CITY OF SOUTH JORDAN
ELECTRONIC
PLANNING COMMISSION MEETING
COUNCIL CHAMBERS
October 11, 2022

Present: Chair Michele Hollist, Commissioner Nathan Gedge, Commissioner Steven Catmull, Commissioner Trevor Darby, Commissioner Laurel Bevans, Commissioner Aaron Starks, Assistant City Attorney Greg Simonsen, City Planner Greg Schindler, City Recorder Anna Crookston, Planner Andrew McDonald, GIS Coordinator Matt Jarman, Senior IS Tech Phill Brown, Meeting Transcriptionist Diana Baun

Others: Miles 2, MILES, Richard Eddington, Brett Duvall, Alan Langford, Marty Gale, Laurie Gale, Chalon Miles, Resident, Bruce Duvall, Jamie Beirs

6:33 P.M.
REGULAR MEETING

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

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

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.

C. APPROVAL OF THE MINUTES

C.1. September 27, 2022 Planning Commission Meeting Minutes

Commissioner Bevans motioned to approve the September 27, 2022 Planning Commission Meeting Minutes as published. Commissioner Gedge seconded the motion; vote was unanimous in favor.

D. STAFF BUSINESS - *None*

E. COMMENTS FROM PLANNING COMMISSION MEMBERS

Chair Michele Hollist thanked Commissioner Nathan Gedge for carrying out the last two meetings in her absence, as well as staff for conducting commission training at the last meeting

and making it available to her online. She also noted that the next meeting is during the Jordan School District Fall Break, so she will be absent. The commission talked amongst themselves and decided they will have enough members to make a quorum at that meeting, and Commissioner Gedge will lead.

F. SUMMARY ACTION – *None*

G. ACTION – *None*

H. ADMINISTRATIVE PUBLIC HEARINGS

H.1. ACCESSORY BUILDING: CONDITIONAL USE PERMIT FOR THE ARCHITECTURAL STANDARDS OF ACCESSORY BUILDINGS IN A-5 ZONE.

Address: 2530 W 10950 S.
File No.: PLCUP202200182
Applicant: Robbie Pope; L.R. Pope Engineering, Inc.

Planner Andrew McDonald reviewed background information from the Staff Report. Not listed in the report is an additional condition suggested, based on public concern, that at no point shall any use of this structure be used for business or commercial purposes; it will be strictly for personal use.

Commissioner Steve Catmull asked whether the three separate buildings could be physically connected to create one open space.

Planner McDonald responded no. However, if a proposal was still within the design and development standards, staff would approve it at an administrative level, unless it went against the reasons we are here for tonight on this particular application.

City Planner Greg Schindler added that they cannot be connected, they have to have some amount of space between them.

Commissioner Catmull noted that some of the conditions being suggested by staff for this permit are already part of our code, and asked for more information on why they needed to be included.

Planner Schindler said they technically probably don't need to have those conditions in there, but they serve as a reminder to the applicant that should they want to turn it into an ADU at some point, they would have to get that permit. Also, should they want to have a home occupation business license, they cannot operate any portion of a business out of this.

Assistant City Attorney Greg Simonsen said everything Planner Schindler has said is correct. However, additionally, by adding those conditions to the permit, if they are violated then in addition to any city enforcement actions, the conditional use permit could be brought before the

planning commission for possible revocation.

Commissioner Catmull said his understanding of the standard of review is that it has to be tied to a detrimental effect, which could then be mitigated. He asked what the detrimental effect is for this permit that they are trying to mitigate with the conditios mentioned.

Attorney Simonsen doesn't believe the conditions can be tied to anything at this point, as no evidence has been presented to the commission yet.

Commissioner Catmull asked staff if they had any specific detrimental effects they would like to bring to the commission's attention.

Planner McDonald responded that they have not identified any specific detrimental effects. However, in addition to the conditions reminding the applicant of what will happen if things go awry, and the possible consequences, public comment received in writing and included in the public record focused around observations made by the adjacent properties in regards to concerns about what this could become in the future.

Commissioner Gedge noted that if there were factors to mitigate presented this evening, he assumes all three proposed conditions would be enforced by Code Enforcement. If not, he asked who the other entity or department would be that is responsible for that enforcement.

Planner Schindler believes that would be Code Enforcement, as these would be violations of city code.

Commissioner Gedge added that he assumes Code Enforcement would only investigate issues upon citizen complaint, which he believes can be done publicly or anonymously, and asked for confirmation from staff on those points.

Planner Schindler responded that he is correct.

Commissioner Gedge referred to the first proposed condition, and asked to confirm that a horse equals 20 points and that the maximum allowed would be 60 points. He also asked staff to describe what other animals would be allowed, as well as a general description of points for different types of animals.

Planner McDonald responded that farm animals are regulated into large, medium, small and really small groups. Horses are in the large category at 20 points each, same as bison and horses of similar size. Chickens are 2 points each and in the really small category. On this property, they could technically have 120 chickens, but that would mean only chickens and no other animals or slaughtering.

Commissioner Gedge assumed looking at the map displayed from the Staff Report, that all the similar properties nearby that are equal size would be afforded the same amount of points if they chose to have animals. He asked staff for confirmation of that assumption.

Planner McDonald responded that points are allotted based on the size of the property, but he did confirm that the surrounding areas of A-5 and R-1.8 do have the same animal rights. For this reason, additional standards weren't applied towards the review since this property qualifies for those same rights.

Chair Hollist asked if the applicant was present, and if they had anything to add to the staff's report. A member of the audience responded that Mr. Pope was the designer of the building, and he is not here tonight. She then asked if Ms. Duvall, the property owner, had anything to add to the staff's report. Ms. Duvall responded from the audience that she had nothing to add at this time. Chair Hollist noted that citizen comments were received via email before this meeting, and they have been reviewed by the commission and attached to this meeting's minutes as Attachments A, B, C, D and E. She also added that the commission will have questions for the applicant after public comment which will work to address some of those concerns. She then opened the hearing for public comment.

Laurie Gale (Resident) - our fence backs up to the subject property, and we have lived there since 2003. There is on item that I did not put forth in my letter (Attachment A), and that you should probably be aware of. There is an ad out on Yelp right now from that address. It is advertising Salt City Window Tinting for automobiles, which is simply not any sort of an allowed use for the A-5 zone at all; that is currently active on Yelp as an advertisement for that subject property. In all the years that we have lived there since 2003, we have never seen a horse; lots and lots of vehicles, but no horses. So, my question is whether the real intended use is for an automotive vehicular repair type thing, because it really sounds like it and the size of that building is twice the size of the Tunex there on 10400 South; in the A-5 zone, it's not even an option. That is advertised on Yelp, it's not listed as a licensed business in the City of South Jordan.

Marty Gale (Resident) – I have been a real estate broker for 37 years, so my opinion today is based on a professional opinion. The detrimental effect of a large industrial building, which is what that is, going in a backyard of an A-5 zone, is going to reduce the property values of the surrounding homes well into the $100,000 mark. That is just a simple, come out and look at the view, see a great big warehouse right in the backyard; it is going to deter people and drop values. Besides the fact that it's a metal building and it is going to reflect an enormous amount of heat on the property to the west and the property to the north. I know this because I have a building that just got put in behind us, on a horse property, valid and approved, but it literally burned the leaves off our oak tree from the reflection on it. I am not a proponent of telling people they can't do anything, I really feel like I don't want to get in that way, but I feel like there is a better medium than what we have with a 180 x 40 x 23 foot building to sit out in my backyard and look at in the evening. I challenge you guys to envision that yourselves. I think if things were brought into a little more perspective of the neighborhood, a smaller building, plus the fact that it's going to be doing car repair over there which they've been doing car repair over there for 20 years. You know, we haven't complained and tried to be good neighbors, but this is kind of a tipping point of what needs to be done. I've seen tractor trailers in there, semi-truck trailers in there, junked engines, just all kinds of things and we'd like to be quiet neighbors but honest to God that's just the tipping point, it's just too much.

