

**CITY OF SOUTH JORDAN
ELECTRONIC
PLANNING COMMISSION MEETING
COUNCIL CHAMBERS
August 22, 2023**

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

Others: Merri-Lu Jackman, Serena Xie, Zhang Xie, Jon Bowen, Drew Jackman

Absent: Commissioner Aaron Starks

**6:30 P.M.
REGULAR MEETING**

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

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

B. MOTION TO APPROVE AGENDA

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

C. APPROVAL OF THE MINUTES

C.1. August 8, 2023 Planning Commission Meeting Minutes

Commissioner Darby motioned to approve the August 8, 2023 Planning Commission Meeting Minutes as published. Chair Hollist seconded the motion. Vote was unanimous in favor. Commissioner Starks was absent from the vote.

D. STAFF BUSINESS - *None*

E. COMMENTS FROM PLANNING COMMISSION MEMBERS

Commissioner Laurel Bevans gave a brief review of the August 15, 2023 City Council Meeting.

F. SUMMARY ACTION - *None*

G. ACTION - *None*

H. ADMINISTRATIVE PUBLIC HEARINGS

H.1. CONDITIONAL USE PERMIT FOR DETACHED ACCESSORY GARAGE

Address: 11149 S 2865 W

File No.: PLCUP202300113

Applicant: Jon Bowen

Planner Miguel Aguilera reviewed background information from the Staff Report.

Commissioner Nathan Gedge referenced a similar application during the last meeting, which was presented as one item. He asked if there was a reason this application was being done as two separate items tonight.

Planner Aguilera believes it was combined because the ADU will be in the detached garage, and the garage needs the CUP.

Commissioner Gedge asked to confirm that if there is a detached building/ADU, the primary residence must be occupied by the property owner.

Planner Aguilera responded yes, and in the packet is a signed affidavit stating the property owner must reside on the property.

Chair Michele Hollist asked for confirmation that the application was asking for two exceptions to the normal ordinances, a height exception and a square footage exception.

Planner Aguilera responded they are asking for three exceptions, the height, the average wall height of the garage, and the windows.

Chair Hollist asked if the same restriction applies to windows on a primary residence.

City Planner Greg Schindler responded that it is not the same requirement, and reviewed the details from the code.

Commissioner Laurel Bevans asked for the total square footage.

Planner Aguilera responded the garage square footage is proposed to be 2108 square feet, which is less than the home. That is the footprint of the garage only, not including the ADU space.

Planner Schindler noted that it might have been missed on the staff report, but the floor area is more than 4 feet above grade, not the windows. This means there technically is no issue with these windows.

Jon Bowen (Applicant) the windows are just for ambient light, you can't look through them to see his neighbors. In regards to the height of the building, where it sits on the lot there is some grade that goes down. Where it is three feet taller than the existing structure, it actually sits about level and you wouldn't notice it from the street. He has a deep acre lot and this will be back far enough that most wouldn't even notice. As far as the square footage with the existing house, some of the homes on the street are the big lots with small footprints like his and he is just trying to get additional value for his house and make the ADU functional with more square footage. He is not asking for more than the 1500, just enough to make the living space functional.

Commissioner Bevans asked if they are pouring a concrete driveway between the fence and detached garage.

Mr. Bowen responded that right now there is asphalt millings along there, but he will probably pour an apron in front of it.

Commissioner Bevans asked if a permanent driving surface is poured, would that require an encroachment permit.

Planner Schindler responded that you can pour over a utility easement. However, if the owner of the easement or anyone related to that easement needs to come in and repair something underneath it will be the applicant's responsibility to replace the concrete.

Commissioner Gedge acknowledged that Planner Aguilera confirmed an affidavit that Mr. Bowen is the primary resident, but he asked the applicant to confirm that.

Mr. Bowen responded that he did complete that affidavit.

Chair Hollist opened the public hearing for comments.

Drew Jackman (Resident) – I live across the street and I really have no problem with this at all, I think it's great he's building it. There are some issues that you are trying to figure out, which make sense and I think you should do that. My concern was with the letter that was sent out. The letter was sent out stating that this was a detached garage, and that's what it left it as. I think it was the city who kind of "fell down" on not stating that it was more than that. I just wanted to note that there was a break in that process. You addressed it at the beginning that it could be the fact that it's broken into two different items, and I have the same question; why didn't the city state what was really being built, it just said it was a garage. I do not have a problem with them building it, I think that's just fine.

Chair Hollist closed public comment and asked staff to explain the restriction on the wall height, why it is separate from the total building height in the code since she thinks the total building height in theory takes care of both things.

