

**CITY OF SOUTH JORDAN
ELECTRONIC
PLANNING COMMISSION MEETING
COUNCIL CHAMBERS
November 9, 2021**

Present: Chair Michele Hollist, Commissioner Nathan Gedge, Commissioner Trevor Darby, Commissioner Steven Catmull, Commissioner Sean Morrissey, Assistant City Attorney Greg Simonsen, City Planner Greg Schindler, Deputy City Recorder Cindy Valdez, Assistant City Engineer Jeremy Nielsen, Planner David Mann, Planner Damir Drozdek, Planner Ian Harris, IT Director Jon Day, GIS Coordinator Matt Jarman, Meeting Transcriptionist Diana Baun

Others: RJH, Mason Miles, Farnsworth, Lance Oldroyd, Taylor Kunz, Laura Miles, John Warnett, Christian Michaelson, Jason Hone, Jayna Nielson, Mirage Mohummad, Whitney Wisner, Silver Martinez, Arash and Erin, Connie Schreiner, George, Kurtis Kunz, Chris Nelson, Jake Ackerman, Gina Jensen, Benoit Miquel, Adam Lambert, Tim Nicolaysoen, David Carle, Mr. Koch, Heather Godfrey, Bob Burns, Bill Waters, Jason Burton, Trevor Hicks, Chau Winters, Ken Margots, Doug Winters, Keith Lever

6:31 P.M.
REGULAR MEETING

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

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

II. MOTION TO APPROVE AGENDA

Commissioner Gedge motioned to approve the November 9, 2021 Planning Commission Agenda as published. Chair Hollist seconded the motion, vote was unanimous in favor.

III. APPROVAL OF THE MINUTES

Commissioner Gedge motioned to approve the October 26, 2021 Planning Commission Meeting Minutes as published. Commissioner Morrissey seconded the motion, vote was unanimous in favor.

IV. STAFF BUSINESS - *None*

V. COMMENTS FROM PLANNING COMMISSION MEMBERS - *None*

VI. SUMMARY ACTION – *None*

VII. ACTION – None

VIII. ADMINISTRATIVE PUBLIC HEARINGS –

A. DAYBREAK VILLAGE 9 PLAT 1 PRELIMINARY SUBDIVISION

Location: Generally 11460 South 6700 West
File No: PLPP202100162
Applicant: Larry H. Miller Real Estate

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

Chair Michele Hollist asked if Water Course Road is an actual waterway.

Planner Schindler said no, but lots 136-141 and 143-146 look like they will be waterfront properties.

John Warnick (Applicant) is the Director of Land Development for LHM Real Estate. They are excited about plat 1, the lots with the wavy lot lines are waterfront property. This is anticipated to come online probably third quarter of next year, they are already getting builders banging down his door to try and get finished lots.

Chair Michele Hollist opened the hearing for public comment, there were no comments from the public and comments were closed.

Commissioner Darby motioned to recommend approval of File No. PLPP202100162, subject to all South Jordan City requirements being met before recording the plat. Chair Hollist seconded the motion. Roll Call Vote was 5-0, unanimous in favor.

B. DAYBREAK VILLAGE 11A PLAT 5 AMENDED SUBDIVISION AMENDMENT

Location: Lots 449 through 456
File No: PLPLA202100235
Applicant: LHM Real Estate

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

Commissioner Nathan Gedge asked to verify the number of lots.

Planner Schindler said this amendment is for eight lots.

Chair Michele Hollist opened the hearing for public comment, there were no comments from the public and comments were closed.

Commissioner Gedge motioned to recommend approval of File No. PLPLA202100235, Amended Subdivision Amendment. Chair Hollist seconded the motion. Roll Call Vote was 5-0, unanimous in favor.

C. CRAIG SWAPP OFFICE BUILDING SITE PLAN APPLICATION

Location: 1662 W. 11010 S.
File No: PLSPR202100189
Applicant: Adam Lambert, Rimrock Construction

Planner Ian Harris reviewed background information from the Staff Report.

Chair Michele Hollist mentioned that this doesn't create any new access to Redwood Road.

Adam Lambert (Applicant) is with Rimrock Construction, representing Craig Swapp. He didn't have anything to add and is happy to answer any questions.

Commissioner Nathan Gedge noted they currently have a building off Shields Lane near the train tracks, he asked if this will be an additional building.

Mr. Lambert said they will be moving locations to this new building.

Chair Hollist opened the hearing for public comment, there were no comments from the public and comments were closed.

Chair Hollist said she attended the Architectural Review Committee meeting, they liked the look and how it matches with what is in this area.

Commissioner Darby motioned to recommend approval of the Site Plan Application with File No. PLSPR202100189, to allow construction of a two story office building in the CC Zone. Chair Hollist seconded the motion. Roll Call Vote was 5-0, unanimous in favor.

D. HIDDEN VILLAGE SUBDIVISION AMENDMENT

Location: 1245 W Maybe Lane
File No: PLPLA202100239
Applicant: South Jordan City

Planner David Mann reviewed background information from the Staff Report. He referenced a letter from the HOA (Attachment H).

Commissioner Nathan Gedge asked if the previous application seen earlier this year will be coming back to them at a later date.

Planner Mann said that was what actually pushed these discussions ahead, but this has been a topic of discussion with the city and HOA for a while.

Chair Michele Hollist asked if these roads are already up to city code, or will there be costs associated with bringing them up to code.

Assistant City Engineer Jeremy Nielsen said they were built to city code, and the asphalt is in relatively good condition; they will need to do a mill and overlay in a few years, which is a typical pavement preservation treatment.

Chair Michele Hollist opened the hearing for public comment, there were no comments from the public and comments were closed.

Commissioner Gedge motioned to recommend approval of File No. PLPLA202100239, to dedicate private roads in Hidden Village to South Jordan City as presented this evening. Chair Hollist seconded the motion. Roll Call Vote was 5-0, unanimous in favor.

E. SHIELDS LANE PRELIMINARY SUBDIVISION

Location: 9786 S. Redwood Road
File No: PLPP202100130
Applicant: Nathan Abbott

Planner David Mann reviewed background information from the Staff Report.

Christian Michaelson (Applicant) is with Callaway and Company, here representing Kum & Go for this re-plat, as well as the site plan application. He thinks everyone will see in the next presentation they are planning on building a convenience store and fueling station on the east side of the property and, consistent with the development agreement, leaving the west side of the property open for future development. They are excited to be building a store here in South Jordan.

Chair Michele Hollist opened the hearing for public comment.

Mirage Muhummad (Resident) said he has been at this particular location for about two years. It is a small village with more than 70 independent houses, and more than 70-80 condos with roughly more than 100 kids who play around the village. He personally believes having a gas station could give a chance to the kids to be exposed to another world that they mostly try to avoid, especially smoking and outside people who would come in and expose their small village. This would bring more risk to the kids who normally play outside, sometimes without adult attention, at a small park. This gas station and store would have a high chance of theft and other issues and this is the reason he is here.

Whitney Wiser (Resident) lives in Santorini Village and has lived there for about five years now. When she originally moved in they did say there was an opportunity for commercial to be built in that area. They said if it was built, there was definitely going to be some sort of cement barrier wall. She asked what sort of barrier is going to be in-between their homes and this convenience store area. She also has a concern with all the kids in the area that play. Within the first year that she lived there, because of just that grassy, big area where people can go and hide, she has had at least two instances where people tried to break in to her home because her door faces that area; those instances were reported to the city. Her concern is that this will bring more traffic in that area, where there are kids playing. She also wants to know what type of barrier is going to be built and how is this going to affect her down the road if she decides to sell her place. They do have a lot of little kids that play along that area. The two houses that are for sale right there, there were some bad things going on there and the city cleared them out really quick. Her concern is if this does happen, what kind of wall barrier will there be, how far will it go down, how will they protect all the houses near that open area. A gas station is very concerning because

they already have theft in that area and she has been part of that, it is a concern that there will be more people in the area where children are playing. If she has her blinds open and someone is parked right in that area, they can see right up in to her window. As a single woman she is very concerned about what types of people are going to be able to see right up into her windows and that she has to have those windows closed all the time.

Silver Martinez (Resident) lives in Santorini Village as well and has a seven year old daughter. He just moved there a year ago, and just like the previous comments he thinks the biggest concern is the safety of the kids. He grew up in Southern California near gas stations and he knows what it's like to be near them. There is potential for theft, smoking and drinking; things like that they don't want their kids to be around. He is also concerned about the barrier. He is on the very corner that faces the corner that gas station is potentially going on and he wants to know how much light is going to be there because his daughter's window is right there. He works from home, his office is there; how loud is it going to be throughout the day. He does webinars all day and he is constantly on the phone and on the internet chatting with veterinarians all day, he needs to know what to expect during the construction time as well as when it's operational. He thinks the main concern is the kids as there are a ton of kids playing in that area, his daughter included.

Commissioner Steve Catmull thinks it might be helpful for the public to explain how this item and the next one are related.

Chair Hollist said this item they are discussing and voting on at the moment is just looking at the combination of parcels within this zoning. There are five parcels that they are going to let them buy potentially and divide into two. The next item specifically addresses putting a gas station on one of the parcels. However, everyone's comments are being heard, they know where they belong and they will get all those questions answered.

Chair Hollist closed the public comment on this issue, with the note that it will be open again when discussing the gas station. She then asked staff to elaborate what types of uses are allowed in the CN Zone with this type of land designation.

Planner Mann said he will be going over the entire history, as well as the zone, during the next staff report. As far as the subdivision amendment, it meets all the requirements for the legal definitions of subdividing the property and combining the parcels.

Commissioner Nathan Gedge asked to confirm that 1.8 acres is the east lot, and the remaining lot on the west side will be 2.21 acres.

Planner Mann confirmed those sizes and said Commissioner Gedge was correct.

Commissioner Gedge motioned to approve File No. PLPP202100130, to create a two lot commercial subdivision, as presented this evening to the Planning Commission. Chair Hollist seconded the motion. Roll Call Vote was 5-0, unanimous in favor.

F. KUM & GO GAS STATION/CONVENIENCE STORE SITE PLAN AND

CONDITIONAL USE PERMIT

Location: 9786 S. Redwood Road
File No: PLSPR202100131
Applicant: Nathan Abbott

Planner David Mann reviewed background information from the Staff Report. He has received eight emails from concerned residents on this item, and has done his best to respond those emails outlining what is in the Staff Report so they are aware of the history and where we're at now (Attachments A, B, C, D and E).

Chair Michele Hollist asked for information on lighting for the business.

Planner Mann said with site plan applications they are required to submit a photometric plan that shows where lights will be located. With the shielding that is required for commercial lighting, there is a number that is assigned to where it is in relation to points on the property so we can try to eliminate as much light pollution as possible; that was reviewed by staff and met the standard requirements as far as the light output for the location.

Chair Hollist asked for information on hours of operation and noise ordinances.

Planner Mann said the city does not have requirements as far as hours of operation, which was also not included in the development agreement. Regarding sound, that is all done at the county level. If there are sound complaints, as long as it meets the county requirements then it is okay.

Assistant City Engineer Jeremy Nielsen said noise complaints and enforcement would be handled through the local police.

Commissioner Nathan Gedge asked about people crossing from the east side, across Redwood Road, particularly from the large Merit Medical Building. Would this mean reconsidering the timers for the crosswalks and working with UDOT on traffic flow?

Assistant Engineer Nielsen said there is a pedestrian crossing marked there now, that means there is a button they can push to cross. We will have to double check it, but UDOT is pretty good about timing that to make sure people have adequate time to cross.

Commissioner Gedge asked about the cleanup of the old area to the west and future permit applications.

Planner Mann said future developers are required to apply for a site plan application just like this.

Commissioner Gedge said the development agreement looks like it was from at least two developers ago, does that not transfer with the original application and person whose name was on that.

Assistant City Attorney Greg Simonsen said the development agreements are recorded and run with the land.

Chair Hollist asked if the six foot masonry wall would prevent access to the businesses off the north side.

Planner Mann said this was a topic of discussion during the rezone process. Staff asked whether or not the residents wanted access so they wouldn't have to go all the way around or drive to the front; they said they were not interested in that and preferred a wall, so that's what was written into the development agreement.

Commissioner Trevor Darby asked if the masonry wall would be built before construction starts or at the end.

Planner Mann said it will be done as part of the overall construction. Developers will often meet with the engineering department and Public Works to have a preconstruction meeting after the site plan is approved and plans are signed to talk about timelines. There will be a series of inspections done. As the project planner, he will do an inspection towards the end, before they get a certificate of occupancy, to make sure all the requirements from the development agreement are met.

Commissioner Darby said he was asking more in regards to construction noise, and thought if that wall was built early it could be beneficial to the residents. He also asked about the median on Shields Lane and how far west it will go.

Planner Mann said on the plans it goes into the center of the access from what he can see, he thinks the development agreement states it is to be determined by the city engineer.

Commissioner Darby wants to make sure it stretches far enough west since people tend to try and sneak around those if they don't go far enough.

Commissioner Steve Catmull asked if, given the length and number of owners of the land, the development agreement can be amended if the developer and the city agree to it.

Planner Mann said yes, the development agreement was amended by Maverick's because they were changing the orientation of the building. The original concept showed the building pushed towards the north with the pumps on the south end. Staff took that opportunity to add some clarification to one of the requirements, as well as add the requirement that the property is graded and cleaned up with the development. That change was initiated by the applicant at the time.

