

**CITY OF SOUTH JORDAN
ELECTRONIC
PLANNING COMMISSION MEETING
COUNCIL CHAMBERS
June 13, 2023**

Present: Commissioner Michele Hollist, Commissioner Nathan Gedge, Commissioner Steven Catmull, Commissioner Trevor Darby, Commissioner Laurel Bevans, Commissioner Aaron Starks, Deputy City Engineer Jeremy Nielson, Assistant City Attorney Greg Simonsen, City Planner Greg Schindler, Deputy City Recorder Cindy Valdez, IT Director Jon Day, Senior IS Tech Phill Brown, GIS Coordinator Matt Jarman, Meeting Transcriptionist Diana Baun, Planner Damir Drozdek, Planner Miguel Aguilera, Planner Andrew McDonald

Others: T Gustin, Ashlee Bolduc, James & Noemi Willis, Josh Traynor, Doraleen Rich, Bela Eliason, Monique Hyde, Clint Zundel, Ben Eliason, Craig Bonham, Matt Visser, Zach Olson, Ryan Benson, Lorie Benson, Kirk Johnson

Absent: Commissioner Nathan Gedge

**6:33 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 Nathan Gedge who was unable to attend.

B. MOTION TO APPROVE AGENDA

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

C. APPROVAL OF THE MINUTES

C.1. May 23, 2023 Planning Commission Meeting Minutes

Assistant City Attorney Greg Simonsen asked for a correction to the minutes to more accurately reflect a statement he made, the correction was made real-time and saved.

Commissioner Bevans motioned to approve the May 23, 2023 Planning Commission Meeting Minutes as published with the requested corrections. Chair Hollist seconded the motion; vote was unanimous in favor. Commissioner Gedge was absent from the vote.

D. STAFF BUSINESS - *None*

E. COMMENTS FROM PLANNING COMMISSION MEMBERS

Commissioner Laurel Bevans gave a brief review of the June 6, 2023 City Council Meeting for the rest of the planning commission. She will be absent from the next Planning Commission Meeting on June 27.

F. SUMMARY ACTION - *None*

G. ACTION - *None*

H. ADMINISTRATIVE PUBLIC HEARINGS

H.1. CONDITIONAL USE PERMIT FOR DETACHED ACCESSORY BUILDING

Address: 2216 W. Bonanza Circle

File No.: PLCUP202300088

Applicant: Benjamin Fetzer

Planner Andrew McDonald reviewed background information from the Staff Report.

Commissioner Trevor Darby asked whether the applicant would be allowed to build additional structures if the current application was approved.

Planner McDonald responded that with the Conditional Use Permit the applicant is only allowed one, without the permit he would be allowed two separate buildings within the code limits. The applicant does have 4626.64 sq. feet remaining, excluding what is being proposed tonight. With the 1920 sq. feet he would still have a little bit of room to work with and still be compliant.

Commissioner Darby asked if this building is approved tonight, and the applicant builds the 1920 sq. foot building, could the applicant later build a 1200 sq. foot building.

Planner McDonald responded yes.

Commissioner Laurel Bevans noted this is on the opposite side of the driveway and asked if the applicant is putting in a driveway on that side of the home, will there be a second curb cut with access to the front.

Planner McDonald responded no. There are several renditions of the plans and orientation, but the applicant wants access off the existing west side of the property and would just come around behind; using the existing driveway to come through the backyard.. In the future, the applicant could work with engineering on an encroachment permit if desired.

Chair Michele Hollist asked to clarify that the only exception being requested tonight is for the size, the fact that it exceeds the footprint of the main dwelling.

Planner McDonald responded yes.

Chair Hollist invited the applicant up to speak, they were not present. She then opened the public hearing for comments, there were no comments and the public hearing was closed. Regarding the Staff Report, she noted that there was a discrepancy between the written and verbal reports with Planner McDonald indicating in the Staff Report that there were several buildings that could qualify for something this large in the complex; however, verbally he said people nearby have built this large, in violation of the ordinances because it was done without a building permit. She asked if one or the other was true, or possibly both.

Planner McDonald said it's both, there were some residences with buildings done without permits or approval, and with older dates. There are some that range from about 600 to 1500 sq. feet. That is less than what's being proposed, but they could have been built larger by right if the property owners chose to, as the lots are bigger and they have larger footprints.

Chair Hollist asked if it is typical to cite CC&Rs when the commission can't weight them in their decision, as they are private.

Planner McDonald noted that it was noted in the report as a disclosure, but the city does not enforce.

Chair Hollist asked if a building like this just has to be of a durable material, and if it's an ADU does it have to match the main structure to some degree.

Planner McDonald responded that yes, the architecture does have to match with guest house ADUs; however, that is not what is being proposed with this.

Chair Hollist asked the commission if there are any impacts with this size that they feel need to be mitigated for the neighbors.

Commissioner Darby motioned to approve File No. PLCUP202300088, Conditional Use Permit, with no conditions, based on the findings and conclusions listed in the Staff Report.

Chair Hollist shared her concerns with Commissioner Bevans' comments on the access, but noted that she doesn't believe it needs to be part of the motion since it's not a part of the application.

Commissioner Bevans asked staff if the applicant would be required to get a permit prior to putting in another access in the future.

Deputy City Engineer Jeremy Nielson responded they would need to get an encroachment permit to add a driveway, before it was added.

City Planner Greg Schindler noted that would be up to the city engineer to approve that permit. If it's put on the east side, closest to 2200 West, in the code there is a standard regarding how far driveways have to be from streets so it might not work there.

Commissioner Bevans questioned what that would do to their front yard if approved, but also noted that's not what's being approved tonight.

Planner Schindler said that Planning would be looking at that as well if they wanted to put a driveway there, as they have to have 50% of their front yard with landscaping of some sort; they are limited with how much concrete they can pour.

Commissioner Catmull seconded the motion. Roll Call Vote was 5-0, unanimous in favor. Commissioner Gedge was absent from the vote.

H.2. SOJO PROFESSIONAL OFFICE BUILDING SITE PLAN APPLICATION

Address: 10509 S River Heights Dr

File No.: PLSR2300018

Applicant: Zach Olson

Planner Miguel Aguilera reviewed background information from the Staff Report. He shared comments received from the public prior to the meeting (Attachment E).

Chair Michele Hollist asked for the parking requirements on this type of office building, as it's not dependent on the tenant type.

Planner Aguilera said the parking is dependent on the square footage, and this building has a total of 123 parking spots which falls within the requirement of one spot per 300 sq. feet.

Chair Hollist asked if the proposed parking exceeds the requirements, or is just enough.

Planner Aguilera responded that it is just enough.

Chair Hollist asked if this will come before the commission again, and if the rendering presented was the final plan or just a concept plan.

City Planner Greg Schindler said that if this is approved, the rendering in front of them is what has to be built.

Commissioner Laurel Bevans noted that this had already gone through the Architectural Review Committee.

Commissioner Steven Catmull asked staff to address the traffic, based on generic numbers staff already has compiled, noting that there are two opposing intersections with the service levels in

2022 being Level C, and another at Level B. When this new development's traffic is added, along with the other new businesses, will that keep the service level at a D or above on those areas.

Deputy City Engineer Jeremy Nielson responded they will stay within service level D or above. Currently, he believes River Heights Drive is at a service level B, and with this business and the proposed square footage presumed general office, it adds about 300 trips a day, or 45 vehicles in the peak hour, working out to about one car every 90 seconds. Staff doesn't see a big impact with just this business, but that intersection at River Heights Drive and South Jordan Parkway is being watched, as they may need to restrict full access in the future to include no left turns from some of the accesses possibly.

Commissioner Catmull asked about people making left turns from this proposed development, getting into the center lane to wait and merge, with traffic coming from the north trying to make a left into this new space; will that flow well, as it feels like a place that could easily cause an accident.

