

CITY OF SOUTH JORDAN
GRAMA Record Request
Fax: 801-254-3393



The following form should be completely filled out and returned to the City Recorder's office. The City is allowed 10 business days in which to respond to your request. Presently, South Jordan City Charges .25¢ per page. The City may assess other fees for records compiled in a form other than that maintained. Research or Services Fee may be charged as provided by Utah Code 63G-2-203.

Requestor's Name: Cameo Lutz
 Address: [Redacted] City: S. Jordan
 State: UT Zip: 84095 Daytime Phone: [Redacted] Fax: _____

In accordance with the Governmental Records Access Management Act, I am seeking the following record(s) specifically described as: City Council and Planning Commission
the zoning meetings for all Jones Farm property
including zoning of Jones Farm Subdivision,
Wal-Mart property 104th
beginning before 2006 ish- Anna

Was Wal-Mart changed prior to the Residential
Specifically the residential subdivision and the Walmart on 104th
"Peterson Development" Bangorlex

which I believe are collected, filed and/or used by the City of South Jordan, 1600 W. Towne Center Drive, South Jordan, Utah 84095 (801) 254-3742.

_____ I would like to view/inspect the record(s).

I would like to receive a copy of the record(s) described above. I understand that the City charges a fee for copies of records and the copies will be provided subject to fees being paid. I authorize cost of up to \$ 50. If costs are greater than the amount I have specified, I further understand that the office will contact me and will not respond to a request for copies if I have not authorized adequate costs.

Cameo Lutz 8-5-15
 Signature Date

=====

CITY'S RESPONSE TO RECORD REQUEST - FOR OFFICE USE ONLY

APPROVED - Requestor notified on 8-24, 20 15
 _____ DENIED - Written denial sent on _____, 20 _____
 _____ Requestor notified that this office does not maintain record; and, if known, was also notified of name and address of agency that does maintain record on _____, 20 _____
 _____ Extension of time for extraordinary circumstances. Required notice sent _____, 20 _____

COPY FEES: \$ 34.25. If waived, approved by: _____

Community Development Deputy Director Preece reviewed the background information on this item.

Mayor Money opened the public hearing. There were no comments. He closed the public hearing.

F. Potential Action Item – (See VIII. E.)

Council Member Gayheart made a motion to approve File # SUB-2005-82. Application to Amend the Recorded Plat at the Cottages at Temple View, Phase II Located at Approximately 1690 West 9520 South. Council Member Winger seconded the motion. Roll call vote. The vote was unanimous in favor.

- G. Public Hearing – Resolution No. R2005-60; Amending the City's Future Land Use Plan Map From Low Density Residential, Office Space and Recreational/Open Space to Commercial. Ordinance No. 2005-29-Z; Amending the City's Zoning Map from Agricultural (A-5) to Community Commercial (C-C). Generally Located East of Bangerter Highway Between 10300 South and 10450 South. **Peterson Development.**

*This is the
Wal-Mart Property
Rezone - per Greg S.*

Community Development Deputy Director Preece reviewed the background information on this item.

CM Horst said the net gain of commercial property is approximately 4 acres. He said there is a chance that the developer will take out some commercial on the west side of Bangerter Highway, and that would ultimately be a net loss in commercial of 6 acres. He said there is no guarantee of that. He noted that 3-4 acres of the commercial property is in the aqueduct and can't have structures on it.

Robin Salvagio, CLC Associations, 350 S. 400 E. Suite 304 (SLC), said she feels this is an appropriate change given the location of the commercial next to the Bangerter Highway and 10400 South. She said they don't intend to take away the trail connection; they may take the trail connection through the aqueduct. She said they understand that they have to meet the open space requirements.

Mayor Money opened the public hearing.

Troy Warner, 10656 S. Jacob Astro Way, said his concern is that they are taking 5-6 acres of green space away, and that is not being replaced. He said the green space currently makes a nice gateway to South Jordan.

CM Horst said the City cannot mandate the green space unless the City purchases the property. It was noted that there is no open space requirement in the commercial zone, but there are landscape and setback requirements.

Ms. Salvagio said they intend to have some green space elements in other applications. She said they have landscape requirements. There is also a trail connection that needs to be made.

Mark Gunderson, 3237 W. 10755 S., said he feels they are losing too much residential property for commercial and office space. They need to keep as much residential as possible. When they have too much office space and commercial space, there is a tendency for the buildings to be empty for a long time because the businesses fail. He recommended that they square off the commercial, but shift some of the other uses and maintain the existing residential density.

Melba Taylor, said the trail goes from nothing to nothing. She said the south trail connection goes through the aqueduct to an area that is fenced off. To the north, the homes are built and there won't be anyway to go further north.

Ms. Salvagio said the trail connection was recommended by staff. She said it may facilitate walk-ability in the whole development.

CM Horst said the Jordan Valley Water Conservancy District (JVWCD) now has ownership of the aqueduct easement. He said JVWCD has agreed to maintain that property. He said the City is also working on a 2-3 acre park by the water tank, but that is not guaranteed at this point. Ms. Salvagio said there are some other options for the trail to go further north, such as next to the extension of River Heights Drive.

Jeremy Hart, 10686 S. Willow Valley Rd., said he is okay with the large commercial piece, but he sees no need to put the commercial islands at the end of Willow Valley Road. He said it is already hard to make a left turn at their road. He said he thinks it would be great to install a trail down the aqueduct.

CM Horst said there will be a signal at River Heights Drive, but not at Willow Valley Road.

Ty McHutchin, 9756 S. Dante Rd., Director of Residential Development for Kennecott Land. He said he is representing Kennecott Land and OM Enterprises regarding this and the subsequent applications. He said 5 years ago, South Jordan and Kennecott Land entered into a unique partnership. He said when Daybreak was entitled, approval was given for 13,000 homes, 2.5 million sq. ft. of retail space, 5 million sq. ft. of office space, and 1.5 million sq. ft. of industrial space. He said when that entitlement was given, several existing and planned commercial projects were identified and all of those were taken into account to determine the right mix for Daybreak. Since that time, the City has amended their land use plan for The District, which has expanded the retail space in the City by 1 million sq. ft. He said this application would also add another significant increment. He said two weeks ago, the developer and two of the Planning Commissioners indicated that they felt that there was too much office within the area for the market to absorb. He said they feel that the application before them, with respect to the Bangerter frontage, is moving down a path of the piecemeal approvals of the past that have been

problematic and has not been part of a broader comprehensive look at the Bangerter corridor. Before this is given approval, they would ask that the City study and understand the impacts today as well as the impacts of the long range build out of the City, and what the market's ability to support all of the approved uses will be in the future when the City is build out. He said they would like these issues studied and the necessary studies to be made available for public review and comment. He said they are preparing their first application for a mixed use commercial zone, which will include a blend of retail, office and residential. He said they recognize that the City is not approving a specific land use, but by approving a zone change, they are telling the developer that they want to go the next step. He said a zone change is usually based on a detailed study and plan. He said to approve the zoning, the statement is made that they want to proceed with that. He asked that before an additional approval is given, time should be set aside for thoughtful planning and consideration that should be the hallmark of all the projects within South Jordan, just as it was with the approval for the Daybreak community.

Council Member Marlor asked what does Mr. McHutchin mean by the City is approving significantly more commercial than has been master planned? Mr. McHutchin said he was not suggesting that they were approving more than was master planned. He was suggesting that within the total amount in the City, they need to understand how much at build out will exist, not only with the entitlement given to Daybreak but to the other parcels being brought to the City on a regular basis. They don't want to create a situation where when the City is build out, there is an imbalance that the market won't be able to support. That is important so that they don't have blighted areas in the long run. Council Member Marlor said most of the property for this application was master planned commercial.

CM Horst asked if Mr. McHutchin is suggesting that there should be some exclusivity for the Daybreak community at the expense of others or should the fair market determine that? Mr. McHutchin said not at all. He said the market studies that established what the overall approval for the Daybreak community would be, those same types of things should be given weight city wide so they understand the implications. CM Horst asked if Daybreak has done such a market study? Mr. McHutchin said yes. CM Horst asked if they would provide that study to the City? Mr. McHutchin said they would be happy to provide that study to the City.

Council Member Winger asked if Mr. McHutchin is suggesting that Kennecott and Daybreak would try to dictate to the City under threat of a lawsuit? Mr. McHutchin said they are not suggesting that in any way. This is merely a call to continue the partnership of good planning that is gaining national attention. Council Member Winger said good partners are good partners from beginning to end.

Council Member Marlor asked when the subject property was master planned commercial versus Kennecott's approval? CM Horst said the original master plan for this property goes back to at least 1985, with the exceptions of some swapping that are being considered tonight. He said Kennecott's agreement was signed in 2001. Council Member

Marlor noted that this property was master planned long before Kennecott came to the table.

CM Horst said the General Plan that was adopted through the public hearing process 3-4 years ago includes this as well as the Kennecott project as far as where commercial growth would occur. He agreed that there can be an overabundance in certain areas. They want to monitor that. Ultimately the market will dictate that. He said land uses do change over time and that is why planning needs to continue. He said planning is critical. Many years of planning have heretofore taken place.

Dale Evans, 3247 Millville St., said her house is against the aqueduct. She said she is opposed to a trail connection from the commercial property. That would direct foot traffic from the commercial property down the side of her house. She said the two islands of commercial on Willow Valley Road does not make sense. She said she is concerned about the increased traffic on Willow Valley Road. It also creates an island between the residential and commercial, and that property is proposed as a park. She said she does not favor the location of the park; it is surrounded by commercial and it creates other issues and problems.

Scott Culbertson, 10961 Scotty Dr., said he is concerned about the proposed trail going down the aqueduct. He said he understands that developers can barter and trade for a certain amount of open space. He said open space is not making the commercial buildings 35 ft. wider apart. He said it makes sense to square off the commercial property. He said they should use that as a bargaining chip further down the road.

Mayor Money closed the public hearing.

H. Potential Action Item – (See VIII. G.)

Ms. Salvagio said the commercial corners on Willow Valley Road are contiguous to other commercial. They won't be accessed on Willow Valley Road. She said UDOT's proposal is to put an island at the end of Willow Valley Road and that is not a desirable access for a commercial property. She said the better access is through the contiguous commercial property. She said the net gain in commercial property is only 4 acres.

Mayor Money said they need to be careful where they put commercial and how much commercial to develop. He said proper planning needs to be looked at relative to commercial development. He said when this property was land used commercial, they did not have another 100 acres of commercial on 11400 South. He noted the commercial development planned in Kennecott on 5600 West. He said that commercial will have access to light rail and the Mt. View Corridor. He said they need to look at the big picture what will it do to the commercial at this location? He said for commercial to survive here, they have to have a strong anchor. He said they just need to make sure that the commercial will last. He said he is okay squaring off the large commercial piece, but he does not favor the smaller islands of commercial on Willow Valley Drive.

Council Member Marlor said adding the L shaped portion to the commercial, and squaring the property off allows a better commercial development because of the depth of the parcel. He said he is not sure what the developer has in mind for the commercial islands or nodes, but he is okay with it because it is contiguous to the other commercial development.

Council Member Colton said they could consider delaying this decision until the other two public hearings are done.

Council Member Winger asked what have they done with market studies? CM Horst said 6 percent of their land mass is dedicated commercial. He said most City models suggest that the number needs to be 30 percent. He said South Jordan has high quality commercial development, and he feels they can get away with less than 30 percent.

Council Member Colton made a motion to table the decision until after items J. and L.

Council Member Gayheart said she is okay to square off the commercial parcel, but she is concerned about the commercial nodes on Willow Valley Drive.

The motion died for lack of a second.

Council Member Gayheart made a motion to deny File #LUA-2005.17A, Future Land Use Amendment Application Generally Located East of Bangerter Highway Between 10300 South and 10450 South. The motion died for lack of a second.

Council Member Marlor made a motion to approve Resolution No. R2005-60. Council Member Winger seconded the motion. Roll call vote. The vote was 4-1 in favor, with Council Member Gayheart opposed.

Council Member Gayheart said she is not against adding the L shaped commercial piece. She has grave concerns with the commercial nodes on Willow Valley Drive.

Council Member Marlor made a motion to approve Ordinance No. 2005-29-Z. Council Member Wenner seconded the motion. Roll call vote. The vote was 4-1 in favor, with Council Member Gayheart opposed.

Council Member Winger made a motion to take a break. Council Member Marlor seconded the motion. The vote was unanimous in favor.

- I. Public Hearing – Resolution No. R2005-61; Amending the City’s Future Land Use Plan Map From Commercial Office Space to Office Space. Ordinance No. 2005-30-Z; Amending the City’s Zoning Map From Community Commercial (C-C) to Office Service (O-S). Generally Located at 10500 South on the East Side of River Heights Drive.

12-6-05 CC PKT

**SOUTH JORDAN CITY
CITY COUNCIL
STAFF REPORT**

Meeting Date: 12/06/05

Issue: PUBLIC HEARING, FILE NO. LUA-2005.17A FUTURE LAND USE AMENDMENT APPLICATION, FROM LOW DENSITY RESIDENTIAL, OFFICE SPACE AND RECREATION/OPEN SPACE TO COMMERCIAL (APPROX. 12 ACRES), AND FILE NO. REZ-2005.24A REZONE APPLICATION FROM A-5 (AGRICULTURE) TO C-C (COMMUNITY COMMERCIAL), GENERALLY LOCATED EAST OF BANGERTER HIGHWAY BETWEEN APPROXIMATELY 10300 S. AND APPROXIMATELY 10450 S., APPROXIMATELY 26.75 ACRES, PETERSON DEVELOPMENT (APPLICANT)

Submitted By: Greg Schindler, Senior Planner

Agenda Item No.

Staff Recommendation (Motion Ready):

1. That the City Council adopt Resolution No. R2005-60 approving the amendment to the future land use plan map.
2. That the City Council adopt Ordinance No. 2005-29-Z approving the rezoning from A-5 to C-C

BACKGROUND

ADDRESS	Between approximately 10300 S. and 10450 S. east of Bangerter Highway
ACREAGE	Approximately 12 acres for Land Use Amendment and approximately 26.75 acres for rezoning
CURRENT LU DESIGNATION	Low Density Residential, Office Space, Commercial and Recreation/Open Space
CURRENT ZONING	A-5
CURRENT USE	Vacant
PROPOSED LU DESIGNATION	Commercial
PROPOSED ZONING	Community Commercial (C-C)
NEIGHBORING LU DESIGNATIONS, (ZONING)/USES	North -Low Density Residential (R-2.5)/Single family homes under construction South -Commercial (C-C)/Vacant East - Office Space (A-5)/Vacant West - Bangerter Highway, Office Space and Commercial/(O-S and C-N)/Vacant

The applicant is proposing to amend the future land use designation and rezone the subject property in order to provide area for commercial development. The majority of the land being proposed for amendment to commercial land use (approx. 10 acres) is located near Bangerter Highway where commercial uses are appropriate. The areas on the north and south sides of 10400 S. at Willow Valley Road (approx. 3 acres) are being proposed for amendment from Office Space to Commercial because the applicant believes commercial development would be more appropriate in this location since frontage along 10400 S. can be provided.

STAFF FINDINGS, CONCLUSIONS & RECOMMENDATIONS:

Findings:

- The proposed Land Use Amendment and Rezoning are consistent with the City's General Plan in the following ways:
 - **Policy LU-3.2** Major (larger than 5 acres) commercial development should occur in areas served by arterial and collector streets as indicated on the Future Land Use Plan Map.
 - **Policy LU-3.5** Properties adjacent to I-15, South Jordan Parkway (10400 S.), Redwood Road, Jordan Gateway and designated portions of 11400 S. 11800 S., Bangerter Highway, 9800 S. and the Mountain View Transportation Corridor should be considered acceptable locations for retail land uses. Proposals for commercial development or redevelopment should be encouraged in these areas.