Planner Aguilera responded that staff did not find any detriments for any of the heights associated with the building.

Planner Schindler was unsure of the reason for the 16 foot limit, it may have to do with the fact that if you have 16 feet of wall height you are likely to have two floors. If you have more than 16 feet, obviously windows, doors, etc., are going to be taller. Also, you have to have a roof pitch on these buildings as well, and once you get over 16 feet you might not be able to get the roof pitch to the minimum required and would probably make it taller than the main house on the main lot.

Chair Hollist asked if they are required to notice neighbors regarding an ADU application.

Planner Aguilera responded that he doesn't believe so. This notice was mainly for the conditional use permit for the garage, and he doesn't believe he mentioned the ADU in the notice.

Chair Hollist asked about the grading of the lot mentioned by the applicant and the proposed detached garage being approximately the same height as the primary residence when accounting for the slope.

Planner Aguilera wasn't familiar with how the grading is reviewed, but from the site plans he reviewed it looked like the building was going to exceed the house height, and that's what this was based off of; the total height of the detached garage would increase and there was no comparison based on elevation since a grading plan was not included with the application.

Chair Hollist didn't have any concerns with this CUP since it's on such a large lot.

Commissioner Steve Catmull noted that it goes a long way when neighbors are noticed and then support or don't oppose something like this, and he was appreciative of the feedback received today. He wonders if it makes sense to review the code regarding the 16 foot height limit, since you'd think more people are building a little higher than eight foot levels and closer to nine feet.

Chair Hollist still believes that if something exceeds the measurements of the primary structure it should be reviewed.

Commissioner Catmull wasn't suggesting changing that, just that they should consider what might need to go before. There would still be a maximum height for an ADU, but the last few applications they've seen have come in at between 16 and 17 feet. After listening to the conversation today with staff, he feels that limit might have been more for a different time and may need to be updated based on current design preferences. Regarding the noticing, he feels like anything that has a public hearing should have a notice. If items are listed as separate items under Public Hearings, then there should probably always be a public notice sent out.

Chair Hollist agreed, as that is the point of having a public hearing.

Commissioner Catmull understands that isn't exclusive to public hearings, since you can have a business starting up with no public hearing, but if there is a public hearing he thinks there should be public notice.

Chair Hollist asked if the property could be eligible for a flag lot in the future.

Planner Aguilera was unsure, they would have to measure the frontage and look at the subdivision density.

Planner Schindler doesn't believe it would be eligible since there are only two ways to get a flag lot, either the lot is twice the size of the average lot size in the subdivision or the frontage is at least 125 feet wide. Either way, the subdivision can't go over density and they have to meet the minimum lot size on the site. Since this doesn't have the size required or the frontage width, it wouldn't appear to be eligible.

Commissioner Darby motioned to approve File Number PLCUP202300113, Conditional Use Permit for a Detached Accessory Garage, with no conditions based on the findings and conclusions listed in the report.

Commissioner Bevans asked if the windows needed to be specifically excluded since the report incorrectly indicated they needed a conditional use permit.

Planner Schindler suggested that since it's not mentioned in the motion, they would really only be approving the conditional use permit for the detached accessory garage.

Commissioner Gedge suggested using verbiage that the approval is subject to all South Jordan City Codes and Ordinances being met.

Motion failed due to lack of second.

Commissioner Gedge asked if a business license search was done for the property, and if there are any current active businesses at this location.

Planner Aguilera did not do a search for that.

Mr. Bowen responded that there is not a business currently operating at this address. He also addressed the height, noting that there is a rock retaining wall on one side, which showed there was some grading there he will have to re-grade when this is done for the driveway to the detached garage. He also noted that he was trying to do a 14 foot garage door on the RV garage, which is currently only 12 feet as he was trying to shrink things down to get to the 16 foot limit. He would really like to put it up at 14 feet if possible, but he's not sure if there is a way to do that since he is not exceeding the 25 feet and would give him a more functional RV portion of the garage.

Commissioner Trevor Darby asked if he raised that, would that make the wall 18 feet.

Mr. Bowen said it's an average wall height, and in the front some of the walls are under the 16 foot maximum. On that north face it would raise that up two more feet.

Chair Hollist wouldn't be comfortable voting on something where they haven't seen the final plans. If the applicant wanted to present those plans, she recommends tabling this item and having the applicant come to a future meeting.

Planner Schindler noted that raising that height would raise the average wall height, so it would be a good idea to have all the information before making that decision.

Commissioner Gedge asked if this is tabled and brought back, would they have to re-open the public hearing and re-notice everyone.

