

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

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

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

6:36 P.M.

REGULAR MEETING

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

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

II. Motion to Approve Agenda

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

III. Approval of the Minutes

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

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

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

VI. **SUMMARY ACTION** – *None*

VII. **ACTION** – *None*

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

VIII. ADMINISTRATIVE PUBLIC HEARINGS –

A. DAYBREAK SOUTH STATION PLAT 1 AMENDED, SUBDIVISION AMENDMENT

Location: 11319 S. Grandville Avenue

File No: PLPLA202100099

Applicant: The Gardner Company

City Planner Greg Schindler reviewed background information from the Staff Report

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

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

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

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

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

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

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

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

Location: 11015 South 6060 West

File No: PLPLA202100066

Applicant: Daybreak Communities/LHM Real Estate

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

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

Planner Schindler confirmed that was the correct size.

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

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

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

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

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

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

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

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

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

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

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

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

C. UTILITY OUTBUILDING, CONDITIONAL USE PERMIT

Location: 2612 W. Horseshoe Cir.

File No: PLCUP202100113

Applicant: John Scott

Planner Damir Drozdek reviewed background information from the Staff Report.

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

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

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

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

Chair Hollist asked for the offsets from adjacent property lines.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Chair Hollist opened up the hearing to public comment.

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

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

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

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

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

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

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

Chair Hollist asked if she was referring to flood irrigation.

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

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

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

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

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

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

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

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

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

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

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

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

Chair Hollist closed the public comment.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Commissioner Catmull asked about exterior lighting.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

IX. LEGISLATIVE PUBLIC HEARINGS –

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

Ordinance No.: 2021-11

Applicant: South Jordan City

Planning Intern Meadow Wilkinson reviewed background information from the Staff Report

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

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

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

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

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

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

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

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

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

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

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

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

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

X. OTHER BUSINESS – None

ADJOURNMENT

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

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

his is a true and correct copy of the June 8, 2021 Planning Commission minutes, which were approved on June 22, 2021.

**Cindy Valdez
South Jordan Deputy Recorder.**

5-11-21 PC Meeting
Attachment A

Cindy Valdez

From: Dallin Stoll <chidostoll@hotmail.com>
Sent: Tuesday, May 11, 2021 4:15 PM
To: dmann@sjc.utah.gov
Subject: Public Hearing today for proposed development.

Hello,

My name is Dallin Stoll. I live in close to this proposed development and would see it from my backyard.

We received notification about a development on 3773 W South Jordan Parkway. We want to express our displeasure with this idea. There are plenty of homes and we do not need to cram 30 MORE in that little plot of land. It is a bad Idea and will just cause more frustrations to all that live around here. We do not want this to happen and hope you make the correct decision by not allowing it to happen. Please do not allow it as it really is not needed. Thank you!

Sent via the Samsung Galaxy Note9, an AT&T 5G Evolution capable smartphone
Get [Outlook for Android](#)

Cindy Valdez

From: David Mann
Sent: Tuesday, May 11, 2021 5:26 PM
To: Anna Crookston; Cindy Valdez; Greg Schindler; Nathan Gedge; Sean Morrissey; Steven Catmull; Trevor Darby; Michael Peirce; Michele Hollist
Subject: FW: Public Hearing for Property located near 3773 W South Jordan Parkway

Thanks,

David Mann | Planner II | City of South Jordan
1600 W. Towne Center Drive | South Jordan, UT 84095
O: 801.253.5203 ext. 1221 | F: 801.253.5235



From: Eric Treu <eric.treu@yahoo.com>
Sent: Tuesday, May 11, 2021 4:53 PM
To: David Mann <DMann@sjc.utah.gov>
Subject: Public Hearing for Property located near 3773 W South Jordan Parkway

I know that a traffic study has been done and the results favor more homes.

I think that it is imperative that the project be put on hold until a proper traffic study can be done when we are not in the middle of a Covid Pandemic as people are working from home and not travelling. Also, when construction has altered the regular flow of the streets.

Eric Treu
801-550-1127

Cindy Valdez

From: Greg Schindler
Sent: Tuesday, June 8, 2021 11:32 AM
To: Michele Hollist; Nathan Gedge; sdmorrissey79; Trevor Darby; Steven Catmull; Michael Peirce
Cc: Anna Crookston; Cindy Valdez
Subject: regarding John Scott CUP Application

See below for three additional emails received by staff in regards to the John Scott CUP application on tonight's PC agenda.