Conclusions:

- Bangerter Highway and 10400 S. are considered arterial streets and River Heights Drive is classified as a major collector street.
- The proposed land use amendment and rezoning areas are adjacent to either an arterial or collector street.
- The proposed land uses can be served by existing and future roadways in the area.

Recommendations:

- Staff recommends that the City Council approve Resolution No. 2005-60 and Ordinance No. 2005-29-Z.
- The Planning Commission recommended by a 4-0 vote that the City Council approve Resolution No. 2005-60 and Ordinance 2005-29-Z.

FISCAL IMPACT:

- There should be little fiscal impact due to the change in land use when fully developed since this proposal will offset losses of potential sales tax if office space is approved along River Heights Drive as proposed.

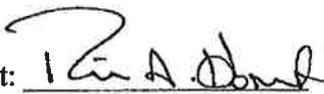
ALTERNATIVES:

- Recommend approval of the applicant's proposal.
- Recommend denial of the proposal.
- Schedule the application for a decision at some future date.

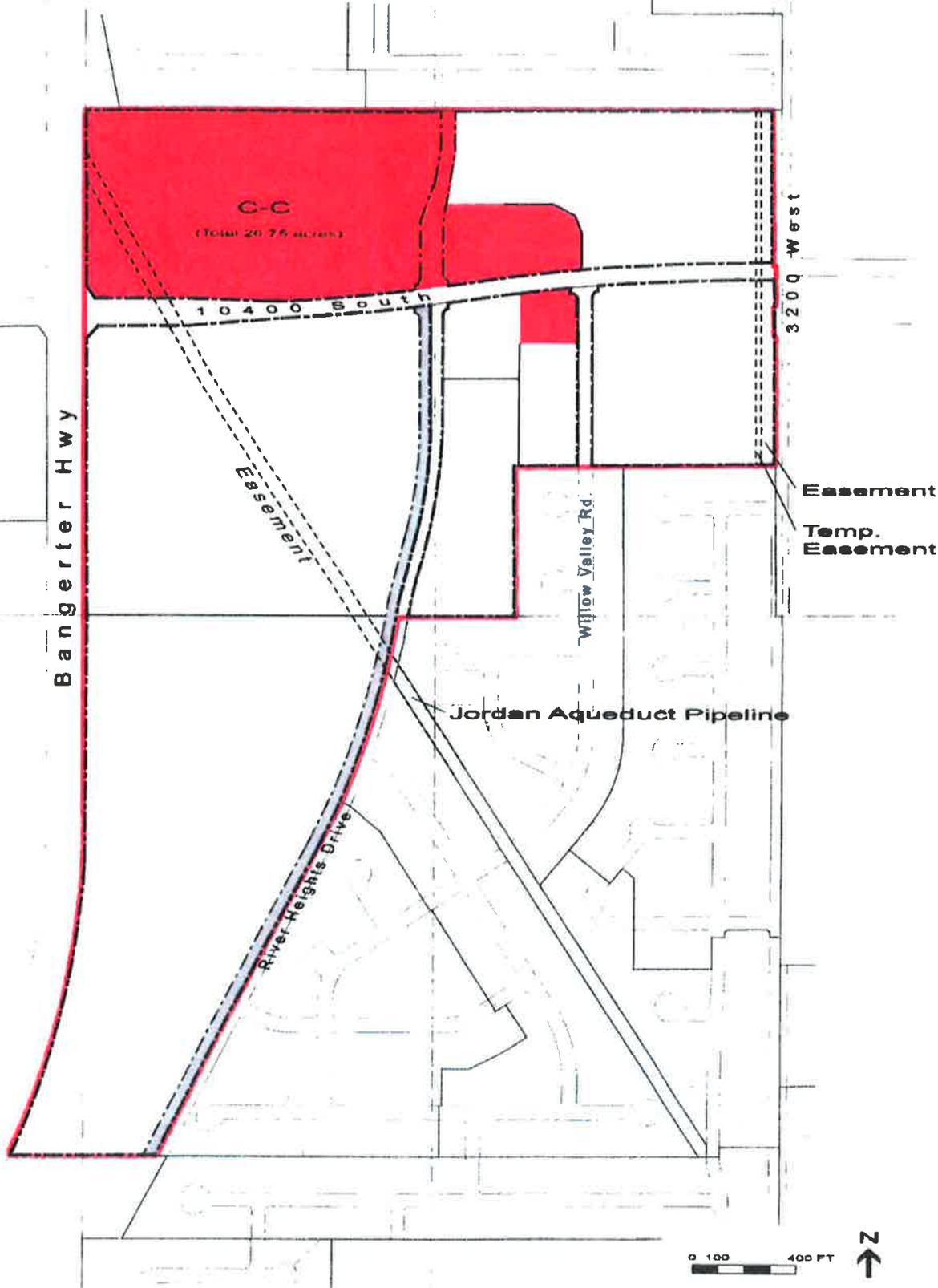
SUPPORT MATERIALS:

- Land Use and Zone Maps
- Resolution
- Ordinance

Reviewed by:

Approved as to Content:  Legal Review: _____
City Manager City Attorney

Rezone for C-C



PETERSON DEVELOPMENT
10400 S. BANGERTER HWY.
SOUTH JORDAN CITY, UTAH



RESOLUTION NO. R2005-60

**A RESOLUTION AMENDING THE FUTURE LAND USE PLAN MAP OF THE
GENERAL PLAN OF SOUTH JORDAN CITY.**

WHEREAS, the Future Land Use Plan Map of the General Plan has previously been adopted by the City Council of South Jordan City; and

WHEREAS, an amendment to the Future Land Use Plan Map has been proposed as described in Exhibit A; and

WHEREAS, in accordance with law, public hearings have been held by the Planning Commission and City Council in South Jordan City to present the proposed amendment to the Future Land Use Plan Map of the General Plan and to receive comments from the public, which comments were considered by the Planning Commission and City Council; and

WHEREAS, in accordance with principles of sound municipal planning, the City Staff, the City Planning Commission, and the City Council have taken into account the impact the proposed land use amendment will or may have on existing adjacent development projects, and to the extent legally permissible or practical, the City Staff, Planning Commission and Council have taken reasonable steps to ensure that the proposed land use amendment is in harmony with density, permitted uses, and other components of existing adjacent development project entitlements; and

WHEREAS, it has been determined that to promote the orderly growth of South Jordan City, to preserve property values, and to promote the public health, safety and general welfare of the residents of South Jordan City, the Future Land Use Plan Map of the General Plan should be amended to designate as Commercial, property generally located east of Bangert Highway between approximately 10300 S. and 10400 S. and property located at the north west and southwest corners of the intersection of 10400 S. and Willow Valley Road; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF SOUTH JORDAN CITY, STATE OF UTAH:

Section 1. Amendment and Adoption. The South Jordan City Council hereby adopts the proposed amendment to the Future Land Use Plan Map of the General Plan as follows:

SEE ATTACHED EXHIBIT "B"

Section 2. Severability. If any section, clause or portion of this Resolution is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby and shall remain in full force and effect.

Section 3. Effective Date. This Resolution shall become effective immediately upon its passage.

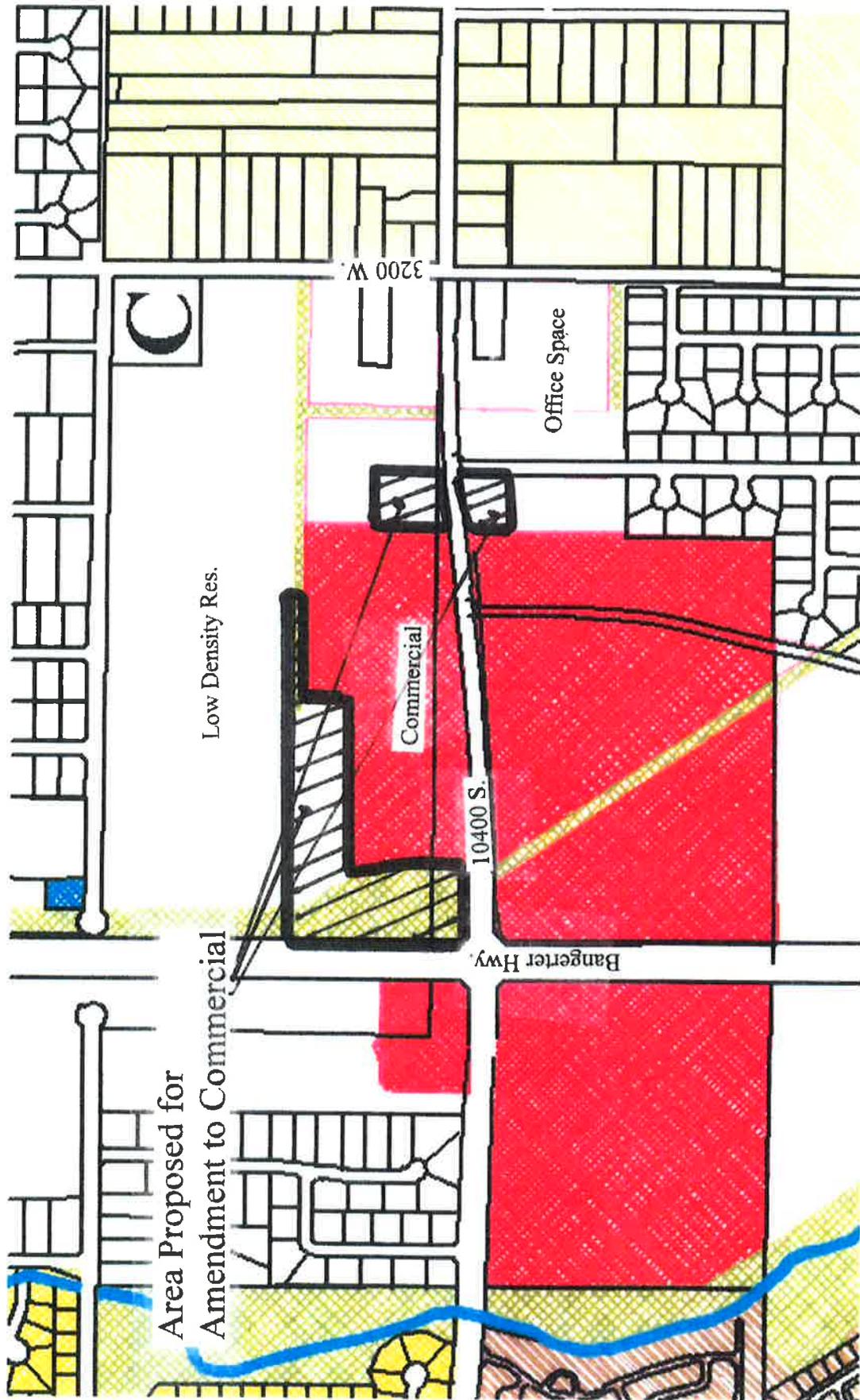
PASSED AND ADOPTED BY THE CITY COUNCIL OF SOUTH JORDAN CITY, STATE OF UTAH, ON THIS ____ DAY OF _____, 2005.

Voting Record:

	YES	NO	ABSTAIN	ABSENT
David W. Colton	___	___	___	___
Ann Gayheart	___	___	___	___
Bradley G. Marlor	___	___	___	___
Mary Wenner	___	___	___	___
Leona Winger	___	___	___	___

William Kent Money, Mayor

ATTEST: _____
City Recorder



Area Proposed for
Amendment to Commercial

Low Density Res.

Commercial

Office Space

3200 W.

10400 S.

Bangert Hwy

ORDINANCE NO. 2005-29-Z

AN ORDINANCE AMENDING THE REVISED ORDINANCES OF SOUTH JORDAN, AS AMENDED, CHANGING THE ZONING MAP FROM A-5 TO C-C ON PROPERTY GENERALLY LOCATED EAST OF BANGERTER HIGHWAY BETWEEN 10300 S. AND 10450 S., PETERSON DEVELOPMENT, APPLICANT.

WHEREAS, the City Council has adopted a Zoning Map for the City: and

WHEREAS, the South Jordan Planning Commission has reviewed and made recommendations concerning this rezoning; and

WHEREAS, the City Council has held a public hearing concerning the proposed Zoning Map amendment; and

WHEREAS, in accordance with principles of sound municipal planning, the City Staff, the City Planning Commission, and the City Council have taken into account the impact the proposed rezoning will or may have on existing adjacent development projects, and to the extent legally permissible or practical, the City Staff, Planning Commission and Council have taken reasonable steps to ensure that the proposed rezoning is in harmony with density, permitted uses, and other components of existing adjacent development project entitlements; and

WHEREAS, the City Council has found and determined that the proposed amendment to the Zoning Map will help to implement the General Plan of the City; and

WHEREAS, the City Council has determined that said amendment will stabilize or improve property values and enhance the public health, safety and welfare;

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN:

SECTION 1. That Ordinance No. 7-1-1 entitled, Zoning Ordinance of South Jordan, Utah, as the ordinances of the City of South Jordan, is amended as follows:

The property described in Application REZ-2005.24A filed by Peterson Development and located in the City of South Jordan, is hereby reclassified from C-C to O-S, said property being described as follows:

SEE EXHIBITS "A" and "B"

SECTION 2. The Official Zoning Map showing such changes shall be filed with the South Jordan City Recorder.

SECTION 3. This Ordinance shall become effective one day after final passage by the City Council.

PASSED AND ADOPTED BY THE CITY COUNCIL OF SOUTH JORDAN CITY, STATE OF UTAH, on this ____ day of _____, 2005, by the following vote:

Voting Record:

	YES	NO	ABSTAIN	ABSENT
David W. Colton	___	___	___	___
Ann Gayheart	___	___	___	___
Bradley G. Marlor	___	___	___	___
Mary Wenner	___	___	___	___
Leona Winger	___	___	___	___

W. Kent Money, Mayor

ATTEST:

CITY RECORDER

Exhibit "A"

Parcel 1

Current Zoning A-5
Proposed Zoning C-C

Beginning at the Northeast Corner of Section 17, Township 3 South, Range 1 West, Salt Lake Base and Meridian, and running thence South $00^{\circ}01'16''$ West a distance of 718.71 feet; thence North $89^{\circ}58'44''$ West a distance of 1251.56 feet to the point of beginning said point also lies on the southerly boundary of the Jones Farm Phase 2 Subdivision; thence

South $00^{\circ}31'31''$ West a distance of 154.64 feet, thence

Southwesterly 128.20 feet along the arc of a 375.46 foot radius curve to the right (long chord bears South $10^{\circ}18'24''$ West 127.58 feet), with a central angle of $19^{\circ}33'46''$; thence

South $20^{\circ}48'50''$ West a distance of 25.82 feet, thence

Southwesterly 55.26 feet along the arc of a 380.48 foot radius curve to the left (long chord bears South $16^{\circ}39'13''$ West 55.21 feet), with a central angle of $8^{\circ}19'15''$; thence

South $89^{\circ}28'29''$ East a distance of 434.26 feet, thence

South $61^{\circ}22'40''$ East a distance of 91.82 feet, thence

South $20^{\circ}44'14''$ East a distance of 73.29 feet, thence

South $00^{\circ}31'31''$ West a distance of 114.72 feet to a point which lies on the Northerly Right-of-Way line of 10400 South Street; thence along said Northerly Right-of-Way line the following four (4) courses:

Southwesterly 516.27 feet along the arc of a 7277.74 foot radius curve to the left (long chord bears South $83^{\circ}36'34''$ West 516.14 feet), with a central angle of $4^{\circ}03'52''$; thence

Southwesterly 932.95 feet along the arc of a 7990.54 foot radius curve to the right (long chord bears South $85^{\circ}59'55''$ West 932.40 feet), with a central angle of $6^{\circ}41'23''$; thence

North $89^{\circ}56'20''$ West a distance of 411.93 feet, thence

North $34^{\circ}58'26''$ West a distance of 55.79 feet to a point which lies on the Easterly Right-of-Way line of Bangerter Highway; thence

North $00^{\circ}03'39''$ West a distance of 673.44 feet along said Easterly Right-of-Way line, thence

South $89^{\circ}38'38''$ East a distance of 1397.21 feet along the Southerly boundary lines of Jones Farm Subdivision Phase 2 and 3 to the point of beginning.