Christian Michaelson (Applicant) thanked the staff for their time and consideration in working on this project with them. They worked carefully with David, Shane and the city engineering group to make sure they are meeting all of the tenets of the development agreement; that has been a big focus and priority for them. They want to be good neighbors for the neighborhood. As mentioned, they will be building a six foot panel wall all along the north boundary, they are extending it all the way into the future developed section for the west lot. He hears the concerns

from the neighbors and hopefully having that wall there will provide a bit of a barrier and separation to keep the kids contained a little bit. He has kids too and he understands what it's like to think about them while they're outside playing. He does think that will alleviate that concern, and frankly he thinks also having this development there could provide a much needed buffer from the noise of the city with that wall there. Based on some of the comments of residents, it sounds like it would be a dramatic improvement. He has been on the site, walked around to look at it while designing it, and there are definitely some hazards out there for children such as abandoned vans and equipment; he thinks stabilizing this site will be an improvement to that current situation. Regrading the lighting, they use all downcast lighting, nothing shining laterally into people's homes and windows. As mentioned, they meet the code; not just the intent of the code, but the letter of the code. Kum & Go is an operator of over 400 convenience stores and they run a first rate operation. This is not a one-off, fly by night kind of operation; these guys have a large inventory of stores that are professionally managed and they take really good care of them. Their first priority is their customer experience. They want to have a store that people can come to and feel safe, want to visit, it's their business at stake too. Because of that, he feels that the priorities of the applicant really mesh with the priorities of the community. A few clarifications, the development agreement stated that the median barrier was only necessary if it was determined to be necessary by the traffic impact study; it was not determined to be necessary by the traffic impact study. They did address that early on in considering where the accesses were being placed. They pushed the access west far enough that it satisfied the city engineer and he felt like the median barrier was not needed. The operation is 24/7, but respectfully handled. This company is a community piece, they want to mesh in to the community. They do some stuff that he hasn't seen a lot of other clients do, they donate 10% of their profits back to the communities they live in, food donation to food pantries for items that are prior to expiration date but don't meet their internal standards; he has never seen a client within this convenience store type market sector be such a conscientious member of the community. He thinks a professionally maintained, clean, safe store would be a great addition to South Jordan and they are excited to build a store here. What happens with the remainder of the site, he doesn't know, that's for whoever purchases that lot to decide. He anticipates that future buyer would be back before the commission upon sale.

Commissioner Gedge asked if this will be the first Utah location.

Mr. Michaelson said yes, this is the inaugural location with six other locations in progress in various stages throughout the state.

Commissioner Gedge said he wanted to make sure that any grand opening celebrations were planned accordingly to avoid traffic issues on the surrounding roads.

Assistant City Engineer Jeremy Nielsen said the applicant is accurate, the Engineering Department did look at that access and initially the plan is to have it as a full access. This will be something they monitor and if it becomes needed to restrict that to a right in, right out down the road then that can be done. With the setback it's about 300 feet from the intersection and they are comfortable with that being full access.

Chair Hollist asked if there is a turn lane on that section of Shields Lane that would allow left hand turners to queue up without blocking traffic going east.

Assistant Engineer Nielsen said it's wide enough that there is enough space for at least one or two cars to get in the middle of the road and for cars to pass by on the right side.

Chair Hollist opened the hearing to public comment.

Trevor Hicks (Resident) is the HOA President for Santorini Village. This new gas station poses many health risks. A number of compounds that are injurious to human health are released from gas stations during vehicle fueling and from underground storage tanks and tank vents, specifically the compound BTEX. Benzene is the B in BTEX, it is the gasoline constituent most harmful to human health. Adverse health effects from Benzene include nausea, cancer, anemia, increased susceptibility to infections and low birth weight. According to the World Health Organization Guidelines for Indoor Air Quality there are no safe levels of Benzene. The following research has documented the extent of Benzene releases from gas stations, as well as adverse health effects. A 1993 study, published by the Canadian Petroleum Industry found an average Benzene concentrate of 146 to 461 part per billion at the gas station property boundary in summer and winter respectively. In 2001, noted median ambient Benzene levels of 1.9 parts per billion up to 328 feet from the service station. He repeated that the World Health Organization says there is no safe level of Benzene. In a 2003-2004 study conducted by France documented a significant relationship between childhood leukemia when living near gas stations. A 2010 study conducted in Spain documented an elevated air pollution within 100 meters, which is 328 feet, within gas stations. In 2012, Brazilian researchers found that air quality was significantly degraded up to 150 meters, which is 492 feet, from gas stations. As you have already heard, there are plenty of residents that fall within those guidelines. In 2005, the California Air Resources Board became the first in the US to recommend a minimum public health safety zone between new gas stations and sensitive land uses. The recommendation appeared in the Air Quality of Land Use Handbook and A Community of Health Perspective. The pre-2005 studies and other research prompted the board to recommend a minimum 300 foot separation distance between a new gas station and sensitive uses such as residences, schools, daycares, playgrounds and medical facilities. As we know, across the street kitty-corner is Merit Medical that produces medical supplies and equipment. The state of California is widely recognized as having some of the most effective air pollution quality control requirements in the nation. The United States EPA echoed the concerns with the health risks associated with gas station emissions in their school site guidelines. They recommend screening school sites for potential health hazards when located within 1000 feet of a gas station, and currently the Mother's Helper childcare is just barely outside these limits. How do these affect our property value? A convenience store and gas station could lower the value of nearby homes. Most of the plausible effect is on mortgages. The federal housing administration ensured mortgages are not available for properties within 300 feet of tanks capable of storing 1000 gallons or more of gasoline, or other flammable and explosive materials. The restrictions appear in the sections 2-2M of the HUD handbook. Most gas station storage tanks have a capacity that far exceeds this limit. An excerpt from another US Department of Housing and Urban Development document shows that while gas station fire explosions may not be common, they do occur, often enough to be a concern to nearby residents. During a five year period of 2004-2008 the National Fire

Protective Association estimates that US fire departments responded to an average of 5,020 fires at service gas stations in the United States. Those fires caused an average of two civilian deaths, 48 civilian injuries, and \$2 million in property damage value. A Georgia study noted that in general, gas stations can depress residential property value and that effect diminishes over time; however, that Georgia study examined homes located within a half mile to a mile, and has shown that the commercial uses with the gas stations found it does decrease the property value within 300 feet to 1000 feet. There are many, many homes that fall in that range including his own. He also addressed the river, lake, well water and other aquatic resource impacts. As you know, we have a purification center located on 1300 W that catches the Kennecott pollution that comes down and takes it down to 800 S. He fears this will just further contaminate the ground water to cause even more excess strain on that facility that currently exists. The crime, which has already been talked about, has been a concern. Convenience store hold-ups account for 6% of the robberies in our nation. One study noted that convenience store employees suffer from high rates of workplace homicides, second only to taxi cab drivers in the United States of America. The study in the relationship between violence and other factors found an increased trend when the number of alcohol outlets in the area rose following a principle finding from a study. A large number of alcohol outlets and a high rate of violence might be expected in poorer neighborhoods or neighborhoods with a large population of young people. Our residential area in Santorini Village has a lot of young homeowners. The research shows that when the age and ethnic background of residents are taken out of account, the high density of outlets are strongly related to violence regardless of the neighborhood's economic, ethnic or age status. As many of the residents here know, and he gets to see on a first hand basis because he can see the intersection on Redwood and 9800 S from his home, there are many car accidents that happen there, the traffic there is already pretty bad. His power has been knocked out due to accidents there at least three times in the five years he has lived there. With the higher traffic that will be happening with cars going in and out, it is going to raise the traffic level even more, especially at rush hour times. In conclusion, given the impacts and the corrective measures that he has already outlined, the optimum convenience store location would have the following characteristics:

- It is 500 feet from the nearest home
- It is buffered so that it cannot be seen or heard from the nearest home
- To preserve public health it is a minimum of 500 feet from homes and 1000 feet from schools
- It is not within view of historic resources (which as you know, across the street is historic Merit Farms)
- It is at least 500 feet from wells, springs, stream reservoirs, highly sensitive ground or surface water resources
- Convenience stores should be located at least a 10 minute walk from schools, and Jordan Ridge Elementary and Mother's Helper childcare fall within that 10 minute walk
- Located at a downtown or neighborhood commercial area
- Well lit, but not to the point of causing light trespass in nearby homes.

The proposal for this gas station does not meet any of these guidelines.

Commissioner Gedge asked for clarification on the rules regarding time limits for public comments.

Assistant Attorney Simonsen replied that he hasn't read the specific rule, but it has always been consistently announced during both planning commission and city council meetings that there is a three minute limit for individuals. There is usually an exception for the applicants, but that's because they have more material to present.

Chair Hollist asked how they could go about timing that. She feels that the HOA rep was allowed more than three minutes as he was representing a collective group. She was given a timer and will alert commenters when they are getting close to the time limit.

Assistant Attorney Simonsen asked for Chair Hollist to clarify that she is not excluding anything that has been said.

Chair Hollist agreed, they are not excluding any comments that they have received in excess of three minutes this evening. However, for procedure and to allow everyone who wishes a chance to speak, they will impose and enforce the three minute limit from this point on; she will give a 10 second warning.

JD Borg (Resident) is a resident of Santorini Village and the back of his property faces this property being developed. He also has some questions about the wall, he heard it mentioned it will be a panel wall; he would like to see something more substantial there like a cement wall. Also, with it being a six foot wall, the current make-up of what's on that property is a pretty good buffer with mature trees and hills that prevent the sounds of Redwood coming to their property. A six foot wall would not replicate that nearly as well, nor would new trees or the building. He would like to see a more substantial delineator between their property and the development and Redwood. In regards to the right turn lane requirement on 9800 S, would that direct more traffic in to their neighborhood if cars would need to go around that by making a right turn through their neighborhood, re-accessing Redwood; he hopes that is taken into consideration on requiring that median on 9800 S.

Silver Martinez (Resident) most of his questions have been covered, but regarding the wall he can second that six feet, especially on the danger side with a thief, is not enough as they will just jump the wall and he is the first condo facing the potential gas station. He has his garage open all the time and his door unlocked because his daughter is riding her bike. He also has concerns about driving through their neighborhood to get to Redwood. There are a ton of kids riding scooters and bikes, along with himself riding a scooter, always on the road because there is very light traffic and the speed limit is pretty low. He had some questions for the applicant, they said this would help with the noise and he doesn't feel that's very accurate; he would like proof of that. He understood that there have been three attempts for a gas station in the past, he asked what happened, why weren't they approved and why would they approve now if three of them have already gone. He is also a believer of things happening for a reason, with the screens not working for the presentation he thinks that's a sign in his opinion. Regarding the 24/7 gas station, he used to live in Taylorsville prior to buying this current home and there was a place in Murray that had a gas station and kids would have their cars there and rev their engines really loud. His concern is to have a bunch of high school kids hanging out there with their cars and his daughter's window is literally right there, that would be loud obviously with kids.

Whitney Wiser (Resident) to piggyback on the HOA president's comments, not only is there Merit Medical across the street but there is also an elementary school. Also, just right on 9800 S there is an Alzheimer's Clinic, so they are surrounded by elementary schools, homes, Merit Medical and all these medical buildings. Hearing what he had to say, as she has not done that much research, it is disturbing that there is that many medical facilities around their area that could be substantially impacted by the gases and everything else that's coming through. With that elementary school being so close, and with so many accidents at that intersection, during the day when the elementary schools are getting out is there going to be extra people helping the kids cross the street where there is going to be more traffic. When she gets home from work around 5:30-6:00pm it takes her at least five to seven minutes to even get across Redwood to even turn into her neighborhood, and if she turns down 9800 S it takes forever to even get through that intersection. Again, her electricity has been off several times because of accidents. The traffic in that area and the way that the traffic is coming through, how is that going to work, how is it going to impact the kids walking home from school and how is it going to impact them getting into their subdivisions. They don't have anything causing people to cut through with more traffic trying to get to this gas station. The mounds and hills that are in that area right now that are making it not be as loud are definitely higher than a six foot wall, so a six foot wall as far as sound or traffic isn't going to do anything more than what that mound is already doing.

Matthew Farnsworth (Resident) lives across the street, to the east, in the little neighborhood there. A couple concerns they have, as mentioned before, the congestion that would come with more traffic coming in and out of the convenience store is one of the big things that they're concerned about. In the last several months they have seen six accidents at least, just in their little intersection, so he would expect that would probably be going up just with drivers during high peak hours. Concerning the median that would be coming into Redwood Road, he's presuming there is a median there, would that restrict the access coming off of Redwood Road going east into that little neighborhood. He knows there is only two accesses to this neighborhood, if one got cut off coming east that can kind of hurt this neighborhood's flow of traffic. His concerns are congestion and the accidents that are bound to increase due to that.

Connie Schreiner (Resident) lives in the Peach Blossom subdivision, backing up against the field there by Merit Farms. She appreciates the comments and questions the commission has had, they have already answered a lot of her questions. The one comment that she wanted to add, concerning the median, someone on the panel said there is enough room for a car to pass if someone was waiting going east and waiting to turn north into the opening there. Isn't it possible to put a turn lane in there, if there is enough room it would certainly be safer to have the turn lane than just having cars pass each other.

Lance Oldroyd (Resident) is a resident of Santorini Village. Many of his concerns have already been addressed by his neighbors in regards to environmental concerns, safety concerns, traffic noise, light pollution. He wanted to ask a follow-up question to the staff, they mentioned that with this particular development a gas station is a conditional use in this commercial neighborhood zoned area. He asked for more information on what the conditions are of this use and how is it different than something like a commercial office building or other property that would not be considered a conditional use development. He also wanted to address the concerns about more traffic. As others have mentioned, the intersection of 9800 S Shields Lane and

Redwood Road already receives a lot of traffic, especially during peak times. His concern, like others, is that the eastbound traffic, whether turning north or south on to Redwood Road or crossing Redwood Road, that eastbound traffic will back up with the additional traffic from the gas station convenience store and incentivize drivers to turn west and either make a U-turn in the neighborhood or pass through the neighborhood to return on to Redwood Road. He would like to see that addressed as well as more details about the traffic study. It was mentioned originally that there was going to be a median, but then UDOT determined that there didn't need to be, he would like to understand what the process was there and if there can be additional input there. He also wanted to follow-up on the question of the gasoline storage tanks. It was mentioned in the presentation that part of the development plan is that the tanks are set back as far as possible from the houses, which he was glad to hear. He doesn't know if "as far as possible" is an acceptable distance. He is not a planner by any means so he doesn't know what a recommended safe distance is from a residential property, but he'd like to know what is commonly seen with other gas stations, other properties, how close these tanks are to those homes and what type of potential danger that would represent.