Greg Schindler, AICP | City Planner | City of South Jordan
1600 W. Towne Center Drive | South Jordan, UT 84095
Office: 801.254.3742 | Direct: 801.253.5203 ext 1291



From: Krystel Christiansen <krystelandzoi@hotmail.com>
Sent: Monday, June 07, 2021 7:52 PM
To: Damir Drozdek <DDrozdek@sjc.utah.gov>
Subject: [QUAR] Comment 6/8/21
Importance: Low

I am writing to plead with the city to Deny John Scott's request for a conditional use permit. Please uphold our neighborhood covenants and do not approve this. Not only will it greatly affect the small farm look and feel of our beautiful neighborhood, it will bring our resale and property values down to have a giant building next door. I do not want our neighborhood to look industrial, and that is what a third building on his property will be.

I'm also am very worried about the blocking of our secondary water. Our fields are designed to let water flow freely from one to the next to avoid flooding our homes as well as the homes directly behind us. My field is the one that John's field is designed to take the water from. So if you approve this blockage and the flow is restricted then is the city prepared to handle the financial repercussions of blocking the flow of water? My home or others being flooded as a direct result of the flow of water being blocked and backing up? Is John or the city going to be required to carry the flood insurance insuring that any blockage from John's request and city approval will be financially taken care of? As that will be a major challenge that involves not only our homes on Horseshoe but the ones behind on Bridal oak.

Again please don't approve this permit.

Please, please, please do not approve this permit.

William and Krystel Christiansen

Sent via the Samsung Galaxy S9, an AT&T 5G Evolution capable smartphone
Get [Outlook for Android](#)

From: Paul Litka <plitka2130@gmail.com>
Sent: Monday, June 07, 2021 7:31 PM

To: Damir Drozdek <DDrozdek@sjc.utah.gov>

Subject: Pending application for a Conditional Use Permit at 2612 W Horseshoe Circle

We are the long term residents of the property at 2537 W Horseshoe Circle , which is owned by the "Laura J. Litka Trust", of which Laura J. Litka is the sole trustee. We are writing to you with reference to the pending application for approval of a Conditional Use Permit for construction of a "utility outbuilding" at 2612 W Horseshoe Circle.

We have concerns that this large proposed structure will degrade the aesthetic residential quality of our neighborhood. Additionally, we are concerned that the proposed structure will be used for commercial business purposes and pose additional issues such as increased traffic in this neighborhood.

As well, we note that the use of properties on Horseshoe Circle is governed by a set of 'Protective Covenants and Restrictions'.of which Article 9 reads as follows: "Land Use and Building Type. No lot shall be used except for residential and agricultural purposes. No building shall be erected, altered, placed, or permitted to remain on any lot other than on (sic) detached single family dwelling not to exceed two stories in height and a private garage and carport for not more than three vehicles. All construction to be of new materials."

It is our opinion that the proposed construction at 2612 W Horseshoe Circle is in violation of the above Article. As property owners in the Horseshoe Circle community we believe that if the existing covenants are violated we and other residents would suffer economic harm since violation of the above Article will call into question the application of the existing Protective Covenants and Restrictions and would impact our property values in as much as prospective purchasers of a valuable property in a unique neighborhood would likely expect robust protection from undesired development.

We are therefore asking that the Planning Commission reject this Conditional Use Permit application.

Paul A. and Laura J. Litka

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

From: Mindy Heard <heard249@msn.com>

Sent: Sunday, June 06, 2021 2:42 PM

To: Damir Drozdek <DDrozdek@sjc.utah.gov>

Subject: John Scott conditional use permit

In regards to Mr John Scott's application for approval to construct a utility outbuilding on his property on Horseshoe Circle in South Jordan, I offer the following. Not knowing the size and other particulars of the proposed outbuilding, it is difficult to discuss the possible impact on the nearly 50 year old development. I purchased my home at 2523 Horseshoe Circle 20 years ago after searching for 5 years for a dwelling with guarantees that the property would not allow major changes as the 19 owners enjoyed their uniqueness and privacy. My guarantee was very legal and well designed "Protective Covenants and Restrictions " document recorded November 15, 1972. To date this document has governed very effectively as to its original intentions, including as specified "no lot shall be except for residential and agricultural purposes". At this time we have no idea what size and purpose is after constructed, thereby creating possible difficulties when use begins. Therefore without knowing what size and what it will be used for, I would absolutely not be in favor of breaking the covenant with unknown plans.

Another reality is the continuing escalating school children traffic on Horseshoe Circle. Let's exhibit safety.