Alan Langford (Resident) - you've received my letter earlier (Attachment C) and I want to start out that I think this building back there, tearing down the ones that are really almost falling down, is a good thing; I think that will be an improvement. What I have a very hard time understanding is the size of the building. My understanding is that we wouldn't be holding this meeting if they fell within the parameters that are allowed, which is no higher than the height of the existing house, and no larger than the 100% of the footprint of the house and the garage. Good, even if they did twice the footprint it would probably be okay, but 160 feet by 40 feet, wow, why. Whether they have horses or not, I don't care; we would love to have horses back there, and I do remember a time when the neighbors to the east of them had some horses and they were gracious enough to let them run out there. It was awesome, we'd go out in the backyard, give them an apple and it was great, we loved that. The chickens, we have no problem, they had ducks at one time, no problem. We would just ask, whatever is decided, that they would be conscientious of late night working, banging on vehicles, loud noise. You know, we are right there, the overhead view shows a 40 foot requirement between the foundation and our home, wow, that is going to be pretty tough to make. Maybe so, I haven't taped it off or anything, but 40 feet is not to our garage, it's to our kitchen; it just seems a little excessive. What I would ask, or have the commission consider, I realize it would be multiple buildings and that's well within their rights, but there is a reason we have set amounts; I would ask that those set amounts are respected.

Jamie Beirs (Resident) - I agree with all the comments that have just been said. The other thing that I wanted to bring up is that for three horses, that is a pretty big barn. My son-in-law raises Arabian horses in Payson and they don't have that big of a barn, and they have about 15-20 horses. So to me, that is a little excessive, especially when we have never seen horses on their property before. I would like that to be considered as well, along with the height and length and so forth, because it does impact the reason why we came here, to have a quiet, nice neighborhood with good views. If they could scale down a little bit, I'd be fine with that as well.

Bruce Duvall (Applicant) – we are not here to create an automotive business. The listing that was on Yelp was a business that was intended to start, but was never registered; we never opened up the business. I had one in Clearfield, and when I had moved down here I did a change of address and everything changed over with it, it was called Tints and Tunes. I no longer tint windows anymore. I had back surgery about two years ago and I'm not allowed to do any functions that have to do with bending over, putting window tint on; things like that. We do have a lot of vehicles, my brother and I have a couple of cars that we drive during the summertime. We have a fifth wheel, I have a truck, and a few other ATVs and recreational vehicles that we would be storing in there. We are not looking to make a shop out of it. We don't need to work on the cars in there, I have another shop on 1300 South that we take our cars to. There is other buildings in the area that have been built recently this year, that are similar in size. I believe one of them was about 5500 square feet, at the Mason residence, and directly across the street from us there is a 50 x 110 with a 25 foot mezzanine that comes off the side, so those are pretty large buildings. Two more houses down to the west, I believe there is another 5200 square foot steel building there as well, so I don't think what we are asking is out of the ordinary. I was under the impression that the eave height of the building could not exceed the maximum height of the house, the maximum point of the house. I do realize that 18 feet is higher, we could do go down to 17 however we were trying to put a 16 foot door in there and they needed a 16 inch clearance

to put a steel beam across the top to support it; that's the only reason we went 18 feet tall. We were going to place this building in a different location, we were trying to be respectful off the neighbors behind us in not putting it across the back of the yard. We just decided to take down the building that's in distress there and replace it with another one, try to make it look a little bit better and clean it up there. We are not trying to run a business out of there, we are just trying to improve the property, clean things up, and store our vehicles under a protected area.

Chalon Miles (Resident) – I am part owner in the adjoining property to the west of the property requesting a permit. It is currently under construction, permitted through the city, to be remodeled. I would like to duplicate all the comments made by the other parties, with the exception of the most recent. I think, again the question is, why the size it is. Even in the picture that was presented by the committee, there are two vehicles outside of the barn and I don't know at that size how many vehicles they are planning on. He did say they have a number of vehicles on the property already, but I don't know how many vehicles a building that size would accommodate. I would assume maybe like 60 or so, and I don't think they've ever had that many vehicles on the property; again, just the enormous size they are requesting. I too don't want to be an inconsiderate neighbor, I am just concerned about the properties surrounding it, that we have the intention of living in. Also, a few years ago, we requested a permit to divide the property, and this isn't about that, but all the participants on the street that came wanted to continue to have the agriculture and the animal rights. I know that's not giving that up, but it is changing the dynamics of the landscape, so just to be considerate of the size of that. Also, with the heat and size it does go a little bit out of compliance on the items that are on the north side of the street. I did ask the question through email (Attachment D), that my concern with the vehicles they would be storing is that they would run a business, even though that's not the stated intention. If they would have to be registered in their names, and if there would be a limit to the number of vehicles that could be stored on the property.

Brett Duvall (Applicant) – I just wanted to say one thing, me and by brother have full-time jobs, at the same company. We don't have any other plans of business for this building; we are doing great at our jobs right now.

A member of the audience said he had already been up once this evening, but would like to say more.

Chair Hollist addressed the commission and asked how they felt about amending their rules for this evening for an additional comment.

Commissioner Gedge responded that his personal feeling was that everyone had their opportunity, and if they've also sent emails they've hade more than ample time.

Commissioner Laurel Bevans didn't believe the person had used all their time, so she didn't have an issue with it.

The member of the audience informed the commission that another resident would go up and share what he had wanted to add.

Richard Eddington (Resident) – I live approximately a block and a half away from the area. I myself have gone through this process before with the planning commission, making changes to my property. At the time, one of the chief concerns was in doing the planning that I was doing, was that it meet with the character of the neighborhood. I made great efforts to make sure that the stonework and everything matched, and that I wasn't doing anything out of the keeping of all the surrounding property. I have stood at the corner of the properties of Marty Gale and Alan Langford, and visually evaluated what that structure would look like from their properties; it is a massive structure, being so close to the property line. When referencing that structure against other structures, this would be the only structure I believe in the neighborhood that would back up against smaller residential properties. All the other structures of similar size or slightly smaller back up against one acre lots; there is a lot more room in-between the residential side of those lots and the structures. What I see there with their properties is this is going to be a major portion of their view from their houses, so I would urge the commission to take that into account and look at possibly breaking this up into possibly a couple of smaller structures. Additionally, the company I work for, we work with heat analysis of our product, and we have a lot of our product that ends up getting damaged by metal structures reflecting massive amounts of heat. So that being a metal building is a concern, I know, for both of these individuals, that the heat reflected could damage their greenery and possibly damage the siding on some of the buildings.

Chair Hollist closed the hearing to public comments. She said the commission would proceed to review the list of concerns brought up during public comments, as well as the emails that were submitted. There is a lot of concern, obviously, around the business element. The Yelp ad was brought up, she looked it up online and confirmed there is an address. The applicant has made a claim about why that is, but she asked staff to walk them through what would need to happen should a noncompliant use occur; what recourse would a citizen have in this neighborhood.

Planner McDonald responded that they would have to file a code enforcement case. That can be done online through the city permitting portal, the code enforcement department section. They would have to register and create an account, but they don't, once the complaint is submitted, necessarily have to disclose who they are. Code Enforcement will accept that and open an investigation into what has been going on at the property, and work with the complaint and various departments that may be involved.

