CITY OF SOUTH JORDAN
PLANNING COMISSION MEETING
COUNCIL CHAMBERS

August 23, 2016

Present: Commissioner Mark Woolley, Commissioner Sean D. Morrissey, Commissioner Julie Holbrook, Commissioner T. Earl Jolley, Commissioner Brady Quinn, Commissioner John Ellis, City Planner Greg Schindler, Planner Brad Sanderson, Assistant City Engineer Shane Greenwood, Staff Attorney Steven Schaefermeyer, City Recorder Anna West

Others: See Attachment A

6:30 P.M.
REGULAR MEETING

I. GENERAL BUSINESS

A. Welcome and Roll Call

Chairman Mark Woolley welcomed everyone and noted all Commissioners are present except Commissioner Morrissey.

B. Motion to Approve Agenda

City Planner Schindler said the first Public Hearing Item **VI.** C.1. Site Plan SP-2016.07 needs to be pulled from tonight's agenda. The applicant has pulled their application at this time.

Commissioner Quinn made a motion to approve the August 23, 2016 Planning Commission agenda. Commissioner Holbrook seconded the motion. Vote was unanimous in favor.

C. Approval of the Minutes from the Meeting held on August 9, 2016

Commissioner Holbrook motioned to approve the August 9, 2016 Planning Commission meeting minutes. Commissioner Jolley seconded the motion. Vote was unanimous in favor.

II. INFORMATIONAL ITEMS AND OTHER BUSINESS

A. Staff Business

City Planner Schindler asked the Commissioners when they wanted to address item II. C. regarding Land Use Code amendments. The Commissioners decided they wanted to move it to the end of the meeting.

Commissioner Quinn made a motion to move Item II. C. to the end of tonight's meeting. Commissioner Holbrook seconded the motion. All were in favor.

B. Comments from Planning Commission Members

None

C. Planning Commission discussion regarding Land Use Code Amendments

This item was moved to the end of the meeting.

Commissioner Morrissey arrived to the meeting at this time.

III. CITIZEN COMMENT

Chairman Mark Woolley opened for Citizen Comments. No speakers. He closed the Citizen Comment.

IV. SUMMARY ACTION

A.1 **Issue:** **LOT LINE ADJUSTMENT BETWEEN LOTS 427 & 428 KENNECOTT DAYBREAK VILLAGE 4A PLAT 8**
Address: 11242 South & 11238 South Jonagold Drive
File No: LLA-2016.03
Applicant: Daybreak Communities

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

B.1 **Issue:** **LOT LINE ADJUSTMENT BETWEEN LOTS 109-112 & 121-124 KENNECOTT DAYBREAK SOUTH STATION MULTI FAMILY #1**
Address: 5061 W, 5059 W, 5053 W, 5051 W, 5029 W, 5027 W, 5023 West, and 5021 West South Jordan Parkway
File No: LLA-2016.04
Applicant: Daybreak Communities

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

Commissioner Jolley motioned to approve Summary Action Items A.1 and B.1. Lot Line Adjustments. Commissioner Ellis seconded the motion. Roll Call Vote was unanimous 5-0 in favor.

V. ACTION

None

VI. PUBLIC HEARINGS AND POTENTIAL **ADMINISTRATIVE ACTION ITEMS

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

C.1 **Issue:** **HANSEN, ALLEN & LUCE ENGINEERS OFFICE BUILDING SITE PLAN**
Address: 1309 West South Jordan Parkway
File No: SP-2016.07
Applicant: David Hansen

This item was pulled from the agenda at the beginning of the meeting because the applicant pulled his application.

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

This item was pulled from the Agenda.

D.1	**Issue:**	**ONE ELEVEN SUBDIVISION PRELIMINARY SUBDIVISION**
	Address:	11010 South Redwood Road
	File No:	SUB-2016.46
	Applicant:	David George

Planner Brad Sanderson reviewed the background information on this item from the Staff Report.

Applicant is not present. Wayne Corbidge is present and can take questions on this item.

Commissioner Holbrook asked staff if this is the first time something has been submitted for this property.

Planner Brad Sanderson said there is a history on the overall property. There was a development agreement that came through when this property was rezoned and it included not just the property that is outlined here in red, it includes everything over to Beckstead Lane. In phase 1 they did the single family residential that is on Beckstead Lane now. They came in after the rezone to get some clarification on the development agreement as far as mixed uses and heights and things like that. The applicant has been here before on multiple occasions trying to get all of this ready and now has a builder set for the residential portion of this as you will see on the next agenda item. This is kind of an amendment to the original subdivision plat.

Commissioner Holbrook asked if there was a commercial portion to this. Planner Sanderson said there is a commercial portion to the north.

City Planner Greg Schindler said there is a commercial portion to this project but the project goes up to 11010 South Redwood Road so the commercial portion is the existing building plus there will be another building to the south of it and then there will be this multi-family section.

Planner Sanderson said I can give you more history on the next item. This one is just for the subdivision. I know it is hard to take that leap without all of that information. On the terms on the standards of approval for subdivision, our recommendation is in favor of subdividing the property regardless of the use. It will make more sense as this meeting unfolds.

Commissioner Holbrook said I did read the rest of it but it is hard to have a cohesive understanding without all the information. I came into the meeting preferring to table this until we had all of the information.

Commissioner Jolley asked Planner Sanderson if there is a current application for the office buildings. Planner Sanderson said it is under review. Commissioner Jolley said we have seen that at the ARC meeting. Planner Sanderson said you will probably see it at the following Planning Commission meeting in three weeks.

Commissioner Holbrook said I hate to see our good commercial property going to residential. That is prime commercial property on Redwood Road.

Chairman Woolley said isn't this consistent with both the original zoning and the development agreement as amended by the City Council.

Planner Sanderson said that is correct. We wouldn't bring this for your consideration if it didn't meet the use and the other requirements of the development agreement and its amendments.

Chairman Woolley opened the Public hearing. No Speakers. Chairman Woolley closed the Public Hearing.

Wayne Corbridge, 1028 E. 140 N. Linden, UT; (Owner of Sego Homes). Mr. Corbridge said we build predominantly multi-family housing. As has been stated this project is a mixed-use development. The original development agreement showed up to 53 apartments on this site as part of the mixed use development. We are coming to you today with much less density of just 31 townhomes. They are high quality townhomes. Every unit will have a 2 car garage and 2 parking in the driveway per home. They are 2-3 bedrooms and the price will range from $210,000 to $260,000. We have 10 that will have roof decks on top.

Commissioner Jolley said the other two rows of homes do not have the roof decks because they did not want to intrude on the privacy of the single family homes.

Commissioner Holbrook asked about the square footage. Mr. Corbridge said they will range from 1370 sq. ft. for the smaller two bedroom plan, up to 1861 sq. ft. for the larger 3 bedroom plan.

Commissioner Holbrook asked if these are condos. Mr. Corbridge said these are townhomes, meaning that the homeowner will own the land. There will be a HOA to professionally manage the exterior and landscaping. The home owner owns the structure inside and out. The HOA has the responsibility to maintain the exteriors. That provides a low maintenance lifestyle for the home owner.

Staff Attorney Steven Schaefermeyer said when you make the motion please remove the words "*and subdivision amendment*."

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

Commissioner Jolley motioned to approve One Eleven preliminary subdivision application subject to CC&R's being submitted and reviewed by the City Attorney's Office. Commissioner Ellis seconded the motion. Roll Call Vote was unanimous 5-0 in favor.