Contains 1,091,176 sq. ft., 25.05 acres

The basis of bearing use for this parcel is North $00^{\circ}01'16''$ East between the found Northeast corner and the found East Quarter corner of section 17 Township 3 South, Range 1 West Salt Lake Base and Meridian.

Exhibit "B"

Parcel 4

Current Zoning A-5
Proposed Zoning C-C

Beginning at the Northeast Corner of Section 17, Township 3 South, Range 1 West, Salt Lake Base and Meridian, and running thence South $00^{\circ}01'16''$ West a distance of 1441.83 feet; thence North $89^{\circ}58'44''$ West a distance of 779.25 feet to the point of beginning said point also lies on the Westerly Right-of-way line of Willow Valley Road, thence

Due South a distance of 166.40 feet along said Westerly Right-of-way line, thence North $89^{\circ}48'32''$ West a distance of 240.00 feet, thence

North a distance of 169.47 feet to a point which lies on the Southerly Right-of-way line at 10400 South Street, thence

Northeasterly 213.97 feet along the arc of a 7171.74 foot radius curve to the right (long chord bears North $84^{\circ}21'27''$ East 213.96 feet), with a central angle of $1^{\circ}42'34''$; along said Southerly Right-of-way line to a point which lies on said Westerly Right-of-way line; thence

Southeasterly 41.35 feet along the arc of a 25.00 foot radius curve to the right (long chord bears South $47^{\circ}23'16''$ East 36.79 feet), with a central angle of $94^{\circ}45'51''$ along said Easterly Right-of-way line to the point of beginning.

Contains: 43,561 sq. ft., 1.00 acre.

The basis of bearing use for this parcel is North $00^{\circ}01'16''$ East between the found Northeast corner and the found East Quarter corner of section 17 Township 3 South, Range 1 West, Salt Lake Base and Meridian

Council Member Marlor said adding the L shaped portion to the commercial, and squaring the property off allows a better commercial development because of the depth of the parcel. He said he is not sure what the developer has in mind for the commercial islands or nodes, but he is okay with it because it is contiguous to the other commercial development.

Council Member Colton said they could consider delaying this decision until the other two public hearings are done.

Council Member Winger asked what have they done with market studies? CM Horst said 6 percent of their land mass is dedicated commercial. He said most City models suggest that the number needs to be 30 percent. He said South Jordan has high quality commercial development, and he feels they can get away with less than 30 percent.

Council Member Colton made a motion to table the decision until after items J. and L.

Council Member Gayheart said she is not against adding the L shaped commercial parcel, but she is concerned about the commercial nodes on Willow Valley Drive.

The motion died for lack of a second.

Council Member Gayheart made a motion to table City File #LUA-2005.17A, Future Land Use Amendment Application Generally Located East of Bangerter Highway Between 10300 South and 10450 South. The motion died for lack of a second.

Council Member Marlor made a motion to approve Resolution No. R2005-60. Council Member Winger seconded the motion. Roll call vote. The vote was 4-1 in favor, with Council Member Gayheart opposed.

Council Member Gayheart said she is not against adding the L shaped commercial piece. She has grave concerns with the commercial nodes on Willow Valley Drive.

Council Member Marlor made a motion to approve Ordinance No. 2005-29-Z. Council Member Wenner seconded the motion. Roll call vote. The vote was 4-1 in favor, with Council Member Gayheart opposed.

Council Member Winger made a motion to take a break. Council Member Marlor seconded the motion. The vote was unanimous in favor.

- I. Public Hearing – Resolution No. R2005-61; Amending the City’s Future Land Use Plan Map From Commercial Office Space to Office Space. Ordinance No. 2005-30-Z; Amending the City’s Zoning Map From Community Commercial (C-C) to Office Service (O-S). Generally Located at 10500 South on the East Side of River Heights Drive. Peterson Development.

12-6-05
cc min. + PKT

Community Development Deputy Director Preece reviewed the background information on this item.

The temporary retention ponds were noted. CM Horst said they will be gone when 10400 South is widened.

Ms. Salvagio said this is a down zone. She said they feel that this is an appropriate land use change given the proximity to some of the lower density housing. She said they are committed to keeping the office buildings no more than 2 stories.

Council Member Colton said the buildings in an office zone can go 6 stories. It was noted that with taller buildings, there are larger setbacks and increased parking requirements. This parcel is not large enough for a 6 story building.

Mayor Money opened the public hearing.

Mark Gunderson, 3237 W. 10755 S., said he prefers that this property be office over commercial. He said he would really prefer some more low density residential housing.

Tom Belchak, 9579 Dunsinane Dr., said he hopes there is enough water for this project.

Rich Tabish, 3264 W. Corrine Ave., said he feels South Jordan has been a well planned City. The City Council is not looking at the area as a whole because they are chopping up this area into three proposals. He said the natural boundary is the road. He said low density residential on this property makes more sense over an office complex. He said they are taking two nice neighborhoods and flanking them with business, residential, and multi family developments and that will mess them up. He asked the City to oppose the application. He said this area should be low density residential.

Council Member Gayheart said they cannot make this area residential, by law. She said this property currently has a commercial designation. The proposal is to down zone to office. Council Member Marlor said the question now is if commercial or office is more appropriate in this location. Mr. Tabish said they should take a broader look at the area, and not consider this in bits and pieces.

Teddy Stubbs, 10456 S. 2775 W., asked if there has been an impact study done for the additional office space availability, versus how much is built and unused?

Corey Olson, 3338 W. Cache Cir., said he would rather see office in this location with a two story limit. He said he would rather have a day time use, with night time shut down and minimal lights over a commercial development. He said when he bought his property, he knew this was zoned commercial. He favors this change.

Scott Culbertson, 10961 Scotty Dr., said it feels like it is the residents against the developer and the City is in the middle. He said he would like to see the developer make

a profit, but do what is right for the community. The developer is doing what is making the most money and then they will leave. He said the office is better than the commercial, but is it the right thing for the community? He said he would like to see the developer partner with the community.

Craig Taylor, 3785 W. Norfolk Bay, said they need to be careful when they are trying to implement non-binding verbal requests. He said they are not always implemented because staff only has to enforce what the Ordinance allows.

CM Horst said they can't guarantee certain issues, such as the buildings being limited to 2 stories. That is done with the site plan process with a development agreement.

Mr. Taylor said they need to determine if the square footage of a commercial space can be supported. He said they also need to determine where they want green space. He said they should stipulate why they are making an approval, and then be bound by the Resolution.

Mikkel Storm, 3427 Willow Valley Rd., said he was disappointed in the way the previous issue went down. He said one Council Member said they should look at the project as a whole and not accept it piece meal. He said then they went straight ahead and now they have to accept this project piece meal.

Joe Fullmer, 1821 W. 9640 S., said he feels office in this location would be better than residential. He said it would provide a nice buffer to the commercial.

Mayor Money closed the public hearing.

J. Potential Action Item – (See VIII. I.)

Council Member Gayheart said down zoning this property makes sense. She noted that this land has been given certain land rights. She feels office is appropriate in this location.

Council Member Marlor said he doesn't feel they jumped into the last decision. He said they need to look at the ramifications of every proposal and see how it impacts the entire development. He said it is important for them to understand the entire development.

Council Member Winger said she spent time driving through and looking at this area. She said she appreciates that this issue was broken up into three applications. She said they need to consider the property as a whole and consider the public's input.

Council Member Wenner said she drives past this development regularly. She said the residents have a nice development and beautiful homes. She said they knew this property was master planned commercial when they built their homes. She said she feels the two commercial nodes that were previously approved was appropriate. She said she feels an office use will increase the value of the property.

Council Member Gayheart made a motion to approve Resolution No. R2005-61. Council Member Winger seconded the motion. Roll call vote. The vote was unanimous in favor.

Mayor Money allowed comments on the office zoning Ordinance. There were no comments.

Council Member Wenner made a motion to approve Ordinance #2005-30-Z. Council Member Gayheart seconded the motion. Roll call vote. The vote was unanimous in favor.

- K. Public Hearing – Resolution No. R2005-62; Amending the City’s Future Land Use Plan Map From Commercial, Office Space, and Recreational/Open Space to High Density Residential. Ordinance No. 2005-31-Z; Amending the City’s Zoning Map From Agricultural (A-5) to Multi-Family Residential (RM-5). Generally Located West of 3200 West Between 10300 South and 10500 South.

Community Development Deputy Director Preece reviewed the background information on this item.

Mayor Money opened the public hearing.

The Council discussed staff’s reason for the recommendation for approval. CM Horst said staff takes a pragmatic approach. It was noted that they consider state laws, affordable housing, density, traffic loads, access to public highways, etc. CM Horst noted that the aesthetics of a project are part of the site plan process.

Ms. Salvagio gave a presentation on their proposal. She noted that this is a down zone. There is a need for a variety of housing options. She said there is a huge demand for their proposed housing, targeted at empty nesters. She said they feel this makes good planning sense. This would provide an excellent buffer between 10400 South and the low density residential development. This project will blend with the surrounding neighborhoods. She said this project was considered as a whole. She showed a comparison of Jones Meadows (R-2.5 zoning) versus an RM-5 community (Reunion Village). She said the developments will be more similar than the residents might expect. She said they will guarantee a minimum of 1700 sq. ft. main floor/livable area. She said basements are planned in this development. She said the park idea was proposed at one of the neighborhood meetings. She said the City is helping out with the park improvements. CM Horst said the park impact fees would go towards the amenities in the park.

Ms. Salvagio said they have 39 percent open space proposed including landscaping, open space, and plenty of buffering on the south and east sides. She said there is 1.1 acres of trails and a 2.3 acre public park. She said the property values won’t drop because of this. She said the neighbors are gaining a much needed public park. She said the City

12-6-05
CC Packet Docs.

**SOUTH JORDAN CITY
CITY COUNCIL
STAFF REPORT**

Meeting Date: 12/06/05

Issue: PUBLIC HEARING, FILE NO. LUA-2005.17B FUTURE LAND USE AMENDMENT APPLICATION, FROM COMMERCIAL TO OFFICE SPACE AND FILE NO. REZ-2005.24B REZONE APPLICATION FROM C-C (COMMUNITY COMMERCIAL) TO O-S (OFFICE SERVICE), GENERALLY LOCATED AT 10500 SOUTH ON THE EAST SIDE OF RIVER HEIGHTS DRIVE, APPROXIMATELY 6.71 ACRES, PETERSON DEVELOPMENT (APPLICANT)

Submitted By: Greg Schindler, Senior Planner

Agenda Item No.

Staff Recommendation (Motion Ready):

1. That the City Council adopt Resolution No. R2005-61 approving the amendment to the future land use plan map.
2. That the City Council adopt Ordinance No. 2005-30-Z approving the rezoning from C-C to O-S.

BACKGROUND

ADDRESS	Approximately 10500 S. east of River Heights Dr.
ACREAGE	Approximately 6.71 acres
CURRENT LU DESIGNATION	Commercial
CURRENT ZONING	C-C
CURRENT USE	Vacant
PROPOSED LU DESIGNATION	Office Space
PROPOSED ZONING	Office Service (O-S)
NEIGHBORING LU DESIGNATIONS, (ZONING)/USES	North - Commercial (C-C)/Vacant South --Low Density Residential (R-2.5)/Single Family Homes East - Low Density Residential (R-2.5)/Single Family Homes on approx. 1/3 acre lots, Office Space (A-5)/Vacant West - Commercial (C-C)/Vacant

The applicant is proposing to amend the future land use designation and rezone the subject property in order to provide area for office development. The applicant believes office development would be more appropriate adjacent to existing residential uses.

STAFF FINDINGS, CONCLUSIONS & RECOMMENDATIONS:

Findings:

- The proposed Land Use Amendment and Rezoning are consistent with the City's General Plan in the following ways:
 - **Policy LU-3.6** Office uses should be encouraged in areas that provide buffers between residential uses and heavily used traffic arteries and other intense uses, and in locations that promote economic development while at the same time promoting the preservation of open space.
 - **Policy LU-3.7** Office uses should also be encouraged as part of major commercial clusters to promote commerce as well as personal service and retail support.

Conclusions:

- Office space in this location will act as a buffer between the existing residential and future commercial uses along 10400 S. It will also act as a buffer between residents and River Heights Drive.
- Property between River Heights Drive and Bangerter Highway is currently planned and zoned for significant retail commercial uses. Office uses should be encouraged to be a part of the commercial cluster in the area.
- The proposed land uses can be served by existing and future roadways in the area.

Recommendations:

- Staff recommends that the City Council approve Resolution No. 2005-61 and Ordinance No. 2005-30-Z.
- The Planning Commission recommended approval by a 4-0 vote that the City Council approve Resolution No. 2005-61 and Ordinance No. 2005-30-Z.

FISCAL IMPACT:

- There could be some fiscal impact due to the change in land use when fully developed since office uses generally provide little or no sales tax revenue. Jobs which are potentially higher paying than retail jobs may be also be an outcome of the change.

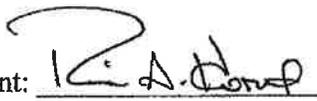
ALTERNATIVES:

- Recommend approval of the applicant's proposal.
- Recommend denial of the proposal.
- Schedule the application for a decision at some future date.

SUPPORT MATERIALS:

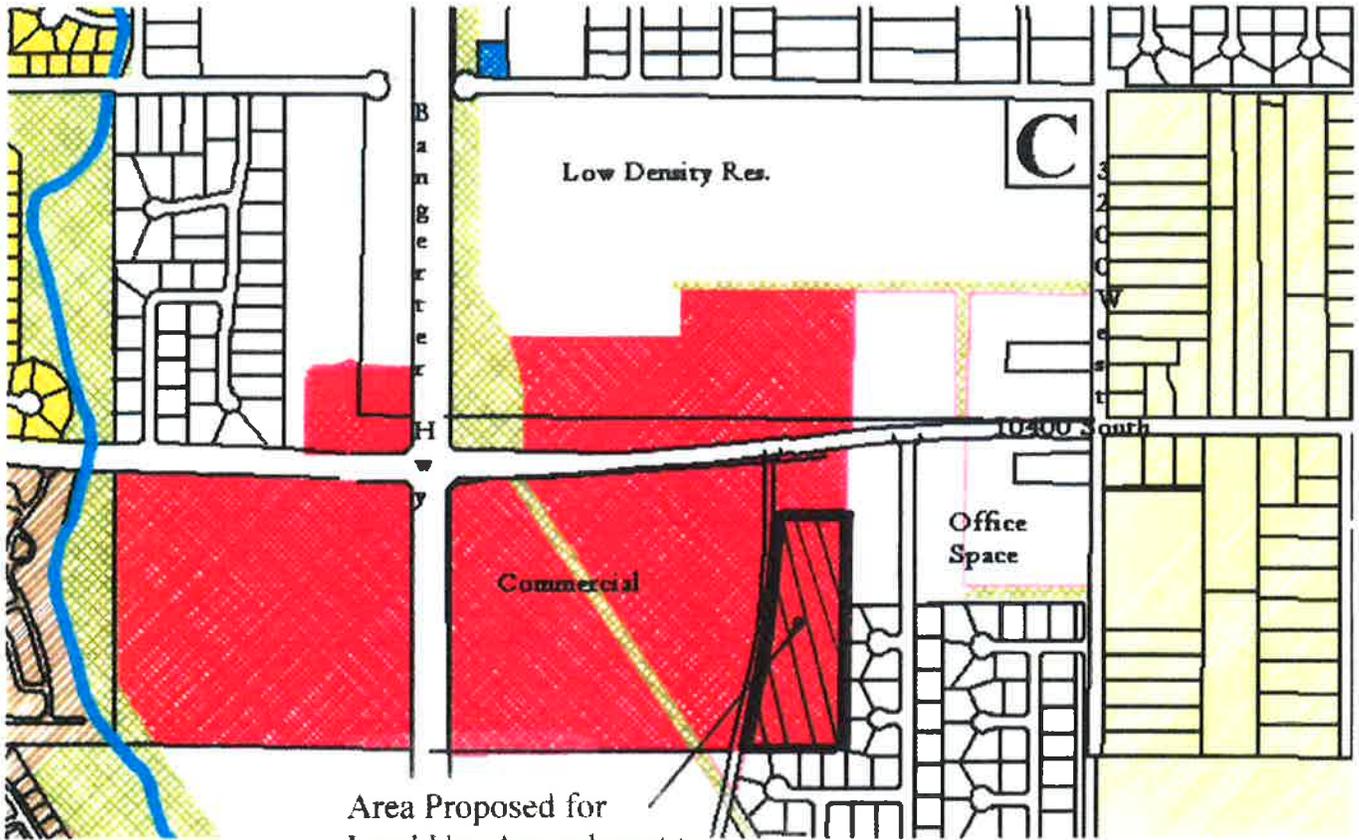
- Land Use and Zone Maps
- Resolution
- Ordinance