Laura Miles (Resident) thanked the commission for the information, a lot of her questions have been answered, a lot of similar concerns. A few additional things, concerning the barrier it sounds like it is just going to be around the north side of the property, going on Emporio Drive it kind of leaves that area open. A lot of people have mentioned the school, she wants to note that her neighborhood is not in a bus zone. Kids cannot be bussed to school, they have to walk to Jordan Ridge Elementary School and there are dozens of kids walking home every day. She knows of an instance where a teen was walking along that road and a car stopped and tried to convince her to get in the car, this was recently. She is a business owner in the community, she has a business license with South Jordan City to run a music studio in her home as a piano teacher. There are kids walking from their homes to her home and again, the concern of people cutting through their neighborhood if the right-only thing exists. There are concerns about crime, safety and traffic as well which are big ones for her.

Chair Hollist closed the meeting to public comment.

Commissioner Morrissey motioned to take a short recess. Commissioner Gedge seconded the motion, vote was unanimous.

Chair Hollist asked staff to discuss traffic studies, the median, possible traffic issues and steps that could be taken.

Assistant Engineer Nielsen said there will not be a raised median on Redwood Wood; they are planning to put in what they call a "pork chop" on the access at the gas station so it will channel the cars to encourage that right-in, right-out movement on to Redwood Road from the gas station. The access will not change for those residents that live east of Redwood Road. Regarding the raised median on Shields Lane, there is no plan for a raised median right now, but if it became a safety hazard in the future with cars stacking from the intersection or anything else, a raised median could be considered. He doesn't see that happening for quite some time because there should be adequate gaps in traffic with that traffic signal right there. Regarding cut through traffic, with full access on to Shields Lane he doesn't see motivation for drivers to use

that subdivision, Santorini Drive, as a cut through. There is a possibility that some drivers may choose to use it, but they would need to be familiar enough with the area to know that is available to them. If there is a raised median he does see potential, if drivers were very familiar with the area, they might make a right there and then a right on to Redwood Road to be able to go southbound on Redwood Road. Again, he doesn't see that being a common occurrence because the general public isn't that aware of the roads and how they're configured. If that became an issue then it's definitely something they could evaluate.

Chair Hollist asked if there had been any traffic studies done.

Assistant Engineer Nielsen said they would want to ask the applicant, as he referenced a traffic study. He spoke with the city engineer today and he was confident in saying he was okay with the full access. He believes there has been one done, but he hasn't seen it.

Chair Hollist asked for the road ratings on Shields Lane and Redwood Road in this area.

Assistant Engineer Nielsen said regarding the level of service he doesn't know off the top of his head, but he can definitely look them up; both of them are major arterial roads and as a convenience store it's not going to put more cars on the road. The access points are where there is potential conflict with vehicles.

Chair Hollist asked about a turn lane being incorporated into Shields Lane.

Assistant Engineer Nielsen said there is a center turn lane, already striped, on Shields Lane.

Commissioner Catmull asked about the familiarity of a driver that might use a shortcut. One of the trends we see is more built-in navigation and future autonomous cars that optimize routes based on whatever the traffic might be. He doesn't expect the city to do anything about that, but he thinks that's an option that might happen and it is an interesting challenge to think about the regulatory effect and any prohibited routes for route optimization. That might be something for the state or other level to think about as he is sure there will be more problems before that gets traction legislatively.

Chair Hollist asked staff to give the actual distance of the tanks from the closest homes.

Planner Mann said with a rough measurement, it looks to be about 300 feet to the corner of the closest home in Santorini Village. For clarification, regarding the median, the original site plan showed the building facing south. As was referenced, the access to the site was closer to the intersection and that was where the median discussion took place.

Chair Hollist asked about the sizes of tanks, number of tanks and their volume.

Mr. Michaelson said there are four tanks, labeled on the site plan. Those tanks will also be included in the fueling plans. The largest of the tanks is 12,000 gallons for the standard gasoline; other blends are also in smaller tanks.

Planner Mann said the site plan does reference a 12,000 gallon diesel tank, a 12,000 gallon premium tank, and a 20,000 unleaded tank.

Mr. Michaelson said Planner Mann is correct, he misspoke regarding the sizes.

Chair Hollist asked staff regarding a conditional use; what is it, why does it apply in this case, how do we address conditional use permits.

Assistant Attorney Simonsen referred to the last meeting with the Peterson application, with a lot of discussion on that matter; that was a rezone, so it was a legislative decision. The standard for a legislative decision on a rezone is whether it's reasonably debatable and that can include just about any evidence. Here tonight we don't have a rezone, the property has already been zoned. The zone allows a gas station as a conditional use. It is not within the commission's power to rezone the property and say "a gas station can never go in here." Someone would have to come in and apply to rezone the property into something else where gas stations were not ever allowed in order to make that kind of decision. What is before everyone tonight is a conditional use. There was a question from one of the residents about what the conditions are. There are no conditions unless there is first a detrimental effect from the use, identified by substantial evidence. He can't say specifically what that substantial evidence would be, but it's the kind of evidence you take to court and the court considers that. It would be like an expert witness, facts and quotes, etc. As a commission, they are the ones who get to weigh the evidence and then identify, based upon that evidence after hearing from everyone, whether there is a detrimental effect. Then they would have to specifically identify what that detrimental effect is. Once that has been identified, they need to conduct an analysis of whether there are conditions that can be imposed upon the applicant to mitigate the detrimental effect that has been identified. The commission would then choose the least onerous method of mitigating the detrimental effect and impose that (or those if more than one) as conditions on receiving a permit. Only if you can find no way to mitigate the detrimental effect that you have identified, can you then deny the conditional use permit.

Chair Hollist discussed concerns regarding children having to walk past this with traffic. She is very sensitive to that as she is on that school's community council. She knows that all the children that are east of Redwood Road are bussed, there will not be children that have to walk past those entrances she believes. The children who are in Santorini Village would enter before this point. If residents ever find that is otherwise, Assistant Engineer Nielsen is a great resource. She has actually had issues with a church parking lot being the most dangerous part of her children's' walk home and he was key in bringing out some surveillance to evaluate that and then work with the school to put the red curbing in around those entrances to give better visibility. It was also mentioned that if the traffic moving through the neighborhoods becomes an issue moving forward, that is something they can come out and evaluate. Even though it's not included now, the city is responsive to issues like that. The 24/7 gas station operation was also brought up, they have heard previously from staff that there are not rules in our ordinances that prohibit operation hours. For now, she doesn't know that can be addressed, and should there be noise issues that can be addressed through police.

Planner Mann said sound is based on county standards, however it is enforced by local police.

Chair Hollist said someone asked about the previous gas stations. There have been several gas stations approved at this location, however they were approved and then for various reasons related to them and not the city pulled out of those projects.

Planner Mann said there were two previous applications for a gas station site plan, neither of those went to a public meeting. The rezone was approved by City Council, the original developer withdrew their application before it went to Planning Commission. The second applicant also withdrew their application before it went to Planning Commission. This is the first site plan that has been brought to a public hearing.

Chair Hollist asked if this application follows the development agreement that has been developed through the process of the previous rezone.

Commissioner Gedge believes it was mentioned that on the second potential application, it was shifted facing south into its current configuration. He asked who authorizes the change in the development agreement, is it the mayor and city council, and who signs off on the actual change to the development agreement.

Planner Mann said the reason the applicant wanted to amend the development agreement was because staff said the site plan submitted did not meet the concept plan that was in the original development agreement; it had to be amended so a new concept could be attached. Staff took that opportunity to open up the development agreement, clarify some things and add another requirement, then that was agreed upon by the second applicant, the mayor and city council.

Chair Hollist asked if the panel wall is part of the development agreement.

Planner Mann said yes, that is correct.

Commissioner Gedge asked if the federal standards for a gas station have changed since the development agreement was created. If a federal standard is more stringent than what's in the development agreement what takes precedence.

Planner Schindler said he isn't sure, but if there is a federal standard that now exceeds what the development agreement required, obviously that would take precedence over the development agreement. We don't regulate federal standards, however he's sure they have to have inspections done on their tanks, their locations, etc. He doesn't know of any state laws that need to be followed. There are alcohol distance requirements and limitations that they have to follow when it comes to selling beer out of the convenience store, but the city doesn't regulate that either as the license for selling alcohol is regulated by the state. A lot of things we don't get to regulate so even if this is approved, if anything is in violation of federal law, it will be found out by whoever inspects it. He's sure they've done their homework and aren't going to build gas stations that are against any laws from what he has seen. What we are concerned with is the conditional use permit, and that's something they have to get before construction.

Commissioner Gedge asked if someone came in to inspect things and said they had to move the gas tanks further away, would we see an amended site plan because they would be located differently than what has been presented to us, or would that just be an administrative change.

Planner Schindler said it would be such a minor amendment that it would probably be done through staff and wouldn't make it to the planning commission.

Assistant Attorney Simonsen discussed Utah's Underground Storage Tank Act, the law that primarily deals with migration of leaking gasoline. The tanks are required to be double walled, there are lots of pages of special standards that go into the tanks. The operator is required to place leak detectors in the gas station. He is also required to go out there with the dipstick on a daily basis and measure how much gasoline has disappeared out of the tank in comparison to their sales.

Commissioner Sean Morrissey asked if the commission sees any substantial evidence regarding a detrimental effect on this issue. Since that's the standard of review for this item, he wants to clarify that before they move on to anything else.

Commissioner Catmull asked to address the crime concern.

Commissioner Morrissey said we need to take into account testimonies and evidence given, and whether any of their concerns create a detrimental effect. The testimonies given discussed crime that is there already, and we need to decide whether building this convenience store will make an impact that constitutes a detrimental effect.

Chair Hollist asked what evidence is needed to be considered substantial evidence.

Assistant Attorney Simonsen said he can tell us the laws, but it's up to the commission to decide based on what they've heard.

Commissioner Gedge said the concerns raised by the residents were sound, crime, safety and traffic. Based on the site plan, what has been proposed and with city ordinances, there is nothing that would be violated and nothing that would cause a true detriment that we can prove this evening. In his opinion, there are no detriments to impose a condition on. Everything presented seems to be agreeable to the development agreement, which was agreed to between the original developer and the city. We are approving a gas station, so no other business could come in under that conditional use; hopefully it's Kum & Go for years, but it could be a different chain in the future. At that point, they could go through the city process of revoking the conditional use permit if there is evidence to warrant that.

Commissioner Catmull looked at the categories for the feedback and the topics discussed today, he thought about each one and tried to decide if they could be easily mitigated or mitigated through design or enforcement. He believes there is a limit to which topics they can and can't consider as detrimental impacts, things like exposure to seeing someone use drugs isn't something he believes they are empowered to address. In regards to health, the Utah Department of Environmental Quality who runs the underground storage tank branch has a way to report a

spill. If residents see spills or surface contamination that can be reported. With all that, he is likewise under the constraint of what they can do today; given the development plan and action before us, he feels satisfied.

Chair Hollist said she does have concerns regarding health impacts, and she thinks Assistant Attorney Simonsen was correct that there are regulations that hopefully oversee this kind of a product. If the applicant is amenable, she would like to have him come forward and share what types of measures are in place to monitor spills and leaks, and what types of exposure they would anticipate.

Mr. Michaelson said, regarding the fueling systems, Kum & Go only builds state of the art fueling systems. They are constructed and maintained by Seneca, who does this nationwide. They employ what's called a Stage 1 vapor recovery system. As fuel is pumped out of the system, air is drawn into the system, so there isn't a bunch of off-gassing and vapor coming off those systems; this is required by the federal guidelines. It is a fully monitored, state of the art, leak detection system. Underground storage tanks are dual wall storage tanks, and any time there is a leak in those tanks there is a detector between the first and second walls that is going to tell you immediately that you have a leak; these are not the tanks of 30 years ago. They have continuous electronic pressure leak detection that has positive shutdown if a leak is detected, that shutdown is immediate. These couldn't be more safe given the technology available to us. In some gas stations, you'll see the vents are off to the side. Kum & Go takes an extra step to vent tanks through the canopy. It looks better, functions better, and really is a state of the art system. As far as leak detection accuracy, 0.1 gallon per day accuracy is what the fuel system is capable of. Essentially, if you are losing 0.1 gallon per day it will alert you that there is a problem. Regarding the noise, his assertion there is based upon the UDOT requirements; they build sound walls all over the place and they are shown to be an effective method for controlling that sound. In addition to the wall, they will have the required planting in the development agreement; that will grow and organic material tends to absorb sound waves. Plus, they'll have the building there obviously absorbing sound as well.

Commissioner Morrissey asked if the applicant is amenable to making any additional updates to mitigate more sound from penetrating this area.

Mr. Michaelson said yes, Kum & Go wants to be a good neighbor, they want to work with this neighborhood and the city. His client has actually indicated to him that they are willing to build a taller wall, up to eight feet, if that is something that would help the neighbors feel more safe and secure.

Commissioner Morrissey said that is something that would be a good measure as a new neighbor in that area, and he saw some people nodding in agreement. It would help the neighbors feel more safe knowing that people can't just hop a six foot fence. Also, from a noise standpoint it will help mitigate that concern just a little more.

Mr. Michaelson said he did want to point out that there is no wall there currently.

Commissioner Morrissey said he was going to bring up the same thing, that having a wall there will definitely help with safety; however, an eight foot wall would bring even more peace of mind to those residents.

Commissioner Darby appreciated everyone coming tonight and the concerns shared. After hearing everything, he is not seeing any detrimental effects that are based on substantial evidence that aren't mitigated as best as possible. He can't see any extra mitigation that they would need to impose. He is inclined to approve it as it stands.

