CITY OF SOUTH JORDAN
PLANNING COMISSION MEETING
COUNCIL CHAMBERS

February 9, 2016

Present: Commissioner Sean D. Morrissey, Commissioner T. Earl Jolley, Commissioner Craig Hall, Commissioner Julie Holbrook, City Planner Greg Schindler, Planner David Mann, Deputy City Engineer Shane Greenwood, Staff Attorney Steven Schaefermeyer, City Recorder Anna West

Absent: Commissioner Russ Naylor, Commissioner Mark Woolley

Others: See Attachment A

6:30 P.M.
REGULAR MEETING

I. GENERAL BUSINESS

A. Elect Commission Chairperson & Vice Chairperson

Commissioner Julie Holbrook welcomed everyone present. She noted that Item A. will not be done tonight; we will wait until we have all Commissioners present to elect a chair and vice chair.

Commissioner Holbrook said we need a motion for an interim chair.

Commissioner Jolley motioned to appoint Commissioner Julie Holbrook as Interim Chair for tonight's meeting. Commissioner Morrissey seconded the motion. Roll Call Vote was 4-0 in favor. Commissioner Russ Naylor and Commissioner Mark Woolley were absent.

Interim Chair Holbrook noted that Commissioner Woolley and Commissioner Naylor are absent. She welcomed newly appointed Planning Commissioner Craig Hall.

B. Welcome and Roll Call

This item was done at beginning of the meeting.

C. Motion to Approve Agenda

Commissioner Morrissey made a motion to approve the February 9, 2016 Planning Commission Agenda. Commissioner Jolley seconded the motion. Vote was unanimous in favor. Commissioner Russ Naylor and Commissioner Mark Woolley were absent.

Interim Chair Holbrook said I would like to consider having public comment on Action Item A.1.

City Planner Greg Schindler said you could just wait until that item comes up and make the motion or decision at that time in the Agenda.

D. Appoint Commission member to Architectural Review Committee

Interim Chair Holbrook said Commissioner Jolley is currently serving on the ARC. She asked how everyone would like to proceed.

Commissioner Craig Hall asked what the duties and responsibilities are for the ARC and when do they meet. Commissioner Jolley said it is attending a meeting most Wednesday mornings at 8:00 am. To review plans as they come and look at the aesthetics of the buildings. Commissioner Hall sail he has a conflict with that time and can't be considered.

Commissioner Jolley asked that the appointment for Item D. be bypassed and readdressed when all Commissioners are present. He said I will continue to attend the meetings until a new appointment is made.

E. Approval of the Minutes from the Meeting held on January 26, 2015

Commissioner Jolley made a motion to approve the January 26, 2016 Planning Commission meeting minutes as printed. Commissioner Holbrook seconded the motion. Vote was unanimous in favor. Commissioner Hall abstained from vote as he was not a member of the Commission at the time of the meeting. Commissioner Russ Naylor and Commissioner Mark Woolley were absent.

II. INFORMATIONAL ITEMS AND OTHER BUSINESS

A. Staff Business

Staff Attorney Steven Shaefermeyer reminded everyone of the next Planning Commission meeting on February 23rd and that it is a joint session with the City Council. We are discussing agenda items for review and training for that meeting. If there is something particular that you would like us to review please let us know. Something we have talked about is making sure that our records are complete. If there is a motion on the ability to pass on an administrative item and you vote no, I may be following up with you for an explanation of why you voted no to make sure the record is complete.

Interim Chair Holbrook asked if our performance development would be discussed at the February 23rd meeting. Staff Attorney Schaefermeyer said there has been discussion about it. Right now the consensus with the City Council is to discuss general density issues and that plays into the performance development.

Interim Chair Holbrook said I would personally like to recommend that to be discussed.

Commissioner Craig Hall asked if they could have a brief discussion on home occupation requirements and terms. City Planner Schindler said that would probably need to be deferred to another time. As a Commission you can ask staff to look into those items. I don't know if that is something the City Council would want to get into at this meeting because we have a very limited amount of agenda time.

B. Comments from Planning Commission Members

Interim Chair Holbrook thanked the public for being involved and taking their time to come here tonight. She said I feel that it makes for a better community when we have public involvement.

III. CITIZEN COMMENT

Interim Chair Holbrook opened Citizen Comment. There were no speakers. She closed the Citizen Comment.

IV. SUMMARY ACTION

None

V. ACTION

A.1 **Issue:** **DAYBREAK VC-1 MULTI FAMILY #8 PRELIMINARY PLAT**
Address: Approximately 4570 West Harvest Sun Lane
File No: SUB-2015.74
Applicant: Kennecott Land

Interim Chair Holbrook said we have already held a Public Hearing on this item. I would like to hear from the other Commissioners how they feel about opening an additional public hearing on this.

Commissioner Jolley said I would like to hear staff's review on the report and then hear from the applicant and then decide if we still need to open it for further comment.

