL REPORT AND DETAIL 2C-008.
- 3 1" THICK CONCRETE SIDEWALK PER APWA STANDARD PLAN NO. 231 AND SPECIFICATIONS.
- 4 3" REVERSE PAVE CURB AND GUTTER PER DETAIL 3C-005.
- 5 FLARE SPILLWAY APPROACH PER APWA STANDARD PLAN 221 TYPE "B".
- 6 WADCOX ACCESS RAMP PER APWA STANDARD PLAN NO. 236 WITH DETECTABLE WARNING SURFACING PER APWA STANDARD PLAN NO. 238 AND SPECIFICATIONS TO BE CONSTRUCTED WITH WADCOX.
- 7 TRASH ENCLOSURE FOR ARCHITECTURAL PLANS WITH IT WITH THIS CONCRETE APRON WITH A REBAR (8" DIA. @ 18" ON CENTER).
- 8 6" WIDE SLOPE WHITE PAVEMENT WARNING PER M.U.T.C.D. STANDARD PLANS.
- 9 "PANTS" GAO SYMBOL AND ASSOCIATED HATCHING PER M.U.T.C.D. STANDARD PLANS.
- 10 WADCOX PARKING SIGN PER M.U.T.C.D. STANDARD PLANS.
- 11 RETAIL "STOP" SIGN PER M.U.T.C.D. STANDARD PLANS.
- 12 STREET LIGHT FOR SOUTH JORDAN CITY STANDARDS AND SPECIFICATIONS. SEE GEOMETRIC PLAN FOR DETAILS.
- 13 6" WIDE SLOPE FOR SOUTH JORDAN CITY STANDARDS AND SPECIFICATIONS. SEE SHADING PLAN FOR DETAILS.
- 14 SARGENT AND PARRISH EXISTING ASPHALT PAVEMENT FOR UTILITY INSTALLATION. SEE UTILITY PLAN FOR INFORMATION.

1. ALL WORK TO COMPLY WITH THE GOVERNING AGENCY'S STANDARDS AND SPECIFICATIONS.

1. ALL WORK TO COMPLY WITH THE GOVERNING AGENCY'S STANDARDS AND SPECIFICATIONS
2. ALL IMPROVEMENTS MUST COMPLY WITH ADA STANDARDS AND RECOMMENDATIONS.
3. SEE LANDSCAPE/ARCHITECTURAL PLANS FOR CONCRETE MATERIAL, COLOR, FINISH AND SCORE PATTERNS THROUGHOUT SITE.
4. ALL PAVEMENT MARKINGS SHALL CONFORM TO THE LATEST EDITION OF THE MUTCD (MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES).
5. ALL SURFACE IMPROVEMENTS DISTURBED BY CONSTRUCTION SHALL BE RESTORED OR REPLACED, INCLUDING TRUNKS AND DECORATIVE SHROUBS, GDS, FENCES, WALLS AND STRUCTURES, WHETHER OR NOT THEY ARE SPECIFICALLY SHOWN ON THE CONTRACT DOCUMENTS.
6. NOTIFY OWNER OF ANY DISCREPANCIES IN DESIGN OR STAKING BEFORE PLACING CONCRETE OR ASPHALT.
7. THE CONTRACTOR IS TO PROTECT AND PRESERVE ALL EXISTING IMPROVEMENTS, UTILITIES, AND SIGNS, ETC. UNLESS OTHERWISE NOTED ON THESE PLANS.



