SOUTH JORDAN CITY
JOINT CITY COUNCIL & PLANNING COMMISSION SPECIAL STUDY MEETING
OAK CONFERENCE ROOM

June 20, 2016

Present: Mayor David Alvord, Council Member Patrick Harris, Council Member Brad Marlor, Council Member Don Shelton, Council Member Tamara Zander, Commissioner Mark Woolley, Commissioner Earl Jolley, Commissioner Julie Holbrook, Commissioner Brady Quinn, CM Gary Whatcott, COS Paul Cunningham, Fire Chief Andy Butler, Administrative Services Director Dustin Lewis, Police Chief Jeff Carr, City Attorney Ryan Loose, City Commerce Director Brian Preece, Strategic Services Director Don Tingey, Development Services Director Brad Klavano, Finance Director Sunil Naidu, Public Works Director Jason Rasmussen, CT Director Jon Day, City Planner Jake Warner, Deputy Recorder Cindy Valdez

Absent: Council Member Chris Rogers, Commissioner Sean Morrissey

Others: Ty McCutcheon, Rulon Dutson, Carl Barton

STUDY SESSION – 6:30 AM

Council Member Brad Marlor made a motion to appoint Council Member Patrick Harris as Mayor Pro-Tempore. Council Member Zander seconded the motion. Vote was unanimous in favor. Council Member Chirs Rogers was absent.

Mayor Pro tem Harris welcomed everyone presentand noted that all Council Members are present except Council Member Rogers and Mayor Alvord will be here soon.

A. Invocation: *By Council Member Brad Marlor*

Council Member Marlor offered the invocation.

B. Staff Discussion: Introduction to Redwood Road Study. (*By Jake Warner*)

Planner Jake Warner said I would like to introduce you to some activities that you can participate in if you would like too. We are moving forward slowly with our consultants on the Redwood Road study plan. We held on Open House on May 25th and the participation wasn't quite what we wanted it to be, so we have been working with the consultants to hold off moving into the next phase. What we would like to do today is go over the activity materials that were introduced at the Open House, and we will have those material available at the City Council meeting tomorrow night, and the next Planning Commission meeting being held next Tuesday June 28th. The consultants have prepared a series of boards that will be displayed in the foyer on the second floor. The boards will have a topic, multiple scenarios, concepts, and ideas that they would like to test. There will be stickers, and everyone will take the sticker dots and place them on the topic or scenario that is preferred to you, there will also be sticky notes so you can make comments on, the idea is to test the concepts as the relate to redwood road. I would like to introduce to you an issue that came up as we were preparing these boards, redwood road in South Jordan is currently a 5 lane road and it has always been UDOT's vision that someday that would need to be a 7 lane road. There are currently 7 lanes in West Jordan, and UDOT is working with the City of Riverton where they will likely do a 7 lane road there too. The 7 lane road in South Jordan would just need stripping and that was anticipated to take place 20 years out. I think they would like to clean up the corridor as far as the

number of lanes and amend the funding plan and move up the restriping of Redwood Rd from 5 lanes to 7 lanes. I think we as staff have some concerns about that, my thought personally is if that is needed it is their road and they can do what they want with it, but there would need to be a Public Comment period. I think the main concern is that they would remove the shoulder and the bike lanes completely and that would change the whole feeling and aesthetics. UDOT has approached us and they would like to go to a median on Redwood Road, and the City has expressed that they would like some enhancements on the median to help with the aesthetics. We are doing a study on Redwood Road, as well as UTA has also started a study, so I bring this entire thing up so that you are aware of what is going on with Redwood Road, and we would also like your input.

Council Member Harris said what is the width of redwood road right now?

Planner Warner said if you look at Redwood Road you could say that we don't have a standard right now, so part of what we are anticipating coming out of our study is a standard cross section. I think we have gotten 4 or 5 feet of sidewalk out of UDOT's standard cross section. We do have some zoning that requires 12 feet, but there is a modge-podge of requirements.