Commissioner Morrissey doesn't have any additional insight above what has been spoken already, he is in agreement with the other commissioners.

Chair Hollist asked staff if they were to incorporate in a motion the inclusion of an eight foot wall, would that be sufficient moving forward to have that implemented as part of the development agreement and/or the conditional use permit.

Planner Mann said our code currently doesn't allow an eight foot tall fence in the city.

Chair Hollist said there is an eight foot wall for sound along her neighborhood on 9800 S that the city put in.

Planner Mann asked how long ago that was installed.

Chair Hollist said it was about 15 years ago.

Planner Mann said there were provisions for an eight foot tall fence up until a few years ago, but that was removed, as well as the option to go to City Council to petition for an eight foot tall fence. Unless something like this was put into the development agreement during that rezone stage, especially for a floating zone where there is a lot more flexibility as far as creating a custom requirement for a specific development.

Planner Schindler explained that it says fences can't go over six feet tall, but it doesn't say an eight foot fence isn't allowed. He thought there was a section in the code that gave the commission some leeway that they can require a fence outside of current code.

Commissioner Catmull mentioned that he thought this might have been done recently, possibly with Lamborghini where they were allowed a taller wall than current code allows.

Planner Schindler said Planner Damir Drozdek has already looked this up, and the code currently states that there is a minimum six foot fence required between incompatible zones; that appears to leave it open in the case of a divider between incompatible zones. It still says, in Title 17, that between residential uses the maximum is six feet; that essentially applies to fences between yards in a residential area.

Planner Drozdek said this in Title 16, part of the Development Code, he doesn't have the exact code.

Commissioner Gedge suggested, if the applicant is amenable to working with residents regarding up to an eight foot fence, maybe we make the motion encouraging staff and the applicant to work together to address the fence height.

Planner Schindler said they would also want to mention in their motion that the applicant has agreed to the condition.

Commissioner Gedge motioned to approve File No. PLSPR202100131, for the construction of a gas station convenience store as presented this evening with the following condition:

- **That the project meet all the requirements of the recorded development agreement, and as agreed to by the applicant that the north fence line be increased from six feet to eight feet.**

Commissioner Morrissey seconded the motion.

Commissioner Catmull said he believes the motion is fine, however, based on Commissioner Gedge's discussion previously he thought they were planning to instruct staff and the applicant to work together versus actually putting it as a condition.

Commissioner Morrissey said the applicant has already agreed to the higher fence.

Roll Call Vote 5-0, unanimous in favor.

G. ZIPLINE TEMPORARY USE CONDITIONAL USE PERMIT

Location: 10473 S. Bacchus Highway
File No: PLSPR202100171
Applicant: Benoit Miquel

Planner David Mann reviewed background information from the Staff Report.

Chair Michele Hollist asked about time limits on conditional use permits.

Planner Mann said we do our best to anticipate and try to correct issues, but if there are problems, we react with laws and other things to address those concerns once they are happening. We also have the revocation process with conditional uses if there are issues that come up. It is listed in the standards for approval, so that if there are issues the conditional use can be revoked.

Chair Hollist asked about who was noticed for this, is there anyone that resides close enough.

Planner Mann said he searched 300 feet and came up with five addresses. He did get one response from a property management company that was just curious about what this was; he provided them with some information.

Chair Hollist asked if this would include residential deliveries.

Planner Mann said the applicant could address that, he believes they are working with Intermountain Healthcare at this location.

Commissioner Nathan Gedge asked about the height of the flights, whether the FAA had to get involved regarding clearance because it's in the flight path.

Planner Mann said the applicant clearly expressed that they are working in conjunction with all air restrictions, flight patterns, etc.

Commissioner Steve Catmull asked about the temporary use/conditional use permit, who initiated that.

Planner Mann said typically, in another circumstance, if someone wanted to operate a temporary use for longer than 60 days they would apply for a conditional use. Since we already had a site plan application that had been submitted, and there had already been a lot of reviews, the fees that they had paid for the site plan covered the time staff had already taken, in addition to the time that it has taken to review it as a temporary use. In this case, we converted the site plan application to a conditional use application; typically someone would apply for it.

Commissioner Sean Morrissey asked staff about noticing and whether or not it was easily foreseeable that the land uses around this area would change and become residential.

Planner Mann said the closest properties within Daybreak are designated for more industrial uses, but he will have City Planner Greg Schindler answer that for more clarity.

City Planner Greg Schindler said the closest possible residential area is 1300 feet (one-quarter mile) away from this site; that area will not be developed until long after the three year term is up. Regarding flight height, once the drones are at their flying height he doesn't believe they will be heard on the ground at all. As mentioned, the take-off is the most noisy part of the process.

Benoit Miquel (Applicant) leads the New Deployments Team at Zipline. He appreciates David's presentation on the company, as well as the Planning Department staff's help in structuring this unique project. This will be their third commercial site in the US. They did their first site in partnership with Novant Health in North Carolina back in 2020 with deliveries there. Next was in Arkansas, in the town of Pea Ridge, in partnership with Walmart. This current project here will be in partnership with Intermountain Healthcare to serve the Salt Lake City Metro area. He knows this is a unique facility and use case, he is sure there are many questions on the airspace regulatory side, as well as on how operations work. He has additional material if there is time and if needed, but he is happy to answer any questions.

Chair Hollist asked if these would be residential deliveries.

Mr. Miquel said there would be a mix initially between Intermountain Healthcare deliveries to Intermountain Health Care Facilities, and eventually they will move to residential deliveries. Any flight routes that they create will be reviewed by the FAA, so throughout the process the FAA is their safety partner and will be regulating them as essentially a carrier. From a regulatory

perspective, he likes to think about it as Zipline being a manufacturer like Boeing that has to apply and conform to all the same types of certification that Boeing would have to comply with to manufacture equipment and aircrafts. At the same time, they have to comply with the carrier side, like United, to allow them to operate as a carrier and perform deliveries or transfer cargo. The FAA is keeping a very close eye on them. This is a partnership because this is all very new to everyone, and they are taking the approach of “crawl, walk, run.” The initial volumes will be very low. As there are more test flights and more volume, the restrictions will change and the FAA will work with them to allow them to operate more broadly. Zipline has been operating since 2016, and to date they have done 125,000 commercial deliveries across the world; mainly in developing countries, but this is the data and number of flight hours that allowed them to start this conversation with the FAA.

Commissioner Morrissey asked to have Mr. Miquel take them through their plan in regards to the “crawl, walk, run” methodology, specifically with the number of flights.

Mr. Miquel said a lot of this would depend on how the regulatory landscape evolves in the next year, but with the plans that they have with both Intermountain Healthcare and Trans Jordan they are looking at starting operations early next year. Essentially, over the first year they would ramp up to about 10-15 flights a day, maximum. Beyond that, their facilities in developing countries are able to handle 150 flights a day. Will they get there in the next three years with the regulatory framework that’s in place? Probably not. They will shoot for it, but they understand that how they operate here in the US will be very different from developing countries. The population density is very different, the airspace congestion is much different. It will take a long time, but they will work very closely with the FAA, with the community and the city of South Jordan to dial up that volume when they are able to.

Chair Hollist asked if the FAA is the regulating body for all drone flights.

Mr. Miquel confirmed that yes, she is correct.

Chair Hollist asked what benefit his company offers, what they will be delivering that requires this method of delivery.

Mr. Miquel said the long-term plan in the US has a different business model than developing countries. In developing countries, they are there to complement poor infrastructure. Their facilities deliver things like blood, medicine and vaccines to other hospitals, clinics, mother’s rooms, etc., on an as-needed basis and they manage their own inventory. In the US, they are more focused on the client, and essentially the patient’s own experience. Someone who receives cancer medicine on a daily or weekly basis currently has to use the standard logistics system that can be a big pain and a big weight on their personal life. At this point, we are “Uberizing” the concept of medication delivery, where the patient is able to order the medication’s delivery on the spot and know it’s arriving in five minutes; they do not need to be blocked out for five hours of time when they have other obligations in their private life. It’s more about the customer delivery experience, it’s the future of instant logistics and the healthcare space is the right way to start to tackle this.

Commissioner Gedge said that as someone who works professionally in the pharmacy world he applauds them for all of this, however out of their 125,000 flights since 2016, have there been any unexpected drone-to-ground incidents (crashes).

Mr. Miquel said they have many safety measures aboard their aircrafts. One of the main features that allowed them to accelerate their conversations with the FAA is that in the event of a serious failure or emergency they have a parachute onboard. The parachute would deploy and the “Zip” or drone would land softly on the ground. These types of events have happened, many times these events were the result of when the airspace regulator required them to abort a mission. For example, there is a high profile flight, operation or military exercise in the area with visibility into where their drones are and they required them to abort their mission right away. In those circumstances, they are able to abort the mission and para-land at that spot.

Commissioner Gedge asked if they have protection built in for the packages against damage to the product or anything leaking out, from a safety perspective, in case they drop from the air.

Mr. Miquel said the speed at which the aircraft hits the ground is actually lower than a regular package hitting the ground, so that’s mitigation right there. They deliver all of their packages through a small parachute. He offered some videos to show how everything works.

Commissioner Trever Darby asked about current average flight altitude in North Carolina.

Mr. Miquel said they are limited to a 400 foot ceiling, so they average between 300 and 400 feet depending on the terrain underneath. Mr. Miquel showed a video that explains more of what they do (Attachment N). They have two research facilities in California where they do high volume testing. The video was of their North Carolina facility and showed one of their “Zips” taking off. Each aircraft has one body and one wing, they plug in a battery so it’s a total of three pieces. Everything is manufactured and engineered in-house. As soon as the aircraft is on the launcher, they do their pre-flight checks and then the aircraft is accelerated from zero to 70 mph. The video showed one of their recoveries where the aircraft comes back to the base and is captured.

Chair Hollist asked if the body was Styrofoam.

Mr. Miquel said the sides are Styrofoam, however it has a carbon frame. Once it returns, the operator takes out the batteries. Regarding accuracy, they say they can typically deliver within two parking spaces. For facilities, it’s pretty easy. For hospitals and facilities, there is usually plenty of space. For residential, initially they will need bigger backyards and front yards, but once they start developing routes to those residential drop off points it is coordinated with the FAA. They will look at population density, existing traffic flow, and many different safety factors. He noted that all these planes are flown autonomously. They take a facility and draw a highway or sky map that the “Zip” will follow to its destination. A controller talks with the local air traffic control back at the facility that is able to return the “Zip” back to the facility or abort the mission if necessary, and essentially have a direct link with air traffic control.

Commissioner Gedge asked if nearby cities would need to do anything to be able to accept these deliveries.

Mr. Miquel said he doesn't know if he has an answer to that right now. They have a very strong community outreach program at all levels to provide education and prepare the communities to be ready for this type of service.

Chair Hollist asked about anti-collision technology.

Mr. Miquel said they are working with the FAA on technology that will allow them to get closer to denser air space. Right now, with the existing restrictions, this site is perfect because it is away from high-density air space. As they get closer to high-density air space and continue to reach new facilities and customers, they are closer to the SLC Airport and they need to work closely with the FAA there to develop those anti-collision technologies that they can have onboard. It is a process to get closer to their customers.

Chair Hollist asked about amateur drone pilots who might get in the way and not be communicating with the FAA.

Mr. Miquel said part of their research program is getting in touch with those groups to make them aware of their service and coordinate closely when they have an activity, so they can stay outside of those areas. One of the main reasons why they didn't put their center down near the point of the mountain was because of all the paragliding off I-15. Same thing when they were looking about 30 miles south of our city, there were a lot of RC plane clubs in that area.

Commissioner Catmull asked about inventory and the storage of those medicines.

Mr. Miquel said there are two regulatory environments they are tackling; the airspace regulatory environment is being tackled first, then the fulfillment regulatory environment. Regarding prescription drugs, they will start working with the regulators on what is easier to first tackle, which is the airspace regulatory component. Then, they will add the complexity of the fulfillment regulatory side. Ideally, for the testing and proof of concept, it will be over the counter products. Eventually, to be a meaningful service they want to move there.

Commissioner Gedge said the temporary permit length is initially for three years, and then they can come back to us and extend that. He asked what their long-term plan is, are they planning to move on at six years. He would hate them to go through all this expense, they approve it for the six years, and then they're done at the six years.

Mr. Miquel said this will be an ongoing conversation with Intermountain Healthcare, he believes there is definitely a strategic conversation to have there. In addition, there will be conversations with their regulators. Based on what they know right now, they are in a space that changes rapidly so it's hard to project themselves in the future. What they have right now is a three year lease agreement with Trans-Jordan, with an option to renew for two years. They are using this site to create trust in the system, understanding, and compatibility with Intermountain Healthcare's operations and where they can drive the most value. If we are able to drive the most value from this site at Trans Jordan Landfill, and they can still drive a significant amount of value from that site in the future, he doesn't want to close any doors. He definitely wants to be

honest and say that if they are able to stay there, and bring significant value to their customers, they will keep that option on the table. This initial phase is more a proof of concept and technology, how they integrate with Intermountain Healthcare's system and how to best get closer to the customers. He knows that was a broad answer, but that's because it's tough to project themselves in five years.

Chair Hollist asked, out of curiosity, what a standard delivery fee for this service would be.

Mr. Miquel said he honestly doesn't know, he doesn't know what's in their agreement with Intermountain Healthcare. He will say that the reason they exist is that they believe they are more cost efficient than the standard delivery/logistic system.

Commissioner Gedge asked about possible discussions with other healthcare providers in the area if this is successful with Intermountain, do they have plans to expand with increased volume of flights.

Mr. Miquel said that might be a consideration, but he is not exactly sure what strategically they've decided; he's usually involved very early on to build it and make it fly.

Chair Hollist opened the hearing for public comment, there were no comments from the public and comments were closed.