E.1 Issue: **ONE ELEVEN TOWNHOMES SITE PLAN AND DESIGN GUIDELINES**
Address: 11100 South Redwood Road
File No: SP-2016.05
Applicant: Wayne Corbridge, Sego Homes

Planner Brad Sanderson reviewed the background information on this item from the Staff Report. He said I failed to mention on the other application but there will be a shared parking access easement agreement with some of the adjacent commercial uses. There shouldn't be any parking issues as you've seen on other developments.

Commissioner Jolley said we saw these three buildings twice at ARC and we asked for a couple of changes to be made to the exterior. The owner did change that to a metal material.

Chairman Woolley opened the Public hearing.

Jennifer McCarthy, 9852 S. Shady Glen Ln., SJC; asked if this structure would be subject to any eminent domain in the future. She said it is important to keep commercial and business on Redwood Road.

Chairman Woolley closed the Public Hearing.

Commissioner Woolley asked Staff Attorney Schaefermeyer to respond to the question of eminent domain.

Staff Attorney Schaefermeyer said all properties are subject to eminent domain. If there is a project that is coming through, the planners or Engineering can speak to any widening of Redwood Road. When you are talking about Bangerter, UDOT is its own animal and the City tries hard to work with UDOT; however, their plans change so it is always a balance. I know they are planning on widening Redwood Road in Riverton but I don't know about South Jordan.

City Planner Greg Schindler said there are no current plans to widen Redwood Road in South Jordan. They will restripe it for three lanes in each direction in South Jordan. It is a UDOT Road and their plans could always change in the future.

Commissioner Jolley said she had one more question regarding commercial use. The zoning on this is VMU and it has been approved by City Council and they are following the requirements. They are building an office building to the north of this that makes them compliant with meeting the VMU requirements.

Commissioner Quinn said I do have concern with this being the only residential housing along Redwood Road. My only concern would be the only residential complex in a very commercial area.

Chairman Woolley said I like what I see and this project meets the original intent of that zone to mix commercial with a higher density as a buffer to the lower densities around it. I am appreciative that they have down zoned the density.

Commissioner Morrissey said I have a different view point on this. I have looked at the buildings and I don't think these meet our policy on VMU. It usually includes some sort of commercial at the base level. We are diminishing commercial opportunity here. I am also concerned about Redwood Road undergoing eminent domain.

Commissioner Holbrook said I agree with Commissioner Morrissey but this landowner does have that VMU designation at this time. We may have to choke and swallow on this one. I like that it went from 53 to 31 in density. I do have a question about the stubbed road. Is that road going to continue further south or is that an unknown at this time.

Chairman Woolley said we have had a lot of angst in the City about stubbed roads that are not used and people thinking they are not going to be used and then are. My hope is that is never going to be a stub road. As you look at the commercial site and the shared access agreement, currently you can come around on 11010 South going east and you can turn in on that eastern part behind the wall and come around the building. I am assuming, but I would like to have you answer both those questions.

Planner Sanderson said these are private roads. I had a conversation with David Richmond, the property owner to the south, and I spoke with him today at length and he expressed a lot of ideas and concerns. He is mostly concerned with the issues with the construction process. I put a note for the developer that this is something we want them to be very conscientious about because there is a land owner that has been

there for some time and there will be some impact during the construction process. As far as the other roads, you will see in upcoming weeks for the commercial building, it is going to be a site plan and a site plan amendment. Because of the VMU Zone as drawn for this concept there will be another access out to 11010 South near the northwest corner. There is already an existing stub road to 11010 South that is more centered between Beckstead and Redwood Road now. The actual land owner is here and can talk to you about his intent for uses. The access will be directed toward Redwood Road.

Commissioner Holbrook asked about the parking. Planner Sanderson said as part of the subdivision there will be a shared parking and access agreement. That is so that the residents can safely egress to 11010 South. They are private roads and that is why we are requiring CC&R's. There will be a management company set up to maintain these roads. They are more like drive isles; they are only 20 feet wide and most of the parking will be in those designated parking stalls, in the driveways, and in the garages.

Planner Sanderson said there are some Design Guideline Books as part of this approval and it talks about the designated open space area, privately owned and maintained, and is primarily use is for the townhomes and it is also for the single family homes as well. There is supposed to be a small pavilion with a couple picnic tables.

Commissioner Jolley said I think we have a couple Commissioners that are not on board with this. In general we don't like to see this kind of thing but they have met the requirements of the VMU. I would rather see this than have commercial below it.

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

Commissioner Jolley motioned to approve SP-2016.05, One Eleven Site Plan allowing 31 townhomes to be developed, subject to the following conditions:

- **Subdivision approval and plat recordation shall occur prior to vertical construction of any buildings.**
- **Common areas shall be privately owned and maintained.**
- **All common areas shall be fully improved prior to a certificate of occupancy being issued, unless otherwise bonded for, in which case the developer shall then have one year from the date of approval to complete such improvements.**
- **CC&R's shall be approved by the City Attorney's Office, and recorded with the subdivision plat.**
- **All exterior lighting shall be shielded so as to alleviate light nuisance.**
- **Finish floor elevations shall not exceed one foot above finished grade. Finish grade shall closely resemble the natural grade per the approved plans.**
- **Roof decks shall not be allowed on the east and south buildings.**
- **A six foot tall decorative masonry fence shall be installed along the south and east property lines prior to vertical construction of buildings.**
- **The east property line shall include a significant number of trees, as approved by City Staff, to act as a buffer between the multi-family and single family uses.**
- **Per the Development Agreement, the Developer shall remove and reconstruct a twelve foot wide park strip and eight foot wide sidewalk along Redwood Road.**

Commissioner Ellis seconded the motion. Roll Call Vote was unanimous 5-0 in favor.

F.1 Issue: **THE VILLAGE AT HIGHRIDGE SUBDIVISION, DESIGN GUIDELINES & THE HIGHRIDGE COMMERCIAL SUBDIVISION**
Address: 11500 South 3600 West
File No: SUB-2016.43
Applicant: Dave Freiss

Planner Brad Sanderson reviewed the background information on this item from the Staff Report. He said what is at the Commissioners discretion is the side yard setbacks and rear yard setbacks. What they are proposing is a 5 foot setback on side yards with a 10 ft. separation between the homes. They are proposing 10 foot setbacks on the rear yards. There is a significant change in grade and they are trying to absorb a lot of that grade within the subdivision and not push it out to the edge so the homes aren't sitting up high as has been done in other subdivisions.

Chairman Wooley asked if the setbacks should be reversed on the drawings. Planner Sanderson said yes.

Chairman Wooley asked about the grading and if that will be further reviewed with the engineering staff. Planner Sanderson said yes. He said the applicants are trying to make those daylight walkout basements so the grade of the back of those lots will be even or at grade with the adjoining properties. If not, then they may have to do retaining walls.

Commissioner Holbrook asked to have the Pioneering Agreement explained.

Planner Sanderson said developers often do an agreement that is monitored by the City. We can't prevent someone from tying on to a public road but at the same token, developers come in and put a road in at their expense and then an adjacent property owner suddenly says well this is fantastic I get a road at their expense. Because of this developers will do a Pioneering Agreement to prevent that from happening and have the ability to charge a portion of the cost to the adjacent property owner. This prevents a developer from potentially land locking someone.

Commissioner Jolley asked if Mr. Rugg is on board with the Pioneering Agreement. Planner Sanderson said I have not talked to him about it and I don't know if he is a party to that. That agreement would be between the developer and the City.

Commissioner Ellis said he is a bit concerned with the setbacks especially given the slopes on the property. Looks like we have 10 pounds of house and we're trying to squeeze it into a 5 pound bag. He asked if there is anything the developer can do to ease that loading.

Planner Sanderson said I don't know if they will exhaust the setbacks; it is showing the minimum. It is at your discretion of what you want those setbacks to be.