City Planner Greg Schindler reviewed the background information on this item from the packet staff report. He said I will point out some of the changes that have come up since the last meeting. The Commission asked for both traffic and parking study on this and that has occurred. The applicant commissioned WCEC Engineering to do that for them. The study is in the packet as well as a summary of the study done by our City Engineer. Some of the things that have changed to the plat itself; originally it was proposed to be a 16 unit subdivision. There are still 16 lots but only 15 will have a residential unit constructed on it. The other lot is now considered a civic lot which will become part of a parking lot on the west side of this development if approved. They have proposed to stripe the angled parking on Day Stone Drive which will give 13 parking spaces. They will also provide 4 parallel parking spaces along Harvest Sun Drive and will be inset into the park strips so the cars will be parked off the roadway. There is a slight change in the density from the original proposal from 22.8 to 21.4 with the reduction of one unit. If you have questions regarding the study we have our Engineer present that can answer your questions as well as the applicant. The traffic study was reviewed by the City's Traffic Committee which included members of the Engineering Department, Fire Department and Police Department. They all reviewed this and signed off on it that they believe it is correct.

Commissioner Jolley said I would like to hear from the City Engineer that reviewed the traffic study and give us a summary and opinion of that study.

City Planner Brad Klavano said the City Manager asked me to have this taken to our Traffic Committee for the four main items that were outlined by the Commission to look at. We met with the school district officials, Kennecott Land, and the HOA representative; we discussed the existing situations out there and how the town home project would fit in. We felt that the traffic flow in and around the school as it currently stands, flows very well. We felt that by adding the town home project with the minimal trips for only 15 units would not seriously impact the traffic flow in and around the school. We looked at the traffic study done by WCEC Engineering and concur with their findings. They did a really good job. They looked at it in two ways. There was an International Traffic Engineers that projects trips from different types of projects and they looked at taking another Sego town home project with the same number of units and almost the same configuration in Daybreak in another location and counting the trips that come in and out of that. They compared very closely to the ITE traffic numbers. When talking to the school district, there is not a safe walking route across where

this project is going on Harvest Sun Drive. They don't project that they would change the walking route at all. They didn't feel like the driveways they would be proposing out onto Harvest Sun Drive would affect the walking routes. The angled parking on Day Stone, right now they are unofficially doing it and are parking at all different weird angles and it doesn't create a great drive isle down Day Stone Drive. The proposal is to stripe that at a 35 degree angle, 18 feet in depth and that would still allow 12 ½ foot drive isle which is bigger than our travel lanes on all of our highways. This will create a safer drive isle through there. We had it reviewed by our Police department and Fire Chief and City Staff. From a traffic standpoint we don't feel that this project will create any issues. It flows well and is safe out there now around the elementary school.

Commissioner Jolley said there was discussion about the angle parking being restricted to compact cars; was that considered in the traffic study. Director Klavano said we didn't; with the layout and the angle being correct you get 18 feet of depth which can house a larger vehicle. Right now the problem has been that people are parking but they are not always parking at the correct angle. Technically there shouldn't be angle parking there right now.

Interim Chair Holbrook asked who was going to do the stripping and when. Director Klavano said the proposal is that Kennecott Land would do it with the town home project if it gets approved.

Interim Chair Holbrook asked the applicant to come up.

Gary Langston, Kennecott Land, 4700 Daybreak Parkway South Jordan; we held a resident meeting a few days before the previous public hearing and at that meeting and prior to that, we heard a number of safety concerns. Safety of children, pedestrians, and safety for cars to pass one another for emergency service vehicles to get through and the concern about the number of parking stalls available. We as a company heard the residents loud and clear. We here at Kennecott and Rio Tinto take safety seriously. Following the meeting on January 26th we immediately jumped into action and started having a number of conversations both internally, with city staff, with our traffic engineer WCEC, and the school district. We came to a few different conclusions. We heard the residents' concerns and we heard the Planning Commission concerns. You had four requests related to safety and Brad made reference to these in his traffic committee report. Your concerns about parking, general traffic management and flow, and the safety of vehicle and pedestrians, and the emergency service vehicles as well as buses and their ability to get to the site and travel through adequately. We engaged WCEC to do a traffic study; we posted two cameras at the school site. They were posted on some light poles and generally speaking we videoed the two intersections at Day Stone Drive and Harvest Sun Lane; we also videoed Oakmont and Harvest Sun Lane. Those are reflected in the traffic study. We had the cameras running from 8am to 6pm or until the batteries died. We did that for 6 days total. We have mountains of information as it relates to videoing these two intersections and counting the number of cars and pedestrians that turn and so forth. From a parking perspective the city code requires we have one covered parking stall per unit. With each of these units we are providing two garage spaces. The assumption in city code is that on street parking would allow adequate space for visitor parking. Through adding 10 stalls to the parking lot to the west and adding 4 parallel parking stalls along Harvest Sun Lane. If you were to compare angled parking to parallel parking which it is designed to be parked right now you get an increase of about 5 stalls. Part of the advantage of doing 13 stalls is we also get two ADA stalls which currently do not exist. That was something we heard from a couple of residents is that there are ADA stalls on the west side parking lot but it is a bit of a jaunt to get to the front door from there. Also, as part of the request from the Fire Department, was that, and this is reflected on the stripping plan, you can see the hatched out area in the middle of the angle parking, reason for that was to provide in the event there was a fire that the fire truck could adequately go to that location, put the outriggers down and the firemen themselves would be able to operate around that facility to fight a fire. From a traffic management standpoint, there were a few different things we heard. The angled parking was causing some congestion and as Brad articulated, people right now are parking at a 45 degree angle and that is why the drive isle is significantly narrow. What we are proposing