Chair Hollist addressed Attorney Simonsen, asking what the next step would be, should a complaint be made that finds the conditions of this conditional use permit are not being met.

Attorney Simonsen said any citizen can call up the development department and say there is cars moving in and out, or something is showing up on Yelp, or whatever else might be going on, and that they'd like to have the conditional use permit revoked. That could bring everyone right back here, and if the evidence shows that is true, the commissioners are the decision makers and they could choose to revoke the conditional use permit.

Chair Hollist noted that hopefully they are never in a situation like that with this, or any other application. However, when a building has been constructed with a significant amount of capital put into it, what authority do they have at that point, and what would revoking a conditional use permit in a case like this, be or involve.

Attorney Simonsen responded it would have to be taken down. If the conditional use permit is what is allowing the large building to be there, then revocation of the conditional use permit divests them of the right to have that use. That is a drastic measure, and there might be something that could be done before that point, but he agreed that hopefully that would never be the case in a situation like this. In the course of his career, he has seen conditional use permits revoked, and he has seen the use have to come down.

Chair Hollist asked an engineering related question to staff, noting that we mitigate all sorts of things including light and sounds impact, but what about heat.

Planner Schindler said there is nothing in the code that indicates there is anything to worry about in regards to heat impact.

Chair Hollist noted that it is a real issue.

Planner Schindler said that's true, and that's why they try to get people to plant trees in their yards to help out with the urban heat island; however, there is nothing in the code that says they have to plant as many as they can. If that becomes an issue, it is a civil issue and they would deal with it in court if they could find proof that a building is destroying their landscaping.

Chair Hollist asked Attorney Simonsen if something isn't in their code, like heat impact, can they still recognize it as a detrimental effect and ask for mitigation efforts.

Attorney Simonsen responded that the commission is allowed to recognize detrimental effects that have been substantiated through substantial evidence. They need to ask themselves, if someone is coming forward with concerns in regards to heat of a substantial nature, does it warrant a denial of a conditional use permit.

Chair Hollist asked staff if tearing down the existing structures is required for this structure to go in.

Planner McDonald responded yes, and a demolition permit would be needed to do that. Within the A-5 and other zones, there is a max building coverage that allows you to build a home plus any accessory structures. Within the A-5 zone that is 20% of your property, and with 1 acre that would come to the current existing footprint of the home; with the proposed 6400 square feet they are still under that by about 200 square feet. If they left the current structures, they would be over that, and that alone would warrant a denial for that developmental standard.

Chair Hollist asked if Planner McDonald feels that expectation is clearly communicated, such that it will occur in this process.

Planner McDonald responded yes, he does have communication with the engineer, on behalf of the property owner, that they have knowledge of that being the process required prior to any building permit, pending the results of tonight.

Chair Hollist asked why staff felt it was acceptable to not enforce the 20 foot offset that goes

along with the taller structure that they are asking for.

Planner McDonald responded that accessory structures start with a minimum setback of 3 feet. In this case there are no easements recorded on the property, so that's not a concern. In that case, they can go up to a maximum of 16 feet with that minimum setback. They can exceed 16 feet, no more than 25 feet, but they have to increase their setback by 1 foot for every foot over 16 feet. With the proposed height being what it was at 24 feet 4 inches, he still has to round up to 23 feet, so the 10 feet is actually what would be required at minimum for this development. If the commission chooses to approve this permit tonight, the building permit would have to show that as well as part of that development and design review.

Chair Hollist stated that she is missing something, as issue #3 said that "any portion within 20 feet, except as permitted by conditional use permit, the average wall height shall not exceed 16 feet above grade."

Planner McDonald said that portion has two parts, the first part shows that the windows aren't above grade high enough within 20 feet of the property line to be a concern for that to apply; the average wall height can exceed 16 feet, and in this case it's 18 feet. If they were to have proposed 16 feet or less, then that wouldn't be one of the issues we are here for tonight, it would just be for the height and footprint of the building. He also noted that the average wall height of an accessory structure is 16 feet max, they are proposing 18 feet. Since they exceed that, within the code it is left to the planning commission to determine whether or not that would be considered acceptable; it is not a development standard, but a design standard that is left to the planning commission's discretion.

Commissioner Gedge asked if that 16 foot wall exceeding the limit has to do with setbacks at all.

Planner McDonald responded no, as the setback is from grade to the highest peak, which would be to about the center point of the structre based on elevations submitted. Based on the calculations and the highest point of the structure, that is rounded to 23 feet and that means the 10 foot setback has been met.

Commissioner Bevans referenced issue #3, that discussed being within 20 feet of the property line. She asked if that was the only outstanding issue, with no other conditions, and it was just 18 feet instead of 16 feet, could they just enforce the 20 foot setback and not be here.

Chair Hollist understands the setback, but she is trying to figure out the results if the walls are taller than 16 feet and it's within 20 feet of the property line.

Commissioner Bevans asked if they could require the building to be 20 feet from the property line, and have they measured the 40 feet from any other dwelling on additional properties.

Planner McDonald said that from the existing dwelling to this structure, from what they can tell based on aerials, it looks like there is enough room. They will have to show on the prospective building permit that the 40 feet is there.

Planner Schindler added that on the site plan showing, the closest house he believes is the Langford property, and he doesn't know that they have measured the distance. However, at building permit it may have to be moved further in as right now it's showing at 10 feet away from the property line and he doesn't believe their house is another 30 feet off. This is in the code, and within the commission's purview; however, they are approving a conditional use permit, not necessarily the site plan.

Chair Hollist asked whether there is a limitation in the ordinances to the number of vehicles, types of vehicles, and whether vehicles have to be registered if they are on private property.

Planner Schindler said the only thing discussed in the code is in the use regulations, and you can't have more than two inoperable vehicles on your property; in addition, those have to be enclosed in a garage or other structure. If they are operable vehicles, they can be technically parked anywhere and there is no limit to the number, especially if they will be put in a building.

Chair Hollist asked to clarify that even if vehicles are stored in a structure where they cannot be seen, one cannot have more than two inoperable vehicles on a property at a time.

Planner Schindler offered to try and find the code to clarify that, but he believes that's what is stated.

Chair Hollist asked Attorney Simonsen if having a car that is not registered, and thus not able to be taken on the road, was considered inoperable.

Attorney Simonsen responded that he isn't sure, but in his personal opinion inoperable means incapable of being operated.

Chair Hollist asked staff what "being stored" would be defined as, does that mean more than 24 hours.

Planner Schindler said 72 hours is mentioned somewhere in the code, but he would look that up.

Attorney Simonsen would like to know the definition of "stored" as well, as half the residents of South Jordan are parking their boats and side by sides and ATVs through the winter, much more than 24 hours; he asked if that is what is being discussed here.

Planner Schindler quoted from the code that "It shall be unlawful to park, store, or leave, or to permit the parking, storing, or leaving of any vehicle of any kind, or parts thereof, that is in a wrecked, junked, dismantled, or inoperative, or abandoned condition whether attended or not, upon any private or public property for longer than 72 hours; except as the following applies: Unless more commonly associated with an approved use, and in an area designed for parking or storage on an approved site plan." He used Unique Auto Body as an example of a place that could have inoperable vehicles parked there. He continued "Secondly, where up to two such vehicles, or parts thereof, are stored completely within an enclosed building, or within a 6 foot obscuring fence enclosure that completely screens the view of vehicles from public streets and neighboring properties." In other words, if someone is a car collector with 40 vintage cars, they

can park them anywhere they want to on their property. If the cars the applicants plan to store in the structure are nonoperable, and there are more than two, but they are starting to work on them, they can't work on more than two at a time.