Thank you for the notification.

James Heard

Sent from my iPhone

Cindy Valdez

From: Greg Schindler
Sent: Wednesday, June 9, 2021 8:36 AM
To: Cindy Valdez
Cc: Anna Crookston
Subject: FW: Planning meeting for June 8, 2021

I don't know if you received this email from Damir yet, but it should be included as an attachment to last night's meeting minutes.

Thanks,

Greg Schindler, AICP | City Planner | City of South Jordan

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

Office: 801.254.3742 | Direct: 801.253.5203 ext 1291



From: kathy adviseadvertising.com <kathy@adviseadvertising.com>
Sent: Tuesday, June 8, 2021 4:08 PM
To: Greg Schindler <GSchindler@sjc.utah.gov>; Damir Drozdek <DDrozdek@sjc.utah.gov>
Subject: Planning meeting for June 8, 2021

Dear Sirs,

As residents of Horseshoe Circle, we are writing to convey our concern over the proposed building of a "utility outbuilding" at 2612 W. Horseshoe Circle. According to the notice, this proposed structure will be bigger and taller than the residence on site.

Our initial concern is that this structure will be commercial in nature and will dramatically increase vehicular traffic on our circle. Although we reside on the opposite side of the circle, residual traffic will flow by our home and there are only two ways to exit the neighborhood.

Mr. Scott has solicited the Circle residents, in hopes of convincing us to alter our homeowner covenants to allow the subdivision of our properties. The main reason we moved here twenty-one years ago was because of the valuable space--almost two acres of land each property has and the quiet atmosphere. We do not wish to subdivide our property. Our properties were sold to us as, and intended as, single-family dwellings.

Therefore, we are doubtful about the long-term ramifications of what this proposed additional structure would "open the door" to. This would not be beneficial to our property values and the future property tax liabilities of commercial zoning.

We are seriously opposed to this building proposal.

Thank you for your consideration.
Kindest regards,

Jim & Kathy Mickelson
2559 W. Horseshoe Circle
South Jordan, UT 84095

Cindy Valdez

From: Greg Schindler
Sent: Tuesday, June 8, 2021 11:32 AM
To: Michele Hollist; Nathan Gedge; sdmorrissey79; Trevor Darby; Steven Catmull; Michael Peirce
Cc: Anna Crookston; Cindy Valdez
Subject: regarding John Scott CUP Application

See below for three additional emails received by staff in regards to the John Scott CUP application on tonight's PC agenda.

Greg Schindler, AICP | City Planner | City of South Jordan
1600 W. Towne Center Drive | South Jordan, UT 84095
Office: 801.254.3742 | Direct: 801.253.5203 ext 1291



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To: Damir Drozdek <DDrozdek@sjc.utah.gov>
Subject: [QUAR] Comment 6/8/21
Importance: Low

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Again please don't approve this permit.

Please, please, please do not approve this permit.

William and Krystel Christiansen

Sent via the Samsung Galaxy S9, an AT&T 5G Evolution capable smartphone
Get [Outlook for Android](#)

From: Paul Litka <plitka2130@gmail.com>
Sent: Monday, June 07, 2021 7:31 PM

To: Damir Drozdek <DDrozdek@sjc.utah.gov>

Subject: Pending application for a Conditional Use Permit at 2612 W Horseshoe Circle

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We have concerns that this large proposed structure will degrade the aesthetic residential quality of our neighborhood. Additionally, we are concerned that the proposed structure will be used for commercial business purposes and pose additional issues such as increased traffic in this neighborhood.

As well, we note that the use of properties on Horseshoe Circle is governed by a set of "Protective Covenants and Restrictions".of which Article 9 reads as follows: "Land Use and Building Type. No lot shall be used except for residential and agricultural purposes. No building shall be erected, altered, placed, or permitted to remain on any lot other than on (sic) detached single family dwelling not to exceed two stories in height and a private garage and carport for not more than three vehicles. All construction to be of new materials."

It is our opinion that the proposed construction at 2612 W Horseshoe Circle is in violation of the above Article. As property owners in the Horseshoe Circle community we believe that if the existing covenants are violated we and other residents would suffer economic harm since violation of the above Article will call into question the application of the existing Protective Covenants and Restrictions and would impact our property values in as much as prospective purchasers of a valuable property in a unique neighborhood would likely expect robust protection from undesired development.

We are therefore asking that the Planning Commission reject this Conditional Use Permit application.