is to stripe those angled stalls at 35 degrees to allow for a full parking stall depth and still get 12 ½ feet for a drive isle which in our opinion is wider than a lane on the highway and is certainly adequate enough to get any emergency vehicles and busses through. From a safety perspective, the way we chose to approach this was to engage the different groups. Brads Traffic Committee really did this portion to help us evaluate the safety aspects of the site. We also met with three representatives from the school district who expressed their concerns and opinions and they had addressed the issues with the school principal. Their conclusion was they didn't have any concerns about the potential of this project adding 15 new units, nor did they have any concerns about the existing conditions. In the traffic study you will see that there are a number of counts that show those two intersections, both from a car standpoint and pedestrians. We determined the peak day to be Thursday as the worst case scenario. That was the date for determining both our baseline projection in terms of number of projection of cars as well as what we believe the increase will be as a result of the town homes. We heard two concerns as it relates to emergency service vehicles. It was potentially difficult to get past going south on Day Stone and I think we have demonstrated with the stripping plan that we are providing adequate width there. The other concern was, and we agree with, on Harvest Sun Lane, if we were to reinstate parking on the north side of the road, something other than the park stripe, that we would significantly narrow the road. We have elected to inset the parking stalls in the park strip which effectively leaves around 22 feet which is certainly more than is required for the fire code. We don't believe there is an existing safety concern. The level of service is a 'B' and the only thing better is an 'A'. To get to an 'A' you would only have to drop the traffic count by 10 percent. In conclusion for this portion, we feel like of the four conditions that were given to us at the last meeting that we have addressed those adequately and through the studies that we did and those done by the Traffic Committee, we have demonstrated that the existing conditions are in fact safe and the addition of 15 town homes does not create a significant increase in traffic volume. With that we would request that you approve our preliminary plat.

Interim Chair Holbrook said you had mentioned busses but I didn't hear you report back on buses. Are you assuming those are the same as emergency vehicles? Mr. Langston said the assumption is that they are pretty much the same.

Interim Chair Holbrook said you said you met with the school district and the principal? Mr. Langston said we did not meet with the principal ourselves. Scott Thomas, who is over the facilities group, he had several conversations with Dorey and gave his feedback with her and our interaction was with Scott Thomas and his three direct reports.

Commissioner Jolley asked if they met with any of the HOA representatives after the last meeting. Mr. Langston said we met with Cindy Splane on a number of occasions; she is the community association manager. She was involved with the Traffic Committee.

Commissioner Morrissey asked what street the diagonal parking is on. Mr. Langston said that is on Day Stone. Commissioner Morrissey asked if they could move up the stripping on that to the front of the project to resolve parking in the area. Mr. Langston said yes.

Commissioner Morrissey said parking in general is something that I have heard over and over from the public and the safety issues the parking is causing, mainly the blind spots. Is that parking necessary on the angle for this project? Mr. Langston said no. He said we have adequate parking without the parking lot to the west, without the parallel parking on Harvest Sun and without the angle parking. These are our response to not having enough parking in the area.

Interim Chair Holbrook asked the Commissioners how they felt about opening this up for public comment.

Commissioner Hall said I am in support of hearing additional comments from the public regarding what has happen since the last public meeting. I will step down from the dais to express some concerns I have as a resident. There were also some representations made by the representatives of Kennecott that they would engage in a more meaningful participatory process with the residents.

Commissioner Morrissey said before we do that maybe it would be beneficial to hear from the applicant again regarding that same issue.

Mr. Langston said I meant to do that. I am aware of at least three different resident engagements that we had. The first one was about a week after our first Public hearing. We had a conversation with four residents. There were at least two subsequent meetings with different groups after that. We have tried to converse with those groups to provide some updates as we have gone along. We have shared some information that we had at the time when we met. The first meeting had only been about a week and we were still processing information. I think they may have felt a bit frustrated about our lack of information or unwillingness to make commitments at that point but we didn't have enough information yet to make a decision. In the subsequent meetings with residents we continue to engage in a couple items. First and foremost are the safety related items to the topic at hand and the town homes in general as it related to adding that type of intensity at that location. Lastly, the one that we still have work to do, is our general engagement with residents and how we choose to share information with them effectively. Prior to the Planning Commission meeting we had an email blast that went out through the HOA. The reason we did that is because we as the developer don't have contact information for all of the residents and the HOA does have that. We shared what our approach was and how we were making some modifications that were presented at the neighborhood meeting that were discussed a month ago. The letter went out to as many residents as we had contact information for. In the last few days we have sent out an additional email that covered general communication thoughts and where we project to go from here. We realize it is getting more complicated and challenging to communicate with several thousand households. Our team is looking at how to communicate more effectively. Generally speaking we have engaged with several of them and tried to listen and understand what their concerns are.

Mr. Hall asked what areas are you in agreement with them on.

Mr. Langston said we could do a better job of communicating our intentions and our plans for the future with our residents. I think in this particular project, I think we are in agreement that we heard there are a number of safety concerns and that we need to look into it and fix it if it needs fixing. I think this plan that we have presented to you and all of the work that we have done is evidence of that.

Mr. Hall said I am concerned about the two lots at the end of the proposed subdivision. How can you get two cars parked in the garage on those two lots with only 11 feet to get a car in?

Mr. Langston said the right of way is 22 feet wide and there is a 5 foot set back on each side so you actually have 32 feet. The two at the end are offset a little bit to allow adequate space to get in.

Mr. Hall said one of the observations I have as a resident in daybreak is some people fill their garage and park in the street. The parking stalls at the end of the street are going to turn into resident parking and the residents are not going to park in their garages. How do we address that issue?