Chair Hollist asked staff to confirm the material of construction.

Planner McDonald responded that it is a prefabricated metal.

Chair Hollist addressed the applicant, Ms. Duvall, and told her the commission had some questions. She noted that the applicant can designate one of her sons to speak for her if she desires.

Ms. Duvall (Applicant) responded from the audience, appointing one of her sons to answer for her.

Chair Hollist explained that there have been a lot of comments on the size of this structure. She asked what they plan to use the structure for.

Bruce Duvall (Applicant's Representative) responded that his grandmother passed away a few months ago, leaving behind a horse that they are inheriting; his father can't take care of the horse and lives in West Valley with horse property currently, which is where the horse is right now. Mr. Duvall was unaware of what he is doing with the house, or whether it is being sold, so they would like to bring the horse here. That is the reason the plans show an area for storage of hay, feed and other things like that inside the building. They do have chickens currently on the property, he thinks they have 14 of them. They don't intend on ever having more than one horse, and he has a list of the vehicles that would be stored there. There is only one inoperable vehicle currently on the property, everything else is gone. There is one small ATV, and the inoperable car is a '92 Honda which is a classic car that he and his brother have been working on for a long time. There are two other vehicles that are registered as classics on the property, an older Chevy Truck that was just restored that is operable, and there is another '92 Honda Civic which runs and drives on the property currently. There is also a 1998 fifth wheel trailer, 29 feet long, that is registered and on the property currently. They have other cars that they drive throughout the day, he drives a newer 2020 Civic, his brother has an Impala, and his aunt has a minivan; all of which are usually in front of the house, not commonly stored in the pasture or backyard unless they are parking the cars in the back to clean the driveway or something similar to that. None of the cars mentioned, the van or other two cars they drive, routinely would be in the steel building at any point unless they are not driving them during the winter. They only have one car they work on, they do that in the garage at the house. In regards to the comments on the business, it actually didn't get registered with the city as it is still registered in Roy, and it is a mobile window tinting business. That means it could be stationed where they live, however when it is a mobile business, they don't need to use a facility to do the job, it can be done onsite where the customer is. He doesn't need a steel building if he were to pursue a business of that nature.

Chair Hollist asked if he was planning to have a mobile business.

Mr. Duvall responded that no, like he said he is unable to do that any longer. He is just stating

that everyone is concerned about a business being there, but there is no business going in there.

Commissioner Trevor Darby noted that he can corroborate that, as he has a business neighbor that ran a tinting business and they just did it in the parking lot. It took maybe an hour or two, and they never pulled it into the business area

Commissioner Bevans asked why all the advertising and Yelp/Google listings haven't been taken down at this point.

Mr. Duvall said they have been taken down. He was dating someone at the time who managed all of that, and after working with Google he was able to get their searches to show "permanently closed." However, he has no access to the Yelp listing, so that's not in his control. He did note that an entity search in Utah will bring up nothing with that business name, because the process wasn't completed and the business was never started.

Chair Hollist asked for more details on why the building was oriented so it would run the length of the backyard.

Mr. Duvall said they were going to put it across the backyard of the house, so that when you pull into the side pasture you'd be looking at the building. The face of the building would be towards the south, and the back facing to the north. They do have neighbors on the north side, which he was trying to be very respectful of and didn't want to block their view. They have had other issues in the past that they have resolved, and things seem to have been going great; that's why they decided to replace the current building that's there. They do however have to move it off the property line, he believes that the building constructed there is not to current code; for the height of the building, it is too close to the property line and it would have to be moved away anyways. He understands that the building is large, that's just what they decided they needed to accommodate the things they will be doing back there. The horse needs its own area, there is a door they can pull the tractor in and put hay bales inside. He has plans that were drawn up, and he is not sure why the commission doesn't have copies of those.

Chair Hollist asked if they had to change to the three buildings, what each building would be like.

Mr. Duvall said he was under the impression that if they go with the single buildings, they could actually be taller.

Planner McDonald said they could exceed the home height of 17 feet with a conditional use permit, but not more than 25 feet.

Mr. Duvall said if that's the case, then they would propose those be across the back of the property. The face of the three buildings would be towards the south, and the backs would face to the west. It would be the same footprint and square footage, just broken up into three buildings.

Chair Hollist asked if they would be amenable to increasing their offset to 20 feet, to be in

compliance with issue #3 in the Staff Report.

Mr. Duvall said he looked at that option. He has done extensive research on this, and the house is approximately 40 feet away. he doesn't have access to the neighbor's yard to measure exactly where their house is on their property, but if they moved the building more than 5 feet to the south it would be too close to the addition going in next door at around 37 feet away. There is also an attached awning that comes off the back of the house about 20 feet, so the building would be too close to that.

Commissioner Gedge mentioned the proposed condition regarding potential future use as an ADU/home occupancy. He asked Mr. Duvall if they are fully aware of the process required for that change, should they decide to go that route.

Mr. Duvall said he understands that, and there are no plans for a dwelling unit there. They currently live in the house, he and his brother live in the basement. Everything has already been drawn out regarding what it will look like on the inside.

Commissioner Catmull asked about the dimensions on the building, and on other buildings that were highlighted on his application. He noted that if they went 50 feet wide, that should shrink it down to 128 and then asked if they could move further back away from the adjacent property.

Mr. Duvall said that is an option, however the designer of the building was trying to do it the most cost efficient way. Free spanning a building that is 50 feet adds a significant amount of cost to the building; that is why they did it longer one way, as it's cheaper to do a 20 foot section that's shorter in length, than it is to do a 20 foot section that's wider in length. He noted that these are usually 20 foot sections.

Commissioner Aaron Starks asked to address more of the spirit of the conversation. Community is important, and there are a lot of neighbors here that want to preserve what they believe to be the advantage of living in their area; many of them have been there for many decades and their concerns have been clearly addressed and voiced. Understanding what is being proposed tonight, he asked if there has been any conversation with those around him who share the neighborhood to discuss possibly accommodating the neighborhood and its beauties, the aesthetic nature of why people choose to live there. He asked if the applicant has thought about making accommodations to make this a win for the community.

Mr. Duvall said yes, he has made a considerable amount of accommodations to take into consideration his neighbors to the north. As was stated before, he was going to turn the building and have the length of it basically blocking off the whole view from that neighborhood; however, they decided not to do that. Previously, there was a lady named Deanne who had lived just to the west of them. They had a lot of conversations with her before she unfortunately passed away, and she was aware of the building and had no issues with it. Lora and Kent across the street are very good friends with him, and they know what's going on. He has talked with other neighbors, including those directly to the north of him, and they are here tonight. He had mentioned about a year ago that the current building was in distress, with the roof falling down, and that it needed to be taken down as it is not safe for an animal or anyone else to be under there; a good snowstorm

would take it down if they didn't. He has talked to them about putting a building in, size was never mentioned, and he figured 10 feet off the property line was a considerable amount of space away. He can only move it about 4 feet farther than that without obstructing the other residents to the west. If they need to drop the height of the building, they can technically then move it closer to the property line.

Chair Hollist asked staff to confirm that the applicant can move the building closer if the height is adjusted.

Planner McDonald noted that if he can drop the overall height to the highest peak, excluding architectural features, down lower then technically yes, the setback requirements would be less.

Chair Hollist asked if that was the offset or the wall height.

Planner Schindler noted that it's the peak height that determines the setback.

Chair Hollist asked the applicant if that's why he's proposing the 17 foot peak.