Engineer Nielson said it would be preferred for those accesses to be lined up, and that was something initially requested, but the applicant wasn't able to make that work with their site constraints. They were, however, able to push that access as far north as possible to give it as much space as possible between the opposing exits. Engineering was satisfied with that proposal.

Commissioner Catmull asked if they could have flipped the building and put the parking lot on one side.

Engineer Nielson said that was an initial comment from Engineering, but in the end they pushed the access as far north as possible and staff was satisfied with the offset as there are a lot of constraints on this site.

Planner Aguilera said that, regarding the commission's prior questions about parking, the requirement for this building would be 102 spots, with the applicant currently having 123 planned spots.

Chair Hollist invited the applicant up to add to the Staff Report.

Zach Olson (Applicant) noted that the comments around the access were brought up by Engineering, and discussed their reasons for choosing the layout they did. He noted that within 15-20 feet the daycare place has an access as well, and they will be close to them to the north. The access in was just moved to the north, with parking closer to the building.

Commissioner Catmull asked if there was a building configuration that would have allowed the entry and exit to align with one of the access points across the road.

Mr. Olson said he was offered two solutions, with no preference shown to flipping it, and since they already had the civil plans done they chose the option that worked best for them.

Commissioner Catmull asked about what makes this option better for their business.

Mr. Olson responded that they had already started with civil plans, construction documents, surveying, soils reports, etc., so they were already down the road far enough. When the two solutions were offered, there didn't appear to be a strong preference from staff and they chose what worked best for them.

Commissioner Catmull asked if this access is found to cause problems, and there were some restrictions placed on the entrance or exit on this property, would that change their plans at all.

Mr. Olson said that at this point no, they are pretty far down the road. They wouldn't want to accept any restrictions on their accesses, and he referred to the daycare having their own access just next door without any obvious problems and more traffic than his site would see.

Commissioner Aaron Starks noted that as a frequent consumer of those neighboring businesses, he would be more concerned if the building was further north, since that's where the majority of the congestion is. Whereas they are further south, they are shielded quite a bit from the congestion building up at the stoplight heading north. He agrees with Engineering and doesn't see the bottleneck building up this far south on that road.

Commissioner Catmull noted that it's not the buildup from South Jordan Parkway that concerns him, it's the two entry and exits on the opposite side of the street, with one in the middle, and people making left hand turns in and out of various places.

Commissioner Trevor Darby asked if the current rendering is not accurate, that the exit is actually further north with the parking abutting the building.

Mr. Olson responded yes, that rendering currently being shown is what was submitted, but then they were told by Engineering to either move further north or swap the building; as a result, they chose further north. They have an updated civil plan that was submitted with the new entrance, and that has been approved.

City Planner Greg Schindler noted that the updated rendering is included in the Staff Report.

Commissioner Bevans noted that on rendering C-100, in red there is a plan to install a six foot fence on the south side of the property, and asked if that question was resolved.

Mr. Olson responded that yes, that was addressed.

Chair Hollist opened the public hearing for comments. She noted that the commission has seen the public comments submitted prior to this meeting (Attachment E).

Kirk Johnson (Resident) – I am a resident of Harvest Villas. Before I bought, I called into South Jordan and asked what was planned for that parcel of land. They were very open and

honest in telling me that that that building was going to be pushed all the way out to River Heights, which it is, which makes me very happy. My biggest question is, I am not really affected if the building is moved to the north or south. Lighting in the parking area is going to be really difficult for us if it is just open source, it needs to be directional so it's into the parking lot and doesn't flood our residential area with that. I don't know how much lighting is going to be there, and I suppose that's my biggest concern, being well aware that this was going to happen.

James Willis (Resident) – I submitted some comments prior to the meeting (Attachment E). I don't really have a problem with the two story, and if he moves it north as discussed a short ways I don't have a problem with that. I do have a problem not knowing who the tenants are. If we have something like an emergency/ER type building, they are going to be in and out of there all times of day and that would be an issue. If it's 9-5 offices, I have no problem with that. We have a dispute on the property line, and if the fence line stays as the plat site plan is submitted, I have no problem with that. The original plat shows the property lines about two inches on my side of that fence, and I don't want people coming over. About two months ago they came over while I wasn't there and the whole yard is fenced and locked. Someone climbed the fence and there was a survey marker and stake in our flower bed. We discussed that with the Petersons probably three or four years ago when they put the fence up and had no problems, but if we can make that the new boundary I have no problems with it. The only other thing is the building to the south, when they built that and started compacting the ground, I have had several of those neighbors closer to that building complain that they have had cracks in their houses and on the cement. If we can have some kind of way, a bond or something, that if there is damage created on my property, that it would be easily paid for rather than going to court.

Chair Hollist closed the public hearing and asked for the exact requirements on the lighting from the city code.

Planner Aguilera discussed the lighting requirements, and noted there was a photometric plan submitted which met all the city ordinance standards.

Planner Schindler said the requirements are that the lighting has to shine down, not offsite, and must be shielded so there is no glare. From what he can see on the site plan, there are light poles in the islands at the end of each parking row, four of them, and he didn't see any other parking lot lighting. There is no lighting at the back, adjacent to the concerned residents.

Chair Hollist asked to confirm that this will be built according to the plan received this evening.

Planner Schindler confirmed that yes, what was submitted is what they are approving. There is always a chance they want to make changes, but they would have to go through staff for at least minor site plan amendments, including changes to light pole placement. He has not seen what the actual lights look like, but they appear on the site plan to have a top on them directing the light down as required.

Chair Hollist asked what types of tenants are allowed in this zone without a CUP.

Planner Aguilera responded with the permitted uses from the city code.

Chair Hollist asked if all medical is allowed, to include an Urgent Care with extended office hours.

Planner Aguilera noted that would be a conditional use.

Chair Hollist asked about the operating hours allowed and what would require a CUP.

Planner Schindler noted that generally there are no restrictions, just hour restrictions for specific activities like garbage pick-up, construction, etc.; those activities are restricted to between the hours of 7:00 a.m. and 10:00 p.m., and they cannot work through the night without a special permit. Otherwise, there is nothing in the code that limits hours of operations, even in places like convenience stores.

Chair Hollist asked if a convenience store would be allowed in this zone.

Planner Schindler responded no, he doesn't believe that would be allowed in an office zone, only in a commercial zone.

Chair Hollist asked staff about the city's role in the previously mentioned property line dispute.

Assistant City Attorney Greg Simonsen responded that the city has no role in the property line dispute.

Chair Hollist asked what recourse would be available for a citizen to address property damage as a result of adjacent construction, and if that is something the city monitors.

Engineer Nielson responded that the city doesn't monitor for property damage from private construction.

Commissioner Bevans motioned to approved File No. PLSPR202300018, Site Plan Application, at the address listed above.

Commissioner Bevans amended her motion to reference the corrected site plan in the Staff Report, labeled as page "C-200."

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

H.3. PLAZA ON 114TH – 4TH AMENDED SUBDIVISION AMENDMENT

Address: 11323 S Redwood Rd

File No.: PLPLA202300081

Applicant: David Jenkins, Ensign Engineering

Planner Damir Drozdek reviewed background information from the Staff Report.

Chair Michele Hollist asked staff if there would be a shared parking agreement.

Planner Drozdek responded that each lot has enough parking to satisfy parking requirements.

Chair Hollist invited the applicant up to speak if he had anything to add, he indicated that he had nothing to add at this time. She then opened the public hearing for comments, there were no comments and the public hearing was closed.

Commissioner Laurel Bevans asked for some clarification on which lot is being currently built versus the one being proposed tonight; staff helped clarify that for her.

Chair Hollist asked if the applicant was aware of what would be going into the properties, and if they already had tenants lined up.