Mr. Langston said I will answer that by sharing my opinion as it relates to the buyers of this type of unit. I actually own one of these units in Soda Row and I lived there for about a year. I was surprised at how many people in this particular type of buyer actually parked in their garage. As far as how do we ensure that people park in their garage, what we are finding with this particular buyer is they actually do in fact park in their garage. For those that don't park in their garage I think we would look to the City in terms of how that is

being addressed from a city wide perspective. You will find that people that have much larger homes than these and have two, three and four car garages and they still do not park in their garage. We are providing double the garage requirement and at this time it hasn't been a concern of ours as a developer.

Mr. Hall asked how Sego homes and the developer going to handle the garbage can issue.

Mr. Langston said as it relates to the preliminary plat issue, I would suggest that garbage cans are not necessarily an approval for that. As we have evaluated this we would put the garbage cans along Harvest Sun Lane and we would have to provide some signage on garbage days. We will provide a garbage can plan that goes to each of the residents as part of their packet of their due diligence materials that they would receive up front.

Interim Chair Holbrook said if I understand what you said correctly, you did not have a general meeting with the citizens and you only met with four people at one time.

Mr. Langston said the direction that as Kennecott has received from the City Council was to try and make it manageable and meet with some discrete groups who represented the interests of the broader group as a whole. What we found at the neighborhood open houses that we had was that it was difficult to accomplish anything when you have 50 people in the room with different opinions and they are all trying to express them at once. I think that we found it more effective meeting with smaller sub-groups. I think we have covered the spectrum of concerns from everyone without speaking to every individual.

Commissioner Jolley said I believe this application complies with the zoning and land use requirements, but there was a question asked previously in public comment about some future maps showing that as open space and park space. Was that ever addressed with any of the groups you met with?

Mr. Langston said yes; it came up a number of times. The residents shared information that they either overheard or had seen or even had in their possession and we talked about those. That is one area where we can do a better job in the future to be more consistent in the way that our maps correspond with our plated legal documents. As we discussed last time, whether every resident was made aware of it that I can't speak to; what I can speak to is that we have an amended plat for plat one that shows this area as commercial or retail or town home. That is the basis for many of the decisions we made. We spent a lot of time with our marketing group making sure that the message is consistent. It is a bit harder to get that from third party sources.

Commissioner Jolley said my comment on if were to allow public comment I would say that it should be limited to two minutes and only for new information; not what has already been said. You might ask for a show of hands how many want to speak.

Interim Chair Holbrook asked how many people present are here to speak on this item. She noted there were about ten or eleven. She said we will limit each speaker to two minutes and only for new information not previously brought out at the previous public hearing.

Commissioner Jolley motioned to open this item up to public comment. Commissioner Morrissey seconded the motion. Vote was unanimous in favor. Commissioner Russ Naylor and Commissioner Mark Woolley were absent.

Interim Chair Holbrook opened the public comment.

Michelle Speckman, 4353 Open Hill Drive, South Jordan; I was among the four residents that met with them the week after the last Planning Commission meeting. Shortly after the January Planning Commission

meeting a small group of four residents arranged a meeting with Kennecott Land. I attended that meeting. At that meeting Rulon Dutson disclosed to us that these town homes have been on the official plat maps submitted to the city since 2004. Despite the fact that Kennecott Land knew this was planned for this land they continued to label this label as otherwise on their marketing maps. She displayed several maps from 2004 through 2015. Kennecott Land has been publishing marketing maps that show this area as a garden park, civic use, pool or beach club, and community center. Not a single map has this area labeled as town homes. Despite the fact that Kennecott knew for years that they were planning to build town homes on this land they purposely deceived their consumers by labeling it as otherwise. Daybreak consumers forgo other luxuries such as large yards to live in a planned community with public spaces, parks, trails and a lake. These public spaces are the selling point for Daybreak consumers. These people made the largest purchasing decision of their lives based on marketing materials that Kennecott Land published knowing that the information they were marketing was not what they actually had planned. According to Utah Code Title 13 Chapter 11A Section 3, deceptive trade practices occur when in the course of a person's business, vocation or occupation, that person uses deceptive representations or designations of geographic origin in connection with goods or services, represents that goods for services have sponsorship approval characteristics ingredients uses benefits or qualities that they do not have; furthermore deceptive trade practices occur when a person or business quote advertises goods or services with not intent to sell them as advertised. There were a lot more residents planning to attend this meeting tonight but Kennecott Land sent out an email 5 day ago that indicated they did not intend to push forward with town homes on this land – Quote: "We are committed to slowing down our planning process to make sure we have looked at all of the options." Quote: "Kennecott's appearance at the February 9th Planning Commission Meeting does not indicate intent to move forward with town homes." Quote: "We are committed to continue to working with residents as well as South Jordan City to develop a 3-6 month process that will encourage all interested residents to provide input by both email and in person work-shops. We will listen to every idea and comment and utilize a resident working group to study and evaluate the options." I feel like if they intend to have a 3-6 month process to discuss with residents then let's allow them to have that 3-6 month process. What I don't want is to allow them to be disingenuous again.