Mr. Duvall responded that no, but in consideration of the distance from the property line, if he shortens the height of the building he can move it a foot closer to the property line for every foot he shortens the height. He is considering staying as far away as he can from his neighbors.

Planner Schindler noted that regardless of height, if there are animals in the building it still has to be 40 feet away. In this case, it could be moved closer to the neighbors to the west, but not to the north because he also has a 10 foot setback now from the west. The applicant also stated that if he moved the building further south, towards his house, then it become closer to the Miles family home where they are doing the remodeling.

Chair Hollist acknowledged that the addition to the other home is not showing on the maps, so the offset they are seeing isn't actually available since the remodel will take some of that space.

Mr. Duvall said he thinks the addition is about 35 feet, so they had to be considerate of that. They actually had other plans previously drawn, and when they found out about the addition those plans had to be changed.

Commissioner Bevans discussed the access to this building. Based on site plan, she thinks the only access to this back building will be on the east side of the property.

Mr. Duvall said there is access on the west and east side. On the west side of the dwelling, there is a poured concrete pad that would also give access to that 20 foot door facing the south.

Commissioner Bevans asked for the distance between the garage and the property line.

Mr. Duvall said it's just short of 15 feet.

Commissioner Bevans noted that means there is room for access, and asked staff if access would

be allowed from both sides of the property to the building, or if that would be restricted.

Planner Schindler said they appear to already have two driveways, one paved and one not paved. That also probably means they have two curb cuts, so that wouldn't appear to change anything in regards to the access points. The access on the west is fairly narrow.

Mr. Duvall said he pulls his fifth wheel in through there currently, and agreed that it's pretty close.

Commissioner Catmull noted that in previous conversations it was discussed that if the building was lowered one foot it could be moved closer, and the average wall height according to the Staff Report is 18 feet. He asked if the total height would have to drop 2 feet to avoid the conditional use required for a 16 foot wall within 20 feet.

Planner Schindler responded that to avoid the requirement of having a 20 foot setback, they would have to lower the walls to 16 feet. Also, there is a requirement for roof pitch, so he could keep the height the same, but because the roof pitch minimum is 1:12 he still could keep the pitch and lower the overall height. That being said, he could also raise it and make it a higher pitch if desired, while still meeting the 20 foot setback. Part of the applicant's request is to reduce the setback for the 18 foot walls.

Attorney Simonsen noted that he is not a commission member, but he asked the commission for permission to ask a few questions that he thinks are important. The applicant's representative has mentioned several times that there is a drawing showing what parts of the building will be used for what, and he doesn't see it in the report. He asked the applicant's representative if he had a copy to submit for the records.

Mr. Duvall responded that he did not have a copy with him, but he believes he has it on his email. If you look at the picture of the building with the windows and a smaller door in the east facing area, you can see there is bracing about half way through. Where that smaller door is to the north, that is where the animals would be housed. The storage and feed is in the farthest north side of the 20 feet of the steel building. Technically, the horse area they are building will be after the 20 foot section; there will be no animals stored in that first 20 feet of the building on the north side.

Attorney Simonsen noted that the total square footage proposed is 6400 square feet, and asked approximately how many square feet will be taken up by the animal section.

Mr. Duvall said it would be approximately 2400 square feet.

Attorney Simonsen asked how much that would leave for vehicles.

Mr. Duvall said the vehicles would be on the south side, where there are two 20 foot sections that would be used to store the vehicles. They also have other equipment that is coming from his grandmother's house to maintain the horses what would be store there, with the grain on the rest of the north side of the building.

Attorney Simonsen said that in the Staff Report it says "The property owner insists that a smaller footprint would not provide adequate space needed for the intended mixed use purposes."

Mr. Duvall responded "that's true."

Attorney Simonsen asked the applicant to convince him that a smaller footprint would not be adequate.

Mr. Duvall said he needs some storage for his fifth wheel and stuff that is going to be on the south side of building. The horse is going to use about 2000 square feet, and they need about 1600 square feet to store all the supplies and other things that the animal needs to feed. The other stuff for the animal will be in the other 1600 square feet of that building.

Attorney Simonsen thanked the applicant's representative for his response.

Commissioner Bevans asked to clarify that the property owner is his aunt, not his mother.

Mr. Duvall said that is correct. He and his brother have lived there for approximately 13 years, and she has been there for almost 21 years.

Chair Hollist asked Planner McDonald if he has the drawings mentioned by the applicant's representative with the additional details. She agrees with Attorney Simonsen's thoughts, and would like to be convinced that this is necessary, as this is bigger than anything they have ever been asked to make an exception for.

Planner McDonald said it wasn't part of the application, the plans submitted just show a concrete slab with open space, no particular walls or floor plan that you would typically see with a home. If the commission feels that is needed, they do have the option to motion to table this for a future date, so those can be provided. All of staff's communication has been through the authorized contractor, with the floorplan included in the Staff Report showing it as open.

Mr. Duvall asked if they decided to do the three independent buildings, would that bypass the committee hearing.

Planner McDonald responded that they would have to satisfy the architectural and design standards of the zone. To avoid coming back to the commission, they would have to be equal to, or less than the square footage of the home, and drop the wall height and the height of the building to 17 feet or less. They would still come back for a conditional use on the height if it was too tall.

Mr. Duvall asked if there is a limited number of applications for conditional use permits on a property; could he apply for one, complete the structure, and then apply for another one.

Planner Schindler said he can, but he can also apply for all three with one application and it's cheaper than separate applications.

Mr. Duvall asked to confirm that they could also change the placement of the building at that point if they desired.

Planner McDonald confirmed that yes, the orientation would be part of the review.

Chair Hollist asked if he is interested in bringing something different back to the commission.

Mr. Duvall responded that it depends on if the application is denied tonight. If denied, then yes, they would bring something else back and the structures would definitely change locations.

Chair Hollist didn't want to overstep, but noted she wants to save the applicant the cost of another application. She asked staff if this is something they could table with the ability for the applicant to potentially modify things.

Attorney Simonsen said that what he is hearing is that the applicant wants a decision, and if he is denied, they may do something else. If he correct on that, then the commission needs to make a decision, and with that they need to be laser focused on the condition review standards set forth on Page 1 of the Staff Report. Those standards ask whether there have been detrimental effects presented by substantial evidence, and if so, they need to express in the motion what that substantial evidence is. The commission then needs to see if those detrimental effects can be mitigated by conditions. Only after failing all of that, would a denial be appropriate.

Chair Hollist noted her biggest concern is the offset. If they are going to consider something this big, she feels that they need to not waive issue #3 in the Staff Report, as that would be the most concerning thing to her as a neighbor. She could possibly get around the size and height, but she feels like that 20 foot requirement needs to be met.

Commissioner Bevans agrees with Chair Hollist and has concerns about the 20 foot setback as well in condition #3. If her math is right, that is about 4000 square feet for one horse, and she has a little bit of hesitation on that. The neighbor behind her has horses and he has three of them in a building that's not that size; however, that is obviously not part of their consideration. The size and height of it, with how close it is to the property line, are the biggest issues to her along with the setbacks.

Commissioner Darby asked to clarify that if they move it to the 20 foot setback, then it doesn't qualify on the other side.

Chair Hollist confirmed that he is correct.

Commissioner Bevans asked if that is something they could address.

Chair Hollist said she is not interested in waiving that, she doesn't think they have the ability to.

Commissioner Bevans agrees with not waiving that, but asked if this could be tabled so the applicants could shrink it a little bit and meet the 20 foot setback without being denied, forcing

them to come back with a new application.

Chair Hollist noted that she is planning on asking the applicant to come back up after he has heard their concerns.