Paul A. and Laura J. Litka

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

From: Mindy Heard <heard249@msn.com>

Sent: Sunday, June 06, 2021 2:42 PM

To: Damir Drozdek <DDrozdek@sjc.utah.gov>

Subject: John Scott conditional use permit

In regards to Mr John Scott's application for approval to construct a utility outbuilding on his property on Horseshoe Circle in South Jordan, I offer the following. Not knowing the size and other particulars of the proposed outbuilding, it is difficult to discuss the possible impact on the nearly 50 year old development. I purchased my home at 2523 Horseshoe Circle 20 years ago after searching for 5 years for a dwelling with guarantees that the property would not allow major changes as the 19 owners enjoyed their uniqueness and privacy. My guarantee was very legal and well designed "Protective Covenants and Restrictions " document recorded November 15, 1972. To date this document has governed very effectively as to its original intentions, including as specified "no lot shall be except for residential and agricultural purposes". At this time we have no idea what size and purpose is after constructed, thereby creating possible difficulties when use begins. Therefore without knowing what size and what it will be used for, I would absolutely not be in favor of breaking the covenant with unknown plans.

Another reality is the continuing escalating school children traffic on Horseshoe Circle. Let's exhibit safety.

Thank you for the notification.

James Heard

Sent from my iPhone

Cindy Valdez

From: Greg Schindler
Sent: Monday, June 7, 2021 10:15 AM
To: Michele Hollist; Nathan Gedge; sdmorrissey79; Trevor Darby; Steven Catmull; Michael Peirce
Cc: Anna Crookston; Cindy Valdez
Subject: FW: John Scott

FYI,

Below is another email regarding backyard sport court/barn CUP on tomorrow night's PC meeting.

Greg Schindler, AICP | City Planner | City of South Jordan
1600 W. Towne Center Drive | South Jordan, UT 84095
Office: 801.254.3742 | Direct: 801.253.5203 ext 1291



From: Kyle Bowen <KBowen@sjc.utah.gov>
Sent: Monday, June 7, 2021 9:54 AM
To: Damir Drozdek <DDrozdek@sjc.utah.gov>
Subject: John Scott

I have no issue with John Scott building a Sport-court/Barn in his backyard as long as it is for personal use.

Kyle Bowen
2621 W Bridle Oak Drive
South Jordan, UT, 84095

Cindy Valdez

From: Greg Schindler
Sent: Thursday, June 3, 2021 5:12 PM
To: Michele Hollist; Nathan Gedge; Trevor Darby; Steven Catmull; sdmorrissey79; Michael Peirce
Cc: Anna Crookston; Cindy Valdez
Subject: FW: 2612 W Horseshoe Circle--Public Hearing 8Jun
Attachments: scan0011.pdf

FYI,

The email below was received by staff regarding an item on the June 8 PC agenda.

Greg Schindler, AICP | City Planner | City of South Jordan
1600 W. Towne Center Drive | South Jordan, UT 84095
Office: 801.254.3742 | Direct: 801.253.5203 ext 1291



From: Brenda Lyman <brenda.lyman@slcc.edu>
Sent: Wednesday, June 02, 2021 4:58 PM
To: Damir Drozdek <DDrozdek@sjc.utah.gov>
Cc: Paul Litka <plitka2130@gmail.com>
Subject: 2612 W Horseshoe Circle--Public Hearing 8Jun

Hi Damir,

I am responding to the public hearing scheduled for 8Jun as part of the South Jordan Planning Commission re: my neighbor John Scott's request to erect a utility outbuilding. I have received a notice and am one of the residents within 300 feet of his property.

I am in support of his project. I am the property directly east of his property (2566 W Horseshoe Circle)—and we mutually share pasture with a fence in-between our properties. I would be the most impacted by his erecting the building—as it would be visible to the west of my property.

John shared the idea for the building with me approximately three years ago. I see it as a benefit to my property value—and do not share the same thought as some of the neighbors that property value would decrease as a result of the building.

Other buildings have been erected on the Circle over the years (some recently)—including those that tower higher than the dwelling/home. This is an outdated covenant and has been overlooked when particular neighbors in the past have erected their outbuildings. My home is built with two levels and a full garden level basement which is much higher and therefore would support within the confines of covenants a higher outbuilding such as what John is suggesting. I am not sure why the writers of the covenant would limit an outbuilding to the height of the residence. There are outbuildings throughout the Circle that are higher than the homes—so historically, precedence has been set.