Approved as to Content:


City Manager

Legal Review: _____

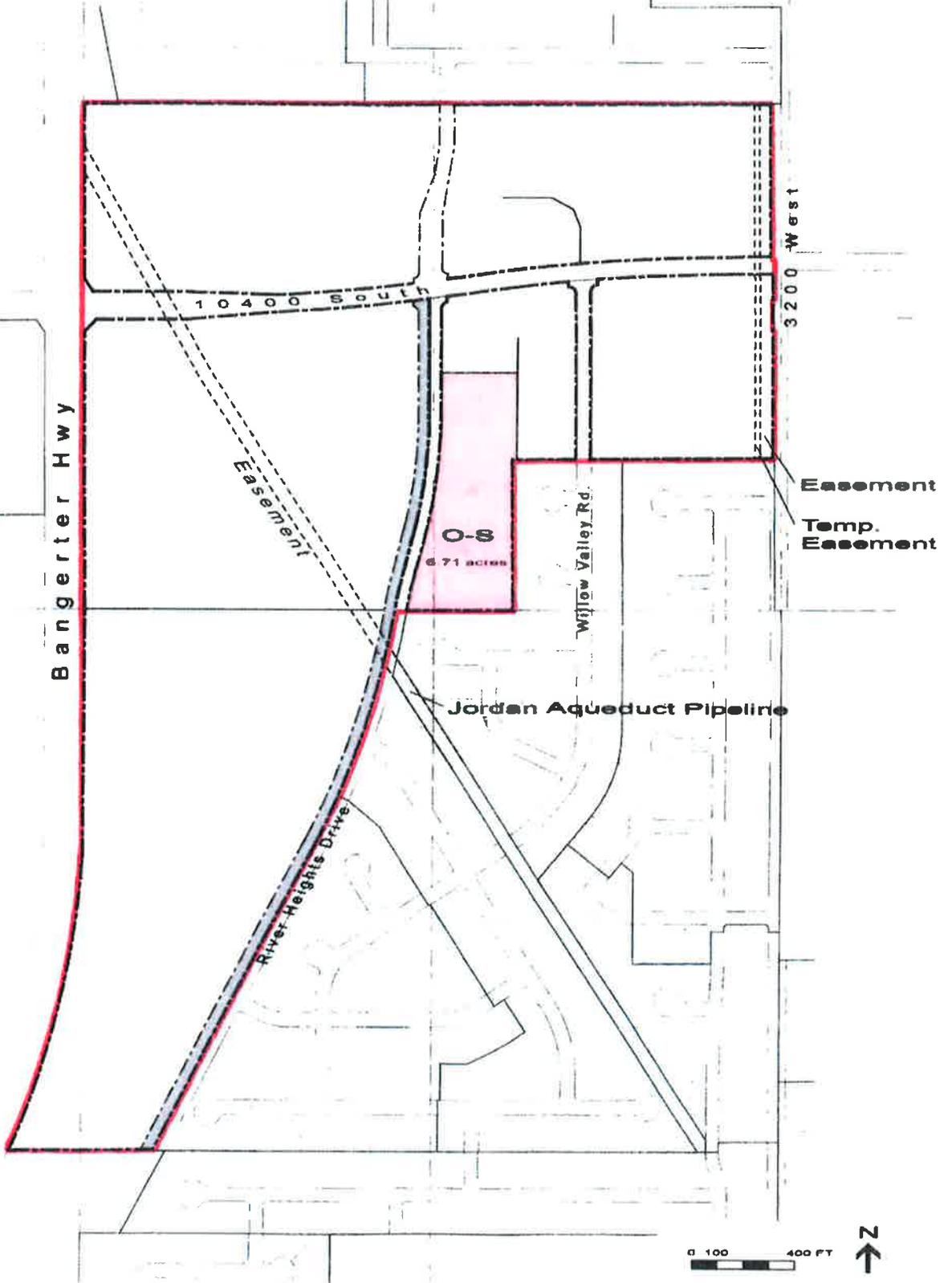
City Attorney



Area Proposed for
Land Use Amendment to
Office Space



Rezone for O-S



PETERSON DEVELOPMENT
10400 S. BANGERTER HWY.
SOUTH JORDAN CITY, UTAH



RESOLUTION NO. R2005-61

**A RESOLUTION AMENDING THE FUTURE LAND USE PLAN MAP OF THE
GENERAL PLAN OF SOUTH JORDAN CITY.**

WHEREAS, the Future Land Use Plan Map of the General Plan has previously been adopted by the City Council of South Jordan City; and

WHEREAS, an amendment to the Future Land Use Plan Map has been proposed as described in Exhibit A; and

WHEREAS, in accordance with law, public hearings have been held by the Planning Commission and City Council in South Jordan City to present the proposed amendment to the Future Land Use Plan Map of the General Plan and to receive comments from the public, which comments were considered by the Planning Commission and City Council; and

WHEREAS, in accordance with principles of sound municipal planning, the City Staff, the City Planning Commission, and the City Council have taken into account the impact the proposed land use amendment will or may have on existing adjacent development projects, and to the extent legally permissible or practical, the City Staff, Planning Commission and Council have taken reasonable steps to ensure that the proposed land use amendment is in harmony with density, permitted uses, and other components of existing adjacent development project entitlements; and

WHEREAS, it has been determined that to promote the orderly growth of South Jordan City, to preserve property values, and to promote the public health, safety and general welfare of the residents of South Jordan City, the Future Land Use Plan Map of the General Plan should be amended to designate as Office Space, property generally located on the east side of River Heights Drive near 10500 S.; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF SOUTH JORDAN CITY, STATE OF UTAH:

Section 1. Amendment and Adoption. The South Jordan City Council hereby adopts the proposed amendment to the Future Land Use Plan Map of the General Plan as follows:

SEE ATTACHED EXHIBIT "B"

Section 2. Severability. If any section, clause or portion of this Resolution is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby and shall remain in full force and effect.

Section 3. Effective Date. This Resolution shall become effective immediately upon its passage.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF SOUTH JORDAN CITY,
STATE OF UTAH, ON THIS ____ DAY OF _____, 2005.**

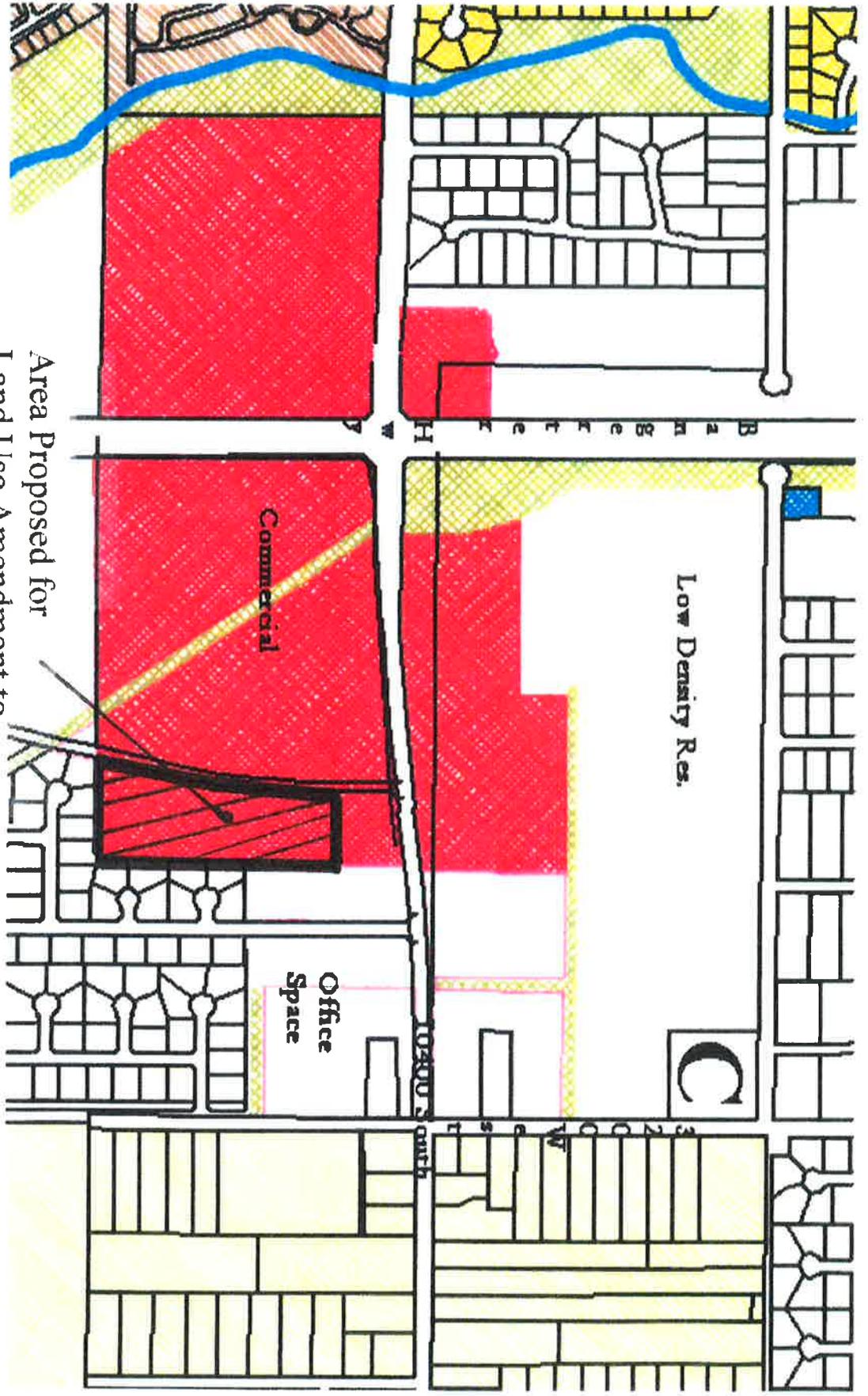
Voting Record:

	YES	NO	ABSTAIN	ABSENT
David W. Colton	_____	_____	_____	_____
Ann Gayheart	_____	_____	_____	_____
Bradley G. Marlor	_____	_____	_____	_____
Mary Wenner	_____	_____	_____	_____
Leona Winger	_____	_____	_____	_____

William Kent Money, Mayor

ATTEST: _____
City Recorder

Exhibit "B"



Area Proposed for
Land Use Amendment to
Office Space

ORDINANCE NO. 2005-30-Z

AN ORDINANCE AMENDING THE REVISED ORDINANCES OF SOUTH JORDAN, AS AMENDED, CHANGING THE ZONING MAP FROM C-C TO O-S ON PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF RIVER HEIGHTS DRIVE NEAR 10500 S., PETERSON DEVELOPMENT, APPLICANT.

WHEREAS, the City Council has adopted a Zoning Map for the City: and

WHEREAS, the South Jordan Planning Commission has reviewed and made recommendations concerning this rezoning; and

WHEREAS, the City Council has held a public hearing concerning the proposed Zoning Map amendment; and

WHEREAS, in accordance with principles of sound municipal planning, the City Staff, the City Planning Commission, and the City Council have taken into account the impact the proposed rezoning will or may have on existing adjacent development projects, and to the extent legally permissible or practical, the City Staff, Planning Commission and Council have taken reasonable steps to ensure that the proposed rezoning is in harmony with density, permitted uses, and other components of existing adjacent development project entitlements; and

WHEREAS, the City Council has found and determined that the proposed amendment to the Zoning Map will help to implement the General Plan of the City; and

WHEREAS, the City Council has determined that said amendment will stabilize or improve property values and enhance the public health, safety and welfare;

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN:

SECTION 1. That Ordinance No. 7-1-1 entitled, Zoning Ordinance of South Jordan, Utah, as the ordinances of the City of South Jordan, is amended as follows:

The property described in Application REZ-2005.24B filed by Peterson Development and located in the City of South Jordan, is hereby reclassified from C-C to O-S, said property being described as follows:

SEE EXHIBIT "A"

SECTION 2. The Official Zoning Map showing such changes shall be filed with the South Jordan City Recorder.

SECTION 3. This Ordinance shall become effective one day after final passage by the City Council.

PASSED AND ADOPTED BY THE CITY COUNCIL OF SOUTH JORDAN CITY, STATE OF UTAH, on this ____ day of _____, 2005, by the following vote:

Voting Record:

	YES	NO	ABSTAIN	ABSENT
David W. Colton	_____	_____	_____	_____
Ann Gayheart	_____	_____	_____	_____
Bradley G. Marlor	_____	_____	_____	_____
Mary Wenner	_____	_____	_____	_____
Leona Winger	_____	_____	_____	_____

W. Kent Money, Mayor

ATTEST:

CITY RECORDER

Exhibit "A"

Parcel 6

Current Zoning C-C
Proposed Zoning O-S

Beginning at the Northeast Corner of Section 17, Township 3 South, Range 1 West, Salt Lake Base and Meridian, and running thence South $00^{\circ}01'16''$ West a distance of 1717.29 feet; thence North $89^{\circ}58'44''$ West a distance of 1019.14 feet to the point of beginning, thence South a distance of 932.61 feet along the Westerly boundary line of Jones Meadows Subdivision Phase 3, thence North $89^{\circ}36'32''$ West a distance of 405.63 feet along the Northerly boundary line of said Jones Meadows Subdivision Phase 3, to a point which lies on the Easterly Right-of-way line of River Heights Drive; thence along said Easterly Right-of-way line the following three (3) courses: Northeasterly 190.67 feet along the arc of a 1500.00 foot radius curve to the right (long chord bears North $13^{\circ}27'42''$ East 190.54 feet), with a central angle of $7^{\circ}16'58''$; thence Northeasterly 597.02 feet along the arc of a 2000.00 foot radius curve to the left (long chord bears North $08^{\circ}33'05''$ East 594.80 feet), with a central angle of $17^{\circ}06'12''$; thence North a distance of 156.35 feet, thence East a distance of 272.82 feet to the point of beginning.

Contains: 292,310 sq. ft., 6.71 acres.

The basis of bearing use for this parcel is North $00^{\circ}01'16''$ East between the found Northeast corner and the found East Quarter corner of section 17 Township 3 South, Range 1 West Salt Lake Base and Meridian

Council Member Gayheart made a motion to approve Resolution No. R2005-61. Council Member Winger seconded the motion. Roll call vote. The vote was unanimous in favor.

Mayor Money allowed comments on the office zoning Ordinance. There were no comments.

Council Member Wenner made a motion to approve Ordinance #2005-30-Z. Council Member Gayheart seconded the motion. Roll call vote. The vote was unanimous in favor.

- K. Public Hearing – Resolution No. R2005-62; Amending the City’s Future Land Use Plan Map From Commercial, Office Space, and Recreational/Open Space to High Density Residential. Ordinance No. 2005-31-Z; Amending the Zoning Map From Agricultural (A-5) to Multi-Family Residential. Located West of 3200 West Between 10300 South and 10400 South. Development.