Commissioner Gedge said he knows for pharmaceuticals there are state and federal regulatory agencies, but with this permit who would take on that role. Does South Jordan Public Safety enforce what we're considering. He is wondering if this has been considered; if a citizen complains, who would investigate and look into it.

Planner Mann said generally, issues with a conditional use are likely to come from nuisance complaints, which would be handled by the police. There could be other avenues if it is code enforcement or something else, depending on what the use is. To clarify, when they were looking at the temporary use route, they also were considering updating and making changes to specifically the requirements in this zone. There really isn't much with this zoning designation, it is basically the landfill and then water treatment. The architectural requirements were for things like brick buildings, so it wasn't really compatible with the existing state of properties in this zoning designation. They were looking to do a text amendment in the future, but they didn't want to have that derail their plans to operate here. He believes that three years will also provide staff an opportunity to look at that.

Commissioner Gedge asked if while they are looking at that, will the Planning Department be preparing a report so that if this comes back in three years the commission at the time will have plenty of information, including data that has been compiled.

Planner Mann said either the three years will come up and they can apply to extend through the conditional use permit, or if they are looking to locate here on a more permanent basis, hopefully at that time we will have amended our zoning requirements where they can apply for the actual full site plan and be able to meet all those requirements at this site.

City Planner Schindler asked if when they originally talked to them and had the use as warehouse and delivery (or whatever it was at the time), was that a permitted use in the zone? If it was listed as a permitted use, it will not matter if we change the code and update it architecturally. If they don't have to worry about the architecture they won't need a conditional use permit anymore since it will be permitted and they will have to meet all the site plan requirements; that would include things like more permanent access, utilities to the site, etc., which they cannot provide.

Planner Mann said wholesale and warehouse are listed as permitted uses in the CI Zone.

City Planner Schindler said it would be permitted at that time, if they are able to put it in this site permanently then they would have to go through the site plan but it doesn't sound like that will be an option. They would have to renew it as a conditional use through the temporary use and continue to extend that if they want to stay there. He doesn't know how they will look at that in the future. If there have been no issues, he doesn't know why we wouldn't consider it then.

Commissioner Gedge said, regarding a conditional use, detriments and how to mitigate that, the only potential detriment might be public safety because of flying, crashing and delivery with the item. He asked if it would be acceptable to have a condition added to the recommendation that this is subject to all federal and state regulatory agencies. He assumes it's inferred, but he would feel more comfortable if we cited that in this temporary conditional use permit to make sure the FAA clearances are given, any state department of professional licensing for pharmacy or other biological products is granted as well with the FDA. He could see that as a potential detriment, but that could be mitigated through the addition of a condition. He is assuming before they could take off they would have to have that, but he wants to make sure we don't grant this tonight and then they build a facility and the drones launch, but they don't truly have the FAA clearance or DOPL licensure for delivering pharmaceutical products. He is just asking if that would be applicable or appropriate to include as a condition.

Assistant Attorney Simonsen said although this is very unique in many ways, he doesn't view it that different from a truck terminal. We are regulating the site, but we are not regulating the trucks out on the road. Every business needs to operate within the law of their regulatory sphere. He doesn't see any detrimental effects that have been identified, but the commission may; he never wants to try and substitute his judgment for the commission's.

Chair Hollist wouldn't be opposed to making sure they inform the city of incidents or making reports made to their regulatory body available to the city.

Commissioner Catmull asked when the three year period clock starts for the permit.

Planner Mann said he believes with the approval of the conditional use permit.

Commissioner Catmull would prefer to leave out a condition of reporting incidents. Based on what he heard, if there are nuisances they can go to the city council with those reports and complaints and seek to have the conditional use permit revoked; he is trying to keep things as

simple and clean as possible. If they were to put a condition like that, he would prefer something around reasonable regulatory compliance, such that if there were numerous incidents that would cover it. It's about what could happen, not what will happen.

Planner Mann said he thinks it would only take one drone landing in someone's backyard for there to be a complaint to the city council; it wouldn't take much to start that discussion if there were some catastrophic events.

City Planner Schindler said that if this was being processed as a permitted use, you wouldn't be able to put any conditions on it like that. Using drones is not why this is being processed as a conditional use, it's because they can't meet the requirements of architecture. He doesn't know what detrimental effect they can find in relation to the architecture requirements not being met. If they come back to renew in three years we could probably ask them for data of how things went, lists of times that they had to abort as the result of faulty equipment versus being asked to by the FAA.

Commissioner Trevor Darby thinks City Planner Schindler clarified it quite well with the fact that it's conditional based on the architecture.

Commissioner Darby motioned to approve File No. PLSR202100171, for the temporary use of a drone delivery facility, as presented to the Planning Commission with the following conditions:

- **The use shall only be allowed for a period of three years. The Planning Commission may grant an extension for up to three additional years with approval of another Conditional Use Permit (CUP) application.**

Chair Hollist seconded the motion.

Commissioner Catmull asked if Commissioner Darby would amend his motion to clarify that CUP refers to a Conditional Use Permit.

Commissioner Darby amended his motion, clarifying that CUP refers to Conditional Use Permit. Chair Hollist seconded the amended motion. Roll Call Vote was 5-0, unanimous in favor.

IX. LEGISLATIVE PUBLIC HEARINGS –

A. RIVERPARK RET9 REZONE Rezone from P-O (Professional - Office) to C-C (Commercial - Community) Zone

Location: 10620 S. River Front Parkway

File No: PLZBA202100246

Applicant: Gina Jensen, RiverPark Group

Planner Damir Drozdek reviewed background information from the Staff Report.

Gina Jensen (Applicant) said she didn't have anything to add. Planner Drozdek has been very helpful with helping them to get this; it is the very last parcel to develop in RiverPark so they are

excited to have finally come up with a plan to get that going and feel like it will be successful for the city and the park.

Chair Michele Hollist asked how the two drive-thrus work.

Ms. Jensen referred to the images from the Staff Report and pointed out that one of the lanes is adjacent to the building, the other is not. She explained that there are arrows on both lanes in the paperwork, but they are different colors to indicate which drive-thru they belong to. They anticipate that section having a lot of directionals where there is an overlap and they are hoping, with the directional and arrows, to keep that flow.

Commissioner Nathan Gedge asked if this was currently a parking lot.

Ms. Jensen said no, this space is currently dirt.

Commissioner Gedge asked about a busy Friday or Saturday night with all the other establishments there, do they feel there will be enough traffic flow to get everybody in and out of JCWs, Market Street, etc., so there won't be anyone backing up on to Riverfront Parkway.

Ms. Jensen said they feel like it's a sufficient distance away, and with the size of these spaces being pretty small retail, they aren't going to do a drink shop or something that has a long queue line. They're guessing that with the size of the tenant spaces, and the tenants that they have interested in them, the queue lines won't be anything long. They don't think the interest will be excessive, but they are confident they will have some interest.

Chair Hollist asked staff if the queue spots available meet the standards for a drive-thru.

Planner Drozdek said it appears to meet the standards, but it is not a site plan yet. They will look at it in more detail when the site plan application comes in.

Chair Michele Hollist opened the hearing for public comment, there were no comments from the public and comments were closed.

Commissioner Gedge motioned to recommend to the City Council approval of the rezone of Ordinance No. 2021-11-Z, as presented this evening. Chair Hollist seconded the motion. Roll Call Vote was 5-0, unanimous in favor.

B. SOJO TOWNHOMES AT 114TH LAND USE AMENDMENT AND REZONE Land use amendment from SN (Stable Neighborhood) and EC (Economic Center) to RDO (Residential Development Opportunity), and a rezone from A-5 (Agricultural, min. 5 acre lot), R-1.8 (Single-Family Residential, 1.8 lots per acre) and R-2.5 (Single-Family Residential, 2.5 lots per acre) Zone to R-M-PD (Residential-Multiple-Planned Development Floating Zone) Zone

Location: Approximately 1500 W. 11400 S.
File No: PLZBA202100089
Applicant: Jake Ackerman

Planner Damir Drozdek reviewed background information from the Staff Report. Staff received

comments from the public before the meeting (Attachments F, G, H).

Chair Michele Hollist asked about the density of the project.

Planner Drozdek said it works out to just over 8.4 units per acre.

Chair Hollist said she saw the acreage was 3.5 acres, and there are 30 units.

Planner Drozdek said the total acreage from what he is seeing is 3.59, and with 30 units that works out to 8.5 units per acre.

Chair Hollist said with Bingham Court, which was brought up, there had been extensive discussion with City Council before that came here. She asked if this had been through the same process, and if this something that will be an RDA fund.

Planner Drozdek said that this was discussed in two study sessions with the city council. At the second study session, what he heard was that the city council was generally happy with this proposal, and that's why it was taken forward to Planning Commission and eventually City Council. A couple of council members, from what he remembers, floated an idea to use RDA funds for some of the affordable housing. The applicant has had some discussion with, he believes, our Economic Development Director.

Commissioner Nathan Gedge asked about the density at Bingham Court in comparison.

Planner Drozdek said it was not as high as this project, but it was very close to eight.

Commissioner Steve Catmull asked about previous discussions not allowing the density over eight, and if there are specific reasons for that.

Planner Drozdek said some of the differences might be that eight is a good starting point, then we look at what the city has to gain from the project. In this case, there are certain things that the applicant is willing to provide that the city feels we are benefitting from somehow. With regards to some of the projects in the past where they have gone over eight units to the acre, the city hasn't seen enough benefit to warrant that increase in density.

Jake Ackerman (Applicant) is a lifelong resident, graduated from Bingham High School and lives a couple of blocks from the location. He believes there are currently six entrances from this property to 11400 South, and they proposed several different variations of this before City Council and to staff; it would keep three entrances from 11400 S in to the property. One of the proposals that they gained traction with was a proposal to put a culvert over the canal, then line up a single mid-block four way stop with the property across the way that used to be the Stallings Property. One Hundred Fourteenth South is going to get that mid-block traffic light whether he does anything or not, but the idea that they could eliminate all the other entrances to 11400 S was well received. They sat in during presentations of some of the traffic studies, and learned just how much traffic there is. One of the benefits they discussed was the idea of having a single traffic signal. The challenge is that piping a large canal is very expensive, adding a traffic signal is very expensive, along with everything else that is required. Originally, they had asked for a lot more density and there have been negotiations, ranging from affordable housing units in the area all the way to coming together on a plan that he thinks will clean up that whole area. It flows from the Ivory subdivision. He pointed out, while speaking with City Council, that if Ivory had built office buildings this project probably would have needed to be office buildings; if Ivory had

built a Tunex or Jiffy Lube on the land next to him, then they probably wouldn't be proposing townhomes and single family. In a way, having a project that has continuity with what Ivory already did, made sense. They also feel it is a benefit to the community to have all four pieces, and the canal, be tied together; rather than two pieces that are immediately adjacent to Ivory with two houses that are west of the canal but east of the church that don't go together. He has spoken to a couple of the neighbors and explained some of the thinking of how they got to where they are, and he is excited to work with people to make sure it's a great project.

Commissioner Sean Morrissey asked for more information about the density that was originally proposed.

Mr. Ackerman said that originally they talked about an apartment project, trying to do smaller footprints starting at something like 16 units per acre. What was made clear was that density wouldn't work, and the concession of slightly more than eight units per acre, in many ways, was based upon the reality that there are a lot of costs associated with this project. There are four homes, probably five or six other buildings there. He has owned a few of those properties since 2004, but he didn't build any buildings, they have all been there. There is also the canal culvert and different drainage constraints. They have gone many rounds to get to a project that City Council was amenable to, even the extra three units that might get it to just over eight units per acre are being done as affordable housing units; they indicated they would support those affordable housing units with the RDA. There is probably close to \$1 million in expenses to get all of that other stuff cleaned up and get the canal culvert piped, the traffic signal lined up with the road across the street, the fourth leg of the traffic signal and everything else.

Commissioner Gedge asked about the culvert and canal, if they had an idea of how long that might take.

Mr. Ackerman said the canal company made it clear that when they install it, it has to be when the canal water is not flowing. Depending on the progress of this meeting and other meetings with City Council, there is a small chance it could be this winter; it's most likely the culvert will be installed during winter months when the water in the canal is not flowing. Those are most often pre-cast systems that are trucked in, so they would be built and ordered long enough in advance that the installation itself doesn't take a ton of time. Everything has to be made; they bring it in and excavate what's there to install it.

Commissioner Gedge said he knows the canal goes under 11400 S, he's assuming that this project with the culvert and canal will have to abut what is already underground with a formal process to line those up.

Assistant City Engineer Jeremy Nielsen said they will need to get a permit from the canal, there is a lot of negotiation they will be doing with the canal. They will verify that everything is engineered appropriately. It is common, but very expensive, to do these kinds of things.

Commissioner Gedge said the concept plan shows some parking over the culvert, he asked if this is normal to have actual parking stalls there.

Assistant Engineer Nielsen said this is common, and that they are designed for that kind of load.

Chair Hollist opened the hearing to public comment.

Chris Nelson (Resident) said his property is directly to the north of this particular proposal. He

asked to share his screen in the meeting with some pictures as evidence (Attachments I, J, K, L and M). There are seven things he and his neighbors want to discuss today. He would like to talk about setbacks specifically because it affects his property, traffic light concerns, high density and rental property concerns, loss of property value, height of wall, and some dependability issues regarding Mr. Ackerman as a contractor. Regarding setbacks, privacy is important to all of us. He is very concerned that the current proposal puts a two-story house right up against his property line, literally less than five feet as far as he can tell. He referenced some of the photos mentioned above as attachments and questioned the distance of the landscape buffer area. He also referenced Attachment J, which is outside his patio, that shows what it would look like with a two-story townhome right against his property line. He is not very pleased about this and wants to know what can be done to rectify that particular problem with privacy. There is no green space along half of his backyard and he doesn't know why, that seems a little off as well. He has questions about minimums and maximums for setbacks, he is not sure what those look like but he would like to know what those standards are. He also asked if there is a possibility of making this a single story and not a multi-story building. He is fine with a building there, he just doesn't want it looming over his backyard.