Commissioner Quinn said I was under the assumption that window wells could not be in the setbacks. Planner Sanderson said window wells can encroach in the setbacks. We only count what is above grade technically. These are bigger lots than what we previously saw. Most of these lots are 75 feet deep at their narrowest, and most of them probably get close to 85 feet deep; those allow for ramblers.

Chairman Woolley opened the Public hearing.

Roger Rugg, 11523 S. 3600 W., SJC; they are going to put 300 feet of road right next to my property and there is no pioneering agreement for that; why is there a pioneering agreement that I can't use. I am also concerned about what will be done with the water runoff. That runoff will go to my property.

Dan Denning, 11538 S. 3420 W., SJC; I own the house that everybody goes by to get back to Highridge Estates. The original meeting was a Council meeting that lasted till 2 a.m. and had people lined up out the door. The reason those people are not here tonight on this is because you only sent out notices to people that live within a 300 foot radius of that property. You have a neighborhood that has been very concerned about this development. When Dave Freiss came to me when this development first started I told him my concerns

and he got my support based on the original plan with 21 homes behind us, three to four commercial plans and assisted/senior living behind us. The only person that benefits from this zone change is the developer. This product will be a $350-$500,000 home. There were originally 26 homes for that space and now they are going to 30. This keeps changing. I supported this project based upon commitments he made to me and he has changed them at every corner. This will change again. Mr. Rugg said last time he saw it there wasn't a road right up next to the property; now there is. We had an agreement from the Mayor and the City Council originally that there was a development agreement based upon what was originally approved. They haven't been able to sell the product. None of us agreed to this and none of us want it. I wish this letter had gone out to everybody in the neighborhood; you would have people lined up out the door saying the same thing I am saying. I don't agree with it and it is not right that you continually let them change the plans that negatively impact us. I am moving out if this goes through.

Dale Slaek, 9664 S. 1600 W., SJC; I am here for a different reason but I also want to comment on this high density housing. My back yard is only 20 feet deep and while my house was being built the Planning Commission allowed another builder to build on the lot behind me; a Taj Mahal. I have no privacy in my back yard at all. South Jordan is here with big beautiful lots and beautiful homes, not this high density stuff you see in West Valley. Whoever is on the Architecture Review is putting some ugly stuff on 11000 South.

Kellie Noring, 9671 S. 1600 W., SJC; I have a concern for the amount of slope on that property and the density of the development. With that much slope, the denser you pack in the more runoff will occur during storms.

Chairman Woolley closed the Public Hearing.

Chairman Woolley asked staff to address some of the question. He asked Planner Sanderson to address the issue regarding zone change. This is not a zone change this is about the VMU. Then also talk about the pioneering agreement a bit further.

Planner Sanderson said this property has sat here available for development for a long time. The applicant is here. He came to City Council and Planning Commission and requested a zone. There was a great deal of discussion that took place and it was a much larger notice that was sent out for that proposal. The applicants came in and asked what zone can I get to get a mixture of office, commercial, and residential. The City Council has a lot of residents that had a great deal of concern at the time. Council said let's do assisted living, office and commercial up on 3600 West 11400 South intersection and they put restrictions in that development agreement about drive throughs and hours of operation and even more restrictive as you get closer to the single family as you move east on the commercial lots. The developer came back as the market changed and the assisted living was getting saturated; not only in South Jordan but in the state. The developer had missed the market and came back to Planning Commission and to City Council to amend their development agreement. As part of that amendment to the development agreement they had a great deal of discussion and there were a number of uses discussed. The developer was requesting a slightly higher density than this and the City Council said no; 6 units to the acre was the limit. During that process they did go ahead and allow this to be changed for single-family use. That was part of the zoning and development agreement. The use is essentially set once that is approved. The VMU zone allows residential but they were restrictive and not wanting multi-family. That is the way it all unfolded. Before you tonight is not so much the use of the property it is the standards of approval. He read aloud the standards of approval and the review process. He said this is a bit unique because it is in the VMU zone as a design guideline book that is required as part of the subdivision review process. That is where we get into the details about the tree lined streets and about the retention basin that is there as well as the architecture of the buildings and setbacks. The setbacks are set within the zone and your only discretion is the side and rear yard setbacks.

Planner Sanderson said with regard to the Pioneering Agreement; as I understand this we have had in the distant past, property owners that are adjacent that are undeveloped take advantage of developers who are developing and wait for them to build the road and then they come in and take advantage of that and tie on their utilities and get basically a free road. In this case and any other case, what the city does is say we want to know what the cost of that road for that section that abuts the undeveloped property is up front and then we assess the amount. If they want to tie onto this road and potentially do a residential use, then we know up front how much that will cost and that is to keep the developer from gouging the undeveloped property owner for an enormous amount of money. This is a mechanism to control that so they are not financially land locking someone or preventing them from tying onto a public road. He said all the roads in this development are public roads.

Chairman Woolley asked Mr. Freiss to come forward to share comments and address questions.

Dave Freiss, 10757 S. Riverfront Pkwy., SJC (Freiss Development-Applicant); this has been a fluid situation as we have moved through trying to get this rezoned for residential use. The plan has changed from how we are grading it and how the lots are laying out and where the road is. We were also pretty concerned about the grade off to the east side. Our plan is to do walkout basements to keep that grade the same. We will build a retention wall across the back of those lots in the middle to absorb some of that grade. As far as the road change and putting that up against the Rugg's, I have said that the city should do something to help those home owners. We have pledged that we would do what we could to help them. In my opinion, us putting the road up against Mr. Rugg's property, whether he uses it as a residential use or a commercial use, will help him. I believe the two to the south of him have closed and will be developed.

Todd Ambery, 3051 W. Maple Drive (Century Communities); attending with Dave Freiss.

Commissioner Jolley said I am actually concerned about the commercial portion. I know you have a builder; are there any potential buyers for the commercial lots.

Mr. Freiss said we have sold one lot and we are under contract on 3 of the 4 lots on11400 S. and you should see site plans for the corner of 3600 very shortly. We do have an LOI on the one remaining lot.

Staff Attorney Schaefermeyer said I would like to clarify discussion about setbacks. I have found the development agreement with the zone attached. He read the authority with regard to the setbacks: "*single family residential dwellings shall have front yard setbacks that range between 22 feet and 32 feet as measured from the porch to the edge of the curb. Side and rear yard setbacks shall be determined by the Planning Commission based upon acceptable subdivision layout and design.*"

Mr. Ambery said there are a couple things I would like to add in terms of development and architecture. We spent quite a bit of time on these plans and are fairly new to Utah; we are based out of Denver. We did a lot of research in the South Jordan area. We have had a lot of buyers that have come to us asking for smaller lots because they are sick of maintaining their large lot in South Jordan. This product allows for a great looking high quality home on small lots.

Commissioner Holbrook asked what the sizes of the homes are.

Mr. Ambery said every house will have a basement. They are generally 39-40 feet wide. Square footage will range from 1700-2650 sq. ft. If you add the basement they run 3300 to 3500 sq. ft. The cost will be mid - high 300 and end up in the low 400's.

Commissioner Quinn asked if we were to limit the side setbacks to 10 feet, what would be the impact to you.

Mr. Ambery said we would have to start over on the architecture with new plans. You would get a tighter smaller width house and wouldn't be able to meet the VMU guidelines.

Commissioner Holbrook asked when this will go to City Council or is this it. City Planner Schindler said this is it.

Commissioner Ellis said this whole thing in the agenda is laid out as an amendment; in reality, we are not amending anything; we are being asked to approve the creation of a new subdivision.