David Jenkins (Applicant Representative) is with Ensign Engineering, and representing the property owner. Originally, there were two identical office buildings, they already received site plan approval for one of them, and they are being done in phases. The first building is Phase 1, and it is almost complete. The second phase will be this additional building, and it will be identical to the first. Regarding parking, in the CC&Rs there is a cross access in parking easement. He has no idea who the tenants will be.

Commissioner Darby motioned to approve File No. PLPLA202300081, Fourth Amended Subdivision Amendment. Chair Hollist seconded the motion. Roll Call vote was 5-0, unanimous in favor. Commissioner Gedge was absent from the vote.

**H.4. SAGEWOOD SUBDIVISION – AMENDING AND EXTENDING
LOTS 6 AND 11 OF THE BISON RUN SUBDIVISION PHASE 1
SUBDIVISION AMENDMENT**

Address: 10431 S. 3200 W.

File No.: PLPLA202300006

Applicant: Megan Visser

Planner Damir Drozdek reviewed background information from the Staff Report, noting that both this item and the next item are basically the same project with this being a subdivision amendment and the next item being a site plan review.

Chair Michele Hollist asked if this parcel becomes approximately 3 acres with the addition of Lots 6 and 11.

Planner Drozdek responded yes.

Chair Hollist asked if these two lots were part of the project originally, with a prior proposal to remove them, and now that is being reversed.

City Planner Greg Schindler said he believes these two lots that are being amended and extended were on the original Bison Run Subdivision. The original Bison Run also included lots that were north of this, and that was changed, but they are now adding these two lots as well.

Chair Hollist asked if the applicant was present and if they had anything to add to the Staff Report. The applicant's representative had nothing to add at that time. She then opened the public hearing for comments and noted that there were public comments received on this project prior to the meeting, however they were directed towards the site plan review and she will discuss those further during the next item. She reiterated that this public hearing is specifically regarding redrawing the lot lines and moving Lots 6 and 11 into the bigger development. There were no comments and the public hearing was closed.

Commissioner Darby motioned to approve File No. PLPLA202300006, Phase 1 Subdivision Amendment. Chair Hollist seconded the motion. Roll Call Vote was 5-0. Commissioner Gedge was absent from the vote.

H.5. SAGEWOOD BARN SITE PLAN

Address: 10431 S. 3200 W.

File No.: PLSPR2300005

Applicant: Megan Visser

Planner Damir Drozdek reviewed background information from the Staff Report, noting that it is part of the property discussed during the previous item.

Chair Michele Holist noted there had been concerns about trees on both sides of one of the walls, and the development agreement confirms there will be trees along the road; she is not seeing any of that on the renderings in the Staff Report.

Planner Drozdek said the rendering they were looking at was only the site layout, there is a separate landscape plan available that shows all of that information.

Chair Hollist asked for more details on the gravel driveway, and it's possibility as an access.

Planner Drozdek responded that it's not a road, and it doesn't go anywhere. According to the applicant, it is intended for them to access their storage shed and for maintenance.

Chair Hollist asked for more details on the additions to the barn.

Craig Bonham (High Country Homes/development partner) used the renderings to show the existing barn and what they are proposing to add. They are planning to take off the back part of the barn and add a large area with a small covered patio, along with other additions.

Commissioner Laurel Bevans asked why they are taking the back and rebuilding it, she thought it had something to do with the architecture and height that required the change.

Mr. Bonham responded that currently the upstairs space is very small. They are proposing an overlook upstairs with a balcony and stairs for brides/grooms to look over the party and enter from there. They are making that area bigger and taller so they can walk down those stairs, as the current space doesn't have the height for that and it's not structurally safe for something like that.

Commissioner Bevans noted that in the Staff Report it noted there were no public improvements being done, but she thought there was supposed to be a right turn lane on 3200 West at some point.

Planner Drozdek said that will happen in the future. The current property, which is not being included in the project at this time, will eventually become part of the event center property. Once that property develops, is when the right turn lane will go in.

Commissioner Bevans asked where the actual fence is on the site plan.

Matt Visser (Applicant) responded that there are two boundaries, the property boundary and the fence boundary, which he understands is a little confusing.

Mr. Bonham said the dotted line with the Xs is the fence line.

Mr. Visser noted that on the color version, red is the property line, black is the fence line. The fence is five feet to the west of the property line, which leaves a 10 foot barrier from the fence to the sidewalk.

Commissioner Bevans referenced the landscape plan and asked the applicants to point that out for those in attendance so there is no confusion.

Mr. Visser noted that should be marked in black, with the white portion as the sidewalk.

Mr. Bonham said the sidewalk is six feet, with 10 feet of landscape, making it 16 feet from the curb and gutter.

Commissioner Bevans asked about the pavilion appearing on some of the plans, if that will be constructed immediately, or at a later date.

Mr. Bonham said that will be at a later date, as the money isn't there yet.

Commissioner Bevans asked if that pavilion will match the aesthetic of the barn.

Mr. Bonham responded yes.

Commissioner Bevans noted in the Staff Report and the development agreement they are allowed to have animals housed on the property, and she sees a corral on the plans. Are there currently animals on the property, and what are the plans for the types of animals.

Mr. Bonham noted there are buffalo on the property still, but they will be leaving. In the area in the back with the circle and near where the gravel goes down to, Megan is planning for a kid's play place.

Mr. Visser said that Megan's father, Otto, has accumulated some interesting antiques and he would love to have an area where kids can learn about agriculture, the west, how things were and a heritage to what South Jordan used to be.

Mr. Bonham said that would be the area for any animals, if they did end up having them, as they are pretty restricted in terms of what animals they can have; possibly a few fallow deer back in that area. He doesn't anticipate them rotating or bringing in new animals. Fallow deer were discussed because they are very clean, and they plan on this being one of the nicest reception areas in the valley, so they don't want to have anything taking away from that.

Chair Hollist asked to clarify that they are confined to 90 points, as calculated by city code, and that no medium or large animals in the city code can be kept on the property.

Planner Drozdek confirmed there would be no medium or large animals allowed on the property.

Commissioner Bevans noted the Staff Report had a listing of the different hardscapes on the property, which included DG material. She asked if that was referring to decomposed granite.

Mr. Bonham responded yes.

Commissioner Bevans asked for confirmation on what the roundabout and "road" are for.

Mr. Bonham responded that a lot of it is for the antiques, and the play area possibly going back there, along with probable storage for tables and chairs, things like that. It's not something they plan on using for parking or driving, it is intended for access.

Commissioner Bevans asked if the storage on the property is the current garage that is fenced in on the Jones Property.

Mr. Bonham responded yes. He also noted that, per the plans, they have a lot of big trees on the outside; around 162 deciduous and 147 evergreens.

Commissioner Bevans asked to confirm there were no flowering pear trees.

Mr. Visser responded they have a lot of what he believes are called Crimson King Maple, but he didn't remember see any flowering pear.

Chair Hollist opened the public hearing for comments, and noted that there were comments received prior to this meeting from multiple residents (Attachments A, B, C and D).

Clint Zundel (Resident) – I am one of the ones that emailed some comments (Attachment A). Two comments, I agree with the tree comment made, and I also wouldn't recommend doing a half horse on the property. On the end of the west to east parking, it looks like there isn't an entrance from Alexander Park Lane, but on other materials received it looked like there was a possible entrance there for bringing tractors or something. His concern is a change in the future that would change access, as he is right across the street from that.