Jason Burton (Resident) said he was heavily involved with the Ivory Development, also known as Bingham Court. He is surprised that they are at this point without neighbor involvement; they were very involved with the Ivory Development and Ivory brought them along the whole way. It is very disappointing that they are here before the commission and really this is the first time they are hearing about this. He is also surprised that they got to this point with a density of 8.4 units per acre. When they worked with Ivory on the density of their subdivision, council wasn't willing to touch anything close to eight. The only reason they got to 7.96 was because of a compromise on everyone's part and they all felt good about that, but that was beyond what they were comfortable with to begin with.

Commissioner Morrissey asked what the compromise was.

Mr. Burton said the compromise was going to 50% single-family homes and 50% townhomes. This current project is an 80/20 mix of townhomes and single-family homes. At the time that was approved, which was about two years ago, this was the densest subdivision ever approved in South Jordan; he believes it still probably is. While it feels like a small compromise from 7.96 to 8.4, it is quite a leap from where we were two years ago. He is not directly impacted by this because he is not adjacent to it like he was with Ivory, but he thinks a couple of things need to be brought up. They agreed with Ivory that they would not make any of these rental properties; that was changed and the majority of the townhomes are now rentals by Ivory. He doesn't know how they prevent that in this subdivision when they are suggesting 24 townhomes, but a transient housing environment is not desirable. He was also surprised by Mr. Ackerman's statement that this would tie in to Ivory. He knows for a fact that Ivory worked very closely and tried to purchase this project to make it all one, because it would work better, and he knows they are still interested in purchasing the project because it just works better. Now they have two subdivisions that are not going to be tied together, and it just depreciates the home value as you break this thing up more. The last thing is the traffic light. He drives this several times a day, several times a week. Even with the five or six entrances out of those facilities, he has never seen a car pull out of there. He doesn't know how going from three or four homes to 30 homes with one entrance helps traffic safety, he thinks it's a traffic problem. To put a traffic light there, when they are already putting a traffic light on 1300 W in front of South Jordan Elementary, is just going to make that area for those who live around there a zoo to get in and out of when it is really a residential area. They are putting all these traffic lights in and it is going to feel like The District area where they have four or five traffic lights to go a half a mile. It is disappointing that they are at this

point and the city or the developer hasn't involved them as neighbors.

Doug Winters (Resident) said he wanted to talk about things like the height of the wall. His property is directly adjacent to this and due to the elevation changes that occur, what would be a six foot wall from their perspective would be at most approximately one foot from his perspective; six feet is nowhere near sufficient for separating properties. He is also deeply concerned about the additional traffic that is going to be brought, particularly as they add that many houses. The traffic going from I-15 westbound during rush hour in the evenings is already atrocious, to the point where it can take inordinate amounts of time to get up this far and it will only be worse if they add more traffic lights and another 30 units. There is also the crime increase that often accompanies rentals, which is a significant concern; from the sounds of it, this would have plenty of rentals. There have been issues relating to rentals that already exist in that particular area. There was a fatal shooting not too long ago. They are also concerned about the height of these two story houses. The Ivory Development has already put many two story houses directly adjacent to their properties that feel more like three story just due to the vantage point that occurs because of the elevation. This would essentially surround them with two story houses that feel significantly taller than two stories.

Ken Margots (Resident) said he is here in solidarity, like Mr. Burton who spoke before. He was part of the Ivory Development, his home is adjacent to the Ivory Development, and he wanted to compliment Ivory on the way they managed that development. From the very start, they included the neighbors and listened to them, came to their homes, heard their concerns and were very thoughtful about things like setbacks. Those who participated in the process were able to reach compromises that they were comfortable with, like having ramblers adjacent to their properties. They also agreed to put an eight foot fence, and it makes all the difference. All you have to do is visit the site and you can see that extra two feet might not sound like much, but where the elevation of that property had to be built up pretty significantly even a rambler has a pretty significant height advantage over where his property is. Landscaping has been mentioned, that was a big issue in regards to the buffer and the setback. They were able to negotiate setback issues because Ivory was willing to put ramblers right next to their property line. He just thinks there are a lot of issues here to be considered that impact the existing homeowners. Traffic, as has been mentioned, is a big concern; putting a mid-block light is going to significantly affect traffic. If you have been on 11400 S during rush hour, it is backed up almost light-to-light, and he can't imagine what it's going to be like with a mid-block light as well. He wishes there had been more involvement with the neighbors to make this a workable solution. To echo again what Mr. Burton said about the density, there were significant compromises and the spacing of the homes, the way Ivory put in the single family homes, was very well planned and thought out; the density doesn't feel like 7.96 density because of the placement of the single family homes. In looking at the site plan for this development, it is just a completely different feel, and you get the sense that the density feels every bit like 8.4 looking at this site plan.

Chau Winters (Resident) said they just bought this house a few months ago, they haven't even moved in yet and they had to be here for this hearing. When they bought the house they did not hear anything about this being an issue. They got the house because Ivory was only in the process of being built and the view looked good. All of a sudden, everybody else that was adjacent to Ivory got the eight foot tall fence, she had the six foot fence with the two story next to it. Because of the land height difference, that two story house looks like three stories and looks into her yard; they cannot imagine getting out and using the yard. They already have two houses in their backyard from Ivory, now imagine a third house that's two story on their south side They are boxed in with homes and will have no view. Currently with the Ivory homes, when she stands outside looking to the east she sees two houses blocking all the view; they all look into her

yard, they can see her and she can see them because they are so high from the view. She referenced the pictures from Attachments I, J, K, L and M. Their fence does not look six feet tall, it looks more like two or three feet tall from her side. She cannot imagine when they put in another two story on the south side, they will be boxed in and cannot even go out and use their yard because everyone can look into their yard. Before they even moved in they heard about this, and a month later they hear about the shooting at a house close by; it was a fatal shootout with a teenager dying. She has children and this really concerns her, she doesn't dare let them go out, she feels there is no wall protecting them and there is no privacy. She is afraid of her house losing value. They haven't moved in yet, but she can already see the value going down. She said there is already proof of crime increasing as well.

Keith Lever (Resident) said he would like to clarify a little bit about how the Ivory Development went in, and about how all but this one unfortunate homeowner had the concessions of the eight foot fence and rambler homes versus the two story home with the six foot fence. This happened because the previous homeowner didn't want to work with Ivory. Ivory was so good about working with all the homeowners to try and come up with what was going to work for both. He thinks that homeowner felt like they were on their way out and just didn't do it. That's what happens when a developer isn't willing to work with neighbors and they are more worried about costs and money. They all have to live together and if they don't work together, this is what happens; these people have bought this home that has the six foot fence that looks like a one foot fence because of the elevation and two story houses. It would be so unfair to do that to them on the other side of their home. He hopes they can all work together and include the neighbors instead of just throwing it in based on costs.

Heather Godfrey (Resident) said they moved here 20 years ago and they had put a fairly large deposit with a small builder, the day after their deposit cleared he declared bankruptcy. It took them another two years to come up with the deposit money, and during that timeframe she investigated a lot of builders, that's why they chose to build with Ivory. They had a very good experience working with them, they had probably more changes in their house than most people would. When they decided to build Bingham Court she knew it would be a really good experience because of previous experience working with them. Unfortunately, she doesn't know anything about Mr. Ackerman. She did do a number of searches online today, he doesn't have a stellar track record for previous businesses which concerns her because she doesn't want this project to go part way through and then there are no funds left to complete it. She knows that Ivory approached him to sell those other two houses by the canal, and she thinks it would have been a very good opportunity to have one complete Ivory subdivision. She would like to know who is doing the building for Mr. Ackerman.

Chair Hollist closed the hearing to public comments.

Chair Hollist asked staff to go over height and setback requirements in residential areas.

Planner Drozdek said their concerns were along the north boundary. The information is in the agreement, it specifies a 12 foot setback from the north boundary. There are two lots that would have a 12 foot setback. Typical setbacks in the RN zone would be eight feet in the side yard, so the north boundary of some of the lots would be considered their side yard and they are getting a 12 foot setback instead of the typical eight foot because of the agreement.

Chair Hollist asked why there is a landscape buffer on the north side by the single-family homes, but not in other areas.

Planner Drozdek said he is not sure why the concept plan shows that. In the agreement, it does talk about providing landscaping along the north boundary and working with property owners to have some landscaping put in that will make sense for both parties.

Mr. Ackerman said the concept plan is just what the engineering company created, but in the back and forth with the city they based the development agreement for this project on the Ivory Homes development agreement with the homeowners. They made very few changes, if any. In the concept plan it describes the north boundary between the homeowners as having planting requirements, and instructs him to work with the homeowners to establish those planting requirements. He does acknowledge it shows the trees, which he thinks the person developing the site plan used to try and balance the lots. The development agreement does specify the setbacks on the single-family homes along the north boundary, along with stating that he will work with the neighbors to get plantings to give the landscaping buffer between the properties.

Chair Hollist asked about the height of the homes in the adjacent neighborhood.

Mr. Ackerman said he doesn't have the development agreement in front of him. The lots in the Ivory Development were significantly deeper, there are six single family lots. He thinks the intent is to mirror the Ivory subdivisions, and they are smaller homes. The elevations that they have shown have been two story elevations, so he would say that's what the concept plan entails.

Commissioner Sean Morrissey asked about the setbacks in the Ivory Development on the north border for the neighbors.

Planner Drozdek said they all have a 16 foot setback, so it is a difference of four feet. To outline the differences between the two projects, the setback difference is four feet (16 versus 12 feet), the homes along the north boundary in the Ivory subdivision are ramblers (single story) with an eight foot wall.

Chair Hollist asked if we could even require an eight foot wall since this is a residential zone and the fences are between the homes.

City Planner Schindler said they could recommend anything in the development agreement.

Commissioner Steve Catmull said both rows of larger units, about 4000 square feet each, appear to be all single-family; he doesn't see a landscape barrier there.

Mr. Ackerman said this concept plan was presented, but the landscape barrier is in the development agreement; that wasn't even part of the conversation when this concept plan was finished.

Commissioner Catmull asked if lots and homes would be adjusted in size to make all the constraints work.

Mr. Ackerman said yes. There is really no differentiation in the development agreement between how they treat the northeast most lot and the buffer, and the lot that is just immediately west of that lot and the buffer. The development agreement specifies that both of those be treated the same.

Commissioner Darby asked to clarify that they both have the 12 foot setbacks and landscaping.

Mr. Ackerman said yes.

Chair Hollist said most of the concerns were comparing Ivory's Development to this proposed development. She does remember hearing that argument and she believes Commissioner Morrissey was there also. She agrees with what was said, eight was a high number and it was a concession to the fact that South Jordan wanted to try these deed restricted parcels, potentially for city employees, first responders, teachers, etc. It also seemed like Ivory had worked with the neighbors so she does have a bit of concern that they have a development agreement that talks about landscaping, as agreed between the neighbors, but that doesn't seem to have happened. She has some of the same concerns the residents do. Her understanding was that Ivory got the density they did because of the concessions they made having single story homes where they were adjacent to the neighborhood and having those deed restricted lots.

Commissioner Morrissey shares the same concerns. He has made it well known he is not a fan of high density. He was not a fan of the Ivory Development, but with the concessions made to city employees and others he was willing to agree. He does agree with Mr. Ackerman as well as the continuity, that's why he was really frustrated with the Ivory Development because they knew once that development was passed, logically this piece of land was going to be subject to something similar looking as far as density goes. That doesn't mean they have to pass it, and he thinks there is some opportunity here for Mr. Ackerman and the neighbors to work out some of the issues that have been pointed out.

Commissioner Darby said his biggest concerns are the 12 foot setbacks and the height of the wall. He would like to see an agreement between the developer and neighbors on those topics. It seems like the neighbors were mostly amenable to an eight foot wall and a 16 foot setback; they run into the difference between a rambler and a two story as part of that. Most of the other issues, he thinks, are just issues of living in a growing city. Regarding the traffic lights on 11400 S, that is just a busy road, and it's not going to go away.

Assistant Engineer Nielsen said the light would be going in regardless of whether or not this development goes in. It was required as a part of the Ridge Point development to the south.

Commissioner Darby said, although the light is a real concern for the neighbors, he doesn't think it is part of this discussion because it is happening one way or the other.

Commissioner Catmull asked staff about the Economic Center Land Use, what the standard minimum setbacks and heights are.

Planner Drozdek said that correlates to any of the commercial zones, or even an office zone. Setbacks on the majority of commercial zones are 10 feet to residential of landscaping, and then 30 feet for structures. The impacts are much bigger as well in that type of area in terms of traffic, noise and things like that. With office buildings you can go up to 75 feet in height, it would just have to be set back more, but they would tower over the residences if it was an office zone.

Commissioner Catmull asked the applicant if he did in fact have an invitation from Ivory to sell this land.

Mr. Ackerman said he got one call from Ivory. The nature of that call was "we don't need you, but if you're willing to do it, the price is what everybody else is selling for." He asked them to send him a written offer. You could subpoena him, you could subpoena Ivory; he never received a written offer from Ivory Homes, and that's a fact. We could have Ivory provide the written

offer that they provided to him, in his entire life he has never received a written offer by Ivory Homes to purchase anything that he owns, any property that he owns. They did call him and they said they “probably weren’t that interested” and “didn’t need him, but if you sell for the same price as everyone else.” His exact words were “if it works, I’m very interested in listening to what you have to say, but I’m not interested in a ‘would you take,’ please send a written offer.” He never received an offer from Ivory Homes.