Staff Attorney Schaefermeyer said this goes back to the discussion we had of staff. Our code is not clear on when it is an amendment and when it is a subdivision. It was processed as a subdivision and that is why we are ignoring the amendment part of the motion. The problem is there was an original subdivision and in order to record this new subdivision you have to amend that original subdivision with the County. The County will not record a new subdivision because there is already a subdivision; it was one big lot. Now we are taking the one big lot and subdividing it further. The standards for an amendment are a little bit different than a subdivision. Subdivision standards are going to be stricter than amendment standards.

Commissioner Ellis said so are we creating a subdivision? Staff Attorney Schaefermeyer said yes. He said under the VMU Zone the number of lots depend on the layout and the setbacks. So when the builder says they can't fit their product, what they are actually saying is if you increase the setbacks they will lose lots. If they had to build a different product they would have to go redesign to show you how the new product would fit on the lots. It is much different than your other preliminary subdivisions in your other zones.

Chairman Woolley asked giving a hypothetical situation, if this Commission were to say no we don't like the setbacks or whatever, based on the VMU zoning, what is the total density for this property that has been approved previously?

Staff Attorney Schaefermeyer said the overall density is in the staff report. How that actually plays out depends on the setbacks that you require.

Chairman Woolley said I understand that, but if we were to change this and try to say we want bigger setbacks they may have the option of going back and actually putting more units in that are smaller.

City Planner Schindler said the maximum density is 6 units per acre per the development agreement.

Commissioner Ellis said I think we already have a big part of South Jordan that has 5 foot setbacks. I think that the interface here is such a radical step to go from 6 homes per acre to 1/3 acre lots right across the fence.

Commissioner Holbrook said what we are all struggling with here is previous Councils made all of these convoluted situations that we still have a few to deal with. It is real uncomfortable; we don't like it, but you have to support property rights and this is what the property owner was approved for.

Commissioner Ellis said at the same time we have an obligation to protect the property of others.

Chairman Woolley said I would like to invite the developer back up to discuss the setbacks and what they feel they can do.

Mr. Ambery said we are happy to do whatever makes everyone comfortable. We want to understand what it is you're looking for. Is it a sense of a little more relief on the setbacks or is there something specific that we can address.

Chairman Woolley said based on what I am hearing and the concerns I think a 6 unit per acre meets the overall zone and I think you have done a good job at trying to meet the intent of the zone. He said if we can talk about the setback of the 5 and maybe increasing it on each side.

Mr. Ambery said there are a couple of things I would have to check to make sure our lots are uniform in size; as long as you have a 55' minimum lot it would be easy to run everything. Confirming that if it's another foot on either side I think we could all live with that. My only concern is with alternating it and restricting one side to a larger or smaller we may run into a situation where you get to the end of a street or to a certain plan type where it just gets odd could be an issue. I would be more in favor of keeping it uniform on both sides to 6' on either side. I think that would be more than accommodating. There are 6 lots that are 50 feet wide and the rest of them go to 54' – 58' in width. The 40 foot product puts you right around the setback; based on that we could keep those 6 lots at a 50' minimum with the 5' setback. As long as we could do that we could take all of the others to 6'. I just want to make sure it is clear that when the Highridge Design guide was done for this project, they were meant to be a guideline.

Chairman Woolley said I really appreciated Commissioner Holbrook's comment because the reality is that the VMU Zone was causing so much grief in changing the face of our city in ways that we weren't comfortable with and literally changed an election as a result of this. We are stuck with the last few of these and I have been impressed that the builders that have been coming in have been cognoscente of those concerns.

Commissioner Ellis asked where else do we have the R-6.

Planner Sanderson said if you are looking for the density, we have several subdivisions that are close to that. They are in different zones. On the whole east side of Beckstead Lane they are predominantly 5-6 per acre. The Wyngate is 7-8. There are numerous areas in South Jordan.

Commissioner Quinn said I am glad Mr. Sanderson brought up Heatherwood and Crystal Cove because I have seen those and that is the area I live in. They are high end homes in those areas. Although the homes are closer together, they look nice.

Commissioner Morrissey said I live in that area and I believe that there are safety issues in those areas right now based on the limited setbacks due to sidewalks not being on both sides of the street and based on congestion created by the minimal lot sizes. I see every day where children are playing on the streets and parents have to put out signs in the middle of the street saying "caution, kids at plan." We shouldn't be in a situation where parents have to put out signs for their kids to be protected. I am concerned about where the city is going with this type of density. You guys should think about not how many lots can I jam in to a small space because I've been permitted to because it affects numerous people. I am passionate about this because I have lived through it and seen the detrimental effects.

Chairman Woolley asked about the street size. Planner Sanderson said from curb to curb it is our standard. There will be sidewalks and they will fall on the private property.

Chairman Woolley said the only location there will not be a sidewalk is on the south side of Alta Loma. That will be put in at some future point.

Commissioner Ellis said I would like to ask Mr. Denning to come back up and talk with us. I would like to know if there is anything in your mind that makes this acceptable and still allows development.

Chairman Woolley asked the Commission if they wanted to reopen the Public Hearing for Mr. Denning.

Dan Denning, 11538 S. 3420 W., SJC; said I develop land and I build homes. The issue I have goes back to the original development agreement. The only reason why this was approved to be VMU was because there was going to be a development agreement of this; nothing else. When you said townhomes, I am glad the attorney spoke up and said oh no that's not part of the development agreement. 6-8 lots per acre were not part of the original development agreement. I understand that they need to make some money but every meeting it gets denser and denser. That is my issue; that you continually approve and go along with it and think its ok. It isn't right for the people that came in and supported them in the beginning, which was me. What is next; they're going to come in and ask for townhomes. It doesn't seem to stop. Mr. Morrissey brought up a great point; where are the kids going to play here. Stop changing the development agreement; you've got to stop somewhere. What was originally agreed to was Senior living. Now with this there will be a bunch of kids running around and it wasn't designed for that.

Roger Rugg, 11523 S. 3600 W., SJC; said I was told when I wanted to develop my backyard that I had to have a 24' road yet earlier tonight there was private roads that were 20'. I was also told I could rezone tonight; Mr. Sanderson mentioned that, and I checked on rezoning and they told me at the last meeting when I rezone my property I couldn't because it is less than 1 acre. If I wanted to rezone to Business Commercial I had to do it then because I wouldn't be able to do it later. Then with regards to the Pioneering Agreement, why is it I have a whole public road down the side of me that I can't access. These developers can access 3600 West. We keep talking about VMU and VMU is also commercial, residential and high density. The original agreement said they couldn't put high density in; what allowed them to squeeze that back in.

Chairman Woolley closed the public hearing again.

Chairman Woolley asked Planner Sanderson to address the less than one acre on a rezone.

Planner Sanderson said the Office Zone has a minimum of one acre requirement. Mr. Rugg's property is approximately ¾ acre. So by himself he could not do an Office Zone. That is why when it was recently rezoned it was in conjunction with the two properties to the south. A commercial zone is much larger and requires five acres and one acre for commercial neighborhood zone. The road didn't originally come in this way. This was designed to give Mr. Rugg the option to have access off this road contingent that he would have to pay for a portion of the road. We are not allowing the developer to put up a protection strip because that would essentially keep him from developing.

Chairman Woolley said with regard to the Pioneering Agreement what has happen in the state of Utah for years is that a parcel will not develop the same time as another so they are not doing it jointly for that portion of the road. The developer would say I am going to put up a one foot protection strip of property between the property line and their road. For the most part that worked very well. Occasionally a developer down the road would want to tie into that road and they would charge them exorbitant amounts of money to do that. Because of that a lot of the cities no longer do the protection strip and use pioneering agreements instead. If Mr. Rudd decided he wanted to use that road he would only pay a percentage of that up front. If he chooses not to do it then there is no cost to him.