Denied

*12-6-05
CC Min & Pkt.
"Denied"*

Community Development Deputy Director provided background information on this item.

Mayor Money opened the public hearing.

The Council discussed staff’s reason for the recommendation for approval. CM Horst said staff takes a pragmatic approach. It was noted that they consider state laws, affordable housing, density, traffic loads, access to public highways, etc. CM Horst noted that the aesthetics of a project are part of the site plan process.

Ms. Salvagio gave a presentation on their proposal. She noted that this is a down zone. There is a need for a variety of housing options. She said there is a huge demand for their proposed housing, targeted at empty nesters. She said they feel this makes good planning sense. This would provide an excellent buffer between 10400 South and the low density residential development. This project will blend with the surrounding neighborhoods. She said this project was considered as a whole. She showed a comparison of Jones Meadows (R-2.5 zoning) versus an RM-5 community (Reunion Village). She said the developments will be more similar than the residents might expect. She said they will guarantee a minimum of 1700 sq. ft. main floor/livable area. She said basements are planned in this development. She said the park idea was proposed at one of the neighborhood meetings. She said the City is helping out with the park improvements. CM Horst said the park impact fees would go towards the amenities in the park.

Ms. Salvagio said they have 39 percent open space proposed including landscaping, open space, and plenty of buffering on the south and east sides. She said there is 1.1 acres of trails and a 2.3 acre public park. She said the property values won’t drop because of this. She said the neighbors are gaining a much needed public park. She said the City

requested a park in trade for a little higher density. She said they could make the rezone contingent upon the site plan approval or they could place conditions on the development.

Melba Taylor, said the City Council was told many things that the Planning Commission was not told. She said the main concern is that when the zoning is granted, there are no promises and everything is subject to change. She said Peterson Development has done a fair job trying to rebuild the trust with the neighbors, but they fell short. She said the City is showing that the property on the north side of 10400 South is already zoned commercial. The City Council indicated that the designated future use is commercial; it is not zoned commercial. Ms. Taylor said the location for the park is wrong. She said the proposed neighborhood may start off beautiful with empty nesters, but there is no guarantee of the age of the people that will live in the homes and there is no guarantee that the homes won't turn into rental properties.

Council Member Marlor said Jones Meadows subdivision is subject to the same changes. Ms. Taylor said there would be few rental properties in Jones Meadows. Ms. Taylor noted that Reunion Village has amenities that create a draw for that development. She said this is the first that they have heard that a pool and community center are promised in the subdivision. She said there is a lot of high density planned west of Bangerter Highway. She noted that Jones Meadows backs up to Bangerter Highway, and the Ivory subdivision was built next to a road the same width as 10400 south; people will live next to busy streets. She said she is against the rezone. They should put a park in this location or more single family homes or an office park. She discussed the storm drain retention ponds in her subdivision. She said several of those could be nice neighborhood parks.

Jeremy Hart, 10686 S. Willow Valley Road, asked if "livable space" includes a basement or just the main floor area? He was told that it is just the main floor area. Mr. Hart said the problem is that there is no guarantee.

CM Horst said there are no guarantees with rezones. They can make guarantees as part of the site plan.

Mr. Hart said the residential development is divided by 10400 South, so it is actually two separate developments. He said the north side was proposed to be 6 units per acre, and the south side to be 4 units per acre. He said people will buy 1/3 acre lots on 10400 South. He said they should develop 1/3 acre lots on 10400 South or keep this property as office. He said his kids won't use the park and expressed concern about the close proximity to the commercial uses and alcoholic beverages being sold.

Tom Stubbs, 10456 S. 2775 W., said this looks like two separate residential developments. He said office might be a good buffer zone. He said he thinks the value of the homes would increase with the developer's proposal, if they stick to their promises. He said the residential proposal would be better than all office space. He said he would like to see a nice big park on this property.

Dale Evans, 3247 Millville St., said Peterson Development originally asked for a mixed use zoning and it was turned down. Now they are proceeding to do a mixed use zone, only in a piece meal approach. She said there is a huge potential for high density housing to be developed and that is a serious concern. She said the developer is trying to propose this residential development as one subdivision. She said the park is an invitation to shady activity and crime. She said they would have no trouble selling the homes up to 10400 South. She noted that Jones Meadows requires a 3 car garage; most homes have 4 garages or more. She said that makes the neighborhood look tidy and it is also a safety issue. She said there is a lot of empty nesters in their subdivision. She said most of the empty nesters are upsizing not down sizing. She said there are a lot of older people that want to be around families. She noted that Reunion Village is by the Temple and that is the draw there. She said there are vast differences between high density and low density housing. She said they bought their home with the expectation that it would keep its value and attract quality homes. She said they made sure that there was no high density residential developments near them. She said South Jordan has a reputation and high property values because they have zoned things properly. She said this property is surrounded by R-1.8 and R-2.5. She said they made sacrifices to be in South Jordan. She said they are not like other communities.

John Harmon, 3506 W. Zacks Cove, said he wonders what this will look like in the future. He said this proposal is not much of a gateway into their development. He said they have a perfect opportunity to change this proposal. He said they won't have people renting the homes in Jones Meadows very cheap. He said the opportunity is there to rent the proposed homes for much cheaper. He said he would not let his kids play at the proposed park because of its location and the surrounding retail area. He said he also doesn't like that the City has to pay for the improvements to the park. He said he feels the proposal will decrease the value of his home. He said they should leave the property as office. He said if they do change it, they should have homes consistent with the existing homes.

Troy Warner, 10656 S. Jacob Astro Way, asked why change the master plan? Why trust the developers? Why go against the Planning Commission? What guarantees do they have? He said he has a home in an RM-5 subdivision in Draper and he can't sell it or rent it. He said the developer told him that he would have homes behind his lot.

Larry Larsen, 3287 W. Lewiston Cir., said they based their decision to buy their home on the future land use map. He said Peterson Development waited until most of their homes were developed before they proposed a rezone. He said Jones Meadows has had nothing but problems with Peterson Development; they will do the minimum amount necessary for the bottom line. He said there is chain link around their retention ponds. History is the best predictor of the future. He said the other issue is their quality of life. He said the citizen's input should be given equal weight.

Amber Park, 10924 Scotty Dr., noted that there are a lot of people who agree with the comments that are being made and they are not speaking.

Rich Tabish, 3264 W. Corinne Dr., asked how do City planners outweigh the decision of the Planning Commission? He said he is concerned about the location of the park. He said he is an empty nester.

Ray Remund, 10313 S. 3200 W., said he has lived at his home for 37 years. He said there used to be maybe 3 cars a day go by his home. Now you see 3 cars a second. He said at first he complained, but now he has met a lot of wonderful people. He said he supports RM-5 for the whole area, and not to have different densities on one side versus another. He said he would welcome the new neighbors. He believes in diversity. He has no problem with the RM-5.

Richard Smith, 3314 Millville, said he is also an empty nester. There are many empty nesters in his subdivision. He said two weeks ago, they were told that the developer was going to build \$300,000 - \$400,000 town homes. Who would pay that for a town home with no property and no room, plus they would have homeowners Association fees on top of that. He said he used to work as a police officer for a City. He saw town homes and smaller homes deteriorate and the police received a lot of calls on those types of homes. He said the calls for services will increase as the neighborhood gets older.

Scott Culbertson, 10961 Scotty Dr., said South Jordan is breaking the stigmatism of the "west side". They have had good planning in the past. He said he doesn't believe the developer when they have said there will be upwards of 45 percent green space, not including paving. He said he would like a nice, clean, drug free community to live in when he is an empty nester.

John Evans, 3247 Millville, noted that the Planning Commission turned this application down because they felt RM-5 was inappropriate. He said Chairman Mabey indicated that the only residential he would pass would be R-1.8 or R-2.5. He said the Planning Commission indicated that if this was proposed to be low density residential, they would approve it.

Allen Taylor, 10613 S. 3210 W., submitted a letter from his neighbor who is opposed to high density (Attachment D). He said he does not trust Peterson Development.

Aaron Hall, 3403 Millville St., said he feels the developer's comparisons were misleading. He said it is not a fair comparison when they compare smaller homes to larger homes. He said he thinks the mixed use will make it hard for them to sell their homes. He said he does not like the location of the park; there could be a better location for a park.

Edward Graham, 3412 Spring Day Lane, said when Jones Meadows was developed, all of the vegetation was taken out and the sand was blown onto his lawn and it ruined his lawn. Peterson Development promised to take care of them but they did not.

Mark Gunderson 3237 W. 10755 S., said all of the entrances to the area are north south; there are no east/west exits out of the subdivision. He said everything surrounding the

development is either R-2.5 or R-1.8, or horse properties. He said he is concerned with the increased traffic that comes with high density developments.

Connie Larsen, 3238 W. Lewiston Cir., said at the end of the Planning Commission meeting, the Chairman pointed out that South Jordan has a standard to keep most of the residential densities at 2.5, with limited high density. They did not feel this area was appropriate for high density.

Joe Fullmer, 1821 W. 9640 S., said he has an empty field by him. He said there is a high density proposal for that field. He said he won't fight that because people have property rights. He said they do have the right to be protected from harm. He said when that property is developed, he will have to move because his dead end road will be opened up and he has small children. He said he supports this proposal.

Mayor Money said when these people moved here, they understood that commercial would go in and some of the property was land used for office. It was not planned to be high density residential. Mr. Fullmer said he realizes that changes will happen; there are no guarantees.

Mayor Money closed the public hearing.

L. Potential Action Item – (See VIII. K.)

Ms. Salvagio, said their proposal is different than in the past because they are listening to the concerns and trying to make it workable. She said they can tie the zoning to the site plan approval. She said Peterson Development did something right because these residents are happy with their subdivision. She feels the park location is a great location. She noted that it would be a public park and people in the office park could use it. The pool and club house would be private. She said just because homes have been built up to busy roads does not make it right. She said an over saturation of one housing type is not a good long term viability prospect either. She noted that the Reunion Village subdivision is also divided. She said this is a down zoning and a more compatible use. She said RM-5 is not a significant high density project.

Mayor Money said his concern is that the developer could go away; the zoning doesn't. He said if they are going to look at a higher density, they should put some conditions with it. If they are targeting empty nesters, they have to consider RV storage and visitor parking. He asked if they are stipulating an age of 55 years or older? Ms. Salvagio said the idea is to target that market and not make it a requirement, but that is open for discussion. Mayor Money said he has some concerns about having two different densities in the subdivision. Ms. Salvagio said they could look at making the density more even, if the city wants that. Mayor Money said when people invested money in their homes, the plan was for office in this area. He said there is R-2.5 to the north and R-1.8 on the south and on the east. He said they are now proposing something different than what people thought would be proposed. He encouraged the City Council to not approve this until further work is done.

Council Member Colton asked if the developers can proceed with the rest of the development, and address this property later? Ms. Salvagio said she is not sure how commercial development would affect the need for this type of development. There is a need for this housing now.

City Attorney Geilmann said it is not a good idea to tie the zoning to site plan issues. CM Horst said development agreements are effective, but they are tied to the site plan.

Council Member Colton said South Jordan has always been a low density area. He said it has been a basic concept of this town that this area would be left alone. He said the residents built their homes on that premise. If the City walks away from that, they are turning their backs on the promises that they made. He said he would be more willing to consider R4 or R3. Ms. Salvagio said she feels this project would be an attribute, not a detriment.

Council Member Gayheart said the presentation tonight is different than the information they had studied, and different than what the residents have heard. She said she likes the detached home concept, but she struggles with the R5 density.

Council Member Wenner said she also feels R4 and a senior development stipulation would be more palatable. The detached homes helps a lot.

Council Member Marlor said the presentation tonight is different than what they thought was being proposed. They should allow the developer more time to work on this issue. He said he is surprised that the public would want office over a higher density development. He said Peterson Development should work with the residents.

City Attorney Geilmann said if the developer proposes something different, they would have to submit a new application.

Council Member Winger said they should not be divided over value. She said the value of an individual is not in the size of the house that they live in. She said she too wants a drug free community.

Council Member Winger made a motion to deny Resolution No. R2005-62. Council Member Colton seconded the motion. Roll call vote. The vote was unanimous in favor.

IX. DISCUSSION/POTENTIAL ACTION ITEMS

A. Potential Voting District re-alignments for the 2007 Elections

Council Member Marlor said he feels they should pursue a 6 member Council with a voting Mayor. He said he thinks they will be close on timing whether they make the

12-6-05
cc Packet Docs.

**SOUTH JORDAN CITY
CITY COUNCIL
STAFF REPORT**

Meeting Date: 12/06/05

Issue: PUBLIC HEARING, FILE NO. LUA-2005.17C FUTURE LAND USE AMENDMENT APPLICATION, FROM COMMERCIAL, OFFICE SPACE AND RECREATION/OPEN SPACE TO HIGH DENSITY RESIDENTIAL AND FILE NO. REZ-2005.24C REZONE APPLICATION FROM A-5 (AGRICULTURAL) TO RM-5 (MULTI-FAMILY RESIDENTIAL-5 UNITS PER ACRE), GENERALLY LOCATED WEST OF 3200 W. BETWEEN 10300 S. AND 10500 S., APPROXIMATELY 27.8 ACRES, PETERSON DEVELOPMENT (APPLICANT)

Submitted By: Greg Schindler, Senior Planner

Agenda Item No.

Staff Recommendation (Motion Ready):

1. That the City Council adopt Resolution No. R2005-62 approving the amendment to the future land use plan map.
2. That the City Council adopt Ordinance No. 2005-31-Z approving the rezoning from A-5 to RM-5

BACKGROUND

ADDRESS	Generally west of 3200 W. between 10300 S. and 10500 S.
ACREAGE	Approximately 27.8 acres
CURRENT LU DESIGNATION	Commercial and Office Space
CURRENT ZONING	A-5
CURRENT USE	Single Family Residential/Agricultural
PROPOSED LU DESIGNATION	High Density Residential
PROPOSED ZONING	RM-5
NEIGHBORING LU DESIGNATIONS, (ZONING)/USES	<p>North -Low Density Residential (R-2.5)/Homes Under Construction on approx. 1/3 acre lots</p> <p>South -Low Density Residential (R-2.5)/Single Family Homes on approx, 1/3 acre lots</p> <p>East - Rural Residential (R-1.8)/Single Family Homes with large animals on approx. 1 acre lots or larger</p> <p>West - Commercial (C-C)/Vacant</p>

The applicant is proposing to amend the future land use designation and rezone the subject property in order to develop a Planned Unit Development consisting of approximately 66 twin homes totaling 132 dwelling units. The applicants, as part of their required open space, are also proposing to dedicate 2.33 acres of property on the west side of Willow Valley Road to the City for a park.

STAFF FINDINGS, CONCLUSIONS & RECOMMENDATIONS:

Findings:

- The proposed Land Use Amendment and Rezoning are consistent with the City's General Plan in the following way:
 - **Policy LU-2.6** High density residential development will be considered in appropriate locations.

Conclusions:

- The applicant's proposed concept plan for the PUD indicates that the development will have direct access from 3200 W. in two locations as well as from Willow Valley Road thus providing for sufficient traffic flow from the development to both east and west bound 10400 S.
- The proposed park is in close proximity to the Jones Meadows subdivision.
- A convenient trail or walkway through the future PUD will be required for public access to the park from properties south and east of the site.
- The proposed land uses can be served by existing and future roadways in the area.

Recommendations:

- Staff recommends that the City Council approve Resolution No. 2005-62 and Ordinance No. 2005-31-Z.
- The Planning Commission recommended by a 4-0 vote to deny Resolution No. 2005-62 and Ordinance No. 2005-31-Z. A copy of the Planning Commission Minutes regarding this application are attached.

FISCAL IMPACT:

- There could be some fiscal impact due to the change in land use when fully developed since residential uses generate no sales tax revenue and generally the cost of services provided exceeds property tax revenue. However, the higher density planned allows for a concentration of services and the proposed streets will be private and maintained by the homeowners' association.