Bela Eliason (Resident) - I live across the street from this property and I just want some clarification about landscaping on Alexander. From my understanding, there is a sidewalk and then 10 feet of landscape buffer area. Going through the agreement, the right turn on 3200 West towards 10600 South, it was my understanding that was a condition for this event center to function in order to avoid traffic from 3200 W cutting through my neighborhood to 10600 S to avoid the congestion there on 3200 W at the entrance. If we are making suggestions for trees, I noticed there are Juniper Trees there and I am very allergic to Juniper Trees. My main question right now is how we are going to avoid the traffic on our street if we don't have the right turn lane on 3200 W.

Lorie Benson (Resident) – If we had seen this, we wouldn't have had any complaints as far as the landscaping goes; this is absolutely beautiful, and the barn is gorgeous. My one question is, the No Parking signs, are they going all the way down Alexander, or is it just in front. Like the high school has signs saying no high school parking along Temple Drive, is that what we'll see on our street.

Doraleen Rich (Resident) – I am holding in my hand the notice that I got dated March 11, 2022. When I came to those meetings, I distinctly remember saying that the condition for this whole project was that the right hand turn was put in before the project could be started. What changed from the City Council's decision at that point in time to this time, because we are very concerned about the traffic in the Harvest Villas, having to come out of our street and we can't get out. You say go out the west side, we can't go out the west side and go west. The west side comes through to the east side to go out the east gate and you don't have very much room from Harvest Run to that very busy, very accident prone, very hospital, very fire engine, very ambulance intersection; I hear them all night long because I sit right on 3200 West. The map on the back of the notice only has 10 plots, so I don't understand what they are changing on the new plots, I am really confused that the information we went through a year ago doesn't seem to be holding true. I raised the question before when I was here, why can a developer keep changing, wasting your time, our concerns and everything with a development; is it set in stone or is it not, those are my concerns.

Josh Traynor (Resident) – I agree with what my neighbors have said, the landscaping plan looks beautiful. My question is on the sounds, sound came up a lot before the commission and City Council. I noticed this nice concrete pad on the east side there, from what I understand the

music and everything will be limited to inside the barn and not outside the barn, but just wanted some clarification on sound as well.

Chair Hollist closed the public hearing. She asked staff to confirm there will only be one entrance, off 3200 S.

Planner Drozdek responded yes.

Chair Hollist asked staff for clarification on the sidewalk and buffer.

Planner Drozdek responded it is a curb adjacent sidewalk with the sidewalk itself being six feet, behind the sidewalk there is a 10 foot landscape buffer with an eight foot wall. There is no gate in the wall.

Chair Hollist asked to talk about the right hand turn and referred to the related section in the development agreement.

Planner Drozdek responded that it was supposed to be done with the Sagewood Project, which with the leftover property is now going to come in phases. The city allowed for that right turn pocket to be finished with Phase 2, or the last phase of the Sagewood Project. It will be done, but in a later phase, as it is a requirement.

Commissioner Steve Catmull noted that the corner property being described was not part of the rezone, and asked how that turn lane would be guaranteed.

Planner Drozdek noted the property is in the family's name, the applicant has assured the city that property will be a part of the project in the future once the parents pass or move. At that time, the city will ensure the pocket is put in.

Chair Hollist asked how binding that agreement is, what if they decide to sell the property as a residence without the Phase 2 of development.

Assistant City Attorney Greg Simonsen responded that they would be in breach of contract and liable for damages, allowing the city to bring an action for specific performance demanding that turn lane be done before further permits are given. It is a contractual requirement with the development.

Commissioner Bevans asked if they, as the planning commission, had the ability to require that turn lane earlier as a condition of approving this application. May they consider testimony from past hearings on this particular development, pertaining to this right turn lane, before making a decision tonight.

Planner Drozdek responded that one way to ensure that happens is to require the applicants to bond for improvements.

Commissioner Bevans doesn't have concerns regarding whether it gets done, as it's part of the development agreement, but it's the timing that has her concerned. There were a lot of comments and concerns regarding this turn lane during previous hearings.

Attorney Simonsen responded that regarding evidence, many things could have been said before; it depends on who said it and when it was said. As far as development requirements, they have been reduced to writing and that's what they have now. It's in the development agreement, but he acknowledged it does not have a date for completion.

Planner Drozdek mentioned the impact that lane might have to the property. Those street improvements would push the street even closer to a home where people still reside.

Commissioner Bevans asked staff if this street is currently wide enough to accommodate a right turn lane, with a later requirement to widen the street and create the full turn lane.

Deputy City Engineer Jeremy Nielson responded that no, it would need to be a combined through and right lane with the current configuration. He also noted that the home is set back about 30 feet from the back of the sidewalk, so adding a turn lane at about 12 feet would put that home very close to the street and it would be very impactful.

Commissioner Bevans addressed the applicants, asking for their anticipated timeline on the opening of the reception center.

Mr. Bonham responded that they are hoping for next fall.

Commissioner Bevans asked if there has been any discussion of Amy and Otto moving, or is just being left to when it happens.

Mr. Visser said there is no discussion on them moving. They have been there for a long time and they are not moving. He appreciated Jeremy bringing up the impact to them, that was the consideration for the timing of the right turn pocket. Their driveway was adjusted, based on the width of the streets, and it would be insane to put that right turn pocket in and force them to drive in and out of that driveway there; it may not even be possible. That was the reason for the ambiguity on the timing.

Mr. Bonham said they have met with the city several times on site to look at it, and it really throws a wrench into their livelihood.

Mr. Visser said you have to consider the intersection with the streetlights that have to be relocated in the process as well, it's not just putting in a right turn lane, it's a pretty significant project. They have agreed in writing that will be done, and that is binding to the project. The site plan also shows they are required to put four No Parking signs along the wall on Alexander Lane.

Commissioner Bevans asked if the signs will say "No Parking," or "No Event Parking."

Planner Drozdek said he believes they are intended to just say No Parking.

Engineer Nielson said they discourage signage like “No Event Parking” because it’s not enforceable. The police have no way of knowing it’s event center parking or a resident, so they try to be very clear with signage including things like hours prohibited if needed.

Mr. Visser addressed the sound, agreeing with Josh that the development agreement specifically addresses amplified music not being allowed outside.

Mr. Bonham also noted that they were required to have 81 parking spots, and they have 119. They have been pretty aggressive with their parking plans, taking out some of the planned islands to add more parking.

Engineer Nielson added that parking issues are an issue throughout the city, and another option here could be to remove the no parking requirement from the applicant and have the city monitor the situation. If they find there is a lot of event parking happening on that street, the city could then have those signs added later; avoiding a restriction for the residents on that street at the beginning, waiting to see if it actually becomes a problem. The fencing at this site would also presumably heavily discourage parking on that road.

Commissioner Bevans asked if they could request that in their motion, to have the applicant discuss with the neighbors and make that determination.

Mr. Visser noted that was agreed to in the development agreement already. It was discussed exhaustively, and he’s happy to look into removing that if the residents on Alexander would like, but he doesn’t think they can change that at this time.

Attorney Simonsen said the planning commission does not currently have authority over this agreement, other than making sure the development agreement is being met. Agreements can always be amended, but not by the planning commission; that process would be the same as the one getting the development agreement in the first place, and he doesn’t think anyone is anxious to do that again. He has been with the city almost three years, and his first week with the city he saw the drawings for this overall Sagewood Project, which showed that right turn on 3200 W, which has made it into the development agreement. He believes the message is getting through loud and clear that will need to be done. The development agreement is recorded and an encumbrance on the land, so it will get done.

Chair Hollist reviewed the specific parts of the development agreement that pertained to citizen comments and concerns, and shared their location in the agreement for those interested.

Commissioner Catmull asked staff about the bonding potential for the right turn lane.

Engineer Nielson explained it would be a bond, held by the city, equal to the value of the project. If the applicant was unable to complete the project, the city could then use that bond to complete it themselves.

Commissioner Catmull asked what types of potential situations staff sees at that intersection that would necessitate the right turn lane.