Council Member Zander said if this was supposed to be out 20 years, how close are we to doing it now?

City Engineer Klavano said they want to move this up to Phase 1, and they have committed to us to not do it in the next 5 to 7 years unless we give them the ok. We want to complete this study and we want to complete the UTA study, as well as come up with some ideas on how we want to accomplish this with a bike lane, sidewalks and etc.

Mayor Pro tem Harris motioned to turn the time over to Mayor Alvord. Council Member Zander seconded the motion. Vote was unanimous in favor

Mayor Alvord said we are still waiting for some of our Planning Commissioners, so let move to Item C. Council Packet Review.

C. Council Packet Review. (*Calendaring, Topics, Future Agenda Items*)

G. Consent Items:

1. Resolution R2016-51, Prohibiting the Use of an Ignition Source Including Fireworks, Lighters, and Matches in Certain Areas. (*By Fire Chief Andy Butler*)

Mayor Alvord said is this broadening the area?

Fire Chief Andy Butler said it is the same area as last year it just has to be renewed yearly.

Council Member Shelton said do we make a particular effort to notify residents?

Fire Chief Butler said we post it on Facebook, our City website, and the Utah State Fire Marshall's website.

2. Resolution R2016-53, Fee Change for Special Events. (*By Dustin Lewis*)

Mayor Alvord said is this part of the fee study?

Director Dustin Lewis said this is not a part of the fee study it is just a change in the fee schedule that reduces the fees for special events. We have found some efficiencies in our processes so we want to pass that on to the people.

Council Member Shelton said I would like to know what qualifies as a special event.

Director Lewis said when you see an event at the park with 200 people or more, that would require a special event permit.

Council Member Shelton how were you able to decrease the fee schedule so much.

Director Lewis said we have streamlined the time it take for someone to review the permits, and that's what the fees are based on.

3. Ordinance 2016-22, Amending Chapter 5.64 of the South Jordan Municipal Code Regarding Registers Kept for Residential Rental Housing. (*By Police Chief, Jeff Carr*)

Police Chief Jeff Carr said the Supreme Court has ruled that it is an unreasonable search to force a manager to hand over the register to police without the consent, court order, or a warrant, so we have haven't used it for several months, we just need to formally take it out of the City Ordinance.

Mayor Alvord said how often was that processed?

Police Chief Carr said I really don't know how often we were using it, but it can be used for any number of purposes. I don't know that it is used a whole lot, but the issue is using it without the consent of the management, court order, or warrant.

4. Resolution R2016-48, Authorizing the Mayor to sign a Franchise Agreement with Level 3 Communications, LLC. (*By Strategic Service Director, Don Tingey*)

Director Don Tingey said Level 3 Communications is asking for a Franchise Agreement and currently we do not have one. However, they have the telecommunications fee and so this is just formalizing it. They have been a very good customer of the City so we just want to formalize this with a Franchise Agreement.

Council Member Harris said what is the length of this Agreement?

Director Tingey said 10 years with 5 year renewals.

Council Member Harris said is there any reason we should be concerned about entering into a lengthy contract?

City Attorney Ryan Loose said it is a fairly standard procedure so we don't have any concerns.

H. Action Item: Sign Appeal AP-2016.03, Requesting Exceptions to South Jordan Municipal Code Sections 16.36.080(I) and 16.36.090(B&D), Regarding Pylon and Monument Signs on Property at 5448 W. Daybreak Parkway (Smiths Marketplace). (*By City Planner Greg Schindler*)

Planner Jake Warner said Greg Schindler is out of town, but he will be here for the meeting tomorrow night. They are asking for additional area for 2 pylon signs with additional height, these are monument signs. He did make a comment that this project is larger than the Oquirrh Mountain project.

Council Member Zander said will this be temporary for their grand opening, or will this be permanent?

Planner Warner said this will be their primary signage.

Council Member Shelton said this intrigues me that the sign approval comes way later than the approval of the project. I don't understand why we don't do all of this together to begin with.