Commissioner Catmull said he doesn’t feel comfortable recommending approval. He could be more comfortable with tabling it, or in his case recommending to deny. Some of the positives: He likes how it aligns with and invests in infrastructure, aligns with the mid-block light which provides some nice benefits there, he likes how it cleans up the economic center island that is sitting there on our future land use. Causing problems for him, just like they talked about density being an issue, he really tries to be sensitive to those future land uses, especially the stable neighborhood that this would go around. Particularly neighbors who have bought homes recently, expecting those stable neighborhood areas to be there and it also has the land that hooks around and connects to more stable neighborhood that we didn’t talk about tonight. Some of the challenges he has is around the density, it’s high and he’s trying to be consistent in how he has interpreted the general plan, some of the guidance they have and those LIVE goals. He looks at his other area of concern, the developer outreach comments that were made, and being able to have more engagement with the adjoining neighbors.

Commissioner Gedge asked when this is tentatively scheduled to appear on the city council agenda.

Planner Drozdek responded on December 7th, the first Tuesday in December.

Commissioner Gedge said this is infill, so there will be something there eventually. This is closer to the Bingham Court than probably anything else is. There can be some tweaks. He asked when this was appearing before City Council because it looks like there are some discussions that could be had between now and the first Tuesday in December between the developer, the neighbors, and of course the city council. They are close to the neighboring density, one or two units would get them right in-line with the neighboring property. The developer is covering that culvert of the canal, so there are a few concessions there. There is going to be a traffic light going in there, so he thinks there can be some tweaks made to the development agreement between now and then that City Council can consider. Eventually something is definitely going to go in there, this is definitely better than what is there today. Cognizant of what the neighbors to the north are concerned about, he thinks this fills a need with the housing crisis and shortage, using RDA funds and a traffic light going in there. That culvert needs to be covered and the developer is willing to do that as well, that needs to be rewarded and that could be giving him an extra unit or two to slightly exceed eight units per acre. He knows that is the previous City Council’s direction, the six to eight units per acre, so he is comfortable forwarding the recommendation to approve this and let the city council have further discussion in their meeting in three weeks.

Chair Hollist reminded everyone they are only a recommending body; they are forwarding the city council a recommendation. The final decision on these action items will be made by the city council.

Commissioner Gedge motioned to recommend approval of the following three things:

- **Resolution R2021-34, Authorizing the Mayor to Sign the Development Agreement**

- **Resolution R2021-33, Approving the Land Use Amendment**
- **Ordinance 2021-10-Z, Approving the Zone Change as presented**

Chair Hollist agrees with the positives shared, she likes to see thought going into these infill pieces of land. However, for this evening, and for what they will forward to the city council, she is not ready to give this a positive recommendation. She would like to see additional work done between the developer and neighbors to see if an agreement can be reached on that buffer in advance, instead of having the directive to work with the neighbors on that buffer/setback later. She thinks this is close, but a little more discussion needs to happen about what that boundary looks like between the neighborhood to the north, as well as the density. She still feels like Ivory Homes got the density they did because they worked closely with the city to get it there; even then, it was agreed to barely go up to eight because of various factors.

Commissioner Catmull said he would vote no on the current motion. He would be supportive of recommending approval of the zone change and the ability for the mayor to sign the agreement; that is not what this motion is saying, it is saying the development agreement “as specified.” He is only in favor of the zone change at this moment.

Commissioner Morrissey said he is more in agreement with Chair Hollist’s stance. He suggests we table the decision, with the recommendation to the developer that he works with the owners that surround the property, like Ivory did, to come up with a resolution that we can then use to forward a positive recommendation.

Chair Hollist asked if they are comfortable letting the applicant make that decision.

Commissioner Gedge asked if the city council, based on our recommendation, choose to ignore what they’ve forwarded.

Chair Hollist said it would be more timely for the applicant to forward their negative recommendation if he feels like the city council will be amenable to his current plan, or if he feels that he can make changes between now and then.

Commissioner Morrissey isn’t as concerned about the timing issue, that’s what is present before us and that’s his recommendation, to table the decision.

Chair Hollist said that if no one is opposed, she is okay asking the applicant what he’d like to do. She can’t promise they’ll do what he says, but they would like to get his opinion.

Commissioner Gedge’s motion failed due to lack of second.

Mr. Ackerman said he doesn’t know that there has been any discussion regarding an eight foot wall, but he is certainly happy to put in an eight foot wall. They have had discussions about two story homes, he is happy to do only ramblers on those north lots. The only reason that ever came up was because they had presented at an architectural review. Previously he was a builder, when the housing crashed times were tough. He has had two failed businesses, he has started about 30 businesses and sold a few successfully; he still owns and operates a business here locally with 100 employees. He cares deeply about doing the right thing. He doesn’t have a full time staff of people who do neighbor outreach, but he did go talk to the neighbors and said he lives here too and wants this to be a good community. He can look any resident in the eye and say this plan is better for South Jordan than putting a Tunex next door or in someone’s backyard. He is happy to

change the development agreement to have ramblers on the side and an eight foot wall, make sure the neighbors are happy with the planting plan. He did go engage with the two neighbors adjacent to the property, he doesn't have a staff and he doesn't know what the rules and regulations are as far as engaging all of the neighbors. If they feel like he was trying to push something in, his thinking was that they had already worked with Ivory and they approved whatever Ivory did; they are doing something that matches with what Ivory did and will tie it all together. It's not that they're trying to sneak anything past anyone, or don't care about feedback. The eight foot wall concept never came up on his end. Ivory did put a wall adjacent to one of these properties and they never asked him about an eight foot wall, so they installed a six foot wall on his property next to the Ivory development. He thinks Ivory has been built up to be some stand-up people, and they certainly didn't go out of business in 2007. His intent in this project is as a developer, not as a general contractor; he doesn't intend to build these properties, but he intends to be the person overseeing the development of the project. He doesn't know if this will speed it along, but they are also happy to wait. They can do an eight foot wall and do non-two story houses on those two north lots.

Chair Hollist said she think for this to work, they would need an updated development agreement to vote on. He has an option to table this until December, at that time, if he's able to work with the city to make some adjustments, they could revisit this. They would not do another public hearing as they have satisfied that agreement on this issue.

Commissioner Morrissey asked if that would satisfy Chair Hollist's concerns as far as neighbor concerns that have been brought up today, making the developer's concessions part of the motion as a positive recommendation. For him, it does on the points that they discussed previously, also on the point that this does complete the project from east to west. He shares concerns with density, but he doesn't feel like it has any impact on the neighbors like it truly would if there was some connectivity, like a road or a passageway.

Chair Hollist asked if they felt they could make a motion, assuming the development agreement contains these changes, and take a vote tonight.

Commissioner Catmull's concern with that is not being able to hear the citizen's responses to the offer. He would like to be able to expedite the process, but at the same time he doesn't know if he wants to do all the negotiating.

Commissioner Morrissey said they will have a chance to speak at the city council meeting when this is addressed.

Planner Schindler said the city council makes the decision on the development agreement as well, so the commission can recommend those things be placed in the development agreement, but it still takes the city council to agree that's good enough. The residents will have an opportunity to speak, the same way they did tonight, at the city council meeting on December 7. They can also recommend denial, but it will still be up to the city council to determine. It's probably better for the developer that if the concessions made make the commission feel more comfortable if added to the development agreement, that they pass on a positive recommendation with a note that their recommendation is subject to the new development agreement. He doesn't think the city council has seen this development agreement either, so they aren't expecting this one as it's based on former discussions at the study sessions but they haven't seen the written development agreement yet.

Commissioner Darby is inclined to forward a recommendation to approve with those

concessions, the eight foot wall and one story homes on the north border.

Commissioner Catmull is mostly concerned around the northern boundary. If the density was reduced, that might be one way to give more. An eight foot fence and the one story homes would be another way to mitigate that, and he could be open to that as well.

Commissioner Gedge asked if he specifies “single story,” does that still allow a basement.

Planner Schindler clarified about rambler versus single story, single story refers to the floors above ground. He asked if the applicant would be amenable to these suggestions. It would still go to City Council for discussion.

Commissioner Gedge motioned to recommend approval of the following:

- **Resolution R2021-34, Authorizing the Mayor to sign the development agreement, modified with the northeast wall changed from six feet to eight feet, and the single family homes on the northeast section from two story to single story/rambler.**
- **Resolution R2021-33, Approving the land use amendment.**
- **Ordinance 2021-10-Z, Approving the zone change as presented this evening.**

Chair Hollist asked to clarify which sections would have the eight foot walls.

Commissioner Gedge amended his motion to recommend approval of the following:

- **Resolution R2021-34, Authorizing the Mayor to sign the development agreement, amending the height of the wall, from Lots 3 and 4 extending to the canal, from six feet to eight feet; also, amending Lots 3 and 4 from two story plans to single story/ramblers.**

Chair Hollist seconded the motion. Roll Call Vote was 4-1, majority in favor; Chair Hollist voted no.

X. OTHER BUSINESS

Chair Michele Hollist congratulated Planner Damir Drozdek on 15 years of service to the city.

City Planner Greg Schindler reminded everyone the next planning commission meeting isn't until December 14, 2021.

ADJOURNMENT

Chair Hollist motioned to adjourn the November 9, 2021 Planning Commission meeting. Commissioner Catmull seconded the motion, vote was unanimous in favor.

The November 9, 2021 Planning Commission Meeting adjourned at 11:00 p.m.

Meeting minutes were prepared by Deputy Recorder Cindy Valdez

This is a true and correct copy of the November 9, 2021 Planning Commission minutes, which were approved on December 14, 2021.

**Cindy Valdez
Deputy Recorder**

11-9-21 PC Meeting
Attachment A

From: [Greg Schindler](#)
To: [Michele Hollist](#); [Nathan Gedge](#); [Trevor Darby](#); [Steven Catmull](#); [Sean Morrissey](#); [Michael Peirce](#)
Cc: [Cindy Valdez](#); [David Mann](#)
Subject: FW: Gas station at 9800 S redwood
Date: Tuesday, November 9, 2021 7:59:36 AM

Planning Commissioners,
Please see the email below regarding an item on the PC agenda this evening.

Cindy,

The email below should be added to Planning Commission minutes for tonight's meeting.

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

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

From: Rebekah Grover <rebekahgrover@gmail.com>
Sent: Monday, November 8, 2021 10:12 PM
To: David Mann <DMann@sjc.utah.gov>; Steven Schaefermeyer <sschaefermeyer@sjc.utah.gov>; Greg Schindler <GSchindler@sjc.utah.gov>
Subject: Gas station at 9800 S redwood

Good Evening,

As a resident within five houses of this proposed plan I would like to take this moment to inform you of our STRONG opposition to this proposal. This is in absolutely no way supported by members of this neighborhood. I urge you to decline this proposal and think of the safety of our children and security of the surrounding homes. This will bring increased traffic, crime, light pollution, and noise pollution that will greatly affect our neighborhood and enjoyment of our homes and yards. If this isn't enough, this is already a very dangerous intersection with very high accident/car crash rate as it is currently. In addition, this is a route for many children to walk to and from school and having a gas station here would endanger the lives of the children who must travel this route. Please, do not approve this as a commercial use property in any way and absolutely no gas station.

Thank you,
Rebekah Grover

From: [David Mann](#)
To: [Cindy Valdez](#); [Greg Schindler](#); [Michele Hollist](#); [Nathan Gedge](#); [Trevor Darby](#); [Steven Catmull](#); [Sean Morrissey](#); [Michael Peirce](#)
Cc: [Anna Crookston](#)
Subject: RE: Gas station at 9800 S redwood
Date: Tuesday, November 9, 2021 8:40:33 AM

Here is the response I gave to Mrs. Grover:

Mrs. Grover,

Thank you for taking the time to consider the applications being presented at the next Planning Commission meeting for the property on the corner of 9800 South and Redwood Road. When Santorini Village was being proposed about 8 years ago, this property was designated for commercial uses. This property was rezoned about 4 years ago with an accompanying development agreement that designates this property for a gas station use. The development agreement also includes additional requirements in an attempt to address potential issues associated with the proposed use. A median will be installed in 9800 South that would prevent traffic from turning left into the gas station from 9800 South and turning left when exiting the gas station onto 9800 South. Access on Redwood Road would also be limited to right in/right out traffic flow. A 6 foot tall masonry wall will be installed along the entire length of the north property line of the property under review. The underground gasoline tanks will be pushed to the south east corner so that it is as far away from the existing residents as possible. They are only developing the eastern portion of the property, but the entire site will be cleared to get rid of the blighted buildings and overgrown landscaping. The Planning Commission is legally required to approve the applications as long as the requirements in the development agreement are met and potential negative impacts are addressed. Your comments will be sent to the city recorder so that they can be included in the public record.

I have received 4 emails, including this one, in opposition to this application and have responded in a similar way as above to try and address the concerns that are brought up.

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

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

From: Cindy Valdez <CValdez@sjc.utah.gov>
Sent: Tuesday, November 9, 2021 8:30 AM
To: Greg Schindler <GSchindler@sjc.utah.gov>; Michele Hollist <MHollist@sjc.utah.gov>; Nathan Gedge <NGedge@sjc.utah.gov>; Trevor Darby <TDarby@sjc.utah.gov>; Steven Catmull <SCatmull@sjc.utah.gov>; Sean Morrissey <SMorrissey@sjc.utah.gov>; Michael Peirce <MPeirce@sjc.utah.gov>
Cc: David Mann <DMann@sjc.utah.gov>; Anna Crookston <acrookston@sjc.utah.gov>
Subject: RE: Gas station at 9800 S redwood

Thanks Greg. I saved it to the file as an attachment.