Chairman Woolley said just to reiterate for the record was that on your property obviously you can do it commercial now but if you were to go back to a residential usage that that would be accommodated because it would be coming back to this body and we would be more than open to that.

Commissioner Quinn said I failed to mention earlier that these communities back here that are R6 that are higher end homes are gated communities. I do share Commissioner Morrissey's concern in that this R6 community would not be a gated community and safety may be a concern.

Commissioner Holbrook said the VMU no longer exists; the Council that approved these is no longer on the Council. I believe our developers here are putting in homes and we hope they are going to be the good quality they say. Our staff pretty much watches this. I believe the City is getting better and better as they go along. This is a fairly decent development. Our power as a Commission is limited so even though I am not thrilled with this it is better than what could have happen at some point.

Chairman Woolley said we talked about the different setbacks so if you have a positive motion I would remind you to include that information on the 6 50 ft. wide lots having a 5 ft. setback and on the 55 ft. lots it would be 6 ft. as we discussed.

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

Commissioner Holbrook made a motion to approve creating the Village at Highridge Subdivision with Design Guidelines, and the Highridge Commercial Subdivision, subject to the 11 conditions listed by staff and revision of Item #5 side yards; the 6 lots that are 50 foot wide minimum will have a 5 ft. side yard setbacks and the interior lots will have 6 ft. side yard setbacks. Commissioner Jolley seconded the motion. Roll Call Vote was 3-2. Commissioner Morrissey and Commissioner Ellis voted no.

VII. PUBLIC HEARINGS AND POTENTIAL *LEGISLATIVE ACTION ITEMS

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

G.1 Issue: **MERIT MEDICAL NORTH EXPANSION LAND USE AMENDMENT AND REZONE**
Address: 1538 West Shields Lane
File No: LUA-2016.05 & REZ-2016.15
Applicant: George Frioux, Merit Medical Systems Inc.

Planner Brad Sanderson reviewed the background information on this item from the Staff Report. He said you have a great deal of discretion on this. Our recommendation is in favor of this proposal.

Chairman Woolley asked Mr. Lampropoulos and George Frioux to come to the podium. He said they have a presentation with them.

Mr. Lampropolus, Founder and CEO of Merit Medical, 2726 Wasatch Blvd.; as you know the lifeblood of the business is its ability to create and innovate and build a business. That is how a company that employed one person 28 years ago now employs 4,187. About half of those employees are in South Jordan. We bought this property several years ago and the need we have is to build a new Research and Development facility. This facility will hire biomedical engineers and technicians to develop Merit's products. We have tried to take our neighbors into consideration and we have tried to be good corporate citizens. In our plan we have taken into consideration the setbacks, lights, height, and safety. We had a meeting at Merit Medical where we invited the neighbors that we believe would be affected and had a

very good turnout. We asked for their input and some good things have come out of it. One of the neighbors has asked if we would consider having a walking path so that as you come through that neighborhood, instead of having to go all the way around, you could have access to 9800 South. If the City were to approve this that is something we would commit to and we have committed to things in a development agreement, one of which is that the building would be no higher than 35 feet tall. We also had a conversation where if approved by the city, and if we can build that bridge, we would allow access to that bridge so that you can go across the 9800 S. We have also talked about making internships available to our neighbors. We have committed to 5-10 internships to kids that are interested in engineering and the various aspects that could work there during the summer. The Jordan School District requested that we involve them in building new internships for high school students so we can get them involved. Merit is all about jobs. This facility would beautify the neighborhood and makes access and growth and creates over 200 high paying jobs. These are $100,000 per year plus jobs. The question has been asked why we don't go across the street. If we built the facility across the street we would not have the capacity to build other facilities that we see going there. I have research and development engineers sitting on a makeshift second floor with no windows and with makeshift air conditioning. It is starting to affect our ability to hire and retain because we don't have the facilities necessary to build the company. Our request is that you consider all of those.

George Frioux, Merit Pkwy, SJC; we were very cognizant of our neighbors to the west. That is the reason we have moved the building about 120-130 feet off that west property line up against that canal. Those are the people that would be greatly affected by the building. As you look at that elevation there is about a 14 foot elevation between the front of that road on the west side and our building. When you look at an elevation difference between their home and the elevation of our building they are not going to be greatly impeded from a view of the Wasatch front. We are also going to put in heavy landscaping and put in a precast concrete wall. The bridge access going across 9800 South will allow pedestrians to walk across there. We would be quiet neighbors. We are going to be a LEED Certified building. All of the mechanical systems would be underground. What we anticipate doing along the canal is to heavily landscape that area, with the permission of the canal company. We take great pride in our landscaping. We are going to have the area secured as we do with all of our facilities worldwide.

Ryan Berry, 420 E. South Temple, SLC (Architect); all of these things are just concepts. We wanted to present concepts that we could use as a vehicle for discussion, understand what the needs of the neighbors are and create an opportunity to get solutions that work for everyone. I have done development with private developers all over the state and your typical developers are not going to take as much time and spend as much money and make as many concessions as has Merit Medical. Because this is a concept doesn't mean it is closed. There are additional things that could be done that would improve the neighborhood to provide security and safety and vehicle access. All of those things would come in the many steps to follow. We are willing to do a development agreement to meet whatever it is needed to provide security for the city and the neighbors.

Chairman Woolley opened the Public hearing.

Justin Christensen, 9719 S. Redwood Rd., SJC; many of you may have seen my home that is being built; it's the bright blue one north of Shields Lane. I am very against commercial buildings around my home, but I support Merit on this one. They are great neighbors, and they have a beautiful building. I was at the meeting they held and the presentation was respectful and I think it would add a great beauty to our neighborhood. Merit Medical has listened to the ideas that the neighborhood has for them.

Leslie Thorup, 9746 S. Mosiah Way, SJC; I live in the subdivision to the east of this property. I have been a Real Estate agent for over 40 years and will tell you from experience when your property does back onto

commercial property, it lowers the value. It is much more difficult to sell and in essence you usually lose somewhere between 10-20% in value. This property is surrounded by residential on three sides. This project he is talking about, to me is a cancer. It is one that affects the value of the citizen's property around it. One of the things I love about South Jordan is they have good planning. There are some absolutely gorgeous commercial areas in our city. I agree that it would be nice to have additional jobs come to our community but they do not belong in the middle of a residential subdivision and it is not right to impact the values of those who bought there. The plan for that property is residential and that is the way it needs to stay.

Mary Louise Zeller, 1436 W. Ammon Way, SJC; this project would definitely impact my investment in my home. When I bought this house it was zoned as low density residential. For the Commission to change this would give an investment advantage for expansion to Merit Medical while they rob mine is simply immoral. As I watch this process I want to acknowledge Mr. Morrissey and Mr. Ellis for their integrity because I see the political process so many American's are losing faith in. It is not driven by and for the people but is driven by greed and corruption. As a research biologist I have a lesser opinion of pharmaceutical companies and their research being driven by greed and corruption. This could cost me upwards of $200,000 in the investment of my home; that is not right. I will seek legal counsel and I am in the process of that right now. It is not okay to endanger my life as I try to pull out of my subdivision on a road that is already overused. For me this project damages people and that is evil.