Engineer Nielson responded if the level of service diminishes it would be an issue, but they are not expecting a severe impact from this development. He noted that 3200 W is a busy road, but it's not as busy as many other collector roads in the city.

Commissioner Catmull asked if there have been any previous bonds done, conditionally dependent on a street's level of service.

Engineer Nielson responded that condition would be hard to attach, because those service levels are influenced by so many other factors.

Commissioner Catmull noted that it's interesting the development agreement is covering something nonadjacent, and it could be risky from a city perspective.

Mr. Visser noted that the project itself is going to be bonded, as they have to build the entire thing out, and he thinks this is part of the project and could already be covered by the project bonding.

Engineer Nielson said the right turn lane would not be included in the current application because it is not on any site plans. If the applicant was accepting of that, it is definitely something they could look at.

Attorney Simonsen gets these bond agreements all the time, and he believes that he could make that happen. Once construction has begun on a development site, a bond is almost always required; he doesn't know why this would be an exception. The right turn lane is part of the development agreement, part of the project, and the title of the property that would have to be acquired is within the family. If this doesn't happen, the city does have the ability to stop the project.

Chair Hollist asked if there is some kind of lien or easement on the property, forcing future owners to complete the turn lane.

Attorney Simonsen responded there is nothing for the corner of the property, but there is a lien on the rest of the property due to the fact that the development agreement is recorded on the rest of the property and this is a requirement of the development agreement.

Chair Hollist noted that other projects have granted access across properties, and then future owners refuse to honor that agreement with the city refusing to go in and enforce the access.

Attorney Simonsen noted that more often than not, there is some kind of agreement with respect to property that is not necessarily immediately under the control of the developer. He referred to the Rise Development and that part of their development agreement was to develop off site amenities.

Chair Hollist discussed a project of high density apartments off 10600 S, on the east side of the river bend, where Director Schaefermeyer indicated that development got their density because of inclusion of higher end features. It was disappointing to discover that some of the amenities they had agreed to for that density were not done, with the developer stating they were no longer possible.

Mr. Visser understands the concern. They had had a lot of discussions regarding what would be good and what would be great, which is the reason they have entered into a pretty exhaustive development agreement. One of those obligations is the right turn, and while the corner could have a lien, he believes the city has sufficient recourse if they don't fulfill their obligations to enforce it.

Mr. Bonham noted the bond will be paid for before construction begins, so it will be paid for either way. He believes they agreed to do it within five years, and they are paying for it up front. Megan is scared to tell her dad there will be a right turn pocket there, because he will have to move his fence right up to where his window is and they will be unable to drive out of their driveway safely.

Commissioner Catmull asked if that bond would be retained until the lane is built.

Mr. Bonham confirmed that.

Attorney Simonsen asked the applicant if they are agreeing to include, in the overall improvement bond, the right hand turn on 3200 W.

Both applicants agreed.

Mr. Visser reiterated that the most impacted people by this project are Otto & Amy Jones, they are on the corner and putting the right turn pocket in while they live there just isn't a decent thing to do. They will bond for it up front and it will happen, but he doesn't know the timeline.

Commissioner Bevans appreciates the five year timeline, but asked if that amendable on the chance that Amy & Otto are still there five years from now; she would hate to have that forced on them, on their property.

Engineer Nielson noted the city would try and be reasonable in that situation, they would just need to make sure the bond security doesn't expire along with some other details.

Attorney Simonsen addressed the applicant, saying he was getting the feeling that they are delaying the right turn installation until the property owners pass, and asked if that was ultimately the plan.

Mr. Visser responded that no, it is a residence, and the agreement was that they had to put in the right turn pocket within a five year period. He can't infer the rationale for that; if his in-laws pass away, move, or anything else, as there is not a trigger within the agreement

Attorney Simonsen noted that he doesn't see a five year term in the development agreement, and the applicant is here before them tonight to get approval for their plan. He assumes that means that the applicant will want to start construction pretty soon, and he wants to avoid another hearing with residents asking about when that 3200 W addition will be done. It's unfortunate that whoever is living in that home will have to be inconvenienced, but it has been agreed to and a lot of people are counting on it.

Mr. Visser believes they are in agreement on that, he is not here petitioning to modify the development agreement.

Chair Hollist noted that the comment was made that Megan was afraid to tell her dad that there will eventually be a right turn lane there. Assuming her father is the property owner, Chair Hollist asked if he been represented in this process, have agreements been made in his behalf that he was not privy to.

Mr. Visser responded no, her dad is aware. Mr. Visser's understanding is that the right turn agreement was done prior to their rezoning of the property as a condition on the previous development agreement which has since been modified. That agreement was with Otto and Amy Jones, and their trust, that agreement on the right turn had already been agreed to by him, which was going to be done in the second phase. That has been modified because of what has been done with the property, but to speed that up the current applicants have agreed to put the right turn pocket in within a five year range; regardless of what happens to their property.

Commissioner Catmull agreed that he didn't see that timeline anywhere in the development agreement, but he does know that this development agreement replaced the previous one; meaning that nothing in the previous agreement is enforceable any longer. The site plan they are trying to review tonight does not show that right turn lane.

Mr. Visser doesn't know the legal or engineering reasons for that, but it's in the development agreement.

Commissioner Catmull noted there is a balance of putting something in prematurely, and that's partially what it appears both sides are trying to figure out.

Mr. Visser understands and they'd like to do it as soon as possible as well, but the residence and access there makes it a real challenge.

Commissioner Bevans asked if something like the right turn lane is enforceable if they are not the current property owner.

Attorney Simonsen discussed the idea of “term enforceable.” Is it enforceable to go out there and specifically order the lane go in on a property that is not party to the development agreement; no, he doesn’t believe it is. On the other hand, is it enforceable in the sense that if it’s not done and they’re in breach of contract, they can no longer go forward with their development; it’s enforceable strongly in that respect.

Chair Hollist asked if that means that in five years, once the reception center is completed and operational, they could go in and shut it down.

Attorney Simonsen said there are a wide variety of things that could be done, and he’s still not sure where the five year timeline is coming from.

Mr. Bonham said it was a verbal agreement made with City Engineer Brad Klavano.

Attorney Simonsen said the five year timeline, for him, isn’t real; what’s real is what’s in the development agreement. If they are ready to open the reception center, and that’s not in, he thinks the city will have to look at a possible breach in contract and have those discussions. He does think that based on the development agreement, the city does have a strong enforcement mechanism should it be needed.

Commissioner Aaron Starks asked if the right turn lane was a reality within the five years, why wouldn’t they want to expedite the timeline and complete it before opening for business since it’s inefficient, uncomfortable, and would detract from the great culture they are trying to create with the redevelopment.

Mr. Bonham noted that they don’t believe it’s a busy street, and it appears staff agrees.

Mr. Visser said they paid for an additional traffic study on the traffic there, in addition to the city staff’s opinion about the street and its flow. The right turn lane was not something deemed needed at this point, or even in the foreseeable future with both studies.

Commissioner Starks noted that if the independent study and the city’s own engineers don’t even feel it’s a problem right now, that means two firms are confirming that view. Maybe the city should monitor it over the first year they’re open, possibly doing an annual study to see how their first year of business has impacted the traffic there. From there, they could determine whether or not that right hand turn needs to be moved up in the timeline.

Mr. Visser noted that was the essence of what they had discussed with staff.

Commissioner Catmull asked if they were to wait a year and assess the right turn lane necessity, and the business failed and wanted to sell the property, would that new owner have an obligation

to build that lane since it's in the development agreement. Also, would that have to happen before it's sold.

Planner Drozdek noted they usually look at the traffic flows as part of any project, and if there was a need for the right turn lane, that would be required regardless of a development agreement. In this case, they would still be able to require the new owner to install the right turn lane.

