

**CITY OF SOUTH JORDAN
ELECTRONIC
PLANNING COMMISSION MEETING
COUNCIL CHAMBERS
May 28, 2024**

Present: Chair Michele Hollist, Commissioner Laurel Bevens, Commissioner Nathan Gedge, Commissioner Sam Bishop, Commissioner Ray Wimmer, Assistant City Attorney Greg Simonsen, City Planner Greg Schindler, Deputy City Recorder Cindy Valdez, Deputy City Engineer Jeremy Nielson, Planner Andrew McDonald, Planner Miguel Aguilera, IT Director Jon Day, GIS Coordinator Matt Jarman, Meeting Transcriptionist Diana Baun

Others: Ashley Ermey, Nikelle, Nancy Lowry, Diana Ziska, Ric Skinner, Alex Howard, Troy Ferran, Travis Ferran, Kent Owens, Bruce Duvall

Absent: Commissioner Steven Catmull

**6:32 P.M.
REGULAR MEETING**

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

Chair Michele Hollist welcomed everyone to the Electronic Planning Commission Meeting, excusing Commissioner Catmull who was absent.

B. MOTION TO APPROVE AGENDA

Commissioner Gedge motioned to approve tonight's agenda as published. Chair Hollist seconded the motion; vote was 5-0, unanimous in favor. Commissioner Catmull was absent from the vote.

C. APPROVAL OF THE MINUTES

C.1. May 14, 2024 - Planning Commission Meeting Minutes

Commissioner Bevens motioned to approve the May 14, 2024 Planning Commission Meeting Minutes as published. Chair Hollist seconded the motion; vote was 5-0, unanimous in favor. Commissioner Catmull was absent from the vote.

D. STAFF BUSINESS - *None*

E. COMMENTS FROM PLANNING COMMISSION MEMBERS

Commissioner Nathan Gedge gave a brief review of last week's council meetings.

Chair Hollist motioned to allow public comment via Zoom only when related to public hearing items. Commissioner Gedge seconded the motion; vote was 5-0, unanimous in favor. Commissioner Catmull was absent from the vote.

F. SUMMARY ACTION – *None*

G. ACTION

G.1. CONDITIONAL USE PERMIT FOR TEMPORARY PARKING LOT

Address: 1602 W 11400 S

File No.: PLCUP202400051

Applicant: Travis Ferran

Planner Miguel Aguilera reviewed background information from the Staff Report.

Chair Michele Hollist reviewed questions sent to her beforehand by Commissioner Catmull. He noted that it's not clear to him that a temporary parking lot could be a conditional use of any zone, he didn't that was clearly laid out in the packet as a finding and indicated normally they get a bulleted list of findings that say a specific use is allowed in a zone if a conditional use is granted; he was hoping for clarification on that.

Planner Aguilera responded that parking and parking facilities are not an allowed use in the A-5 Zone, but this falls under temporary use, so under temporary use regulations with a conditional use permit, this can be allowed.

Chair Hollist continued sharing, from Commissioner Catmull, that he believes they can make a conditional use permit expire after a period of time and that he would like to see that happen on this item.

Commissioner Nathan Gedge clarified that the document reviewed by City Staff indicated an easement versus outright ownership of the property in question.

Assistant City Attorney Greg Simonsen noted that the property owner rights are spelled out in the shared access agreement for the easement being discussed, including the right to access the properties as a mutually reciprocating right.

Commissioner Gedge asked staff about parking concerns with the small space.

Deputy City Engineer Jeremy Nielson indicated the city has not entered into the agreement yet with the Ferran Group for this parking lot, but ensuring access stays clear for all property owners could be worked into the agreement to ensure fire access. If not maintained, it would be a violation and the city could choose not to allow it anymore.

Commissioner Gedge asked about parking lot stall measurements and the total amount being proposed for this smaller space.

Engineer Nielson gave the estimated stall sizes and noted they are tight spacing, but a car can be parked in the space given.

Commissioner Gedge has concerns about the number of stalls, especially with oversized vehicles or trailers.

Commissioner Sam Bishop noted that if the conditional use was granted, along with the critical emergency acces, the commission might want to require the area not be blocked to comply with the shared use agreement.

Commissioner Ray Wimmer asked for details on what is considered a nuisance legally, and to whom would the nuisance apply when noting a temporary use should not cause or create a nuisance or hazard and must comform with all requirements of the referenced title.

Attorney Simonsen noted there is a definition in the City Code related to noise, noxious odors, things that inherently affect the inhabitability of another's property. He noticed that as well, but believes the rights under the shared access agreement can be preserved and still use the property for a temporary parking lot.