To support an increase in property value in a specialized consumer market and allow for resale of our properties in the future, it is important we offer specialized options. The market to resell our homes/properties is much narrower due to their value based on land mass of two (2) acres each. Therefore, we should do all we can to continue to promote the uniqueness of our subdivision with innovative projects such as what John is suggesting. His building can be used for a

variety of purposes, including a horse arena which is unique to our “horse properties”. That option, plus pastureland with flood irrigation provides the uniqueness to properties on “Horseshoe Circle”. I am much more in support of what John is proposing vs. the property owner who does not utilize the uniqueness of maintaining horse rights to these horse properties.

I will be out-of-state but do plan to be available via the zoom option/virtual meeting to support John—as I realize there is duality in the support/nonsupport of his project.

Brenda K. Lyman, sole owner
2566 W Horseshoe Circle
South Jordan, UT 84095

Dr. Brenda K. Lyman, OTD, OTR/L

Associate Dean/Professor
Division of Health Professions
School of Health Sciences
brenda.lyman@slcc.edu
Tel. (801) 957-6217

From: Paul Litka <plitka2130@gmail.com>
Sent: Wednesday, June 2, 2021 3:29 PM
To: Paul Litka <plitka2130@gmail.com>
Subject: Attached "Notice of Public Hearing"

CAUTION: This is an external message from: plitka2130@gmail.com. If you have questions regarding its validity, please review how to identify [suspicious emails](#).

I have been asked to forward a copy of the attached "Notice of Public Hearing" concerning an application for approval of a Conditional Use Permit for a property on the Circle to each of you.

Paul Litka

Cindy Valdez

From: Greg Schindler
Sent: Thursday, June 3, 2021 5:08 PM
To: Nathan Gedge; Steven Catmull; Trevor Darby; Michele Hollist; sdmorrissey79; Michael Peirce
Cc: Cindy Valdez; Anna Crookston
Subject: FW: Conditional use permit

FYI,
The email below was received by staff in regards to an item on the June 8 PC meeting agenda.

Greg Schindler, AICP | City Planner | City of South Jordan
1600 W. Towne Center Drive | South Jordan, UT 84095
Office: 801.254.3742 | Direct: 801.253.5203 ext 1291

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

From: Damir Drozdek
Sent: Wednesday, June 02, 2021 5:12 PM
To: 'Diana Torres' <dtr_90@yahoo.com>
Subject: RE: Conditional use permit

Diana,
I will attempt to clarify some of the City zoning regulations and requirements concerning this particular project. This property or neighborhood is zoned R-1.8. I am attaching a link that, in section 17.18.020, has a table that lists permitted and conditional uses in the zone. Look for letters 'P' or 'C' for uses allowed in the zone. Towards the end of the chapter, you will also find use definitions to help clarify what the each use is or is defined. Here is the link for your reference:
https://codelibrary.amlegal.com/codes/southjordanut/latest/southjordan_ut/0-0-0-8685
Also, the applicant claims that the proposed building, even though large in size, will only be used for private activities. He has listed a gym, a storage and a possible riding arena as the likely uses for the building. None of these, or any other activities, will be used for commercial or business purposes, according to the applicant.
Please let me know if you have any other questions or concerns.
Thanks,

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: Diana Torres <dtr_90@yahoo.com>
Sent: Tuesday, June 01, 2021 7:15 PM
To: Damir Drozdek <DDrozdek@sjc.utah.gov>
Subject: Conditional use permit

Hi.

We received a letter in the mail that John W. Scott has filed an application for a conditional use permit that is going to exceed his main dwelling.

We are his neighbors and would like to oppose this said building. To our understanding only agriculture or family homes are allowed. We will need more information on this but do not like the idea of having commercial building in the neighborhood.

Please let us know what else we need or what more information there is on the plans for this.

Thankyou.

TO SOUTH JORDAN CITY:

June 2021

I am not opposed to the utility / recreational building John Scott is proposing to put up on his property that will include a gym / golf simulator & putting green, storage and riding arena space. I understand it will be used for personal use and he has explained to me that he from time to time may give lessons to a small group of basketball players.

NAME:

Michael E. Bann

ADDRESS:

2001 Biddle Oak Dr.

PHONE:

(901) 691-6175

From: Brenda Lyman
Sent: Wednesday, June 2, 2021 4:58 PM
To: ddrozdek@sjc.utah.gov

Hi Damir,

I am responding to the public hearing scheduled for 8Jun as part of the South Jordan Planning Commission re: my neighbor John Scott's request to erect a utility outbuilding. I have received a notice and am one of the residents within 300 feet of his property.