Attorney Simonsen noted the development agreement is divided, listing the city's obligations and then the developer's obligations, which are divided into two sections. One section is the subdivision, where Bison has the obligation. Then there is this project, which is Sagewood, and the obligation to construct the right hand turn belongs to Sagewood; that project is the barn and venue. You can't build a development and then build the infrastructure later, and that's how he would anticipate a court interpreting this. He doesn't think they should be waiting to see how things go, it should be constructed at the same time as the other infrastructure items.

Mr. Visser noted that they've had multiple experts on traffic state the infrastructure is there for the project, in abundance. If there were staff suggestions saying the infrastructure wasn't sufficient, then the right turn pocket would have to be installed simultaneous with the project, and that would have been in the development agreement. Two specific groups of engineers reviewed the traffic and said that's not an issue.

Commissioner Starks asked for the estimated expenses if they were to build the infrastructure right now, and what that would do to the applicant.

Mr. Bonham said they are anticipating around \$100,000.

Commissioner Starks said that, as a small business owner, the right move is to diagnose and then prescribe. Currently, the process would be having them prescribe and then hope for a diagnosis later.

Mr. Visser said there has been a lot of discussion, thought, input and money put into this with additional experts to review. If the turn pocket was needed at the time, then it would have been a requirement within the development agreement as they worked with the city staff. However, if you review both the findings of city staff and the independent study he paid for, despite commentary, 3200 W can accommodate the current and projected traffic from the event center.

Chair Hollist noted that the only authority this commission has is to ensure the development agreement is being followed. A comment received by email was that the commission forwarded a negative recommendation for the rezone, and that is now off the table since they are just trying to apply what City Council has already agreed to. Whether or not the turn lane is needed, City Council has identified that it something that has to be included at some point. She would like clarification if possible as to when, as she is not seeing references to phases in the reports they have been given, nor a reference to a five year timeline. Based on her understanding, this was a requirement in the infrastructure along with parking, access, etc.

Planner Drozdek was not a part of those discussions, they were between the applicant and city engineer in regards to the timing. His understanding is that it will happen with a future phase, as that is something that was agreed on between the city engineer and the applicant. The agreement does state that city staff can make minor changes to the agreement.

Chair Hollist is unsure how to proceed, and what information to use in her decision, since it is not all in the development agreement or the reports.

Commissioner Starks said it doesn't sound like there is a sound process written out in the language existing. If the consensus with City Council is that this project needs to happen, that needs to be clearly identified as to when. The city is almost creating confusion for itself by then having its staff tell him it's not a problem at this point. Maybe a timeline stating that in the next 36 months there needs to be an independent study conducted to verify this is a problem, and if so there are teeth to enforce the infrastructure project to happen.

Planner Drozdek noted that as a minor change to the agreement, they could make a requirement in writing for the timing.

Attorney Simonsen sees problems with that, as Part G, Page 5 says, "The Planning Department, after conferring with the city manager, may approve minor modifications to the developer obligations in Section E, which was necessary or advantageous in facilitating the function." Section E is a provision on conflicting terms, so he thinks they might have meant to reference Section F. He doesn't want to influence any voting, but the applicant views this from the stance that it would have been in the agreement if there was going to be a specific time by which it had to be done. However, Attorney Simonsen sees it the opposite way. He thinks it would have been in the agreement if it wasn't to be constructed as part of the improvements of the development while they are being constructed. It's a conundrum, and he is surprised this issue has come up as this is the first time he's hearing about the five years and "waiting to see."

Commissioner Starks asked if it's possible to create an addendum to the agreement, rather than renegotiating the entire agreement itself.

Attorney Simonsen responded that changes could be made, but those changes would still have to be taken to the city council for approval.

Chair Hollist asked for more details on what "minor changes" would be allowed under the development agreement.

Attorney Simonsen wanted to be very careful to not affect the commission's judgment, but he thinks there is a real problem here; however, the commission is responsible and trained for these kinds of decisions.

Commissioner Catmull referenced the text on Page 83 of the packet, under Traffic and Parking, and asked how the applicant could dedicate land to the city as right-of-way if they don't own it right now.

Attorney Simonsen believes this happens all the time, and that the agreement would not have been entered into if they didn't feel they could fill the application. You can't dedicate something you don't own, you would have to acquire the rights to the item. The applicants must feel that they can accomplish that, or else they wouldn't have entered into this obligation.

Commissioner Catmull noted that if this lane were a requirement for opening the reception center, then they would have to acquire that land before that could happen; however, that land isn't in the same zone and he asked if a project can span zones.

Attorney Simonsen doesn't believe the land needs to span zones, the applicant just needs to fulfill an obligation to dedicate it to the city and construct the turn.

Planner Schindler added they would not have to acquire the property to do that, as the current owner could sign the dedication.

Commissioner Bevans noted that the original development agreement was with the trust that includes that property. The original agreement was with the property owners, and it has changed now that they have decided to do this. The portion being considered as Sagewood Ranch was Phase 2 of the original development and is where that original timeline was coming from. This development agreement now supersedes the original one that was intended as residential, and she presumes that this is an item that stayed in place because it was agreed to originally.

Attorney Simonsen directed the commission to Page 3, at the top of the page, Item D, it says "2020 Development Agreement. This replaces, in its entirety the development agreement dated September 4, 2020." As far as the relationship between the city and Sagewood and Bison, this agreement in front of us tonight is the most current agreement.

Commissioner Bevans clarified that the problem being faced now is due to no specific language in the agreement regarding the timeline on the right turn lane, and may be something to discuss with City Council in the future.

Commissioner Catmull referenced a recent project that came before them on a 10 year old development agreement, which faced similar issues.

Commissioner Darby believes that tonight they are looking at what is written in this agreement, not necessarily what anyone thinks is written in the agreement. The fact that the applicant thinks there is a five-year timeline is potentially irrelevant, since this new agreement is what they are bound to and have agreed to.

Attorney Simonsen believes that is correct, and that the commission is considering a site plan approval tonight; whether or not the provision about 3200 W is required to be part of the site plan.

Planner Drozdek shared that since there is no timing in the agreement, the thinking was that since the corner property will eventually become a part of Sagewood, the pocket would be required with the last phase of the Sagewood project.

Commissioner Catmull noted that would have to be rezoned from residential to be a part of that project. That will have to come before a future city council and there is no way to know what that outcome will be, meaning there are no guarantees for execution.

Chair Hollist read the rest of Item D that was referenced, and shared her concerns that it has an exception for the corner property being discussed.

Attorney Simonsen agreed that is a valid point to be made.

The Commissioners discussed Item D and their thoughts.

Chair Hollist doesn't believe she has enough information tonight to vote on this item. She feels they need more information on what has been agreed to verbally, what is binding. She understands the applicant's concern that this is expensive, they are a small business and the lane might not be immediately necessary based on the traffic study they had done. However, the city council included this as a requirement, probably in response to citizen concern, and as a concession made for putting something unique in a residential neighborhood. It would be her intent to make sure the items included by the city council in the agreement are met, and she feels she needs more information. Going to the city council to get clarification and their thoughts would be time consuming, amending the agreement is a headache that she doesn't believe anyone is interested in pursuing, so she would be happy to ask city staff to come back with more documentation on when things will happen, when they will be required, and the timing. She likes the idea of getting an agreement for the dedication from the other property owner, for peace of mind. She also thinks it should be bonded as part of the project, regardless of the timing.

Commissioner Bevans addressed the applicant, noting what a good job they did with the landscaping and making sure it was exactly what was agreed upon; the landscaping is beautiful. There has been a lot of arbitrary information shared tonight with the commission that makes this decision difficult. She agrees that the turn lane is in the development agreement, with the applicant's interpretation that it gets done before the development is complete. However, she is also sensitive to those living there, and it's difficult to make it happen. They do need further clarification on a lot of different pieces of this agreement before they are able to make a firm decision on whether or not the site plan submitted is in accordance with the development agreement.