Jill Thatcher, 11723 Copper Sky Drive, South Jordan; my husband and I put together a petition so that we could get an idea of how the residents in our neighborhood felt about this. Prior to this meeting we were up to 452 signatures. They Mayor and each of the Council Members has received notification of the signatures to that petition. Although this room is empty tonight, I hope the City of South Jordan will clearly understand the outcry that is coming from the citizens and residents that live in Daybreak. At one of the resident meetings my husband organized two of those meetings. We had nine in attendance at the first and 10 attending the second meeting. Ironically our second meeting was scheduled for a week ago last Monday; Kennecott cancelled that meeting and rescheduled for Thursday which then only allowed only 5 people to come. That seemed extremely dismissive with this being a highly volatile subject we are discussing with them. Also at our resident meeting we asked Rulon if we could have access to the HOA email list so that our petition could go across all of the Daybreak community. He said to get in touch with Cindy, president of the HOA. Cindy's response was I have been too free with that list and I should not have given it to Kennecott; I am sorry we can't give it to you. Again, that seems really dishonest. Suddenly some of us are no longer on the list. In our meeting we were trying to get them to admit and take ownership of the fact they had produced these maps, they never would admit and they passed that blame onto the realtors when in fact they were providing that exact literature to the public.

Shannon Watt, 4873 Wexford Way, South Jordan; I live near one of the Sego Town Homes that was recently built in the last year off of Lake Run and 11400th. I have to rebut his disingenuous comments about saying that everyone that lives in the Sego homes parks in their two car garages. Almost every home on the corner has one car in the garage and one car on the street. When I talked to Rulon about this eight months ago he said people are just unpacking their boxes, give them time to get settled and they won't be doing that. Now on Lake Run road it is a total safety hazard because people are parking on both sides. When people park on both

sides, two cars can't get through that street. Snow plows can't get through and when the snow is there people are parking two feet more into the street because of the snow. Right now Lake Run road has turned into a one way street. They can say what they want but we live it every day and I worry about my teenagers driving it every day.

Eric Thatcher, 11723 Copper Sky Drive, South Jordan; the design that is being shown there, the alleys that go between the units are dead ends and I am concerned about where they are going to push the snow to clear the area. What I have seen on Daybreak Rim Way with the existing Sego homes is that they move the now into piles that are in front of the entrance. Once those piles have accumulated, when they bring the trash cans our, even though there might be a plan where they are supposed to go there is now snow in that location so the trash cans and the snow extend out into the street making it difficult to pass. I think you're putting the cart before the horse with development. The land adjacent to DCC that is supposed to be a future amenity is going to be restricted by whatever is built first. We're talking about three story townhomes and my understanding is the three story units will be behind and the two story units will be on the street. If you have the three story units in the back that is going to cast shadows onto the amenity area which might potentially be a pool. I am questioning the logic, shouldn't there already be a design for that amenity area prior to building something south of it. My last comment is any of the buildings that would go in that amenity area would also be inhibited by the existing structure.

Blair Williams, 11568 Roselawn Way, South Jordan; aside from the myriad of aesthetic reasons why we don't want the town homes built here, there are a few other reasons. Parking is worse than they are saying and it is already congested. If we put these town homes there they will be using parking on the street but also if we build an amenity on that 1/3 lot where are they going to park. People coming to the community center there are going to be a lot more pressure on it. I would also like to reiterate that we have a petition that has been signed by over 400 people and you should already have access to it. On the Daybreak residents page I have been doing a lot of posting and the consensus there is quite active and there are a lot of people commenting and a lot of people that share our views. There are plenty of places that Kennecott can build town homes and plenty of places they have built town homes, if they build them here then that basically locks it up so that there will never be an amenity built here.

Jill Spackman, 4833 W. Littlefield Lane, South Jordan; I echo everything that has been said here. I attended and have organized the last two meetings. While safety was being looked at by Kennecott the consensus after the meetings we felt that our questions were just circled around. We would bring them back and they would circle around it again. One question I asked was, were the residents given the opportunity to purchase that land through the different HOA committees that have met over the years. They were advised by Kennecott that it would not be good for the HOA. I am concerned about the trash cans, the snow removal, and the tight spaces. I live by the Sego homes by Oak Mont and along Daybreak Parkway and there are a few Sego homes that have driveways in the back of those garages and people do not have driveway space and people do not park both cars in the garages. She reiterated her concern for parking.

Brandon Hawker, 4492 Harvest Moon Drive, South Jordan; I have a two car garage and I am required to put my garbage cans in there; with two garbage cans in my garage I can't park two cars in there.

Chester Saivert, 5104 West Dobbs Creek, South Jordan; I don't think the problem is at the level expressed by the gentleman from Kennecott. I think the concern is those making the decisions about money issues for more units to be sold at the expense of the density and all of the problems that come with the density. For me to get out of my garage I jump a now bank when the snow is plowed. There is nowhere else to put it except in front of the driveways. I don't like nor am I physically able to shovel those snow banks that are accumulated in front of my driveway from the alleyways. I have bought two homes in Daybreak. The reason I moved from one was the density on Rubicon. Kennecott, according to the sales people, does not tell them what the future

holds for a specific area. That is a very serious problem and I really resent it and I think it is very deceitful. I talked to the sales representatives and they continually say Kennecott won't tell us what they have planned for there and I assume that it is because they want to sell the immediate area without regard for what is coming in the future. I am very disappointed in Kennecott and what they have turned into.