I am in support of his project. I am the property directly east of his property (2566 W Horseshoe Circle)—and we mutually share pasture with a fence in-between our properties. I would be the most impacted by his erecting the building—as it would be visible to the west of my property.

John shared the idea for the building with me approximately three years ago. I see it as a benefit to my property value—and do not share the same thought as some of the neighbors that property value would decrease as a result of the building.

Other buildings have been erected on the Circle over the years (some recently)—including those that tower higher than the dwelling/home. This is an outdated covenant and has been overlooked when particular neighbors in the past have erected their outbuildings. My home is built with two levels and a full garden level basement which is much higher and therefore would support within the confines of covenants a higher outbuilding such as what John is suggesting. I am not sure why the writers of the covenant would limit an outbuilding to the height of the residence. There are outbuildings throughout the Circle that are higher than the homes—so historically, precedence has been set.

To support an increase in property value in a specialized consumer market and allow for resale of our properties in the future, it is important we offer specialized options. The market to resell our homes/properties is much narrower due to their value based on land mass of two (2) acres each. Therefore, we should do all we can to continue to promote the uniqueness of our subdivision with innovative projects such as what John is suggesting. His building can be used for a variety of purposes, including a horse arena which is unique to our "horse properties". That option, plus pastureland with flood irrigation provides the uniqueness to properties on "Horseshoe Circle".

I am much more in support of what John is proposing vs. the property owner who does not utilize the uniqueness of maintaining horse rights to these horse properties.

I will be out-of-state but do plan to be available via the zoom option/virtual meeting to support John—as I realize there is duality in the support/nonsupport of his project.

Brenda K. Lyman, sole owner
2566 W Horseshoe Circle
South Jordan, UT 84095

~~Dr. Brenda K. Lyman, OTD, OTR/L~~
Associate Dean/Professor / **SALT LAKE COMMUNITY COLLEGE**
Division of Health Professions
School of Health Sciences
brenda.lyman@slcc.edu
Tel. (801) 957-6217

TO SOUTH JORDAN CITY:

June 2021

I am not opposed to the utility / recreational building John Scott is proposing to put up on his property that will include a gym / golf simulator & putting green, storage and riding arena space. I understand it will be used for personal use and he has explained to me that he from time to time may give basketball lessons to individuals or small group of basketball players.

NAME: Kyle and Aubri Bowen

ADDRESS: 2621 West Bridle Oak Drive, South Jordan, UT. 84095

PHONE: (801) 503-7153

CONVERSATION DATE / TIME: Monday June 7, 2:53 pm

"I am fine with it, but want an invitation to play hoops with you! My home is directly behind the fence and will see the building but I do not have any problems with it at all."

Kyle Bowen

TO SOUTH JORDAN CITY:

June 2021

I am not opposed to the utility / recreational building John Scott is proposing to put up on his property that will include a gym / golf simulator & putting green, storage and riding arena space. I understand it will be used for personal use and he has explained to me that he from time to time may give basketball lessons to individuals or small group of basketball players.

NAME: Roger and Leslie Coleman

ADDRESS: 2520 West Horseshoe Circle, South Jordan, UT: 84095

PHONE: (435) 632-5258

CONVERSATION DATE / TIME: Monday June 7, 5:14 pm

"I think people should be able to put up the building they want, that's why we bought these properties. It won't bother me."

Roger Coleman

June 2021

TO SOUTH JORDAN CITY:

I am not opposed to the utility / recreational building John Scott is proposing to put up on his property that will include a gym / golf simulator & putting green, storage and riding arena space. I understand it will be used for personal use and he has explained to me that he from time to time may give lessons to a small group of basketball players.

NAME:

John Green

ADDRESS:

2632 W. Biddle Oak Dr.

PHONE:

(801) 231-1729

TO SOUTH JORDAN CITY:

June 2021

I am not opposed to the utility / recreational building John Scott is proposing to put up on his property that will include a gym / golf simulator & putting green, storage and riding arena space. I understand it will be used for personal use and he has explained to me that he from time to time may give basketball lessons to individuals or small group of basketball players.

NAME: Tom and Kristi Green

ADDRESS: 2682 West Bridle Oak Drive, South Jordan, UT 84095

PHONE: (801) 569-8023

CONVERSATION DATE / TIME: Tuesday June 8, 2:50 pm

"I was going to go to the meeting and tell them I was fine with it, but we are out of town in Tennessee right now. I personally am fine with it."