ALTERNATIVES:

- Recommend approval of the applicant's proposal.
- Recommend denial of the proposal.
- Schedule the application for a decision at some future date.

SUPPORT MATERIALS:

- Land Use and Zone Maps
- Development Conceptual Layout
- Resolution
- Ordinance

Approved as to Content:  Legal Review: _____
City Manager City Attorney

PLANNING COMMISSION MINUTES NOVEMBER 22, 2005

- D. *File # LUA-2005.17C Future Land Use Amendment Application, From Commercial, Office Space And Recreation/Open Space To High Density Residential And File # REZ-2005.24C Rezone Application From A-5 (Agricultural) To RM-5 (Multi-Family Residential-5 Units Per Acre), Generally Located West Of 3200 West Between 10300 South And 10500 South, Approximately 27.8 Acres, Peterson Development (Applicant).*

Senior Planner Schindler reviewed the background information on this item. He said the current concept plan has 5 units per acre. The density is higher than 5 units per acre to the north, and it is closer to 4 units per acre on the south. He noted a letter submitted by Ray and Sharon Remund (Attachment B). He said the Remund's would prefer a more balanced housing density on both sides of 10400 South.

Mr. Herold, CLC Associates, reviewed the current land use plan. He said they are looking at down zoning 27 acres of commercial and office to residential. He said the proposal is for RM-5. He gave some history on the original proposal. He said they are also proposing a park as well as the 5 units per acre. He said they feel that there is already sufficient commercial space. He showed the proposed residential layout, with 6 units per acre to the north of 10400 South and 4 units per acre proposed south of 10400 South. He said there will be easy access to the park, which will be a community park. He showed some proposed housing types, which were one story luxury patio garden homes. He said 5 units per acre is what will work for them financially since they are having to purchase this property at the office price. He said the total open space in this area is 39 percent, which includes a 2.3 acre park. There will also be 1.1 acre of trails accessible to the community. He said they are looking at doing a club house, a swimming pool, and improved pedestrian connectivity. He said the minimum square footage for the units would be 1400 sq. ft. He said the homes will be built of high quality building materials. He said the intent is to build an upscale empty nester residential community, that is owner occupied.

Commissioner Kankamp said the site plan issues will be addressed later. He asked why the proposal to change from office to RM-5? Mr. Herold said there is a large triangular parcel south of the commercial property, along Bangerter Highway, that is land used for office. He said they also do not feel that office is the most conducive use that far off of Bangerter Highway.

Chairman Mabey opened the public hearing.

Clay Jensen, 3361 W. Cache Cir., said if they put office or commercial on this property he would at least have a use for those businesses by his house. He said he does not see how this proposal fits into being an upscale to the changing of the zoning. He said they should stick with the master plan and not zone the area high density residential. He said in Daybreak, they have stipulated that a certain amount of homes have to be owner occupied. Is that a possibility for this property? He said the developers are making this

change because they don't need that much office and commercial so they are rezoning it to residential.

Rich Tabish, 3264 W. Corinne Dr., said if they are zoning this to high density residential, why not go back to just residential and let their neighborhood finish. Why do they have to go to town homes around their expensive homes? This will devalue their property. He said neither commercial or office makes sense on this property.

Tammy Kresser, 10561 S. 3210 W., said her main concern is changing this area to a higher density area. The higher density would bring in crime and bring down their property value. She said she doesn't understand why they would make the change to high density when the area is zoned for office. She said if the developer wants to eliminate the office, they should make the property consistent with their neighborhood.

Richard Smith, 3314 Millville, said he bought his property on over 1/3 of an acre this year. He said he invested a lot in his landscaping. He said he did that because he has pride in his home and his neighborhood. He said when they bring in high density, it downgrades the area quickly. They don't have the same pride in the community or homeownership that the people in Jones Meadows are displaying. Either keep it as it is or let it become a regular residential area, otherwise the area will deteriorate.

Arla Rolfe, said she is against the high density. Once they change it, the developer will do whatever they want regardless of what they are saying now. She said South Jordan does not have a good track record with high density developments, and she noted the parking and road problems in the Bluffs development.

Mark Gunderson, 3237 W. 10755 S., said even though the intent is for empty nester housing, that has nothing to do with what can legally be done with the homes. He said he could buy the homes and rent it out. Senior Planner Schindler said they could also rent their home in Jones Meadows. The zoning Ordinance does not restrict people from renting their properties. Mr. Gunderson said he feels the proposed housing is more likely to become rentals than lower density subdivisions. Commissioner Kankamp said that could be the case.

Larry Larsen, 3238 W. Lewiston Cir., submitted a written statement on behalf of Carey and Linda Archibald, Jack and Jody Marsh, Blake and Tiffany Kump, Bart and Tracy Fullmer, John and Christine Funas, Larry and Connie Larsen. The statement was prepared by Aaron and Christine Hall. He summarized the written comments (Attachment C). He said there has been little input from the residents at Peterson's meetings; Peterson Development has just told them what they have decided to do. He said he hopes that the City Council and Planning Commission can weigh the impact to the neighbors as well as the wishes of the developers.

Melba Taylor, 10613 S. 3210 W., said she understood that the corner was master planned as commercial and there was office mostly around them. She thanked Peterson Development for meeting with them. She said two of the main issues are that there is no

guarantee that the homes will be owner occupied, which brings pride. She said they can never have a guarantee that there would be an age restriction for the new property owners. She said she is not in favor of the proposal. She said they should stick with the land use map.

Dale Evans, 3247 Millville St., further reviewed her prepared statement (Attachment A), covering points 2, 3, 5, and 7 as well as the end of the statement.

Jeremy Hart, 10686 Willow Valley Rd., said unless the developer is willing to change the density to R-2.5, he would rather leave it as office space because there is no guarantee with the high density housing. He said the two commercial "islands" make no sense. He said he has small kids and they would not be playing at a park next to a commercial site.

Ron Higham, 3238 W. Corrine Dr., said it does not make sense to rezone an office space area to a high density area. It should be developed similar to Jones Meadows, or leave it as office space. He said he has had past problems with Peterson Development. He said they need to consider the standpoint of the residents.

Mindy Brown, 3228 W. 10755 S., said Peterson Development does not have to live where they are living. If they are not going to change the zoning to R-2.5, they should leave it the way it is or leave the zoning as office.

A resident submitted a statement for the record (Attachment D).

Scott Culbertson, 10961 Scotty Dr., said this is a great place to zone the property similar to the existing residential. He said they take pride in their properties. They don't want to see a corner of their neighborhood be less acceptable than their properties. He asked that the Planning Commission forward a recommendation of denial to the City Council.

Mikkel Storm, 3427 W. Willow Valley Rd., said West Jordan has been doing developments like this and that is why people have moved. He said the Planning Commission recommendations are generally not overturned by the City Council. He said their decision will likely stand. Chairman Mabey said that is true on the final decisions of the Planning Commission. He said on the Planning Commission recommendations, there have been a number of times that the City Council and Planning Commission have not agreed. He said everyone should be involved in all processes of the government.

Al Peterson, 3419 W. Willow Valley Rd., said this is about economics for them as well as Peterson Development. This has an impact on their investment. He said if Peterson Development had an interest in a high density development, it is ironic that they are doing that as the last development now that all of their homes are built.

Anjil Andsmend, 10824 Logan Canyon Rd., said he moved here recently from the Bay area. He said he moved here for a quality, safe neighborhood. He said high density brings crime. He did not move here to have it turned into another Bay area that he would have to leave.

Markay Perrero, 10793 S. 3210 W., said people that live in the high density area will feel animosity. She said they will be hated. They will not be loved and cherished. There will constantly be something dragging down the people that would want to live in the new development. That is where crime comes from because the people are not treated with the same amount of respect because they are not on par. There will be animosity from people living in both areas.

Don Evans, 3232 W. Clarkston Cir., suggested that they leave the land use as is. They have nice homes, commercial and office and now some proposed high density residential within one square mile. That does not sound like planning; it sounds like hodge podge. He said they were okay with the master plan when they moved in; they would like to leave it that way.

Larry Short, 2234 W. Autumn Farm Dr., said Peterson Development has created two separate residential communities with their concept plan. He said they should hold Peterson Development to 4 units per acre on both sides. The communities will be totally separate.

John Harmon, 3506 W. Zacks Cove, said the high density development would be, in a sense, the gateway to their development. He said that sends a poor signal to anyone that is coming into that area.

Chairman Mabey closed the public hearing.

Mr. Herold, CLC Associates, reviewed the conceptual layout and proposed open space. He said nearly 40 percent of the overall project will have open space. He said that is all the landscaped space. It is not roads or driveways. He said the park and trails alone are 18 percent. He said he thinks they could create a nice gateway into the existing subdivision. He said on the east side of the property, there are 2 easements, 30 ft. in width, beyond the right-of-way so there is a substantial landscape buffer. He said they cannot guarantee that the homes will be owner occupied. He said a stereotypical high density development is in the 12 unit per acre range. He said 5 units per acre is generally not considered high density. He said he hopes that there will not be any animosity between the people in the two projects. He said they feel that there is a need for this type of project.

Barret Peterson, Peterson Development, said they are requesting the land use change because there is a lot of office proposed. There is not a demand for office in this area. He said the land use is designed to be flexible. He said they are trying to buffer the commercial and office with a high or medium density residential development. He said there is a growing demand for the type of homes proposed. He said South Jordan has done some nice quality developments similar in nature, such as Reunion Village and the Arbors. He said they have tried to work with the City. The price range of the homes is \$300,000-\$450,000. He said that would be hard to rent out as a duplex. He noted that the City staff is recommending approval.

Commissioner Woolley said the master plans should be maintained as best as they can. He said this development is considered high density, but it is not apartments. He said Reunion Village is a nice development. He does not think the proposed housing would lower the value of the area. He said he is okay with the office space for this area. He said the people in this area bought their homes based on the master plan. He said if there is too much office space proposed, it may just take longer to develop. He said he does not feel they need to make a change in this area.

Commissioner Kankamp agreed that there is a lot of office space proposed and it may be too much at this time. He said the demand for office could change down the road. He said he does not favor the change to RM-5. The land use should stay as is. He asked if part of the current land use calls for single family residential? Senior Planner Schindler said no. It is all office space, with a piece of commercial. Commissioner Kankamp noted that he would personally not want a park behind him.

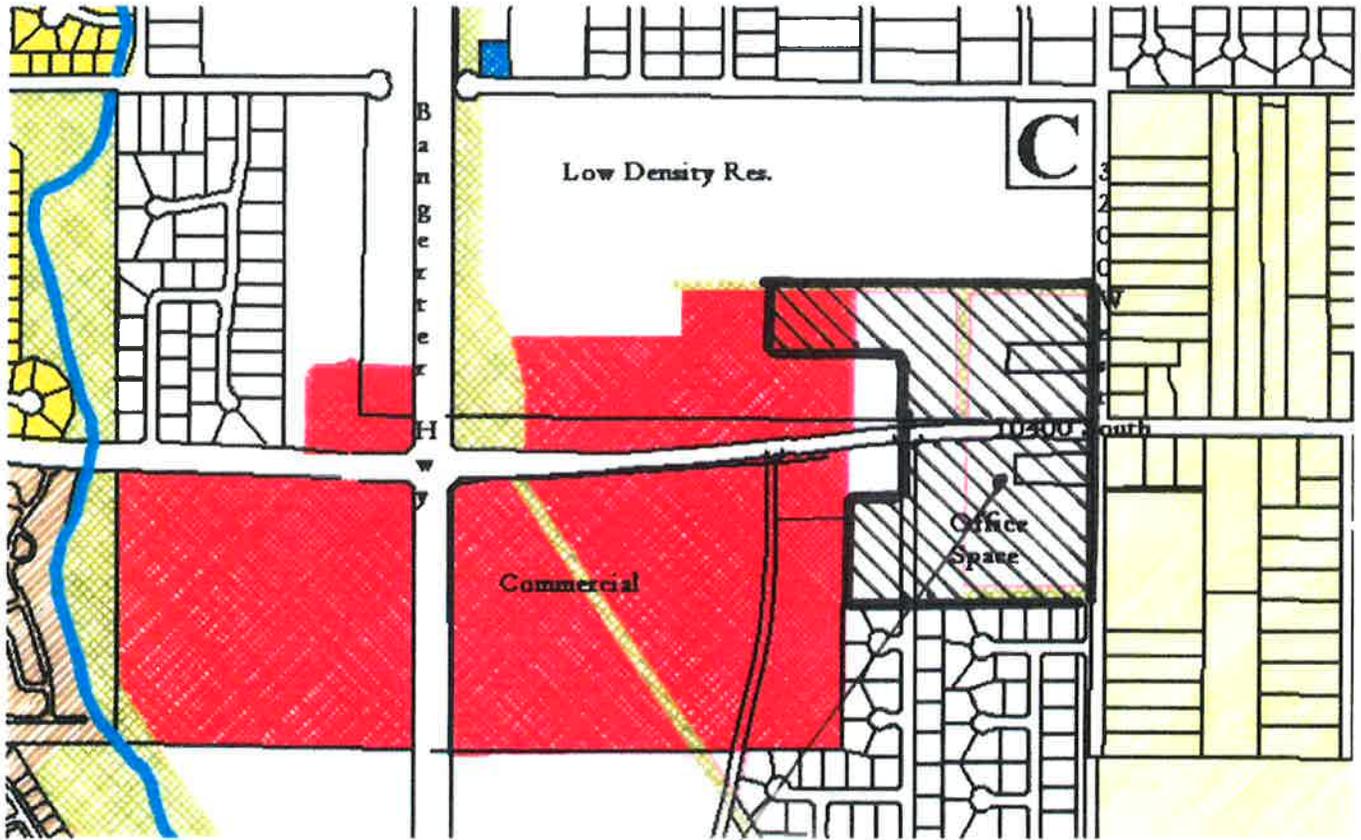
Commissioner Perry said he feels that Peterson Development's proposal looks like a good project and would be a nice addition to the neighborhood. He said he is surprised that the residents would rather have office over the residential. He said if the residents feel that strongly and want the office space, he will support them.

Chairman Mabey said the master plan says that the primary housing within the City will be low density. He said there are some pockets in the City that is appropriate for higher density. He said there are some quality developments in Kennecott with a higher density. He said he would rather leave this property as office over high density. He said if they did develop a residential project, he would like to see it developed as low density residential.

Commissioner Kankamp concurred that this location is not appropriate for high density.