Craig Hall, I am speaking as a resident of Daybreak for more than 9 years. I will remain in the audience until the vote has been taken. I was one of those that received the second email saying this project is in flux. Everything else I was going to say tonight has been mentioned. The preliminary plan is a preliminary plan, maybe they are premature. Based on their email of 4 to 5 days ago I would suggest this preliminary plan is not ready to be approved because they do not know what they want to do. I think it would be disingenuous on behalf of the Planning Commission or the City Staff. Despite the recommendations that it meets the traffic and the zoning is in place; however, they do not know whether or not this is the plan they are actually bringing forth. This Commission tonight has before you some amendments to other subdivisions. It does not make sense to me that we approve a preliminary plan on our subdivision plan when they do not know what the project is going to be. They say they are in flux and are going to study for 3-6 months etc. I would suggest that an appropriate decision tonight would be to delay it and to not approve it tonight until they get what they know they want to do after they have worked with the residents and work internally and they go forward.

Interim Chair Holbrook closed the Public Hearing.

Commissioner Jolley said I appreciate the concern and I feel for the residents because I feel there was some misleading information. We are here with strict standards as to what we can approve and what we have to follow. I think that is what we have to base our decision on.

Staff Attorney Steven Schaefermeyer said we can go over your authority to either approve or disapprove. I will say that as this was pointed out last week, it is a little bit different because we are in the PC Zone. There are only five (5) things that you would have to point to if you are inclined to not approve this subdivision that I want you to go over. If that is the direction you are headed let me know and we will go over each of those five things.

Interim Chair Holbrook said I think it would be good for the people to hear those.

Staff Attorney Schaefermeyer said part of the challenge of the PC Zone is it mentions subdivision approval by the Planning Commission, but it is not entirely clear how you are involved. He said this section is for everybody's reference: 17.72.110 Subsection E. This actually refers to City Staff and what they can disapprove. Quote: "the City Staff shall have discretion to disapprove a project preliminary subdivision plan and the related site plans and condominium maps only on the basis of:

1. The failure of the proposed project plan or preliminary subdivision plat to include all of the elements required by this section (PC Code – you have staff's opinion in the staff report)
2. The failure of the proposed project plan or preliminary subdivision plat to substantially comply with the approved Master Subdivision Plat.
3. To the extent that the proposed infrastructure has not been previously approved, the failure of the proposed infrastructure to adequately serve the community covered by the proposed project plan preliminary subdivision plat
4. The inclusion of uses not permitted or conditionally permitted under this chapter
5. The failure to adequately address geotechnical or other physical limitations of area covered by the project plan preliminary subdivision plat

He said there is other language throughout this that, as long as the uses and the densities are approved under both the PC Zone and the development agreement but that is not something that you can take into consideration.

Commissioner Morrissey said I would like to look at a couple of those and figure out how they apply to this instance. It seems to me from staff's recommendation and from the traffic report it seems all the codes are met. There is still a lot of concern as far as safety and that is a big concern to me especially with this being near a school. What is conflicting to me is we have discussed this area as if parking is the big issue whether we should have it or whether we shouldn't. The more parking causes a safety issue and we have residents that want more parking. He said representations were made as far as the future use of this area and those representations seem to be more in the marketing of the area. I am not ready to pass it without more discussion.

Interim Chair Holbrook asked if Commissioner Morrissey would like to ask the Staff Attorney more specific questions.

Commissioner Morrissey said the most relevant issue to me was the map and the subdivision and how it fit into the Master Plan. I would like to know more about what that means.

Staff Attorney Schaefermeyer said the City's position is that this does fit within what was approved by the City. The discussion about marketing that becomes a private issue and this is a problem we have across the city. Many people come to us and say the developer promised this or this and we can only control what we control, so that may or may not be actionable, that is not necessarily the City's realm to step into. As far as getting back to those five things you can consider and the Master Plan; this specific lot was set aside for a future subdivision. On the Master Subdivision Plat that was approved by the City, there was no indication of a particular use. When we go to the criteria, one of the things that you can't deny it on is based on the use if the use is allowed by the Master Subdivision Plat and the agreement.

City Planner Greg Schindler said the Master Subdivision Plat shows what areas are for residential, what areas are for commercial and what areas are open spaces. This area was designated for residential uses and a school was allowed to go there as well. It was referenced in the Master Subdivision Plat and in the original approvals the agreement of a community structure plan, which is another map that was approved by the City and this area at that time was approved for residential uses. We look at things that are approved by the City; we don't look at the marketing materials out there because they are not approved by the City. Whatever they propose marketing wise is not regulated by the City so we don't look at that as we are reviewing documents. It complies with the item regarding the Master Subdivision Plat. He said there was an original Master Subdivision Plat and that was amended. He said that shows that is was approved as multi-family residential use. That was approved back in 2004,

Interim Chair Holbrook said I checked the original Master Plan to see how it looked and what it was presented as.

Staff Attorney Schaefermeyer said when we look at these official plats that are recorded with the Salt Lake County Recorder and that we have on file and anybody can come look at we try to put as many notes and explanations on them to make it as clear possible what is going on the property.

Commissioner Jolley asked the City Planner to talk a bit about what the process is if this were to be approved for preliminary plat approval final being staff's decision.

City Planner Schindler said all subdivisions, regardless whether they are in the PC Zone, the process is the preliminary plat comes to the Planning Commission and then the final plat is reviewed by Staff. We look at the final plat to make sure that everything that was approved preliminarily by the Planning Commission is showing up on the final plat. Engineering spends most of their time looking at the construction drawings and off site improvement drawings. They can't record until those are approved by our City Engineer. Any bonds for off-site improvements would have to be put up.