Jennifer McCarthy, 9852 S. Shady Glen Lane, SJC; I am east of Merit Medical but on the opposite side; I am between Shields and Reunion Avenue. I am behind the headquarters of Merit Medical. My backyard faces Merit Medicals parking lot. I am in favor of Merit Medical building this facility for several reasons. I lived in Eagle Mountain; I was one of the first residents at Eagle Mountain and I went there wanting to live in a HOA where people took care of the landscaping and took care of their yards. When I moved out there nobody abided by the rules and I was paying HOA fees and that was very frustrating as a first time homeowner. I chose this home because I wanted to know what my neighbor would look like going forward. Merit Medical is behind me and I knew what I was getting because that facility has been there for over 30 years and they maintain the facility. They are impeccable in taking care of their campus both internally and externally. When you talk about jobs, I am one of the 4,000 employees being laid off at American Express and I am now going to be in the job market very soon. Wouldn't it be great for me to have a job right in my own neighborhood? I have not seen the renderings for the bridge but it would be nice if it could mirror the bridge on 10600 South. To address my neighbors concerns, Merit is very respectful; I am behind the building where a lot of the trucks come in for distributing. I never ever hear Merit Medical's trucks and their lights are not an issue. I really feel bad that people are thinking that it is going to hurt their value. I live in a senior community and while I am not 55 there have been a lot of people pass on and move out of the neighborhood due to deaths and the property values in Reunion have not gone down.

Chasity Brown, 1537 W. Kodiak Creek Ct., SJC; our house is to the north and we are actually for Merit Medical. We have issue with some of our neighbors. We have put a big black tarp over our fence to obstruct the views that we have from some of the neighbors because they have piles and piles of junk. We would rather have someone like Merit Medical that is actually going to provide a fence, provide greenery and provide something nice. The traffic on 9800 will be less impacted by Merit Medical than it would to have 25-30 houses there with people coming and going. We don't have a way for our children to get across 9800 safely without going all the way down to 1300 or up to Redwood. A crosswalk would be really nice. We would be thrilled to have them as our neighbors.

Keri Reed, 1423 King Benjamin Court, SJC; this is not a good plan for us. That street is not made for all of these businesses. Merit Medical faces Redwood Road; that is a business area. Shields Lane is not a business area; it is residential. The minute you open that up to business you will have other properties and other people who will want to sell out so they can get commercial property too. This should not be zoned commercial or

business. It is not fair to us who bought high end property to get stuck looking out our windows at these great big buildings. They are not supposed to drive their trucks up our street but they do. We can't sleep at night because we hear all these great big trucks and I am tired of it; the city doesn't even make sure that doesn't happen. This just shouldn't happen.

Chairman Woolley asked that there not be any more outbursts of applauding. This is not the forum for that.

Bruce Reed, 1423 King Benjamin Court, SJC; the walkway or bridgeway across the street would be an eyesore to all of us there. It would be of benefit to nobody except Merit. Would you want one of those buildings in your back yard? I don't think so. If you can sit here in good conscience and support something like that I think that says something about you. I am disgusted with the thought he has even brought this forward. It is ridiculous for a residential property area. Think about it from our perspective not just from the tax base perspective and think about how you would feel. As far as property values go, one person mentioned she felt like her property value hadn't decreased. The property values have all increased over the last year or two; not due to where your property is located but just because they have increased in general. Some of us have spent our livelihood and all the money we made throughout our lives on our homes that we wanted to live in forever. I live here because I love South Jordan. I think it is a beautiful city and I think it is run well; don't wreck it now.

Shawn Shelley, 9727 S. 1600 W., SJC; I am one of the properties that is right there where the parking lot is and I have heard stories of how the property was obtained playing a switch-n-bait. The height they are talking about on this building, the trees that are back there along the canal right now are approximately 35-40 feet tall. That is going to kill my whole view and everybody else's. The people on the east side will be living in a shadow of this building; especially in the winter time. We can hear the noise from the generator at night and I can hear the snow removal all night long during the winter. We can hear the parking lot street sweepers he runs at night. With the lights it is like living next to a hotel; and that's what's going to be behind my yard all night long. I have been in South Jordan for 20 years now and this is not the place for this in the middle of residential.

Frederick Shepherd, 1369 W. Ammon Way, SJC; I would like to say that while I think Merit is doing some of the right things, trying to turn residential into commercial is not the right thing to do. I would recommend they look at more efficient use of their current campus. There is no compelling reason to change residential to commercial on this piece of property when there is ample space available to them.

Wade Palmer, 1367 W. Mosiah Ct., SJC; I echo some of the feelings already conveyed against the development. I do recognize that Merit Medical does have a nice building and campus and they do a good job in their landscaping; however, I am against the expansion of their campus. It is responsible to keep light residential zoning as it is. I too am worried about the value of my home. The bridge doesn't keep an open feeling akin to a residential area. I think this should stay zoned residential.

Steve Bowery, 1462 W. King Benjamin Ct., SJC; If there is anybody more affected than me I would like to know. My home abuts the canal. They have somehow convinced themselves that they are good corporate citizens by moving the building as far to the east as possible, but my back yard is now going to be subject to however many employees. I have invested hundreds of thousands of dollars in my yard and in my home. I moved to South Jordan from West Jordan because I did appreciate the way South Jordan administrated their community and for the respect for larger homes and larger lots. It seems to me that the ones that are in favor of this knew Merit Medical was already there so they knew what they were getting into. When I bought my property I looked into it and it was zoned residential. I had no idea Merit Medical was going to do something like this or I would not have bought my property. We already have a cross walk approved to go across 9800 and it looks like it will be put in this year. That solves the majority of the problems of getting across Shields

Lane. I can't even comprehend the traffic impact that this facility is going to have. I don't know if a study has been done to present but I am appalled that the city is even considering something like this. I didn't get notice of the meeting they held but I would have been there because it is in my back yard. I am so opposed to this and I have got to get out of here before this things goes through. I want to know if there has been a traffic study and I believe that the bridge would only serve Merit Medical. I plead with you to please consider this very seriously to not putting this kind of facility right in the center of a three sided residential community who have wonderful high end homes.

Planner Sanderson said I would like to make a comment about the notice on this. It was noticed for City Council for the 20th of September and that date has tentatively changed to October 18th for City Council.

Chairman Woolley called for a five minute break.

Dale Slaek, 9664 S. 1600 W., SJC; I have lived in South Jordan for 20 years. My first comment is to the City Council members. You were elected by the people of South Jordan not Mr. Lampropoulos. He doesn't live in this community; he owns a business here. We live here, we shop here, and we do everything in the South Jordan Community. I see a lot of sweeping things under the rug and blaming previous Councils; you guys are elected to take care of that problem regardless of what the previous Council did. As far as the Merit Medical thing here, he has a big open space right on the North West corner of his campus where he has put in a beautiful garden area for his employees. He could build his building there, move the garden and some parking across the street and impact the community a lot less than this would with the big building. When he built previous buildings along Shields Lane, we were told it would be a one story building and they ended up being two stories. How are we to believe that this building is going to only be 35 feet tall? However he got ahold of this property I don't know because when I moved in it was zoned low density residential and that was 20 years ago. How did that happen? I never got an invite to his meeting. I got a notice from you guys so certainly I should have gotten one from him.

Chairman Wooley said I would like to make some clarifications; we are not the City Council. We are the Planning Commission for the Land Use Authority and we are appointed. We have some very strict guidelines and statutes that we have to follow and you heard the conversation and debate amongst us tonight with many of the issues. There are times when we struggle personally and don't like what we see but because of the laws and what has been previously approved we have to approve many projects when they meet all of our codes and we can't even look at detrimental effects. The hearing that we are doing right now is legislative so I want to clarify that we have substantially more latitude tonight on this and it doesn't end with use. If we were to move this forward it would then go to be heard by the City Council. They have additional latitude that we don't even have. It is frustrating but we do the very best we can with the power that we have. Thanks you all for your comments.