Attorney Simonsen responded to Commissioner Bevans' question, saying they must focus on what the applicant is asking for on the conditional use permit, and whether or not there has been substantial evidence presented regarding the size of the building being a detrimental effect. Then, they need to ask if there is any way to mitigate that. If there is, then they can make a decision about imposing conditions to mitigate that detrimental effect. They can't go beyond the standards there, even without the conditional use permit. He believes the commission knows what to do, and leaves it to them to exercise their judgement.

Chair Hollist responded that they have ordinances for a reason, to mitigate detrimental impacts. That being said, she would argue that asking for an exception could justifiably be in and of itself a detrimental impact. Additionally, on Page 2 at the top, there is a note that applications for conditional use shall demonstrate that the proposal is consistent with the character of the underlying zone and surrounding area. She asked if they could cite a lack of providing that as a reason for not granting a conditional use permit.

Attorney Simonsen asked Chair Hollist to repeat her previous question. She repeated it and he responded that would make every conditional use permit application a detrimental effect without the presentation of substantial evidence, as every conditional use is going to be, by definition, different than what the ordinance says. Regarding setbacks, if the commission has had substantial evidence presented as to a reason why this was too close, or that there is a difference that could be made by adjusting what the applicant has asked for, then you would need to state that in the motion with the reasoning.

Planner McDonald clarified that the conditional use process used towards an accessory building includes analysis that is not limited to, but does include as stated, consideration of nearby structures. Directly south and to the southeast there are two properties, one is R-1.8 and the other is A-5; both have accessory structures that underwent the same process we are here for today, and both were approved for the same uses we have today. The deviation between what is being proposed today and what is across the street, depending on which property you are looking at, ranges from about 120 square feet to 1200 square feet. That was considered in their analysis of determining if this was out of character with the area in terms of the size.

Chair Hollist asked for the offsets from the property lines of the two nearby buildings mentioned above.

Commissioner Catmull added that he measured the distance between those two larger accessory structures to the south, and none of them were within 200 feet of another primary residence. He feels like when you put something 10 feet next to a primary residence, that changes the character in the immediate area. If it were further away from the primary structure, not necessarily 200 feet but further than 10 feet, he feels that would be more consistent. It's not just the size, it's the placement, and that's why these kinds of things are judgement calls that come to the planning

commission. He personally doesn't have enough evidence yet, and the biggest possible detrimental effect he has heard so far is the potential reduction in house value to the adjacent properties; being able to see a formal piece of evidence submitted for that would help in his decision.

Commissioner Darby is in agreement with Commissioner Catmull, he doesn't see any specific data providing a detrimental effect, aside from the potential devaluing of homes. He doesn't love the building, but he is more inclined to vote in favor.

Commissioner Gedge seconded Commissioners Darby and Catmulls' comments. Where they have had some potential detriments presented, both in person and online, nothing has come with substantial evidence to support or create conditions to mitigate. Having grown up in South Jordan with a barn on his property, this is three times bigger than what his family had which included nine horses on the property; it is ridiculously too large in his opinion, however he doesn't see anything here to prevent him from voting for this. He would also vote without any conditions, as he can't see that the three conditions proposed by staff are actually detriments. Even though he would prefer to have them in the motion, he thinks they need to move forward and lean on the city and code enforcement for adherence to the current city code. If the applicant was amenable, he'd be willing to table this and have them come back to the board with possibly a smaller building for one horse, but that would be the only option for him other than voting.

Commissioner Stark thinks that everyone wants to preserve the beauty of our neighborhoods where possible, but a precedent has been set with other structures being within 100 yards of this home. With that, he doesn't feel right denying the applicant his building as submitted. However, he also doesn't think it's appropriate for the commission to make a decision based on speculation of detriment, with no data present. For that reason, he would echo Commissioner Gedge and recommend they approve this.

Commissioner Catmull feels like he was close to getting some evidence from the real estate broker that spoke during the public hearing. If they tabled this, and allowed submissions from adjoining properties, he could be open to that. Tonight he agrees with everyone else, that if a decision needs to be made now, there isn't enough evidence to vote against this. He did express that he has great reservations with the situation at hand.

Chair Hollist asked for discussion on how to proceed.

Attorney Simonsen said it is not appropriate to table a decision to gather evidence that might help the commission reach a conclusion they want to reach, or even just to gather more evidence.

Chair Hollist invited Mr. Duvall back up and explained that the neighbors have voiced some concerns, as has the commission, in regards to the exceptions being requested. He has also heard from the commission what their probable decision would be upon voting. She asked if he would like the commission to vote tonight, or if he would prefer an opportunity to potentially make modifications based on the feedback this evening from the commission and come back in two weeks.

Mr. Duvall didn't know if it was the appropriate time to bring it up, but many of the decisions of adjacent neighbors being collaborated are based on previous altercations in the neighborhood. Some of this being said by some of the neighbors is the result of them forming a pact to stop his family from building a structure that they have been wanting to do for a long time. A lot of this is personal, however this isn't for him, this is strictly something they have been wanting to do for a very long time. He doesn't know if that's appropriate to say, that there is an army of people against this for personal reasons, and that it has nothing to do with anything else.

Attorney Simonsen suggested the applicant's representative simply answer the question he was asked.

Mr. Duvall asked to have the question repeated.

Chair Hollist repeated the options of tabling the item, or voting tonight.

Mr. Duvall asked if it would be appropriate to ask to change the wall height to 16 feet.

Chair Hollist said they are offering him the chance to do that, and then bring it back in two weeks.

Mr. Duvall responded that he is okay with either decision.

Chair Hollist noted they are asking for his opinion on how to proceed, as it is his choice.

Mr. Duvall said that if this gets denied, they do have other plans in effect so it doesn't matter either way. His brother in the back motioned that they should just have the commission vote tonight, and that was the decision made.

Commissioner Gedge said he would like to make a motion without conditions, but asked if they could have one condition that all South Jordan City ordinances and codes will be followed.

Planner Schindler said that if that was done, then the three exceptions to city code being requested wouldn't technically be allowed.

Chair Hollist likes the idea of calling out the specific things they have concerns about so future staff will be aware of them should something come up.

Commissioner Gedge asked about whether they can add something in a motion as more of a reminder, so future staff and owners of the property can see it.

Attorney Simonsen said they can do whatever they want, and noted that he likes the current conditions for the reasons stated because it gives the neighbors the right to come in and ask for revocation.

Commissioner Catmull noted that conditions are supposed to be tied to detrimental effects, and these are basically fragments of city code that they are instituting permanently on a portion of a

property; he asked for more reasoning behind keeping those conditions.

Attorney Simonsen clarified what he was discussing, as he was only talking about two conditions, and they were set forth in the Staff Report and based on the city code. He was not aware of the third condition suggested by staff.

Commissioner Gedge motioned to recommend approval of the conditional use permit, File No. PLCUP202200182, based on the findings and conclusions listed in the report; including the following conditions of approval:

- **The property owner is limited to three horses on the property at any time, and is not to exceed the allotted 60 farm animal points as regulated in Section 17.13.04.030.**
- **If, at some point in the future, the property owner creates habitable space in this accessory structure, the property owner will apply for and obtain the required building and guesthouse ADU permits.**
- **No home occupancy business, or other business, will be run out of such accessory building; leaving it for personal use only.**

Commissioner Catmull is uncomfortable with the conditions replicating city code, as it makes city code permanent when it can be changed in the future, and said conditions are not tied to a specific detrimental effect they are attempting to mitigate.

Commissioner Starks said this is an interesting situation; however, there is a precedent set. He asked staff if the comparable buildings in the community referenced in the application were approved by previous Planning Commission members.