Commissioner Wimmer asked if the length of time for this temporary use, as it is past the 60 days, would have any bearing on the amount of nuisance caused.

Attorney Simonsen did not see a reason it would. He also added that conditional use permits can be revoked if they are not following the rules. That would come before the Planning Commission for revocation if the owners of the shared access agreement come to the city and express issues. Under the lease agreement, it will be up to the lessor and the lesee to make sure the shared access agreement is honored, with actual access.

Commissioner Laurel Bevans asked if this will come back to the Planning Commission for the site plan.

City Planner Greg Schindler responded that as a temporary use, everything has to be done after 60 days. As this will extend past that, it will not be considered temporary after those 60 days and will have to go through a site plan review, which includes Planning Commission review.

Commissioner Bevans asked if the lesee will be responsible for snow removal on the property, and will they be required to retain that on the property, rather than pushing it elsewhere.

Planner Aguilera suggested making that a part of the lease agreement.

Chair Hollist asked about hours of operations.

Planner Aguilera responded he believes that to be 6:00 a.m. to 9:00 p.m.

Commissioners and staff discussed possible issues with the city reviewing its own application and Attorney Simonsen explained that the Planning Commission will review the site plan, but will not be reviewing or editing the lease agreement.

Commissioner Bevans noted that she doesn't see a barrier or median as required between spaces facing each other and asked if that was going to be added by the site plan. She would like to see more of that in this parking lot on the site plan since things are so tight to help with safety.

Commissioner Gedge motioned to approve File No. PLCUP202400051, Conditional Use Permit, based on discussion, evidence and testimony provided during the previous public hearing; with the following conditions:

- **All City, County and Health Department rules, regulations, laws and/or ordinances will be adhered to.**
- **The shared access agreement between neighboring properties will be honored with signage and/or physical barriers to be presented in the site plan phase, to ensure proper fire access and access to the neighboring properties is maintained.**
- **That all required city services including snow removal and/or garbage collection are the responsibility of the owner of the property and/or its lessees.**
- **That the length of the temporary use permit, through this conditional use, is limited to a maximum of 36 months from the commencement of the lease.**

Chair Hollist seconded the motion.

Roll Call Vote

Yes – Commissioner Gedge

Yes – Chair Hollist

Yes – Commissioner Bishop

Yes – Commissioner Wimmer

Yes – Commissioner Bevans

Absent – Commissioner Catmull

Motion passes 5-0, unanimous in favor. Commissioner Catmull was absent from the vote.

H. ADMINISTRATIVE PUBLIC HEARINGS

H.1. CONDITIONAL USE PERMIT FOR SIMPLICITY LASER

Address: 1644 W Towne Center Dr, Suite D-3

File No.: PLCUP202400075

Applicant: Leeon Jeffs

Planner Miguel Aguilera reviewed background information from the Staff Report.

Chair Michele Hollist asked about window coverings.

City Planner Greg Schindler responded that window treatments and their regulations fall under the sign ordinance, they cannot cover their windows or make them opaque without a special approval. He doesn't believe their exam rooms would be open to the public.

Commissioner Nathan Gedge asked about additional services this unit could offer under this CUP in the future.

Assistant City Attorney Greg Simonsen noted that any potential future services in this location are not relevant to this CUP, as that would have to be evaluated separately at that time. Tonight the commission is only making a decision on what is before them in the Staff Report.

Leeon Jeffs (Applicant) – Started this company 15 years ago in South Jordan, down in the River Bottoms. They've moved down to Utah County so this is a full circle moment for him to be able to come back and open a clinic here.

Chair Hollist opened the Public Hearing for comments; there were no comments and the hearing was closed.

Commissioner Bevans motioned to approve File No. PLCUP202400075, Conditional Use Permit, based on the Staff Report. Chair Hollist seconded the motion.

Roll Call Vote

Yes – Commissioner Bevans

Yes – Chair Hollist

Yes – Commissioner Bishop

Yes – Commissioner Gedge

Yes – Commissioner Wimmer

Absent – Commissioner Catmull

Motion passes 5-0, unanimous in favor; Commissioner Catmull was absent from the vote.

H.2. DOMINION ENERGY FAIL SAFE VALVE SITE PLAN

Address: 9804 S. Temple Drive

File No.: PLSPR202300143

Applicant: Kevin Mulvey (Mulvey Land Services), Alex Howard (Dominion)

Planner Andrew McDonald reviewed background information from the Staff Report.