Planner Warner said there are separate permits. The location is usually determined with the site plan, but the actual sign itself needs to meet the City requirements, or they have to request an exception.

CM Whatcott said typically at the site plan they know where the signs will be located on the site. It is just the design of the sign that is a separate process. We don't usually approve all of the signage at the site plan because they don't always know how many tenants they are going to have, and who the tenants are, so sometimes the design comes after that.

Council Member Harris said I would like to make a comment that every time we make a one off adjustment to the code to allow the signage, then later on it will be use as a precedence to go in and approve more signs because previously we allowed a sign to be just a little bit off decision on another one. How far do we want to continue to go with this?

Mayor Alvord said I think the City Code is a little more restricted on purpose so that if there is a sign that may not fit a more aggressive sign, or may not fit a sign with greater surface area, then the Council does not have their hands tied if the Planning Commission chooses to reject it. We will always have the exceptions like the Smith Marketplace, because this is such a large area of land. I think this area is big enough, and grand enough that it deserves a bigger sign.

Council Member Shelton said I really don't have an issue with the sign, I am still thinking about the process a little bit.

Council Member Harris said I think if someone is going to request a sign that is just a little bit outside the code, I am like Council Member Shelton I would like to have this brought to us upfront.

Council Member Shelton said can't imagine that the size of this sign was any surprise to them they knew what they were going to build.

Mayor Alvord said maybe the surprise was that they didn't know our code was so restrictive.

I. Action Item: Resolution R2016-50, A Resolution Authorizing the Mayor to Execute an Agreement Allocating Rights and Obligations Under the Master Development Agreement for the Kennecott Master Subdivision #1 Project. *(By CM Whatcott & City Attorney Loose)*

Mayor Alvord said we do have representation from Kennecott Land if you have any questions for them as well.

Council Member Shelton said I am wondering if there is any Daybreak land that is not being sold as a part of this transaction.

City Attorney Loose said the underdeveloped parcels, the lake and a few other park areas are being allocated.

Council Member Shelton said is the Master Development Agreement being altered in any manner?

City Attorney Loose said no, we were very careful about how that was handled. The Master Development Agreement will give the City the right to look at the proposed allocations, rights and responsibilities in the sale, and if they are ok for the City to approve, and if not, we would not approve the transferring the rights and obligations.

Council Member Shelton said it looks like we are getting the land for the park and two million dollars to do the development, but it looks like this will happen over a matter of time when these parcels will come.

City Attorney Loose said the first one that is already tied into the agreement with Kennecott is called the Sun Stone buffering agreement that we did on the first 20 acres. I understand that there are 4,000 to 5,000 dwelling units currently, and so when they hit 10,000 the next 20 acres will have to be there or there will be no more building permits. Under the MBA, and the current amendment that has been drafted without this allocation agreement, when they finish the last unit they can just give us all the park acreage at once, whereas now these triggers will set the timelines out.

Council Member Shelton said so we are getting land and $100,000 per acre, and it is happening over a fairly lengthy period of time, so is there any consideration for an inflation factor.

City Attorney Loose said we have discussed that, and when we negotiated that first amendment and the MBA where that $100,000 per acre was agreed upon that would have been the right time to negotiate that term. What we are doing is clarifying a timeline, but we are not proposing any new obligations on either side.

Council Member Marlor said did Council Member Rogers give you any feedback?

City Attorney Loose said yes he did, he sent an email that said "looks good."

Council Member Marlor said Marlor said I was asked to view it as well and I did see some edits that I have as well, but I am satisfied with what I have seen so far.

Mayor Alvord said I was pleased when CM Whatcott told me about the bench mark number of units come in and that we will start to see the greenspace, I was very pleased to see that because I think it was always a little ambiguous and I think it will help keep everyone's expectations in line as we make this transfer.

CM Whatcott said I would like to say publicly that City Attorney Ryan Loose and the team at Kennecott have done a great job, it has been a lot of work, and I know Ryan has spent a lot of time even away from work on this. There has been a great effort by a lot of people.

Council Member Zander said what is your new name going to be?