Planner McDonald replied that directly to the south on the aerial map, there are two structures. The one on the left is the R-1.8 zone, the right is A-5 which is the same zoning as the property being discussed tonight. On the left, from quick calculations that is a 12 foot setback, which is the maximum; this means the height of that structure is 25 feet, which is larger than what is being proposed today and means a precedent has been set. To the right, there is a structure that underwent the same process and was approved by conditional use permit earlier this year. Those setbacks are around 9 feet, so about the same height as what is being proposed today with only a slight deviation. This means it satisfies the standards of review for both the conditional use and analysis of the surrounding area.

Commissioner Stark noted that with the precedent set by two neighboring lots, he thinks the applicant is well within his rights to request what he has requested, and that they should move forward with the vote.

Commissioner Catmull noted that his issue is just that he is not comfortable with having the code replicated in the conditions.

Commissioner Gedge is okay with amending his motion to exclude the conditions.

Commissioner Darby said that based on staff's recommendation, he is okay to move forward as mentioned, but he would also be comfortable if those three conditions were removed.

Chair Hollist noted that the motion failed due to lack of a second.

Commissioner Gedge motioned to recommend approval of the conditional use permit, File No. PLCUP202200182, based on the findings and conclusions listed in the report.

Commissioner Bevans thinks that by removing all of the conditions, they have now taken away the ability for someone to go to Code Enforcement and force the applicant to come back here if they do start a business out of this.

Commissioner Gedge noted that is still part of city code.

Commissioner Bevans agreed, but noted that it doesn't force them to come back here and face revocation of their permit. Having that in there allows the commission to keep that oversight, that if they do decide to run a business or put in an ADU without the correct permits, the commission has the purview to bring them back and pull the conditional permit.

Chair Hollist noted that they could come back and request a business, but if the staff member doesn't know the history they might approve it.

Commissioner Gedge withdrew his substitute motion and offered his original motion as stated above.

Commissioner Catmull noted that they had been discussing precedent, and he wonders if they are treating this applicant differently.

Chair Hollist feels like they have conditions like this on every permit that comes before them, based on the concerns staff and the public have brought forward.

Planner Schindler discussed the motions made, and asked Attorney Simonsen if whether or not the conditions are in the motion, if the applicant is in violation of city code while using this building, could someone ask for a revocation of the CUP; could the applicant be asked to tear down the building.

Attorney Simonsen noted that even if code was changed, and they had to stick to the codes listed, that could be an advantage or a disadvantage.

Commissioner Darby seconded the original motion with the three conditions. Roll Call Vote was 3-3, with no votes made by Commissioner Bevans, Chair Hollist, and Commissioner Catmull with reasoning listed below. The motion failed per the vote.

Commissioner Catmull noted that he voted no because of the conditions attached to the motion.

Commissioner Gedge asked if another motion could be made after the failed vote.

Planner Schindler responded that the no votes would need to have an indication of a detrimental effect that hasn't been mitigated; that is the only way they can vote no on a conditional use permit.

Attorney Simonsen said that as he understands it, the motion was to approve the conditional use permit with a 3-3 vote, which is a no vote on the conditional use permit.

Chair Hollist noted that the motion included the conditions, however Commissioner Catmull voted no specifically because of those conditions. She then asked if, with the prospect of the vote being different, they could vote again on an alternative motion.

Attorney Simonsen said his best advice would be that the motion failed, but if there is a different motion that the commission wants to consider on the application, he believes that can be done.

Commissioner Catmull motioned to approve the conditional use permit, File No. PLCUP202200182, based on the findings and conclusions listed in this report.

Chair Holist made sure all commissioners were aware of the difference between the two motions; this motion carries no additional conditions. The applicant still has to comply with all current city ordinances.

Commissioner Gedge seconded the motion. Roll Call vote was 4-0, no votes made by Commissioner Bevans and Chair Hollist with reasoning below. Motion passed with majority of votes in favor.

Chair Hollist explained that she is voting against this motion because she feels like comments heard this evening brought up a detrimental effect in having an exception to the 20 foot offset. A comment was made that this puts that building within less than 40 feet of someone's kitchen, and that the uses in this building would be a noise detriment.

Commissioner Gedge thanked those with no votes for listing their reasoning on the record.

I. LEGISLATIVE PUBLIC HEARINGS - *None*

J. OTHER BUSINESS

Chair Michele Hollist reminded everyone that she will not be here in two weeks, Commissioner Gedge will lead the meeting and there will be a quorum.

ADJOURNMENT

Chair Hollist motioned to adjourn the October 11, 2022 Planning Commission meeting. Commissioner Darby seconded the motion; vote was unanimous in favor.

The October 11, 2022 Planning Commission Meeting adjourned at 8:39 p.m.

Meeting minutes were prepared by Deputy Recorder Cindy Valdez

This is a true and correct copy of the October 11, 2022 Planning Commission minutes, which were approved on October 25, 2022.

From: Andrew McDonald
To: Cindy Valdez; Anna Crookston; Aaron Starks; Nathan Gedge; Michele Hollist; Trevor Darby; Steven Catmull; Laurel Bevans
Subject: FW: File # PLCUP202200182 - 2530 W. 10950 S. - Application for Conditional Use Permit
Date: Tuesday, October 11, 2022 1:41:57 PM

Hello All,

Please see the attached image received via public comment. This image has been submitted in addition to the public comment below, which you have already received.

From: laurie@utahteam.com <laurie@utahteam.com>
Sent: Tuesday, October 11, 2022 12:35 PM
To: Andrew McDonald <AMcDonald@sjc.utah.gov>
Subject: FW: File # PLCUP202200182 - 2530 W. 10950 S. - Application for Conditional Use Permit

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From: laurie@utahteam.com <laurie@utahteam.com>
Sent: Monday, October 10, 2022 06:10 PM
To: 'Martin@utahteam.com' <Martin@utahteam.com>
Subject: File # PLCUP202200182 - 2530 W. 10950 S. - Application for Conditional Use Permit

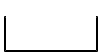
Dear Mr. McDonald:

I am writing this letter as our property backs up to the subject property along the West portion of our backyard. Our property address is 10883 S Martingale Lane. We have lived here since June of 2003. During the entire time that we have lived at this address, we have never seen horses graze or housed at the subject property. What we have seen is quite a number of vehicles in the back yard. A couple of years ago, some young people began “camping” in the barn area and living in the North portion of the property. It wasn’t uncommon to witness them “using the restroom” out in the field openly. There is currently a barn on the property that is old and could use repair, but the only animals (besides a dog) that we have seen are a few chickens. The chicken coop appears to be to the South of the existing barn structure. The barn structure has been completely unused except when there was somebody “camping” in the back.

The proposed building of approximately 160 ft. in length x 40 ft. in depth and 23 ft. height is of a large enough size to be a commercial building. If the proposed use is truly “a barn”, why are there concrete floors and 20 ft. overhead doors? I’ve never seen a barn with concrete floors or 20 ft. overhead doors, but I’ve seen repair shops with those types of dimensions and doors, unless they are storing large farm equipment inside. I’ve never seen any farm equipment anywhere on the property that I can recall. We have seen large semi truck trailers on the property. Also, it has appeared that car repairs have been going on there. If it’s their own vehicles, how many do they have? Unless they plan to purchase an entire fleet of vehicles, I can’t imagine that their use is anything other than professional vehicle repair. That’s not allowed in the A-5 zone at all.