Commissioner Ray Wimmer asked about the prohibition of lots spanning multiple zones, and whether or not staff sees any issues with this property being approved for the A-5 Zone but also being next to the R-2.5 Zone on the same lot.

Planner McDonald responded that no, the property isn't large enough to add anything else on the other areas.

Commissioners and staff discussed the zoning differences, potential for the future and a short history of who has owned and currently owns the small piece. They also discussed other utility easements and equipment located nearby.

Kevin Mulvey (Consultant)

Alex Howard (Applicant – Dominion) – explained that line being installed on 1300 W is a replacement line for the current 20 inch line, all new piping will be 24 inch. He explained the purpose of the valve site and safety measures, as included in the Staff Report.

Chair Michele Hollist opened the Public Hearing for comments; there were no comments and the hearing was closed.

Commissioner Gedge motioned to approve File No. PLSPR202300143, Site Plan Application, based on tonight's discussion and the Staff Report. Chair Hollist seconded the motion.

Roll Call Vote

**Yes – Commissioner Gedge
Yes – Chair Hollist
Yes – Commissioner Bishop
Yes – Commissioner Wimmer
Yes – Commissioner Bevans
Absent – Commissioner Catmull**

Motion passes 5-0, unanimous in favor; Commissioner Catmull was absent from the vote.

**H.3. ACCESSORY BUILDING: CONDITIONAL USE PERMIT FOR THE
ARCHITECTURAL STANDARDS OF ACCESSORY BUILDINGS IN R-
1.8 ZONE.**

Address: 2530 W 10950 S

File No.: PLCUP202300181

Applicant: Robbie Pope; L.R. Pope Engineering Inc.

Planner Andrew McDonald reviewed background information from the Staff Report.

Commissioner Ray Wimmer asked how many of the surrounding neighbors have buildings exceeding 16 feet in height.

Planner Aguilera responded with the specific lots exceeding 16 feet.

Chair Michele Hollist invited the applicant up to speak, they were not present. She then opened the Public Hearing for comments.

Kent Owens (Resident) – My wife and I have no issue with them putting in a building in of this size. They are outstanding neighbors, very cognizant of other people's feelings and of course rights, and we as neighbors do not have a problem with it at all.

Bruce Duvall (Owner) – Since the last time here, we have talked with all the neighbors and tried to extinguish any problems that they had with the building, specifically the ones to the north; which I don't see them here today. They didn't seem like they had a problem with it, but he never responded to me. We had talked about a 15 foot setback, after the last meeting when we left here, after you guys had already approved the building, we agreed to him that we would move it 15 feet and then I talked to him after I left here and he was more than happy with 20 feet, the guy to the north. I also talked to the family to the west, they are a young family that just moved in there, and they also were okay with the building 10 feet away, but we also offered to be 20 feet off that side as well. We made the building smaller. The height is still the same because we need the overhead door to be able to get the RV in there, that's the only reason the height is what it is. The building was approved when the property wasn't zoned for that much building space available, and there is a few other properties in the neighborhood currently that two years ago had permits passed for building that shouldn't have been passed in council meetings. We went through all the steps that were required to be able to have this building and that's why we're back here today.

Chair Hollist asked about the neighbor to the east.

Mr. Duvall responded that was the gentleman who just spoke, saying he had no problem with it. We are only required to be 10 feet off the property line at this height, eight feet if we are at 16 feet tall, and then it adds an additional foot for each foot you go up. Twelve is still two feet farther than what is required by the city.

Chair Hollist closed the Public Hearing.

Commissioner Gedge motioned to approve File No. PLCUP202300181, Conditional Use Permit, based on the Staff Report, testimony presented this evening and discussion. Chair Hollist seconded the motion.

Roll Call Vote

Yes – Commissioner Gedge

Yes – Chair Hollist

Yes – Commissioner Bishop

Yes – Commissioner Wimmer

Yes – Commissioner Bevans

Absent – Commissioner Catmull

Motion passes 5-0, unanimous in favor; Commissioner Catmull was absent from the vote.

I. LEGISLATIVE PUBLIC HEARINGS - *None*

J. OTHER BUSINESS

City Planner Greg Schindler reviewed potential items for the next meeting's agenda.

Commissioners discussed potential topics for training, setting their rules and procedures for meetings.

ADJOURNMENT

Chair Hollist motioned to adjourn the May 28, 2024 Planning Commission Meeting. Commissioner Bevans seconded the motion. Vote was 5-0, unanimous in favor; Commissioner Catmull was absent from the vote.

This is a true and correct copy of the May 28, 2024 Planning Commission minutes, which were approved on June 25, 2024. The Planning Commission Meeting adjourned at 8:51p.m.