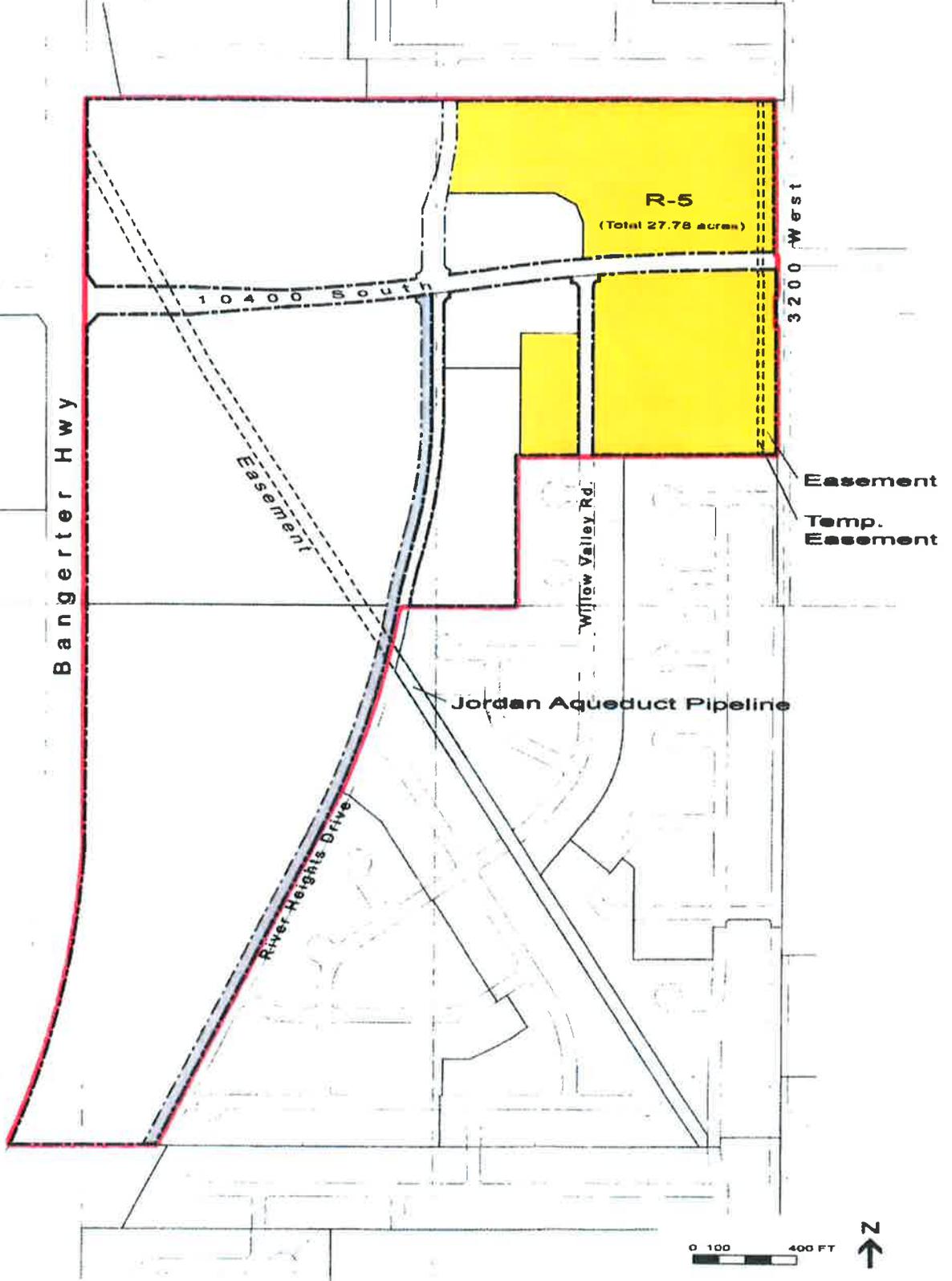
Commissioner Kankamp made a motion to recommend denial of Resolution No. R2005-62. Commissioner Woolley seconded the motion. The vote was unanimous in favor, with Commissioner Johnson absent.

Commissioner Kankamp made a motion to recommend denial of Ordinance No. 2005-31-Z. Commissioner Woolley seconded the motion. The vote was unanimous in favor, with Commissioner Johnson absent.



Area Proposed for
Land Use Amendment to
High Density Residential

Rezone for R-5



PETERSON DEVELOPMENT
10400 S. BANGERTER HWY.
SOUTH JORDAN CITY, UTAH



RESOLUTION NO. R2005-62

**A RESOLUTION AMENDING THE FUTURE LAND USE PLAN MAP OF THE
GENERAL PLAN OF SOUTH JORDAN CITY.**

WHEREAS, the Future Land Use Plan Map of the General Plan has previously been adopted by the City Council of South Jordan City; and

WHEREAS, an amendment to the Future Land Use Plan Map has been proposed as described in Exhibit A; and

WHEREAS, in accordance with law, public hearings have been held by the Planning Commission and City Council in South Jordan City to present the proposed amendment to the Future Land Use Plan Map of the General Plan and to receive comments from the public, which comments were considered by the Planning Commission and City Council; and

WHEREAS, in accordance with principles of sound municipal planning, the City Staff, the City Planning Commission, and the City Council have taken into account the impact the proposed land use amendment will or may have on existing adjacent development projects, and to the extent legally permissible or practical, the City Staff, Planning Commission and Council have taken reasonable steps to ensure that the proposed land use amendment is in harmony with density, permitted uses, and other components of existing adjacent development project entitlements; and

WHEREAS, it has been determined that to promote the orderly growth of South Jordan City, to preserve property values, and to promote the public health, safety and general welfare of the residents of South Jordan City, the Future Land Use Plan Map of the General Plan should be amended to designate as High Density Residential, property generally located west of 3200 W. between 10300 S. and 10500 S.; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF SOUTH JORDAN CITY, STATE OF UTAH:

Section 1. Amendment and Adoption. The South Jordan City Council hereby adopts the proposed amendment to the Future Land Use Plan Map of the General Plan as follows:

SEE ATTACHED EXHIBIT "D"

Section 2. Severability. If any section, clause or portion of this Resolution is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby and shall remain in full force and effect.

Section 3. Effective Date. This Resolution shall become effective immediately upon its passage.

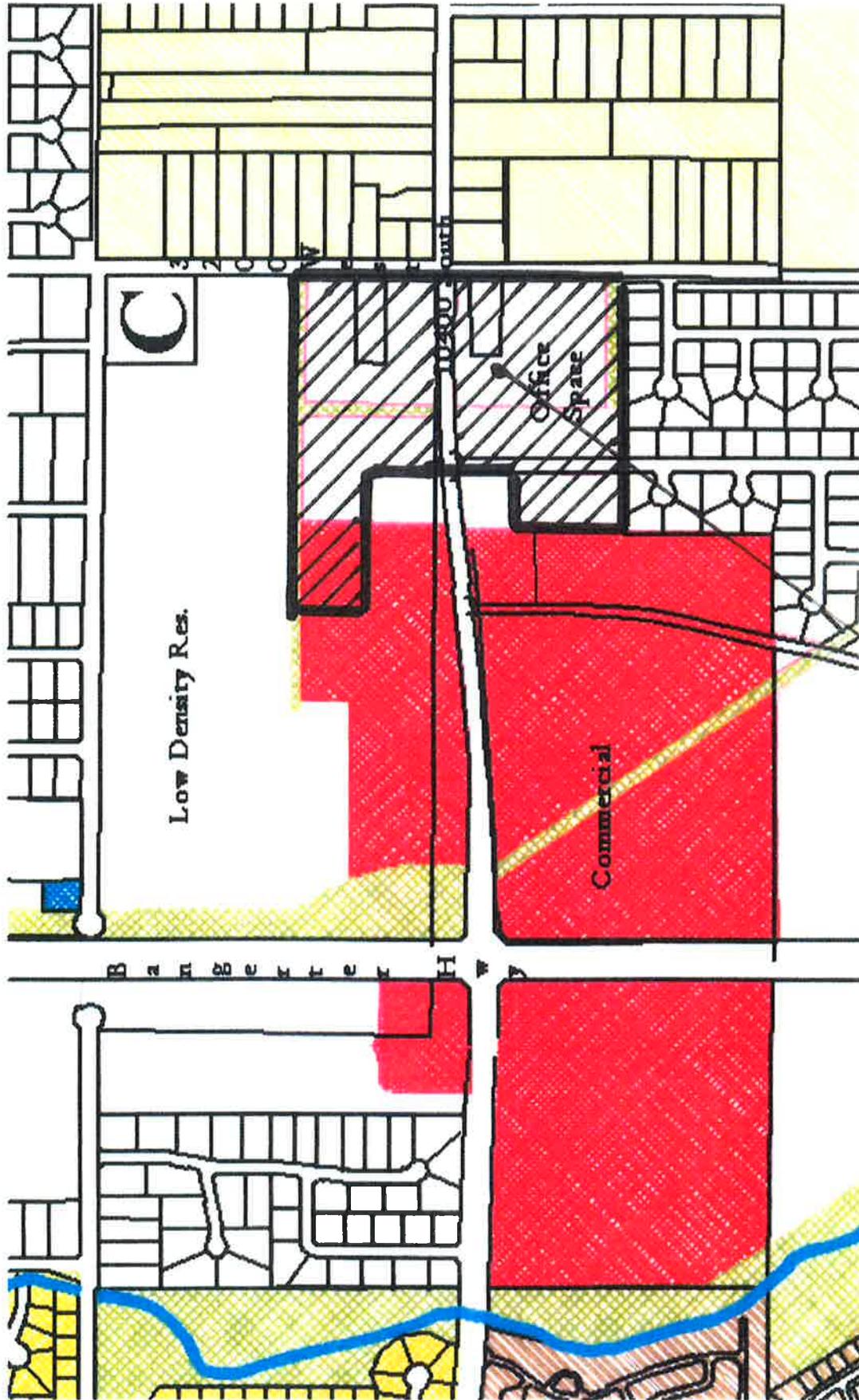
PASSED AND ADOPTED BY THE CITY COUNCIL OF SOUTH JORDAN CITY, STATE OF UTAH, ON THIS ____ DAY OF _____, 2005.

Voting Record:

	YES	NO	ABSTAIN	ABSENT
David W. Colton	_____	_____	_____	_____
Ann Gayheart	_____	_____	_____	_____
Bradley G. Marlor	_____	_____	_____	_____
Mary Wenner	_____	_____	_____	_____
Leona Winger	_____	_____	_____	_____

William Kent Money, Mayor

ATTEST: _____
City Recorder



Area Proposed for
Land Use Amendment to
High Density Residential

ORDINANCE NO. 2005-31-Z

AN ORDINANCE AMENDING THE REVISED ORDINANCES OF SOUTH JORDAN, AS AMENDED, CHANGING THE ZONING MAP FROM A-5 TO RM-5 ON PROPERTY GENERALLY LOCATED WEST OF 3200 W. BETWEEN 10300 S. AND 10500 S., PETERSON DEVELOPMENT, APPLICANT.

WHEREAS, the City Council has adopted a Zoning Map for the City; and

WHEREAS, the South Jordan Planning Commission has reviewed and made recommendations concerning this rezoning; and

WHEREAS, the City Council has held a public hearing concerning the proposed Zoning Map amendment; and

WHEREAS, in accordance with principles of sound municipal planning, the City Staff, the City Planning Commission, and the City Council have taken into account the impact the proposed rezoning will or may have on existing adjacent development projects, and to the extent legally permissible or practical, the City Staff, Planning Commission and Council have taken reasonable steps to ensure that the proposed rezoning is in harmony with density, permitted uses, and other components of existing adjacent development project entitlements; and

WHEREAS, the City Council has found and determined that the proposed amendment to the Zoning Map will help to implement the General Plan of the City; and

WHEREAS, the City Council has determined that said amendment will stabilize or improve property values and enhance the public health, safety and welfare;

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN:

SECTION 1. That Ordinance No. 7-1-1 entitled, Zoning Ordinance of South Jordan, Utah, as the ordinances of the City of South Jordan, is amended as follows:

The property described in Application REZ-2005.24C filed by Peterson Development and located in the City of South Jordan, is hereby reclassified from A-5 to RM-5, said property being described as follows:

SEE EXHIBITS "A", "B" and "C"

SECTION 2. The Official Zoning Map showing such changes shall be filed with the South Jordan City Recorder.

SECTION 3. This Ordinance shall become effective one day after final passage by the City Council.

PASSED AND ADOPTED BY THE CITY COUNCIL OF SOUTH JORDAN CITY, STATE OF UTAH, on this ____ day of _____, 2005, by the following vote:

Voting Record:

	YES	NO	ABSTAIN	ABSENT
David W. Colton	_____	_____	_____	_____
Ann Gayheart	_____	_____	_____	_____
Bradley G. Marlor	_____	_____	_____	_____
Mary Wenner	_____	_____	_____	_____
Leona Winger	_____	_____	_____	_____

W. Kent Money, Mayor

ATTEST:

CITY RECORDER

Exhibit "A"

Parcel 2

Current Zoning A-5
Proposed Zoning R-5

Beginning at the Northeast Corner of Section 17, Township 3 South, Range 1 West, Salt Lake Base and Meridian, and running thence South $00^{\circ}01'16''$ West a distance of 725.82 feet; thence North $89^{\circ}58'44''$ West a distance of 34.93 feet to the point of beginning, said point also lies on the Westerly Right-of-Way line of 3200 West Street, thence South $00^{\circ}01'16''$ West a distance of 560.33 feet along said Westerly Right-of-Way line to a point which lies on the Northerly Right-of-Way line of 10400 South Street, thence along said Northerly Right-of-Way line the following two (2) courses:
North $89^{\circ}58'44''$ West a distance of 253.26 feet, thence Southwesterly 473.19 feet along the arc of a 7277.74 foot radius curve to the left (long chord bears South $87^{\circ}30'15''$ West 473.12 feet), with a central angle of $3^{\circ}43'31''$; thence North $00^{\circ}31'31''$ East a distance of 114.72 feet, thence North $20^{\circ}44'14''$ West a distance of 73.29 feet, thence North $61^{\circ}22'40''$ West a distance of 91.82 feet, thence North $89^{\circ}28'29''$ West a distance of 434.26 feet, thence Northeasterly 55.26 feet along the arc of a 380.48 foot radius curve to the right (long chord bears North $16^{\circ}39'13''$ East 55.21 feet), with a central angle of $8^{\circ}19'15''$; thence North $20^{\circ}48'50''$ East a distance of 25.82 feet, thence Northeasterly 128.20 feet along the arc of a 375.46 foot radius curve to the left (long chord bears North $10^{\circ}18'24''$ East 127.58 feet), with a central angle of $19^{\circ}33'46''$; thence North $00^{\circ}31'31''$ East a distance of 154.64 feet to a point which lies on the Southerly Boundary of Jones Farm Subdivision Phase 2, thence South $89^{\circ}38'38''$ East a distance of 1216.65 feet along said Southerly boundary line to the point of beginning.

Containing: 595,581 sq. ft., 13.67 acres.

The basis of bearing use for this parcel is North $00^{\circ}01'16''$ East between the found Northeast corner and the found East Quarter corner of section 17 Township 3 South, Range 1 West Salt Lake Base and Meridian

Exhibit "B"

Parcel 3

Current Zoning A-5

Proposed Zoning R-5

Beginning at the Northeast Corner of Section 17, Township 3 South, Range 1 West, Salt Lake Base and Meridian, and running thence South $00^{\circ}01'16''$ West a distance of 1392.15 feet; thence North $89^{\circ}58'44''$ West a distance of 34.93 feet to the point of beginning said point also lies on the Westerly Right-of-way line of 3200 West Street, thence

South $00^{\circ}01'16''$ West a distance of 682.59 feet along said Westerly Right-of-way line to a point which lies on the Northerly boundary line of Jones Meadows Subdivision Phase 1, thence

North $90^{\circ}00'00''$ West a distance of 689.09 feet along said Northerly boundary line to the Easterly Right-of-way line of Willow Valley Road, thence along said Easterly Right-of-way line the following two (2) courses:

North $00^{\circ}00'00''$ East a distance of 641.21 feet, thence

Northeasterly 37.54 feet along the arc of a 25.00 foot radius curve to the right (long chord bears North $43^{\circ}01'05''$ East 34.11 feet), with a central angle of $86^{\circ}01'39''$; to a point which lies on the Southerly Right-of-way line of 10400 South Street; thence along said Southerly Right-of-way line the remaining courses:

Northeasterly 413.83 feet along the arc of a 7171.74 foot radius curve to the right (long chord bears North $87^{\circ}42'33''$ East 413.75 feet), with a central angle of $3^{\circ}18'22''$; thence South $89^{\circ}58'44''$ East a distance of 252.65 feet to the point of beginning.

Contains: 467,392 sq. ft., 10.73 acres.

The basis of bearing use for this parcel is North $00^{\circ}01'16''$ East between the found Northeast corner and the found East Quarter corner of section 17 Township 3 South, Range 1 West Salt Lake Base and Meridian

Exhibit "C"

Parcel 5

Current Zoning A-5

Proposed Zoning R-5

Beginning at the Northeast Corner of Section 17, Township 3 South, Range 1 West, Salt Lake Base and Meridian, and running thence South $00^{\circ}01'16''$ West a distance of 1608.23 feet; thence North $89^{\circ}58'44''$ West a distance of 779.18 feet to the point of beginning which point also lies on the Easterly Right-of-way line of Willow Valley Road, thence

South a distance of 466.80 feet along said Easterly Right-of-way line to a point which lies on the Northerly boundary line of Jones Meadow Subdivision Phase 3, thence West a distance of 240.00 feet along said Northerly Boundary line, thence North a distance of 467.60 feet, thence South $89^{\circ}48'32''$ East a distance of 240.00 feet to the point of beginning.