Commissioner Jolley said a lot of the residents' concerns about the structure that is going to be built on there will be reviewed by the City. City Planner Schindler said if they stated in the staff report that they would build two story and three story units then that is what we will be looking for.

Interim Chair Holbrook said personally I can relate with what the people have been saying and I hope you understand what we are able to do and not do tonight.

A.2 Potential Action Item – (See VI.A.1)

Commissioner Jolley made a motion to approve File No. SUB-2015.74 with the following:

1. **That all South Jordan City requirements are met prior to recording the plat.**
2. **That any recommendations made by the South Jordan City Traffic Committee are followed.**
3. **That any recommendations made in the WCEC Engineering Traffic Study are followed.**

Commissioner Holbrook seconded the motion. Roll Call Vote was 3-0 in favor. Commissioner Hall abstained from vote; Commissioner Russ Naylor and Commissioner Mark Woolley were absent.

Interim Chair Holbrook called for a 5 minute break.

VI. PUBLIC HEARINGS AND POTENTIAL **ADMINISTRATIVE ACTION ITEMS

**Administrative Action = Less Discretion, Substantial Evidence (Objective Standard)

B.1 Issue: **RIVER HEIGHTS AT THE NORTH DISTRICT SUBDIVISION AMENDMENT**
Address: 11164 South River Heights Drive
File No: SUB-AMEND-2016.02
Applicant: Mark Stoker

Planner David Mann reviewed the background information on this item from the packet staff report.

Applicant Mark Stoker was present but had no comments.

Interim Chair Holbrook opened the Public Hearing. No speakers. She closed the Public Hearing.

B.2 Potential Action Item – (See VI.B.1)

Commissioner Morrissey made a motion to approve File No. SUB-AMEND-2016.02 for the subdivision of real property located at 11164 South River Heights Drive as presented to the Planning Commission, provided that:

1. **The property previously included in lot 7 of the River Heights at the North District Subdivision is shown on the plat as a separate lot.**
2. **The owner of the lot 7 remainder signs the plat.**
3. **All applicable City Department Requirements, as stated in the Municipal Code are met.**

Commissioner Jolley seconded the motion.

Commissioner Hall asked if the owner of Lot 7 is willing to sign this plat.

Mark Stoker, 3969 Cedarwood Lane, South Jordan (applicant); said the answer to that I would have to assume yes. We were in negotiations when we purchased this property and negotiated to adjust the line. We have a great relationship with The Boyer Group and I don't see any reason why they would not.

Roll Call Vote was 4-0 in favor. Commissioner Woolley and Commissioner Naylor were absent.

C.1 Issue: **JORDAN HEIGHTS PHASE 1-A PRELIMINARY SUBDIVISION**
Address: 11340 South 4000 West
File No: SUB-2015.49
Applicant: Chas Johnson

Planner David Mann reviewed the background information on this item from the packet staff report.

Interim Chair Holbrook asked if there are two parts to this. The first part we are subdividing and the next on is the site plan approval. Planner Mann said that is correct.

Chas Johnson, 9544 Willow Trail Way, South Jordan (applicant); you will probably have more questions on the site plan but I am here to answer any questions.

Interim Chair Holbrook opened the Public Hearing. No speakers. She closed the Public Hearing.

C.2 Potential Action Item – (See VI.C.1)

Commissioner Hall made a motion to approve File No. SUB-2015.49 for the subdivision of real property located at 11340 South 4000 West as presented to the Planning Commission, provided that all applicable City Department Requirements as stated in the Municipal Code are met. Commissioner Holbrook seconded the motion. Roll Call Vote was 4-0 in favor. Commissioner Woolley and Commissioner Naylor were absent.

D.1 Issue: **JORDAN HEIGHTS OFFICE BUILDING #1 SITE PLAN**
Address: 11340 South 4000 West
File No: SP-2015.77
Applicant: Chas Johnson

Planner David Mann reviewed the background information on this item from the packet staff report.

Interim Chair Holbrook said I have a question regarding fencing. In the municipal code 16.04.200 says that a 6' masonry fence should be erected next to a canal and I wondered why this was a different material.

Planner Mann said in that code it does state that it is a requirement if the Planning Commission designates this as a hazardous area to promote safety. During the discussion with the developer and the neighbors and public meetings, the reason for having the lower non-obscuring fence there was to make sure that there would not be anyone going on the backside of the fence and graffiti it or other activities so that there is more visibility to ensure that kind of safety.

Commissioner Hall asked which side of the canal has access for the Welby Jacob folks to come in to maintain it. Planner Mann said it is on the other side adjacent to this property.

Commissioner Hall said 114th and Bangerter is going to be realigned and I know we did some property adjustments a few years ago where the Sprouts development went in; is this outside of that realignment roadway acquisition by UDOT so we don't have to come back and do it again. Deputy Engineer Greenwood said at this point we are not aware of what UDOT is proposing for realignment for this intersection.

Commissioner Jolley asked if the City will be installing the median or will the developer. Deputy Engineer Greenwood said the developer will be installing it.

Chas Johnson, 9544 Willow Trail Way, South Jordan (applicant); Mr. Mann's presentation was well done and I am open to any questions you may have for me.

Commissioner Jolley asked if they would address the exit onto 114th South. That is going to be a right out only and we have that low lying median wall faced with rock; has there been any discussion about how that might obstruct the view of those exiting there and entering going to the west.