BECKSTEAD LANE

TRAVIS FERRAN OFFICE

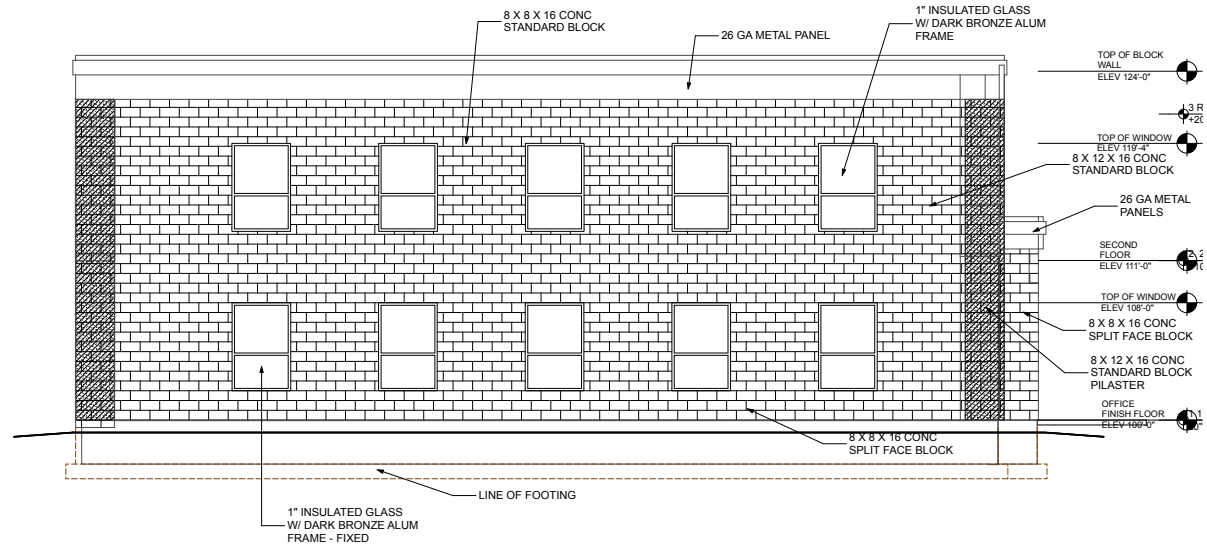
11400 SOUTH AND BECKSTEAD LANE
SOUTH JORDAN, UTAH 84095



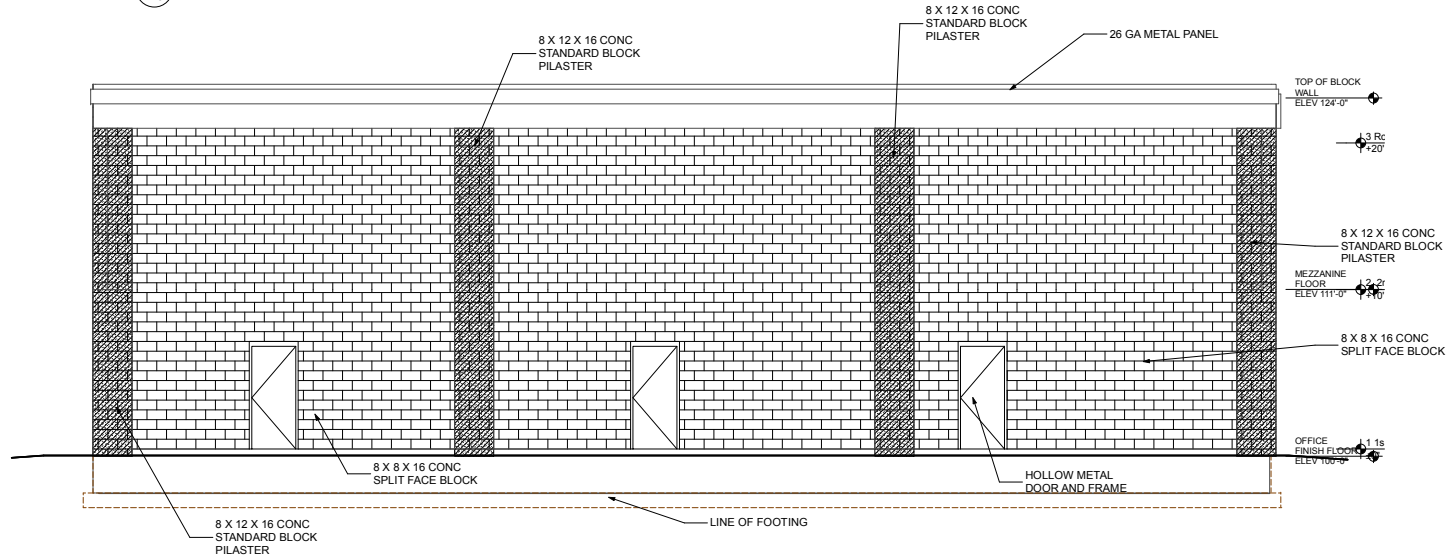
SITE PLAN

PROJECT NUMBER	PRINT DATE
5979C	12/1/20
DRAWN BY	CHECKED BY
B. ABEL	T. MAZEJ
PROJECT MANAGER	
D. JENKINS	

C-101



1 SOUTH ELEVATION
SCALE: 1/4" = 1'-0"



2 WEST ELEVATION
SCALE: 1/4" = 1'-0"

SOUTH JORDAN CITY PLANNING COMMISSION REPORT

Meeting Date: 6/22/21

Application: HOLT (HIDDEN VILLAGE 2) REZONE
Rezoning the subject property from Agricultural (A-5) to Residential (R-M-5).