Thank you,

Laurie Gale, CCA
Utah Realty
(801) 205-1600 (cell)
www.utahrealtyplace.com



From:	Andrew McDonald
To:	Cindy Valdez; Anna Crookston; Michele Hollist; Laurel Bevans; Nathan Gedge; Trevor Darby; Aaron Starks; Steven Catmull
Subject:	FW: Conditional Use Permit #PLCUP202200182 - 2530 West 10950 South, South Jordan
Date:	Tuesday, October 11, 2022 9:56:53 AM

Good Morning All,

Please see the received public comment regarding the item on tonight's agenda.

From: Lora Owens <owens2531@yahoo.com>
Sent: Monday, October 10, 2022 7:20 PM
To: Andrew McDonald <AMcDonald@sjc.utah.gov>
Subject: Conditional Use Permit #PLCUP202200182 - 2530 West 10950 South, South Jordan

Mr. McDonald,

Our names are Kent and Lora Owens. We live directly across the street from the above-referenced address. We wanted to comment on the conditional use permit application. These people are great neighbors. They take good care of their home and property, they care of their elderly aunts and their kids. They are the first ones to offer help when needed. We have no doubt that this addition to their property will be a good one. We have absolutely no problem with it whatsoever. Thanks so much.

Kent & Lora Owens
2531 West 10950 South
South Jordan, UT 84095
801-637-8467
801-577-0668
Owens2531@yahoo.com

From:	Andrew McDonald
To:	Anna Crookston; Aaron Starks; Laurel Bevans; Michele Hollist; Nathan Gedge; Steven Catmull; Trevor Darby; Cindy Valdez
Subject:	FW: Concerns with proposed accessory building (File # PLCUP202200182)
Date:	Friday, October 7, 2022 11:30:23 AM

Hello All,
Please see the following public comment (with image attachment) received regarding next Tuesday's agenda.

From: Alan Langford <alanlangford555@gmail.com>
Sent: Friday, October 7, 2022 9:58 AM
To: Andrew McDonald <AMcDonald@sjc.utah.gov>
Subject: Concerns with proposed accessory building (File # PLCUP202200182)

October 7, 2022

South Jordan City Planning Commission &
South Jordan Planning & Zoning Department &
AndrewMcDonald

1600 West Towne Center Dr.
South Jordan, Utah 84095

Alan Langford
10882 Martingale Ln,
South Jordan, Ut 84095
801-870-1805

Hello Andrew,
Thank you for spending the time listening and explaining this situation with me the other day.

Our hope is that this building will be as stated-- for horses, and a vast improvement over the existing structures. We love having horses behind us, as was the case for many years with the **Schuiff's home** and pasture (directly West of the proposed building, and South of our property). We were even OK with the cattle and sheep... after all, this is a rural area, at least when we moved in in 2002. However, there are no horses on the 2530 West property, but there is plenty of junk and clutter. (see attached photos)

We have no wish to go to battle with our neighbors to the South over their building, but we've been told by real estate experts that this would greatly **reduce our property value by as much as several hundred thousand dollars.** We are not perfect. There is a large Cottonwood tree that is native to the property right on the fence line that will require heavy trimming for this proposed building if indeed the city allows them to place it so close to our very narrow backyard (14 ft.).

The length of the proposed accessory building (160' x 40' x 23') is **extremely excessive and a major concern**. I've plotted this out on google earth and it would require nearly every inch of that space except for the required 10' property line requirement to the North. This accessory building length needs to be **reduced by at least 20'-30', and situated further South from**

our property line to help mitigate our property value loss. What we need to see is a larger space between the North property line and the back of the accessory building. A 35' gap\buffer would help with noise and bothersome exterior lights around the accessory building. This would help to make us not so "boxed in" by **a very large, tall industrial steel building.**

Additionally, we have several concerns with the proposed building:

Demolition of existing structures

- A serious concern is the bats that inhabit the open rafter structure, nearest to our home, would be driven toward our home and neighborhood. These bats could carry rabies, and other diseases.
- Rodents and stray animals that are living in the structure.
- This Project should be required to perform a pre demolition bat, rodent and pest control operation to prevent the spread of such things into our neighborhood.
- Dust, Trash and other demolition mess must be contained and controlled during the operation and a timeline of a reasonable amount should be set to have such containment performed (not to exist in half torn down state for multiple months on end).

Business Use of Proposed Structure

- Mechanics Shop\Auto body repair and all that goes with that: Junkyard of Cars, Trucks, Semi Trailers ect. in various states of dismantle and repair. Noise late into the evening, and invasive bright lights that are an issue today. This has been especially true for the **Schuiff's home** to the West, and right outside their bedroom window even as he was dying of cancer. This is a fact and valid concern due to history, and now moving to a much larger area and closer to our home.

People\Occupants Living in the Structure

- A makeshift apartment has been built in the past with people living in it. This was within 15 feet of our property. Sanitation was an issue and having loud bonfire parties late into the night right outside our homes windows. This is no longer inhabited by people, but the history is there. Our concern is that this may be why they are requesting full utilities?

*****MOST IMPORTANTLY*** 10 ft. space between the proposed structure and our property line (not enough. Should be 35')**

- We NEED this area be extended to 35' (and the accessory building length be reduced by 25'-35'). Also we need the 35' space to be kept uncluttered and not used for storing old toilets, sinks, garbage, old tires, dismantled cars\trucks and engine blocks\transmission ect. This is right next to our backyard, which we have worked very hard on and endeavor to keep nice. We routinely use this place as an area we can enjoy with our family and not have eyesores to look at.

I've submitted the GRAMA Request and would like to come tomorrow afternoon (10/7/2022) to review accessory building plans.

Best Regards,
Alan Langford

From:	Andrew McDonald
To:	Cindy Valdez; Anna Crookston; Nathan Gedge; Michele Hollist; Trevor Darby; Steven Catmull; Laurel Bevans; Aaron Starks
Subject:	FW: concerns for conditional use permit for 10950 s 2530 w.
Date:	Tuesday, October 11, 2022 12:46:48 PM

Hello All,

Please see the public comments received regarding tonight's agenda. This is in addition to what you have received already.

From: DUNCAN F MILES <MILESTOAD@msn.com>
Sent: Tuesday, October 11, 2022 12:41 PM
To: Andrew McDonald <AMcDonald@sjc.utah.gov>
Cc: DUNCAN F MILES <Milestoad@msn.com>
Subject: concerns for conditional use permit for 10950 s 2530 w.

Hi Drew,

I appreciate you taking some time to discuss some concerns regarding the property located at 10950 South 2530 West. I would also like the following items discussed at the planning meeting tonight and have their responses go on record as well.

Concerns, comments and questions:

1. Due to prior usage and activity on the property, will any new or continued business operations be allowed? If so, what will be the hours of operation? Past experience has shown that hours of operation were 24 hours a day, 7 days a week.
2. The overall size of the structure is proposed to be over 3 times the size that the current code allows which seems excessive for the zone and normal usage for said zone.
3. The stated intention is to store vehicles for personal use, how many personal vehicles do they intend to store? and will those vehicles be registered in their names? Is there a limit to the number of vehicles to be stored on the property? if so, what is the limit?
4. Where will the access to the building be located? Will there be multiple accesses from the road? will there be road condition requirements? if so, what material is required?
5. Will a new fence be required around the property? because it exceeds current code by roughly 3 times.
6. Please discuss previous complaints and concerns filed with the city, including those filed with code enforcement and police department and address that similar issues will not arise. FYI, a grammar report was not requested because the 2 week period to produce one was beyond the notice given for this meeting.

7. What materials will be used to build the building?
8. How much additional traffic do they foresee?

I would like to be anonymous.
thanks, Chalon