Tom Green

TO SOUTH JORDAN CITY:

June 2021

I am not opposed to the utility / recreational building John Scott is proposing to put up on his property that will include a gym / golf simulator & putting green, storage and riding arena space. I understand it will be used for personal use and he has explained to me that he from time to time may give basketball lessons to individuals or small group of basketball players.

NAME: Kirk Jensen

ADDRESS: 9963 South Carriage Oak Lane, South Jordan, UT : 84095

PHONE: (801) 867-7744

CONVERSATION DATE / TIME: Monday June 8, 6:14 pm

"I would welcome the addition to the community." Kirk Jensen

TO SOUTH JORDAN CITY:

June 2021

I am not opposed to the utility / recreational building John Scott is proposing to put up on his property that will include a gym / golf simulator & putting green, storage and riding arena space. I understand it will be used for personal use and he has explained to me that he from time to time may give basketball lessons to individuals or small group of basketball players.

NAME: Spencer and Amanda Jones

ADDRESS: 2663 West Bridle Oak Drive, South Jordan, UT 84095

PHONE: (801) 633-3837

CONVERSATION DATE / TIME: Tuesday June 8, 8:04 am

"I don't have any problem with it, it is not in my line of site and I am fine with it."

Spencer Jones

TO SOUTH JORDAN CITY:

June 2021

I am not opposed to the utility / recreational building John Scott is proposing to put up on his property that will include a gym / golf simulator & putting green, storage and riding arena space. I understand it will be used for personal use and he has explained to me that he from time to time may give basketball lessons to individuals or small group of basketball players.

NAME: Peter Kirksiek

ADDRESS: 9964 South Carriage Oak Lane, South Jordan, UT. 84095

PHONE: (801) 960-7396

CONVERSATION DATE / TIME: Monday June 8, 2:13 pm

"I have no problem with what you want to do on your property. I am a big advocate of people doing what they want to do." Peter Kirksiek

TO SOUTH JORDAN CITY:

June 2021

I am not opposed to the utility / recreational building John Scott is proposing to put up on his property that will include a gym / golf simulator & putting green, storage and riding arena space. I understand it will be used for personal use and he has explained to me that he from time to time may give basketball lessons to individuals or small group of basketball players.

NAME: Gregg Larsen

ADDRESS: 2538 West Horseshoe Circle, South Jordan, UT 84095

PHONE: (801) 209-6070

CONVERSATION DATE / TIME: Tuesday June 8, 11:14 am

"I don't want to get involved either way, but I am not opposed based on what you are telling me you will do with it." Gregg Larsen

TO SOUTH JORDAN CITY:

June 2021

I am not opposed to the utility / recreational building John Scott is proposing to put up on his property that will include a gym / golf simulator & putting green, storage and riding arena space. I understand it will be used for personal use and he has explained to me that he from time to time may give basketball lessons to individuals or small group of basketball players.

NAME: Blaine Maxfield

ADDRESS: 2646 West Bridle Oak, South Jordan, UT 84095

PHONE: (801) 633-0188

CONVERSATION DATE / TIME: Tuesday June 8, 9:13 am

"I don't really have any opinion or interest either way, but I am not opposed to it."

Blaine Maxfield

TO SOUTH JORDAN CITY:

June 2021

I am not opposed to the utility / recreational building John Scott is proposing to put up on his property that will include a gym / golf simulator & putting green, storage and riding arena space. I understand it will be used for personal use and he has explained to me that he from time to time may give basketball lessons to individuals or small group of basketball players.

NAME: Jack Peck

ADDRESS: 2664 West Bridle Oak, South Jordan, UT: 84095

PHONE: (801) 433-8930

CONVERSATION DATE / TIME: Tuesday June 8, 10:02 am

"I am fine with you adding a building, as long as there is not street parking required to interrupt traffic flow. We used to live at 2667 West Horseshoe Circle and give riding lessons in our arena building and board horses, it was never a problem."

Jack Peck – Former South Jordan City Council Member

TO SOUTH JORDAN CITY:

June 2021

I am not opposed to the utility / recreational building John Scott is proposing to put up on his property that will include a gym / golf simulator & putting green, storage and riding arena space. I understand it will be used for personal use and he has explained to me that he from time to time may give basketball lessons to individuals or small group of basketball players.