Ty McCutcheon, (Rio Tinto) - said we as part of the acquisition are starting a new development called Daybreak Communities, and our firm will have the accountability for continuing to develop the community. It will be a similar relationship to how Kennecott land has been the managing agent for Kennecott.

Council Member Zander said are there any layoffs expected?

Mr. McCutcheon said there is one fellow that has worked for Rio Tinto for 50 years and he has announced his intention to retire, and he is going to consult for a few months while we transition, but we need to hire a few additional roles.

Council Member Zander said I know right now you are housed in the Rio Tinto building will that change now that you are not a part of Rio Tinto?

Mr. McCutcheon said the plan is that we are going to outfit the second floor of the new building that is on SoDa Row for our office space, and it will take us about 3 month to finish the improvements so we will be functional as office space. We are going to stay in the Rio Tinto building with a short term lease until that space is completed.

Mayor Alvord said we have our Planning Commissioner's here and we have them scheduled for a 7:15 a.m. group discussion. I would like to welcome 4 of the 6 Commissioner's to this morning's meeting, one of the Commissioner's Craig Hall is no longer on the Commission he has been appointed as the South Jordan Hearing Officer and he cannot hold both positions.

Commissioner Woolley passed out a handout with the (3) discussion items for the joint City Council/Planning Commission Meeting: (Attachment B).

1. Home based business
   a) Parking and traffic Issues
   b) Drop-off and pick-up
   c) Intensity of the business as it relates to the surrounding community

Considerations-

- Intensity and impacts to surrounding neighbors of high traffic business models Pre-schools, dance schools, martial arts schools, etc.
- Proximity of other high traffic; business, schools intersection, etc.
- Consideration of appropriate distances from one another
- Limitation of hours and non-peak times

2. Overlay and Planned Development Floating Zone
   a) Great start with revised ordinance, however…

Considerations-

- More boundaries, i.e. a certain percentage of the underlying zone
- Puts Planning Department in a position to interpret code rather than having clear codes
- Does not provide protection to land owners because it lacks certainty
- City Services like the SJ Recreation Center, Fire Stations, etc., should not be in the Park Open Space Zone
- Create a City Service Zone

3. Issues as the relate to Conditional Use Permit approvals previously granted
   a) Traffic with Hawthorne Academy on 11400 South
   b) Others

Considerations-

- Holding permittees to the conditions imposed with approval
- Traffic Issues
- Enforcement

City Council and Planning Commission had a discussion pertaining to the (3) items presented by the Planning Commission.

Council Member Harris made a motion to adjourn. The vote was unanimous in favor.

ADJOURNMENT

The June 20, 2016 City Council/ Planning Commission Special Study meeting adjourned at 8:10 a.m.

This is a true and correct copy of the June 20, 2016 Council Meeting minutes, which were approved on July 19, 2016.

Anna M. West

South Jordan City Recorder

Discussion Items for the joint Council / Commission meeting
June 20, 2016

1) Home Based Business

a) Parking and traffic issues
b) Drop-off and pickup
c) Intensity of the business as it relates to the surrounding community

Considerations-

- Intensity and impacts to surrounding neighbors of high traffic business models
  - Pre-schools, dance schools, martial arts schools, etc.
- Proximity of other high traffic; business, schools, intersections, etc.
- Consideration of appropriate distances from one another
- Limitation of hours to non-peak times

2) Overlay and Planned Development Floating Zone

a) Great start with revised ordinance, however…

Considerations-

- More boundaries, i.e. a certain percentage of the underlying zone
- Puts Planning Department in a position to interpret code rather than having clear codes
- Does not provide protection to land owners because it lacks certainty
- City Services like the SJ Recreation Center, fire stations, etc., should not be in the Park Open Space zone
  - Create a City Services zone

3) Issues as they relate to conditional use permit approvals previously granted

a) Traffic with Hawthorne Academy on 11400 South
b) Others

Considerations-

- Holding permittees to the conditions imposed with approval
- Traffic issues
- Enforcement