Assistant City Attorney Greg Simonsen responded that there would not be a second hearing on the same thing.

Chair Hollist asked if there were public drawings or elevations released with the notices for this hearing.

Planner Schindler responded no.

Chair Hollist said that based on staff information she would be comfortable with tabling this and reviewing an amended motion without another public hearing.

Commissioner Gedge asked if the applicant would be amenable to that plan, taking the plans back and doing new drawings before working with staff to have it re-presented to the commission.

Mr. Bowen was okay with redoing the drawings to indicate the taller garage and bringing it back to the commission.

The commission and staff discussed options for the hearing on the ADU, since a public hearing is not required for the ADU permit.

Mr. Bowen decided, after the discussion, that he would like to just leave the garage height as it is.

Attorney Simonsen asked Mr. Bowen if Ivory Homes is connected to this application since their stamp is on the drawings.

Mr. Bowen responded that he works for Ivory Homes and they are the contractor on this project.

Commissioner Gedge motioned to approve this Conditional Use Permit, File No. PLCUP20230013, based on this evening's discussion and the staff report presented this evening, with no conditions but subject to all South Jordan codes and ordinances are met.

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

H.2. DETACHED ACCESSORY DWELLING UNIT (ADU) - GUESTHOUSE

Address: 11149 S 2865 W
File No.: PLALU202300120
Applicant: Jon Bowen

Planner Miguel Aguilera reviewed background information from the Staff Report.

Chair Michele Hollist asked if off street parking was still required for ADUs.

Planner Aguilera responded one spot is required off street, and the proposed spots are shown on the drawings.

Commissioner Nathan Gedge asked to confirm that this unit could not be rented out for short-term rental.

Planner Aguilera reviewed the code.

Jon Bowen (Applicant) noted that this home, as well as others on the street, have a smaller footprint and he does plan to eventually do an add-on to the home. This current proposed ADU size is to make it functional, and he is already limited with the current size of his home. He also noted that his elderly mother is the intended occupant of this ADU.

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

Commissioner Bevans motioned to approve File No. PLALU202300120, Detached Accessory Dwelling Unit (ADU) – Guesthouse.

Motion died due to lack of second.

Commissioner Gedge motioned to approve File No. PLALU202300120, Detached Accessory Dwelling Unit/Guesthouse, based on this evening's discussion and staff report, consisting of 1137 square feet which exceeds 35% of the current main structure; subject to an active conditional use permit that has been approved by the city and all South Jordan City codes and ordinances being met. Chair Hollist seconded the motion. Roll Call Vote was 5-0, unanimous in favor. Commissioner Starks was absent from the vote.

H.3. CONDITIONAL USE PERMIT FOR A RESTAURANT USE IN THE COMMERCIAL-COMMUNITY (C-C) ZONE.

Address: 10468 S Redwood Road
File No.: PLCUP202300138

Applicant: Zhong Xie

Planner Andrew McDonald reviewed background information from the Staff Report.

Commissioner Nathan Gedge asked why a restaurant is considered a conditional use in this area.

City Planner Greg Schindler explained the history from 2016 changes in the city code.

Commissioner Gedge noted that there are several similar businesses within a short distance of this location and asked if there were any restrictions or concerns with that.

Planner Schindler responded that he didn't believe there were any concerns from the city or staff.

Commissioner Gedge asked about any possible traffic or pedestrian concerns with this location being so close to the high school. He assumes not since Astro Burger is right there next to it and hasn't had any issues.

The applicant didn't have anything to add to the staff report.

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

Commissioner Gedge motioned to approve File No. PLCUP202300138, Conditional Use Permit, with no conditions at the address listed above, subject to all South Jordan City codes and ordinances being met. Chair Hollist seconded the motion. Roll Call vote was 5-0, unanimous in favor; Commissioner Starks was absent from the vote.

I. LEGISLATIVE PUBLIC HEARINGS - *None*

J. OTHER BUSINESS

City Planner Greg Schindler shared that there are currently two items scheduled for the next meeting.

Chair Michele Hollist asked to discuss a possible future training and Assistant City Attorney Greg Simonsen discussed that with the commission.

ADJOURNMENT

Chair Hollist motioned to adjourn the August 22, 2023 Planning Commission Meeting. Commissioner Darby seconded the motion; vote was unanimous in favor. Commissioner Starks was absent from the vote.

The August 22, 2023 Planning Commission Meeting adjourned at 7:34 p.m.

This is a true and correct copy of the August 22, 2023 Planning Commission minutes, which were approved on September 12, 2023.