Address: 10291 South 1230 West
File No: PLZBA202000378
Applicant: Ryan Holt

Submitted By: David Mann, Planner II
Jared Francis, Senior Engineer

Staff Recommendation (Motion Ready): Based on the staff report and other information presented to the Planning Commission during the public hearing, and the Planning Commission's discussion, I move that the Planning Commission forward a recommendation to the City Council to **approve** the proposed rezone from **A-5 to R-M-5**.

STANDARD OF APPROVAL

Rezone Application:

The rezoning of property may not be considered if the proposed zoning does not conform to the [G]eneral [P]lan. The following guidelines shall be considered in the rezoning of parcels:

- A. The parcel to be rezoned meets the minimum area requirements of the proposed zone or if the parcel, when rezoned, will contribute to a zone area which meets the minimum area requirements of the zone.
- B. The parcel to be rezoned can accommodate the requirements of the proposed zone.
- C. The rezoning will not impair the development potential of the parcel or neighboring properties.

(City Code § 17.22.020)

BACKGROUND:

ACREAGE: Approximately 1.58 acres

CURRENT ZONE: A-1

CURRENT USE: Residential

FUTURE LAND USE PLAN: Historic

NEIGHBORING

LU DESIGNATIONS,

(ZONING)/USES

North - Historic, (A-1) / Residential

South - Historic, (MU-HISTORIC) / Hidden Village

East - Historic, (A-5) / Agricultural

West - Historic, (MU-HISTORIC) / Hidden Village

The Applicant, Ryan Holt, submitted an application to rezone the subject property, located at 10291 South 1230 West, to the Residential (R-M-5) Zone. The R-M-5 Zone would allow the Applicant to build a seven-lot single family residential subdivision similar in design to Hidden Village. The subject property is adjacent to the Hidden Village subdivision that was recorded in 2011. During the review of the Hidden Village project over a few years as it went through the rezone and subdivision process, Staff had many discussions about the streets that would be built in the subdivision and whether they would be private or public. The rezone for the project was ultimately approved with a development agreement that stated the streets would be private and an HOA was established for the subdivision.

The subject property was also discussed during Staff's review of the Hidden Village rezone. A concept plan for the development showed a phase III on the Applicant's property that would gain access to the streets in Hidden Village by way of a stub street. The stub street was included in the design of Hidden Village to accommodate future development of the Holt property. The recorded subdivision plat also includes language in the owner's dedication that dedicates to the City easements for access to the private streets.

ANALYSIS:

The Applicant is proposing a seven-lot subdivision on the subject property, with one lot for the existing home on 1230 West, and six lots accessed from and extended Neve Lane. The concept plan shows a hammerhead turnaround instead of a standard cul-de-sac bulb. Staff is working on a development agreement that will limit development of the subject property to the proposed layout, and will include requirements similar to Hidden Village regarding setbacks, architecture, and landscaping. Hidden Village is currently in the Mixed Use-Historic (M-U-HISTORIC) Zone, which no longer allows residential uses in new developments, so Staff is recommending the R-M-5 Zone to allow similar lot sizes and homes to those in Hidden Village.

Staff has requested for many months that the Applicant communicate with the Hidden Village HOA and try to come to a resolution of potential disputes arising from the extension of Neve Lane, and if the six new lots would be added to the HOA. Staff's understanding is that the HOA and Applicant have not come to any sort of agreement. The Applicant is moving forward with this rezone request based on the original intent to develop the subject property as a future phase of Hidden Village, and based on the public access easement on the Hidden Village subdivision plan. Although not directly related to this rezone request, Staff has also approached the HOA to explore reviving the HOA's request to convert Hidden Village's streets from private to public, and for the City to cover more or all of the cost of that conversion. The timing for that conversion, and whether or not it will happen, is not dependent on whether or not the City ultimately approves this zoning request and the associated development agreement.

STAFF FINDINGS, CONCLUSIONS & RECOMMENDATIONS:

Findings:

- The Applicant is proposing a subdivision with similar sized lots as those found in Hidden Village.
- The Applicant will have to resolve the access issue from the stub road with the Hidden Village HOA.
- Staff is recommending a development agreement be signed with an approval of the rezone to address setbacks, architecture, and landscaping so that the six proposed lots on the extended Neve Lane are compatible with the existing homes in Hidden Village.

Conclusions:

Based on the findings listed above, Staff recommends approval of the proposed rezone as currently presented in Applicant's concept in conjunction with a signed development agreement.

ALTERNATIVES:

- Recommend denial of the application.
- Propose modification(s) to the application.
- Schedule the application for a decision at some future date.

SUPPORT MATERIALS:

- Location Map
- Zoning Map
- Land Use Map
- Concept Plan
- Hidden Village Development Requirements