NAME: Steven and Traci Sandquist

ADDRESS: 2501 West Bridle Oak Drive, South Jordan, UT. 84095

PHONE: (801) 282-8437

CONVERSATION DATE / TIME: Monday June 7, 4:47 pm

"I don't have a problem with it. Having been a police officer, I believe the biggest concern would be if people had to park in the street a long horseshoe circle, but other than that I am fine with it."

Steve Sanquist, Retired Police Officer

Rob Truax
2521 Bridle Oak Dr
South Jordan, Utah 84095
801-604-6161

June 7, 2021

Re: Proposed Utility/Rec Building

To Whom It May Concern:

I am writing this letter to show support for John Scott and his proposed Utility/Recreation Building. I live on the back side of his property on Bridle Oak Dr. We have for many years gotten together to play basketball together and I believe that this would be a great thing for the neighborhood. Im a Mortgage Broker and I also believe it would bring an added value to the properties in the neighborhood as well. I see no downside to supporting this at all. Please allow this to proceed.

Sincerely,



Rob Truax

TO SOUTH JORDAN CITY:

June 2021

I am not opposed to the utility / recreational building John Scott is proposing to put up on his property that will include a gym / golf simulator & putting green. Storage and riding arena space. I understand it will be used for personal use and he has explained to me that he from time to time may give lessons to a small group of basketball players.

NAME:

George L. Scott

ADDRESS:

20703 Boulder Circle

PHONE:

(301) 740-5000

TO SOUTH JORDAN CITY:

June 2021

I am not opposed to the utility / recreational building John Scott is proposing to put up on his property that will include a gym / golf simulator & putting green, storage and riding arena space. I understand it will be used for personal use and he has explained to me that he from time to time may give lessons to a small group of basketball players.

NAME:

Lily Jacobs

ADDRESS:

2901 W. Brook Ave. Dr. South Jordan, UT 84095

PHONE: (801) 433-3911

To whom it may concern:

June 8, 2021

I have reviewed a recent appraisal on the property at: 2612 West Horseshoe Circle, South Jordan, UT 84095.

In regard to adding a large utility building for multi-use as a riding arena, gym and storage building; I can state that a building of this type on the, open, one acre pasture, should, definitely, increase the property value. Typically, increased square footage, equates to increased property value. This could, potentially, increase the value of similar properties in the area.



BRAD SMITH

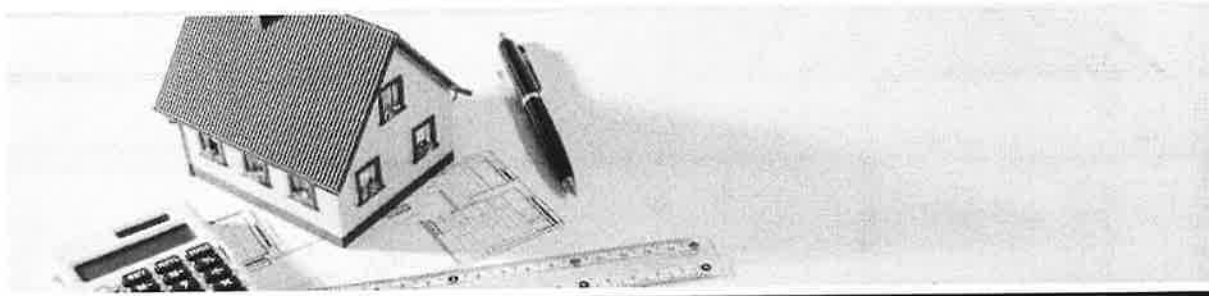
Loan Officer

OFFICE (801) 506 1661 EMAIL bsmith@citywidehomeloans.com

CELL (801) 696-2305

NMLS# 216686

9785 South Monroe Street Suite 200, Sandy, UT 84070



**2612 W HORSESHOE CIRCLE,
SOUTH JORDAN, UTAH**

To whom it may concern,

My name is Kennedy Chugg and I am a local realtor. I have many years of experience in Real Estate in Salt Lake County. I have reviewed both the new plans for 2612 West Horseshoe Circle in South Jordan, Utah, and the surrounding area.

I would like to state that the plans to add a facility will increase property value for the area. Since the pandemic, we have seen a huge increase in properties that have found ways to create additional creativity on their land. There have been many examples of this across the valley. If the addition is done properly, it will be a staple in the community. For more questions or concerns. Please feel free to contact me.

Sincerely,

Kennedy Chugg

Realtor, SIGNATURE REAL ESTATE UTAH

Kennedy.utahhomes@gmail.com | 780-899-7213 | Signature Real Estate Utah