Commissioner Darby is in favor of approving the site plan before them tonight, because from his understanding of the agreement, the applicant has agreed to put in the 3200 W lane as part of this development. It doesn't say anything about timing in there, and it could be that the applicants misunderstand the timing expected, but as he reads it the timing is concurrent with the actual development. He would also be okay with tabling this, as there has been a lot of information shared tonight that needs to be sorted through.

Commissioner Catmull thanked the applicant as well for going through this process. The process may seem tedious, but the commission is just trying to do the right thing and get the agreement sorted out. He believes it is an overall benefit to the city, and he is glad to see some of the adjacent property owners agreeing. He also feels that he needs more information before approving this, and he is more inclined to table this while awaiting that further information.

Commissioner Starks echoed the other commissioners' comments. It is always important for them to be data driven, and it feels like the data is currently telling them this is not a problem based on the city's data and the data from the independent firm. Therefore, he can't advocate for a right turn lane now, or in the future, when he doesn't know the problem actually exists. He would like to understand more about this, how the city council is seeing this and why they are advocating for that lane and the necessity for it. He would vote to approve it as it is now, but does agree that they need more information from the city council as well. He thinks they should ask for clarification from both city staff and the city council.

Chair Hollist believes the turn lane was a concession to the residents concerned with traffic, and they can certainly review the minutes from the meeting where that was decided

Commissioner Starks noted this is why he feels it is important to be data driven. They may not like the way things look, but at the end of the day that is just a subjective opinion. If they feel like this is a problem then it should be outsourced to the experts for analysis, and it feels like that has been done with two different firms; both concluding it is not a problem at this point.

Commissioner Darby believes that is City Council's prerogative on their decision, and maybe they just weren't clear enough on this portion of the agreement, or the commission isn't clear enough on the timing for the 3200 W lane; the commission just needs to understand what the council was thinking with their decision timing wise.

The commission discussed what information they would like to request from staff, including what the phasing looks like and official site plans for all phases.

Commissioner Bevans feels the "why" for City Council's decision is moot at this point, as it was what they agreed to with the developer. She isn't seeking clarification on why, she is just looking for the timeline and the actual information on when those pieces will be required, along with the full site plan.

Planner Schindler asked to clarify that the commission's main question is when this will be required, and the commission agreed.

Commissioner Starks asked to clarify a summary that the most recent agreement is dated September of 2020, and one of the concessions made by the landowner was that a right turn lane would be put in, in tandem with the development of this project. Staff agreed with that summary. Commissioner Starks went on to say that if that is it, and a concession was agreed to, then he

agrees they need to understand the timing, the phase approach, and what that means since it has been agreed to.

Attorney Simonsen said this appears to be a two part analysis. First, they need to decide if the timing is a staff or City Council decision. If it is a minor change and falls within the requirements for city staff to review it, then they can make the necessary changes in discussion with the developer. If it decided that is more than a minor change, then it would need to go over to the city council.

Chair Hollist motioned to table this item, File No. PLSPR202300005, Site Plan Approval, for additional information on the right turn pocket on 3200 West, as discussed above.

Commissioner Starks agreed with Chair Hollist's request

Commissioner Catmull asked if staff or the applicant deals with the site plan

Planner Drozdek responded that it would be the applicant's engineer.

Chair Hollist amended her motion to add requesting staff obtain an updated site plan from the applicant, and determine whether this is a major or minor change to the development agreement to allow phasing and timing that is not concurrent with the development of the reception center. Commissioner Bevans seconded the motion. Roll Call Vote was 5-0, unanimous in favor. Commissioner Gedge was absent from the vote.

There will not be another public hearing on this, as the public hearing has already been done.

I. LEGISLATIVE PUBLIC HEARINGS - *None*

J. OTHER BUSINESS

City Planner Greg Schindler gave a brief review for the next Planning Commission Meeting, noting that it may be cancelled.

Commissioner Bevans will be attending the next City Council Meeting.

ADJOURNMENT

Chair Hollist motioned to adjourn the June 13, 2023 Planning Commission Meeting. Commissioner Darby seconded the motion; vote was unanimous in favor. Commissioner Gedge was absent from the vote.

This is a true and correct copy of the June 13, 2023 Planning Commission minutes, which were approved on July 11, 2023.

From: [Cindy Valdez](#)
To: [Damir Drozdek](#); [PLANNING COMMISSION](#)
Subject: RE: Event center on 10431 S 3200 W Comments
Date: Thursday, June 8, 2023 8:29:26 AM

I will save this to the minutes.

Cindy

-----Original Message-----

From: Damir Drozdek <DDrozdek@sjc.utah.gov>
Sent: Thursday, June 8, 2023 8:11 AM
To: PLANNING COMMISSION <PlanningCommission@sjc.utah.gov>
Subject: FW: Event center on 10431 S 3200 W Comments

Public comment regarding the Sagewood project scheduled for the next PC meeting.

Damir Drozdek, AICP | Planner III | City of South Jordan
1600 W. Towne Center Drive | South Jordan, UT 84095
O: 801.254.3742 | C: 801.946.4377

-----Original Message-----

From: C Zundel <cz5778@gmail.com>
Sent: Wednesday, June 07, 2023 9:06 PM
To: Damir Drozdek <DDrozdek@sjc.utah.gov>
Subject: Event center on 10431 S 3200 W Comments

Hello Mr Drozdek, I'm writing as a close neighbor to the new development being proposed. I live on Alexander Park Lane right across the street from the proposed event center location.

As I look at the proposed new plat amendment, I want to express what I have said to Ms Visser personally, that my biggest concerns are privacy, noise, beauty of the neighborhood (property value), and traffic/parking on my street.

It has been my understanding throughout that the development would do all that they could to minimize those concerns by adding multiple layers of large trees (professionally landscaped), a tall fence, and a buffer zone inside the fence to minimize noise to the neighborhood. The updated map looks to have less space for the trees and a parking lot that goes right up to the fence, which concerns me from a sound and privacy perspective.

I also want to make sure the development ensures long term traffic and parking restrictions on Alexander Park Lane as that would greatly reduce property values on my street.

I'd like to get the Event Center developer's plans and ideas for how they will address these concerns. I hope to be able to attend in person, but sending my comments in advance for your consideration.

Sincerely,

Clint Zundel
10453 S Alexander Park Lane

From: [Cindy Valdez](#)
To: [Damir Drozdek](#); [PLANNING COMMISSION](#)
Subject: RE: Notice of Public Hearing - Sagewood Ranch Reception - June 13, 2023
Date: Thursday, June 8, 2023 8:29:56 AM

I will save this to the minutes.

From: Damir Drozdek <DDrozdek@sjc.utah.gov>
Sent: Thursday, June 8, 2023 8:12 AM
To: PLANNING COMMISSION <PlanningCommission@sjc.utah.gov>
Subject: FW: Notice of Public Hearing - Sagewood Ranch Reception - June 13, 2023

Public comment regarding the Sagewood project scheduled for the next PC meeting.

Damir Drozdek, AICP | Planner III | City of South Jordan

1600 W. Towne Center Drive | South Jordan, UT 84095

O: 801.254.3742 | C: 801.946.4377



From: Ryan Benson <bensryan@gmail.com>
Sent: Wednesday, June 07, 2023 6:44 PM
To: Nathan Gedge <NGedge@sjc.utah.gov>; Michele Hollist <MHollist@sjc.utah.gov>; Trevor Darby <TDarby@sjc.utah.gov>; Steven Catmull <SCatmull@sjc.utah.gov>; Laurel Bevans <LBevans@sjc.utah.gov>; Aaron Starks <ASTarks@sjc.utah.gov>
Cc: Damir Drozdek <DDrozdek@sjc.utah.gov>
Subject: Notice of Public Hearing - Sagewood Ranch Reception - June 13, 2023

Dear Commissioners,

I received a notice of a public hearing to take place on June 13, 2023 in regards to the Sagewood Ranch Reception site plan. I live on Alexander Park Lane just to the east of the site plan. I am hoping to attend your scheduled public hearing, but in case I am unable to be in attendance, I did want to let you know my thoughts in regards to what I read and reviewed in the materials sent.