Mike Petterson, 1353 W. Ammon Way, King Benjamin Ct., SJC; I clearly understand what Merit Medical is doing from a business perspective and support it 100%. This is America and it is fantastic. I do appreciate the effort and the money and the time and commitment that Merit does spend for their properties to keep it as nice as possible. I find it interesting where we talk about the City's Master Plan. We spend a lot of time talking about traffic studies and traffic and the importance of having a City Master Plan for the streets and stub streets and how they are designed and how important it is to stick to that City Plan. I find it ironic having this conversation that after all of those conversations for the last several years of talking about traffic studies, we know what a disaster traffic is today on 9800 south at rush hour. It will back up and today it is backed up even further so I am not sure how we are going to get another 170 more cars in and out of that location anyway. Regardless of that point I am asking the City Planner and I am asking you guys to support the City Plan. It has residential on all three sides; let it remain that. Put commercial buildings on areas that are zoned commercial and are designed for that. I support Merit in growing but not at the expense of the city plan and infrastructure.

Tera Brown, 1439 W. King Benjamin Ct.; my home is three east of this proposed building. I want to address a couple things. I have all the same concerns with property value. I like to sleep with my windows open at night but for the last 6 months every night I have heard an alarm go off in their building and I was finally to the point that we took a walk at night to find out where it was coming from because I wanted to know who was to blame. There was also a sprinkler that was hitting the metal fence every night for several months and so it's not that I don't hear them, the thing that I am most concerned about is the traffic. My kitchen window faces 9800 South and every single night Monday through Friday it is backed up past my house. In addition to that I have two teen aged drivers and one about to turn 15 and has begged me every night to take her driving. I worry about them being out on that road. I worry about the road in winter because the road is always iced up from the Merit building being so tall and I worry that the bridge would cause the same problem. I also worry about the height of the building they are proposing and how it will block everything.

Joni Ballard, 1354 W. Mosiah Way, SJC; I actually love Merit Medical and I think their building and property is well maintained and I love the jobs that they provide. I however, spent the last 20 years in West Jordan and just moved within this last year to South Jordan in King Benjamin Court. We built our dream home and as an accountant, my husband sees it as an investment. To me this just does not belong in residential. We consulted with some Real Estate people and experts in that field and it will lower our value. That is my big concern. I would like to keep it residential.

Perry Morris, 1463 W. King Benjamin Ct., SJC; like many others I have always been very impressed with Merit Medicals grounds. I think the jobs they are talking about bringing to South Jordan are great too. I think it is crazy to take something that is completely surrounded by residential homes and put this right in the middle of it. We bought about four years ago and we also asked our Real Estate agent to look into what was going to be there and it showed as residential; which would be great. My wife and I have worked for 20 years and have saved up and used a portion of our savings to buy our home. We have invested over $100,000 in our basement because we felt that would be a good investment and last year we put it on a 15 year note so that by the time my youngest graduates and we are ready to retire and I thought that would be a great investment for my wife and I in retirement. If you approve this my guess is that a quarter of a million dollars of my retirement is gone. I ask you to not move this forward.

John Thorup, 9746 S. Mosiah Way, SJC; I am greatly opposed to this. Just because you can do something doesn't mean you should do it. I have been a Real Estate agent for 41 years and I have dealt with this before and watched commercial property being built next to residential and the property values go down greatly. This is a location that is completely surrounded by residential and it makes no sense at all. In your own general plan it doesn't make any sense to do that. There are a lot of other options that Merit Medical can do. You can't sacrifice all of these homes and residents for one commercial. Merit Medical's proposal here is a Band-Aid for a short term approach. I see all of the promises that they have made about what they're going to do and how they are going to landscape and so conscientious of neighbors. I have been personally involved in three different developments exactly like this where they made all sorts of promises and so the Planning Commission and City Council allowed the zoning change. What turned out was no one lived up to those promises and they turned out to be disastrous. This is all residential housing and should remain low density residential. The Planning staff put comments in their report that Shields Lane is a very miner roadway and there shouldn't be a traffic study on it. I agree you don't need a traffic study all you have to do is stand out there to see how terribly over crowded it is already. This is a really bad idea and is one that will affect so many lives. The only one that gets value in this is Merit Medical.

Paula Wade, 1456 W. Mosiah Ct., SJC; my house is one house away from this. I am opposed to this and it will impact me personally. I will face a 35 foot building wall that will be my view where currently I look out and see beautiful landscape. I worked with the city in getting a cross walk to go across 9800 so the bridge is

not even needed. I also have some concerns about Merit Medicals waste products they leave behind. I am opposed to this.

Mr. Lampropolus said I think this is a wonderful process. To hear how evil we are and how evil I am is very upsetting. I'd like to remind you, Shields Lane was Merits property. We owned it and we sat down with the Mayor and the City and we helped to develop that property so they could provide access to the community so you could tie it in to Bangerter Highway. I think it has benefited Merit and it has benefited the community. About 60% of Merits employees leave work between 3-3:30 p.m. They start about 5:30 in the morning and that is Monday through Thursday. In terms of the comment about our waste products, we as George mentioned, have a LEED certified facility. The comment was made by several people about the fact that the salaries that are made by the people in this building were not an honest comment. The people that work here are biomedical engineers, metallurgists, electrical engineers, and mechanical engineers. We are one of the highest payers in the industry. Merit has moved over the last 5 years from a plastics type of company to life saving devices. We try to be responsible to recycle all of our corrugates and we recycle all of our polycarbonates. I don't like contention and I don't like neighbors angry at me. There have been some unkind things said here tonight. We bought the property simply because it was for sale. We sent notices out to everyone within 800 feet of our property line as was recommended by our architects. We need to build an R&D facility. Yes, there are some other areas and we have looked a several options. In terms of the comment that was made about people changing things, I believe to the best of my knowledge, everything we were asked to do and everything we made a covenant to, we have fulfilled. Yes there are snowplows and yes there are truck deliveries. They come in through the west gate and we don't let them come through at Redwood Road so they don't affect traffic on Redwood. I appreciate and honor the right of everybody to have their opinion on things. I just wanted to clarify the record on some of those statements.

Joleen Slaek, 9664 S. 1600 W., SJC; I am opposed to this in my neighborhood. There are safety issues on Redwood Road and it is too busy already. 9800 South is always backed up. I believe this would make my property value go down.

Chairman Woolley closed the Public Hearing and invited the applicants back up.

Commissioner Holbrook asked if they have considered or looked at going underneath rather than over with the bridge.

Mr. Lampropolus said we have had some discussion about that early on and just for clarification, the reason we located the building at the location is the R&D Building that we have to date is the one it attaches to. We had a building in West Jordan and we shut that one down and constructed the building here and consolidated it. If the City can approve that we would be more than happy to consider going under. We actually thought it would be safer for the employees. We tried to do things that would accommodate the community. It will cost us a lot more money to do that. We have talked about greed and money today; if you go to the top 20 medical device companies in the world, we make a third or half or less money for shareholders. Merit spends their money on the Leonardo, on arts, on stem education, on the museum in town, on the fire and police departments. We put our money in to build this community, not to tear it down.

Commissioner Holbrook said tonight we are just looking at a concept. If this were to move forward to the Council and the Council did approve the concept that is when all of the studies of the traffic and mitigations would take place. We are not at that point yet. Like it has been said, we have had so many come in for high density residential that this is refreshing for me to see commercial; yet we do have some of the same concerns as the citizens.

Commissioner Ellis said I am an adamant property rights person. You are an exceptional business person. You took a risk buying residential zoned property. I would like to know what other sites you have looked at for this.