Mr. Johnson said we have looked at that with Planning and with Engineering and it has been determined that the height is not a concern for traffic.

Interim Chair Holbrook opened the Public Hearing.

Tyson Webb, 3971 Copper Sea Cove, South Jordan; I am also the HOA President for Jordan Heights. He said could you read from the development agreement what the fencing material is specified to be. Planner Mann said it states rod iron or other non-obscuring fence. Mr. Webb said the reason we were thing about a rod iron fence was for the lack of opportunity for it to be tagged and the rod iron material would last longer and more durable than a vinyl fence.

Rusty Isaacson, 4073 W. South Jordan; I am Vice President of the HOA. The issue we have with the fencing is if is something that is solid it will be tagged. If it is vinyl and is not monitored is can be damaged. We would like to see something durable that is sustainable for a long period of time. The rod iron is something we thought about.

Mr. Johnson said our proposal regarding the fence is it's is vinyl, but it is a rail vinyl equestrian type vinyl. We thought this would keep it open and keep the views unobstructed and appropriate for this area of South Jordan. It will be two rails that is two to four foot high fencing.

Interim Chair Holbrook closed the Public Hearing.

D.2 Potential Action Item – (See VI.D.1)

Commissioner Morrissey made a motion to approve File No. SP-2015.77 for the construction of an office building located at 11340 South 4000 West as presented to the Planning Commission provided that:

1. **All developer obligations from the development agreement recorded on October 30, 2015 are met.**
2. **All applicable City Department Requirements as stated in the Municipal Code are met.**

Commissioner Hall seconded the motion. Roll Call Vote was 4-0 in favor. Commissioner Woolley and Commissioner Naylor were absent.

VII. PUBLIC HEARINGS AND POTENTIAL *LEGISLATIVE ACTION ITEMS

*Legislative Action = More Discretion, Reasonably Debatable (Subjective Standard)

None

VIII. OTHER BUSINESS

None

Commissioner Morrissey made a motion to adjourn. Commissioner Holbrook seconded the motion. Vote was unanimous in favor. Commissioner Woolley and Commissioner Naylor were absent.

ADJOURNMENT

The February 9, 2016 Planning Commission meeting adjourned at 8:50 p.m.

Meeting minutes were prepared by City Recorder Anna West.

This is a true and correct copy of the February 9, 2016 Planning Commission meeting minutes, which were approved on February 26, 2016.

Anna M. West

South Jordan City Recorder

02-09-16 Planning Mtg - Attachment A

SOUTH JORDAN
UTAH

FEBRUARY 9, 2016

PLANNING COMMISSION MEETING SIGN IN SHEET

PRINT NAME	ADDRESS
Jessica Welch	5651 Shady Stone Dr. S. Jordan
Kevin Ludlow	9055 So. 1300 E., Sandy, UT
Cory Shorr	11599 S. Roselawn Way S. Jordan
Mark Stoker	3969 Cedar Wood Lane, S.J. 84009
Andreen Johnson	11648 Copper Dr
Natalie Aragon	4689 Pale Moon Ln SJ
* Jill Spackman	4833 W. Littlefield Ln S. Jorda
Chas Johnson	9544 Willow Trail Way S. Jordan
Shalee John	4629 W Daybreak Rim way 84009
* Rusty Isaksen	4673 W Great Neck Dr 84009
Heather Anderson	11628 Harvest Crest Way 84009
Dino Watt	4873 Wexford Way 84095
* Shannon Watt	4873 Wexford Wy 84095

SOUTH JORDAN
UTAH

FEBRUARY 9, 2016

PLANNING COMMISSION MEETING SIGN IN SHEET

	PRINT NAME	ADDRESS
	Andrea Sam	11561 Radiance Lane SJ
	Boyd Brown	8098 S. Milo Dr
*	Blair Williams	11568 Roselawn Way
	Bethany Williams	11568 Roselawn Way
*	Tyson Webb	3971 Copper Sec Cv
	Glenn Enke	11778 Copper Sky Dr
	Barb Kluger	11608 S. Windstone Cir
*	Jill Thatcher	11723 Copper Sky Dr
*	Eric Thatcher	11723 Copper Sky Dr.
	GARY Langston (Kennecott Land)	
*	Michelle Speckman	4353 Open Hill Drive
*	Jill Speckman	4833 W. Littlefield Ln.
*	Chester Saivert	5104 W. Dobbs Creek
*	Mark Stoker	3969 Cedarwood Ln.

SOUTH JORDAN
UTAH

FEBRUARY 9, 2016

PLANNING COMMISSION MEETING SIGN IN SHEET

PRINT NAME	ADDRESS
Teri + Ray Lucia	4915 W Daybreak Pkwy
Tim Taylor	5101 Lucky Clover Ln, Murray, UT
George Stewart	11573 S. Oakshire Ln. Sandy, UT
Shawnda Bishop	11416 Skylux Ave, SJC.
Kristin Kassing	4297 W. Clarks Hill Dr. STC.
Liz Boyer	4984 Topcrest Dr. SJ, UT
Jo-Lynn Hatch	11432 Lake Fall Rd SJ, UT
Rulon Dutson	4700 Daybreak Pkwy SJ
James Farnell	11582 Grandville Ave
Rosanna Steveker	4884 Zephyr Way
BRANDON BITTER	11654 OAKMONT RD.
JOSHUA LEDG	4934 TOPCREST DR.
* Brandon Hawker	4492 Harvest Moon Dr.