I noticed that the site plan has changed from the plan proposed to the city planning commission and city council back when this was proposed and approved. Here are the difference that I am a little concerned about:

1. On the east side of the property (closest to the homes on Alexander), there is a road with a round-about that runs the entire length of the plan with the proposed fence only a couple of feet away from the sidewalk. This is beautiful in concept for inside the property, but it steps away from the original plans. In the concept plans and pictures that were presented to the city council, the commission, and the public, we were shown the fence set back several feet to create a large buffer between the event center and the neighborhood homes. On the neighborhood side, the pictures showed multiple trees and greenery to hide the fence. It also showed additional trees inside the property to increase the buffer and noise that would come from the event center. The pictures even included a couple walking down the street

portraying how beautiful it would be for the homeowners and again, an added buffer from the noise that would come from the event center. The plans now show the neighbors get a wall with trees on the inside of the property. The trees inside the property also become more sparse towards the south of the property meaning the homes right across from the parking lot have even less of a buffer and less beautification as was originally portrayed.

2. The way the parking lot is designed and landscaping is proposed at the south east end of the property leads to a belief that the wall could easily be eliminated and the parking lot could come out onto Alexander Park lane as an alternative entrance / exit to the event center. This was a major discussion point during the city council meeting and the planning commission meeting that was heavily opposed. The city fire chief and the builders advised there would not be an exit onto Alexander Park Lane. I sure hope that promises are kept, as a change of this fashion would create a massive traffic and living impact on Alexander Park Lane.

3. The round-about at the end of the road on the northeast side of the property looks like it could eventually lead to an exit onto 106th south. When this event center was approved, we were all made very well aware that the only entrance / exit to the event center would be on 3200 W. I hope that the promise is honored.

4. The number of trees shielding the parking lot from the new homes seems sparse, considering the promised efforts to create a sound and light barrier from those homes surrounding the event center. Maybe I just don't understand the density and sound factors that the limited trees showing will provide and you can better explain how they will provide the promised effects for the neighbors.

5. Are the number of parking spots they have showing on the new plan the same as in the original plan? I can't tell based on the new plan. If they are the same, great. If not, again this was a promise to commit to an amount greater than that required in order to ensure parking doesn't happen on Alexander Park Lane.

As you are aware, the journey we have been on to have an event center in our neighborhood has not been one most of the residents that live in the neighborhood were on board with. In order to win the council's vote and try to appease the neighbors directly impacted by this event center, many concessions and promises were made that seem to be tweaked to better meet the needs of the developers and the long term expense of the neighbors. I would ask that the way the event center was presented at the council meeting be preserved, even if it means the event center may not get everything they wanted.

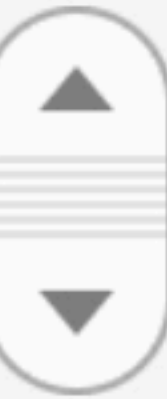
Thank you for considering my thoughts as you discuss this in the public hearing,

Ryan Benson
10531 South Alexander Park Lane
South Jordan, UT 84095



Fence- Alexander and development

Attachment D



From: [Miguel Aguilera](#)
To: [PLANNING COMMISSION](#)
Subject: FW: So Jordan planning Commission hearing Tuesday June 13, 2023
Date: Monday, June 12, 2023 11:05:42 AM

Hello Everyone,

This is a public comment regarding the proposed office building at 10509 S River Heights Dr.

-----Original Message-----

From: jamesw1@juno.com <jamesw1@juno.com>
Sent: Monday, June 12, 2023 10:43 AM
To: Miguel Aguilera <MAguilera@sjc.utah.gov>
Subject: So Jordan planning Commission hearing Tuesday June 13, 2023

To: Miguel Aguilera
maguilera@sjc.utah.gov

James and Noemi Willis
3296 W Provost Circle
So. Jordan, Utah 84095
801-572-6605
jamesw1@juno.com

Notice of Public Hearing of June 13, 2023 mentioned in letter dated May 25, 2023 concerning 10509 S River Heights Dr,

We have the following concerns, questions and objections:

1. We object to a two story building.
2. We would like the building to be no closer than 150' from the fence to the east. A lighted parking lot east of the building is acceptable.
3. We would like the builder to plant trees using only trees with tap roots within 30' of the east fence.
4. A couple of years ago, Peterson's company, installed a cement wall, per our mutual agreement, that replaced the plastic fence on their east boundary, our west boundary property line. Therefore I request this new wall to become the new boundary line. I became aware of this discrepancy when some people were sneaking into my back yard and installing survey markers into my flower bed a few inches on my side of the wall.
5. We would need to study the type of business that will occupy the building as it impacts noise and traffic flow.
6. We would want a bond in place that would cover any damage, to our property, that is caused during the construction. This would include but not limited to cracked cement, or any damage caused to the house or yard at 3296 W Provost Cir.

Thank You
James Willis
801-572-6605

From: [Cindy Valdez](#)
To: [Diana Baun](#)
Subject: FW: Property Photos
Date: Tuesday, June 13, 2023 6:38:34 PM
Attachments: [Fencing compliant and parkstrip compliant taken 6 13 23.jpg](#)
[Front Yard Landscaping alive and code compliant taken 6 13 23.jpg](#)
[image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

This was sent from Andrew McDonald regarding tonight's meeting and will need to be saved as an attachment.

Cindy

From: Andrew McDonald <AMcDonald@sjc.utah.gov>
Sent: Tuesday, June 13, 2023 6:30 PM
To: PLANNING COMMISSION <PlanningCommission@sjc.utah.gov>
Subject: Property Photos

Hello All,

There have been no written comments received for the first item on tonight's agenda, however, there were two phone calls received by residents that received notice. The concerns expressed the condition of the front yard. Please see the attached photos of the property showing a front yard and park strip in compliance with Code.

Another public concern was the size of the building not allowing for lawn in the backyard. Although we have no building plans yet until the building permit, the concept plans and details from the applicant place this building in compliance with Code. It is only comes down to the size of the building be a little larger than the footprint of the main home. There is no requirement that landscaping or lawn be in the backyard. Front yards and park strips are the focus of landscaping requirement codes.

Andrew McDonald | Planner I | City of South Jordan

1600 W. Towne Center Drive

South Jordan City, Utah 84095

O: 801.253.5203 Ext. 5029 | F: 801.254.3393







June 13, 2023

PLANNING COMMISSION MEETING SIGN IN SHEET

<u>PRINT NAME</u>	<u>ADDRESS</u>
James + Abeni Willis	3296 W. Provost Cir
John Traynor	10547 Alexander Park Ln
DOAKEN RICH	3209 W Harvest Run Dr.
Bela Eliason	10471 S Alexander Park Ln.
Monique Hyde	10453 S. Alexander Park Ln
Clint Zundel	10453 S. Alexander Park Ln.
Ben Eliason	10471 S. Alexander Park Ln.
Craig Bonham	2776 W. Lizzia Cove
Matt Visser	
Zach Olson	7585 S Union Park Ave
Ryan Benson	10531 S. Alexander Park Ln.
Lorie Benson	10531 S. Alexander Park Ln.
Kim Johnson	10506 S. HARVEST PARK CANYON