Mr. Mr. Lampropolus said we haven't looked at other sites. We have looked at and had some conversations about extending the building to the north and have looked at the front area. The access is not good for employees. One of the folks asked if we could lower the height of this and we would have to look at that further. We can study it and consider it. Across the street is an interesting issue because if I put it across the street the problem is I have 5 acres left and I don't have much property left to handle all of the manufacturing and all of the other things we would like to do. Merit has been on that property 14 years and we have tried to keep it maintained. I have other choices; I can move it all to Ireland. I would remind everyone that we are sitting in relatively good economic times. What happens when the cycle turns down and it will? Then all of a sudden jobs become a really big deal. I want people to know we always look at long term. We have a 100 year business plan. That is why we are still independent. We looked at a facility in Connecticut this week. I don't want to move to Connecticut. We could consolidate Ireland R&D, Richmond R&D, Melbourne R&D, and we could put all of those together but everyone has different skill sets. We have looked at several options.

Chairman Woolley asked for an estimation of the dimensions of the north east corner to the property line. Mr. Berry said it is more than 30 feet.

Commissioner Quinn said I am grateful that I don't have to vote on this because I am very conflicted. I understand the concerns of the residents and I understand that zoning this commercial could be detrimental to property values and I understand the concerns regarding traffic congestion; with that being said, Merit Medical has been a very strong Corporate Partner to the City and to the residents. I see the benefit of bringing in more jobs. These 200+ jobs would be life long careers and that is definitely something we have to consider when making these types of decisions. I believe the Merit Medical will continue to be a strong corporate partner to the community. Their concept building plan is a beautiful building and would enrich the community; however, I do have to address the concern regarding putting a commercial zone bordering residential on three sides. That is a very large concern to me.

Commissioner Jolley said changing this to a professional office zone does not make sense to me and the fact that you are impacting the general plan. This property has value to Merit Medical; maybe they could build an executive subdivision. I am opposed to changing the zoning.

Commissioner Ellis said I agree. I can't see changing the zoning. It doesn't fit with the neighborhood.

Chairman Woolley said I feel like the rest of you. I have lived in South Jordan for over 25 years and have watched Merit Medical from the beginnings and I also was involved heavily in the development of the property east of them so I have dealt with them and they have been great to work with. I love the fact that they are here and I like the fact that they are growing and I understand those higher paying jobs for engineers. I am a property rights person so I respect both sides of the coin but we have struggled a lot with decisions of others and areas that don't fit our community. While I applaud what they are trying to do here I struggle on the basis that we have three areas of residential around this. I like everything about it except the location. I think there have been enough valid concerns that have been brought up that I am not in favor of rezoning it.

Commissioner Holbrook said the only reason I got involved in the city was on 10th west there was an office zoning and they were trying to put high density residential on it. I agree with you that this is cause for concern; however, it appears to me that most of the concerns are mitigated just with the concept. This

is not high end commercial so it is not intensive commercial as a gas station or such. There is residential next to professional office in the city so this isn't so out of place if you look at the general plan as a city as a whole. I feel for the residents but if what we are seeing actually happens, a lot of the concerns are mitigated. I don't know that anybody is safe from rezoning ever.

Commissioner Ellis said on the other hand, just because something is doesn't mean it is right.

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

Commissioner Ellis made a motion that the Planning Commission make the recommendation to City Council to deny the application to rezone property at located at 1538 West Shields Lane. Commissioner Jolley seconded the motion. Roll Call Vote was 4-1 to deny. Commissioner Holbrook voted no.

Chairman Woolley said our last item of business is not a public hearing.

C. Planning Commission discussion regarding Land Use Code Amendments

Staff Attorney Steven Schaefermeyer said we had talked last meeting with Commissioner Holbrook about the joint Planning Commission City Council meeting and there was some discussion about what City Council did or didn't direct the Planning Commission to do and look at ordinances. I don't know if Commissioner Holbrook brought anything or how we want to move forward in future meetings to address some of that list we had taken to City Council.

Commissioner Holbrook said I apologize because we had a death in the family this last week so I could not get that accomplished. I would like to have copies of the Parks Open Space, the Floating Overlay Zone and if they can send me electronic copies I will highlight and make some notes and send it out to everyone to look at it first.

Staff Attorney Schaefermeyer said we are happy to put this on our agenda until we get around to it. Tonight is probably not the best time to have an intensive discussion anyway.

Chairman Woolley asked if there was time to do it between now and the next meeting because we have three weeks. Let's put it on the schedule for three weeks from tonight and hope that Commissioner Holbrook can work with staff and get something to us to look at. If we don't make that then we will move it to the following two week meeting.

Chairman Woolley said I would like to express my appreciation to each of the Commissioners. I appreciate the fact that we can debate and discuss and disagree and still try to do the right thing. Tonight was an especially hard one for all of us.

Commissioner Morrissey thanked Planner Sanderson for all of his preparation and in depth overview in his presentations.

Chairman Woolley said recently in the last few weeks I had an opportunity to talk to some people in the industry and we were talking about some of the City Council's and different Planning Commissions and staff's within their cities and it was very interesting for me to smile and sit back as they were saying you are so blessed to live in South Jordan. Your staff at your City is sow awesome; they could literally go anywhere in the US and they would be a welcome addition to any city staff.

VIII. OTHER BUSINESS

None

ADJOURNMENT

Commissioner Holbrook motioned to adjourn. Commissioner Ellis seconded the motion. Motion was unanimous. The August 23, 2016 Planning Commission meeting adjourned at 10:50 p.m.

These meeting minutes were prepared by City Recorder Anna West.

This is a true and correct copy of the August 23, 2016 Planning Commission minutes, which were approved on September 13, 2016.

Anna M. West

South Jordan City Recorder

Attachment A

SOUTH JORDAN
UTAH

AUGUST 23, 2016

PLANNING COMMISSION MEETING SIGN IN SHEET

PRINT NAME	ADDRESS
* Kellie Noring	9671 S. 1600 West
* Jennifer/Chad McCarthy	9857 S. Shady Glen Lane SJJ
CHAD NIELSEN	119 W. 1500 N. BLUFF
* Leslie Thorup	9746 S. Mosiah Way
* JOHN THORUP	" " " "
* Perry Morris	1463 W. King Benjamin CT
evy/tony Simek	1533 W Kodiak creek court
* RYAN BERRY	2683 E WANDA WAY
* Dave Freiss	10757 S. River Front Pwy Ste 110
* Shawn & Misty Shellek	9727 S° 1600 West
* Mike & Peggy Peterson	1353 Ammon Way
Kevin & Shanim Philips	1351 W. Mosiah Way
* Dan Dinning	11538 S. 3420 W.
BRAD MAKFIELD	1461 MOSIAH COURT
* Roger & Susan Rugg	11523 S 3600 W.
* John Ballard	1354 W. Mosiah Way
* STEVE BAWERS	1462 W. King Benjamin Ct.

SOUTH JORDAN
UTAH

AUGUST 23, 2016

PLANNING COMMISSION MEETING SIGN IN SHEET

PRINT NAME	ADDRESS
* Mary Louise Zeller	1436 W. Ammon Way, S. Jordan, UT 84095
* Justin Christensen	9719 S. Redwood Rd S. Jordan
* JoLEEN Slack	9664 So 1600 W S. Jordan
* Dale Slack	9664 So 1600 W S. Jordan
Wayne Corbridge	1028 E. 140 N., Lindon, Utah
PHETUSRI SHEPHERD	1367 W Ammon Way S. Jordan
* FREDERICK SHEPHERD	1369 W Ammon Way S. Jordan
Rayetta L Morlock	1629 W 9775 So So Jordan
Robyn Curtis	1597 W. 9775 So. S.J.
Florence Cott.	9700 S. 1600 W. S.J
* Chasity Brown	1537 W Kodiak Creek Ct.
Tammy Ames	1537 W Kodiak Creek Ct.
JAKE Lee	10437 So. 1300 Wes So So
* Tera Brown	1439 W. King Benjamin Ct.
* Paula Wade	1456 W. Mosiah Ct. So. Jordan
* WADE PALMER	1367 W. MOSIAH WAY