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

From: Greg Schindler <GSchindler@sjc.utah.gov>
Sent: Tuesday, November 9, 2021 8:00 AM
To: Michele Hollist <MHollist@sjc.utah.gov>; Nathan Gedge <NGedge@sjc.utah.gov>; Trevor Darby <TDarby@sjc.utah.gov>; Steven Catmull <SCatmull@sjc.utah.gov>; Sean Morrissey <SMorrissey@sjc.utah.gov>; Michael Peirce <MPeirce@sjc.utah.gov>
Cc: Cindy Valdez <CValdez@sjc.utah.gov>; David Mann <DMann@sjc.utah.gov>
Subject: FW: Gas station at 9800 S redwood

11-9-21 PC Meeting Attachment B

From: [David Mann](#)
To: [Miss](#)
Cc: [Cindy Valdez](#)
Subject: RE: South Jordan Planning Commission
Date: Tuesday, November 9, 2021 8:44:46 AM

Thank you for taking the time to consider the applications being presented at the next Planning Commission meeting for the property on the corner of 9800 South and Redwood Road. When Santorini Village was being proposed about 8 years ago, this property was designated for commercial uses. This property was rezoned about 4 years ago with an accompanying development agreement that designates this property for a gas station use. The development agreement also includes additional requirements in an attempt to address potential issues associated with the proposed use. A median will be installed in 9800 South that would prevent traffic from turning left into the gas station from 9800 South and turning left when exiting the gas station onto 9800 South. Access on Redwood Road would also be limited to right in/right out traffic flow. A 6 foot tall masonry wall will be installed along the entire length of the north property line of the property under review. The underground gasoline tanks will be pushed to the south east corner so that it is as far away from the existing residents as possible. They are only developing the eastern portion of the property, but the entire site will be cleared to get rid of the blighted buildings and overgrown landscaping. The Planning Commission is legally required to approve the applications as long as the requirements in the development agreement are met and potential negative impacts are addressed. Your comments will be sent to the city recorder so that they can be included in the public record.

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: Miss <xuanmissw@gmail.com>

Sent: Sunday, November 7, 2021 7:53 PM

To: David Mann <DMann@sjc.utah.gov>

Subject: South Jordan Planning Commission

Hello,

This is Xuan Wang of Santorini Village and I am not in favor of the applicant/proposal developing next to my property.

Thank you.

11-9-21 PC Meeting
Attachment C

From: [David Mann](#)
To: [Alicia Skinner](#)
Cc: [Cindy Valdez](#)
Subject: RE: Gas station proposal
Date: Tuesday, November 9, 2021 8:45:29 AM

Mrs. Skinner,

Thank you for taking the time to consider the applications being presented at the next Planning Commission meeting for the property on the corner of 9800 South and Redwood Road. When Santorini Village was being proposed about 8 years ago, this property was designated for commercial uses. This property was rezoned about 4 years ago with an accompanying development agreement that designates this property for a gas station use. The development agreement also includes additional requirements in an attempt to address potential issues associated with the proposed use. A median will be installed in 9800 South that would prevent traffic from turning left into the gas station from 9800 South and turning left when exiting the gas station onto 9800 South. Access on Redwood Road would also be limited to right in/right out traffic flow. A 6 foot tall masonry wall will be installed along the entire length of the north property line of the property under review. The underground gasoline tanks will be pushed to the south east corner so that it is as far away from the existing residents as possible. They are only developing the eastern portion of the property, but the entire site will be cleared to get rid of the blighted buildings and overgrown landscaping. The Planning Commission is legally required to approve the applications as long as the requirements in the development agreement are met and potential negative impacts are addressed. Your comments will be sent to the city recorder so that they can be included in the public record.

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: Alicia Skinner <aliciaskinner@gmail.com>

Sent: Tuesday, November 9, 2021 8:30 AM

To: David Mann <DMann@sjc.utah.gov>

Subject: Gas station proposal

Hello,

I am writing this to express my concerns regarding the gas station/convince store proposal on 9800 S. Building a gas station/convince store there would be a huge risk to the neighborhood. There are many kids that lives in the neighborhood. I am afraid that they may be exposed to unsafe environment.

11-9-21 PC Meeting Attachment D

From: [David Mann](#)
To: cillag@comcast.net
Cc: [Cindy Valdez](#)
Subject: RE: Notice of Public Hearing for 9800 South Redwood Road
Date: Tuesday, November 9, 2021 8:49:01 AM

Thank you for taking the time to consider the applications being presented at the next Planning Commission meeting for the property on the corner of 9800 South and Redwood Road. When Santorini Village was being proposed about 8 years ago, this property was designated for commercial uses. This property was rezoned about 4 years ago with an accompanying development agreement that designates this property for a gas station use. The development agreement also includes additional requirements in an attempt to address potential issues associated with the proposed use. A median will be installed in 9800 South that would prevent traffic from turning left into the gas station from 9800 South and turning left when exiting the gas station onto 9800 South. Access on Redwood Road would also be limited to right in/right out traffic flow. A 6 foot tall masonry wall will be installed along the entire length of the north property line of the property under review. Trees will also be planted between the fence and gas station for additional screening. The underground gasoline tanks will be pushed to the south east corner so that it is as far away from the existing residents as possible. They are only developing the eastern portion of the property, but the entire site will be cleared to get rid of the blighted buildings and overgrown landscaping. The Planning Commission is legally required to approve the applications as long as the requirements in the development agreement are met and potential negative impacts are addressed. Your comments will be sent to the city recorder so that they can be included in the public record.

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: cillag@comcast.net <cillag@comcast.net>

Sent: Monday, November 8, 2021 3:29 PM

To: David Mann <DMann@sjc.utah.gov>

Subject: Notice of Public Hearing for 9800 South Redwood Road

November 8, 2021

David Mann

We would like to express some concerns about the convenience/gas station that is being considered to be built at [approximately 9800 S Redwood Road](#).

We are concerned about the increased noise, traffic and the potential for an increase in crime.

Our first suggestion is that this be built somewhere else. The ideal place would be to have it built in an area comprised of businesses. The location being considered is close to residential dwellings. We fear the safety of our children and families in the community.

If this is not possible than we would propose the following be included in the plans for construction:

The erection of an 8-foot cement wall all along the North end with trees planted on the South side of the wall to block out the lights and to protect the residents in our community from the increased potential of crime and/or damages.

Thank you,

Kathy & Priscilla Garrett

1779 Ikaros Ln,
South Jordan, UT 84095

11-9-21 PC Meeting
Attachment E

From: [David Mann](#)
To: [Chris Twede](#)
Cc: [Cindy Valdez](#)
Subject: RE: Written Comments on Planned Development of 9800s Redwood Road
Date: Tuesday, November 9, 2021 5:32:40 PM

Mr. Twede,

Thank you for taking the time to consider the applications being presented at the Planning Commission meeting tonight for the property on the corner of 9800 South and Redwood Road. When Santorini Village was being proposed about 8 years ago, this property was designated for commercial uses. This property was rezoned about 4 years ago with an accompanying development agreement that designates this property for a gas station use. The development agreement also includes additional requirements in an attempt to address potential issues associated with the proposed use. A median will be installed in 9800 South that would prevent traffic from turning left into the gas station from 9800 South and turning left when exiting the gas station onto 9800 South. Access on Redwood Road would also be limited to right in/right out traffic flow. A 6 foot tall masonry wall will be installed along the entire length of the north property line of the property under review. The underground gasoline tanks will be pushed to the south east corner so that it is as far away from the existing residents as possible. They are only developing the eastern portion of the property, but the entire site will be cleared to get rid of the blighted buildings and overgrown landscaping. The Planning Commission is legally required to approve the applications as long as the requirements in the development agreement are met and potential negative impacts are addressed. Your comments will be sent to the city recorder so that they can be included in the public record.

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: Chris Twede <twede.chris@gmail.com>

Sent: Tuesday, November 9, 2021 4:01 PM

To: David Mann <DMann@sjc.utah.gov>

Subject: Written Comments on Planned Development of 9800s Redwood Road

As a local homeowner I would like to state my opposition to the proposed development in the lot located at the NW corner 9800s and Redwood Road.

9800s/Shields Lane is not a major road that would necessitate the placement of a gas station/convenience store.

The infrastructure of 9800s south is already struggling to keep up with area traffic, the addition of a convenience store would only add to the congestion of the area.

The road itself is not designed to support trucks that delivery and consumption of this business proposal would further aggravate and create further infrastructure challenges.

I implore the city to reconsider any approval of such business development on this lot.

Thank you for considering this statement of public opinion,

Chris Twede

11-9-21 PC Meeting
Attachment F

Cindy Valdez

From: Anna Crookston
Sent: Tuesday, November 9, 2021 5:08 PM
To: Cindy Valdez; Diana Baun
Subject: FW: Comments for the public hearing at 6:30 PM tonight

Anna Crookston | City Recorder | City of South Jordan
1600 W. Towne Center Drive | South Jordan, UT 84095
O: 801.253.5203 Ext. 1404 | F: 801.254.3393



From: Damir Drozdek <DDrozdek@sjc.utah.gov>
Sent: Tuesday, November 9, 2021 5:08 PM
To: Anna Crookston <acrookston@sjc.utah.gov>; Greg Schindler <GSchindler@sjc.utah.gov>; Steven Schaefermeyer <SSchaefermeyer@sjc.utah.gov>; PLANNING COMMISSION <PlanningCommission@sjc.utah.gov>; Michele Hollist <MHollist@sjc.utah.gov>; Michael Peirce <MPeirce@sjc.utah.gov>
Subject: FW: Comments for the public hearing at 6:30 PM tonight

FYI, rezone on 114th South.

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



From: Chris Nelson <christopherawnelson@gmail.com>
Sent: Tuesday, November 09, 2021 2:52 PM
To: Damir Drozdek <DDrozdek@sjc.utah.gov>
Subject: Re: Comments for the public hearing at 6:30 PM tonight

Damir, I have another few additions-
Ken Margetts (11324 Blue Brook Cove) would like to be added to the items with Jason Burton who is at 11325 Brown Summit Circle, I had the address wrong before).
Chau Winters would also like to comment on the setback from her property, 11333 Green Grass Ct

Thank you- I might have more, but will get them to you by 5 PM as stated in the letter.

On Tue, Nov 9, 2021 at 2:33 PM Damir Drozdek <DDrozdek@sjc.utah.gov> wrote:

Thank you.

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

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



From: Chris Nelson <christopherawnelson@gmail.com>
Sent: Tuesday, November 09, 2021 2:27 PM
To: Damir Drozdek <DDrozdek@sjc.utah.gov>
Subject: Comments for the public hearing at 6:30 PM tonight

Hello, my neighbors and I will be attending the public hearing tonight and wish to comment on the proposed re-zoning and development on 1500W 11400S. They are as follows:

1. Setbacks from Chris Nelson (11336 Green Grass Ct) property line (Chris Nelson)
2. Traffic Light Concerns (Jason Burton, 11324 Brown Summit Circle)
3. High-Density Concerns (Jason Burton; Chris Nelson; Heather Godfrey, 11332 GG Ct)
4. Potential Rental-Property Concerns (Jason Burton; Chris Nelson)
5. Loss of Property Value (Chau Winters, 11333 GG Ct; Chris Nelson)

Thank you-

Chris Nelson

11336 Green Grass Ct

SJ 84095

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Chris Nelson
christopherawnelson@gmail.com

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11-9-21 PC Meeting
Attachment - G

From: [Anna Crookston](#)
To: [Cindy Valdez](#); [Diana Baun](#)
Subject: FW: City Council Meeting
Date: Tuesday, November 9, 2021 5:09:15 PM

Anna Crookston | City Recorder | City of South Jordan

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

O: 801.253.5203 Ext. 1404 | F: 801.254.3393



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

Sent: Tuesday, November 9, 2021 5:03 PM

To: Anna Crookston <acrookston@sjc.utah.gov>; Greg Schindler <GSchindler@sjc.utah.gov>; Steven Schaefermeyer <SSchaefermeyer@sjc.utah.gov>; PLANNING COMMISSION <PlanningCommission@sjc.utah.gov>; Michael Peirce <MPeirce@sjc.utah.gov>; Michele Hollist <MHollist@sjc.utah.gov>

Subject: FW: City Council Meeting

The rezone at 114th South on tonight's agenda.

Thanks,

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

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

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From: HR G <hgodfrey@gmail.com>

Sent: Tuesday, November 09, 2021 4:56 PM

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

Subject: City Council Meeting

Dear Mr Drozdek:

My name is Heather Godfrey & I spoke with you yesterday.

Since then I have found some unflattering reports about Jake Akerman. I realize they are in the past and everyone is given chances. But we just want to make sure nothing bad happens with this development as people tend to have a pattern of behavior. I'm sure city council has investigated him, but we want our due diligence done as well.

Here are some links to past issues.

<http://scambuster911.blogspot.com/2007/09/jake-ackerman.html>

<https://kutv.com/news/local/get-gephardt-utah39s-39run-or-dye39-closes-leaving-cross-country-debts>

<https://www.bbb.org/us/ut/millcreek/profile/roofing-contractors/rooftek-1166-90017756/complaints>

Plus one of the properties he managed was the home where the shooting on June 8th occurred.

Thanks for listening to my concerns.

Heather Godfrey

PS: I received my letter today, it had gone into someone else's mailbox.

Hidden Village HOA

October 1, 2021

Mr. Gary L. Whatcott
1600 West Towne Centre, South Jordan, UT 840954

Dear Mr. Whatcott,

Thank you for taking the time and considerable effort to create a proposal to Hidden Village HOA, for South Jordan City to assume ownership of the streets as public easements. Based on your Memorandum of Understanding, of August 8, 2021, the HOA Board presented that proposal to the HOA membership. The community unanimously voted YES to accept the City's offer. I am prepared most anytime to meet with the Mayor, to sign the amended plat.

I have asked the property management company to work with the city to make sure the streetlight metering utility is transferred to the City.

One additional point. The HOA is requesting the City implement "No Overnight Parking" signs on all of the community streets as soon as the plat is re-recorded, as that has been the norm in the community based on the current CC&Rs.

With Warm Regards,



Bill Waters
Hidden Village HOA President

801-554-3006



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1233 W Holt Farm Ln, South Jordan, UT 84095