Contains: 112,127 sq. ft., 2.57 acres.

The basis of bearing use for this parcel is North $00^{\circ}01'16''$ East between the found Northeast corner and the found East Quarter corner of section 17 Township 3 South, Range 1 West Salt Lake Base and Meridian

Development Services Manager Burbidge reviewed the background information on this item.

Chairman Mabey opened the public hearing. There were no comments during the public hearing.

Approval of the
Preliminary Sub
Plat Jones Farm 2 & 3

Commissioner Johnson made a motion to recommend approval for File # REZ-2004-19, Ordinance #2004-21-Z, Rezone A, Approximately 10342 South 1300 West, Approximately 6.6 Acres From R-1.8 Residential To RM-6/Residential, as presented in Exhibit A. Commissioner Woolley seconded the motion. The vote was unanimous in favor.

- E. *File #SUB-2004-36, Application For Jones Farm 2 & 3 Preliminary Subdivision Plats, Located At Approximately 10275 South 3200 West, Approximately 38.721 Total Acres, Peterson Development LLC, (Applicant).*

Development Services Manager Burbidge reviewed the background information on this item.

Senior Planner Schindler noted a temporary construction easement for the Jordan Valley Water Conservancy District (JVWCD). He showed, on a map, where the fencing will be located. He said nothing can be constructed on the JVWCD easement except grass. He said that will have to be maintained by the Home Owners Association. He said nothing can be built on either JVWCD easement. Commissioner Johnson asked if side fences could be installed over the JVWCD construction easement? Senior Planner Schindler said the problem is when the JVWCD does their waterline, they will need the construction easement and the fences may be removed.

Victor Barnes, Peterson development, said he is not sure if there is a need for the pre-cast or masonry wall on the south boundary. He said it is agricultural land, but there are no horses on the property. He said some fencing could be required. Senior Planner Schindler said typically staff requires a pre-cast or masonry wall between residential and agricultural properties. He said if the property owners can agree to another type of fence, staff would be okay with that. He noted that the agricultural land is master planned for future commercial. He said a concrete wall would be required between the residential and commercial property.

Mr. Barnes said he would like to work the issue out before the final site plan. He said he does not see a need right now to buffer the residential. He said he would like the flexibility to work with the Jones'. Commissioner Woolley said if the property owners can come to an agreement, he is okay with vinyl fencing. He said he is okay with chain link fencing, if the fence is temporary.

Chairman Mabey opened the public hearing.

Kristin Fowlks, 10177 Eden Ridge Dr., showed her property on a map. She said her concern is that Eden Ridge Dr. will continue and be a through street. She said Eden Ridge Dr. is already a long busy street. She said this will provide access for more traffic to get to Bangerter Highway. She said she is concerned about increased traffic and speed in the area.

Commissioner Woolley said the road only continues for three more homes.

Michael Martin, 10086 S. 3490 W., asked what is the intent behind the easement? Senior Planner Schindler said the easement is a JWCD easement, and they intend to put a 90 inch water line through their easement. He said the construction easement will go away after the pipe is installed.

Mr. Martin asked if the JWCD easement would put the homes in a flood zone? He was told no.

Mr. Martin said many kids walk to school along Eden Ridge Dr. He said he is concerned about the increased traffic. He said 3425 West is stubbed south, and may end up at 10400 South. Commissioner Johnson said people will go south, and not use Eden Ridge Dr. She said they will not use that road to go to Bangerter. She said they would only use Eden Ridge Dr. to take their kids to school. Mr. Martin said other than the concerns that have been addressed, it look like a nice subdivision.

Development Services Manager Burbidge reviewed some comments given to him from **John H. Lewis**, 10185 S. 3345 W. Mr. Lewis has concerns about the dust, dirt, and weeds that blow off the property during construction. Mr. Lewis also expressed concern about the proposed lot size.

Chairman Mabey closed the public hearing.

Commissioner Woolley said stub street signage should be installed for all three stub streets. He asked if they want River Heights Drive to go into a commercial area? Senior Planner Schindler explained where River Heights Drive would go, if the area is developed commercially. He said they do want River Heights Drive to connect for traffic flow reasons. He said they want to avoid dead end streets. He said if the adjacent property does develop commercially, most of that traffic will use 3200 West.

Commissioner Woolley said it would be nice if the cross streets were shown on the plat. Senior Planner Schindler said 3425 West should line up, or be offset by at least 100 ft., per City code. Commissioner Woolley said the map suggests that the road lines up.

Commissioner Kankamp made a motion to approve File #SUB-2004-36, Application For Jones Farm 2 & 3 Preliminary Subdivision Plats, Located At Approximately 10275 South 3200 West, Approximately 38.721 Total Acres, with the following conditions:

- **Correct amount of property along 10200 South and 3200 West to be dedicated for future road improvements based on a 71' total right-of-way.**
- **A bond must be paid prior to obtaining a building permit for all street lighting, including street lighting on the opposite side of 10200 South and 3200 West.**
- **No permanent structures to be erected, or parallel utilities, within the two easements (50' & 20') owned by the Jordan Valley Water Conservancy District. The 50' wide easement to be landscaped with sod, watered, and maintained by the Jones Farm Home Owners Association.**
- **A 20' wide waterline easement to be dedicated to the City of South Jordan between lot numbers 313 & 314. This same waterline easement to be dedicated to the City between lot numbers 307 & 308, however, only stretching to meet the JWCD easement. These two separate easements may not cross, however, the City may obtain a permit to cross. No permanent structures can be erected within these easements.**
- **A 6' tall vinyl fence, matching that used at the church site, to be installed along the boundary where the two JWCD easements meet.**
- **A 6' tall pre-cast, concrete, masonry, or vinyl wall to be installed along the entire south boundary, except across the stub of River Heights Drive where the developer may choose to install a barricade. The design of the wall is to be reviewed and approved by City Planning Staff.**
- **A 10' tall pre-cast concrete sound wall to be installed along the west side facing Bangerter Highway as part of the Phase 3 development. Must obtain UDOT approval prior to final plat approval, and the design is to be reviewed and approved by the City Planning Staff.**
- **The Jordan Aqueduct easement, located between the 10' sound wall and lot owners 308-313, is to be landscaped with sod, watered, and maintained by the Jones Farm Home Owners Association. Fencing at the rear of lots 308-313 will be at the discretion of each lot owner, however, if fencing is installed each lot owner must install the same 6' tall vinyl fencing.**
- **That all other Public Services, Planning, Fire, and Engineering requirements are met, and that all remaining red-lines be corrected and completed plans submitted before final plat approval.**
- **That stub street signage be installed indicating that the road will continue with future development.**

Commissioner Puich seconded the motion.

Commissioner Woolley asked if the property to the south is agricultural farm land or pasture land? Senior Planner Schindler said he has seen horses at 10400 South, but he is not sure how far north they go. Commissioner Woolley said the horses are being kept in with a single strand wire fence currently.

The vote was unanimous in favor.

Commissioner Perry was excused for this item due to a conflict of interest because of an outside business interest with the applicant.

Senior Planner Schindler reviewed the background information on this item.

Commissioner Woolley made a motion to approve File #SUB-2005.82, Application To Amend The Recorded Plat Of The Cottages At Temple View, Phase II, Located At Approximately 1690 West 9520 South, with the following conditions:

- 1. The proposed 3 dwelling unit building matches those that were previously approved and those that are existing.**
- 2. All City Fire, Building, Engineering and Planning Requirements are met.**

Commissioner Kankamp seconded the motion. The vote was unanimous in favor, with Commissioner Perry recusing and Commissioner Johnson absent.

IV PUBLIC HEARING ITEMS

- B. File #LUA-2005.17A Future Land Use Amendment Application, From Low Density Residential, Office Space And Recreation/Open Space To Commercial (Approx. 12 Acres), And File #REZ-2005.24A Rezone Application From A-5 (Agriculture) To C-C (Community Commercial) Generally Located East Of Bangerter Highway Between Approximately 10300 South and Approximately 10450 South, Approximately 26.75 Acres, Peterson Development (Applicant).*

Senior Planner Schindler reviewed the background information on this item. He said the original application was withdrawn before the City Council made a decision. He said they have now broken up the application into three separate applications. He said the first hearing is on the commercial area. Senior Planner Schindler reviewed the current land uses on a map. He showed the area that they want to rezone to commercial, which area that is proposed for office.

Troy Herold, CLC Associates, said they have been with the City to come to a resolution on this property. There are concerns. He said they want to focus on each area. The proposed commercial area makes sense.

11-22-05
Prop. Rezone 26.75
Acres by Peterson Dev.

Chairman Mabey opened the public hearing.

Troy Warner, 10656 S. Jacob Astro Way, asked if there will be sound barrier walls along Bangerter with the proposed commercial site, and who will pay for that? He noted that there are sound barrier walls along most of Bangerter Highway.

Senior Planner Schindler said the City Council does not want sound barrier walls next to Bangerter Highway. He said that is why they are not approving residential areas next to Bangerter Highway. There are commercial and office uses proposed to 11800 South. He said sound barriers are not generally installed next to office and commercial uses. He said development of this area would help reduce traffic noise from Bangerter Highway.

Dave Hargrave, 3296 W. Provo Cir., said the current traffic on 10400 South is excessive. He said he does not know how they can propose more commercial without more roads.

Chairman Mabey said they are supposed to start widening 10400 South this Spring. Commissioner Kankamp noted that 10400 South is a State project.

Ty McCutcheon, 9756 S. Dante Rd., representing Kennecott Land and OM Enterprises. He said they entered into an agreement with the City 5 years ago with the development of the Daybreak community. That agreement entitled Daybreak to certain uses. Daybreak made their plan based on the master plans that were in effect at the City, at that time. He said the size and scope of their project took the master plan into account. Since that time, the City has approved 1 million additional sq. ft. of retail space at The District. This proposal would add a significant additional amount of retail and office space. Before action is taken tonight, they should consider the impact to the street infrastructure as well as the areas that are already approved and zoned for office, retail, and commercial and whether this would have a dilutive effect on the viability of those uses. He said they would like to understand the other infrastructure capacity questions and let the public review those studies. He said they are preparing their first commercial village to bring forward soon. He asked that the same careful planning approach that has been used for Daybreak also be used outside their community so the legacy that they are leaving will be one that they can be proud of, and that respects the integrity of the plan that they agreed to 5 years ago.

Jason Peck, said he is building a home in Jones Farm. He asked why are they proposing a change for such an odd shaped parcel? Chairman Mabey said if this is approved, the odd shaped parcel would become part of the existing commercial and square off the area. Mr. Peck asked what is the proposed barrier? Chairman Mabey said those issues will be addressed with the site plan. He said he would also like to know what happened to the proposed open space.

Dale Evans, 3247 Millville St., reviewed the first portion of her prepared statement (Attachment A). She is concerned about the possibility of apartments being brought in. She said when you bring in too many retail type establishments, it brings in low paying jobs. They need some quality jobs in South Jordan so people that work in this location can afford to live in South Jordan.

Rich Tabish, 3264 W. Corinne Dr., suggested that they stop looking at the planning of South Jordan in bits and pieces. They should look at the community as a whole; make a plan and stick with the plan.

Dale Evans, 3247 Millville St., said using the commercial property as a buffer to Bangerter makes no sense. It hasn't been done, nor has it been needed, in other areas.

Jim Bywater, 10848 S. Logan Canyon Rd., said he contacted UDOT and 10400 South won't start until next Spring. He said with the increase in traffic with the high density area, it will be hard to get people in and out of their street, even when the road is widened.

Mark Varoz, 3352 Cache Cir., said he has concerns with the two "islands" of commercial; they will be forced to put in islands on the road to prevent cross traffic. He said the access issues will hurt business.

Commissioner Woolley said the developer is aware of the traffic access issues and they have taken it all into consideration. He said it ties the small commercial areas in with the rest of the big commercial parcel. Commissioner Kankamp said these issues would be addressed with the site plan; they are not even sure where the curb cuts will be approved. City Engineer Klavano said UDOT is planning on installing an island on 10400 South from 3200 West to Bangerter Highway, with a light likely at River Heights Dr.,

Paul Stringham, Peterson Development, said they are working with UDOT, and they understand UDOT's intent for lights and mediums. They fully anticipate the challenges of the traffic issues. UDOT's largest concern is safety. The road is planned to be 106 ft. It will go out to bid in June of '06, construction will start Fall of '06, and they anticipate completion of the road in the Fall of '07.

Linda Auger, 10862 Pine Shadow Rd., said at one meeting Peterson Development said they envisioned this area as a downtown area. She said they have a sufficient downtown area and sufficient retail at The District. She said they don't want more retail in this area. This is a residential area with families and children. They would like it to stay that way.

Larry Larsen, 3278 W. Lewiston Cir., said he would like the Planning Commission to consider what Kennecott has proposed. He said they should look at other options and developers that have more of an interest in the feelings of the adjacent neighbors. He said going left on 10400 South will be dangerous. He understands that there will be a light on 3200 West. He said the Planning Commission has to consider the impact to the neighbors south of the intersection and how they will be able to go west. They may even be restricted to a right hand turn only.

Scott Culbertson, 10961 Scotty Dr., said this is a residential area. There are plenty of big boxes in the area. He said there is no reason to compete with the other businesses. He said there are a lot of people who paid a lot of money to live in this area with the existing master plan. He said he thinks South Jordan is served well with a residential community.

William Rowe, 10927 S. Scotty Dr., said the zoning does not conform to the master plan. He said many retail businesses go out of business and turn into pay day loan type facilities. He said he is concerned that this development will downsize the quality of homes in the future. He said this appears to be spot zoning. He said to rezone the area and cut off the subdivisions with a strip of commercial or office, it would be a disservice to the community.

Otto Jones, 3200 W. 10400 S., asked if there has been an environmental impact study done for this proposal? Chairman Mabey said he does not know. Mr. Jones said with the impact to the residents in the area, the study might want to be considered and completed. He said they need to look at the whole community.

John Mitchell, 3239 Smithfield, said it is hard to discern if there will be any parks or walkways involved in this development. The plan does not seem very definitive at this point. He said this proposal seems different than in the past. He said the concept of the zoning of this property has fluctuated.

Chairman Mabey said last time, they wanted the whole area to be zoned as a mixed use. This time, they are laying out which areas are most appropriate for commercial, office, and housing. He said now, it is more specific. He said the buildings and layout of the project will be done with the site plan.

Mr. Mitchell said this creates a lot of anxiety for those that thought the land would be used for more housing. Commissioner Woolley said this area was master planned for commercial when Jones Meadows subdivision was built. This proposal just redefines the outside boundary.

Chairman Mabey closed the public hearing.

Mr. Herold, CLC Associates, said they are only expanding a small area of commercial. He said in the whole plan, they are only adding 5.25 acres of commercial. The other area was already master planned commercial. He said they are not trying to plan the area in bits. He said they are bringing in the three applications separately so they have a more definitive plan.

Chairman Mabey said the area north of 10400 South will likely be a strip mall; there is not room for a big box development. Mr. Herold said a mid range box development could be done north of 10400 South. He said the access to the corner pad sites would be through the other existing commercial property.

Chairman Mabey said the 6 acres of open space in the land use disappears with this plan. Will they see the 6 acres of open space come back? Mr. Herold said they will probably develop more than 6 acres of open space. It will be spread throughout the development, rather than next to Bangerter. He said they will be doing open space as public plazas. The open space can be used as buffering. He said the buffering plans, etc. is the next step. The project is not laid out yet. Chairman Mabey said he would like to see the 6 acres of open space back when the project is laid out.

Commissioner Perry said they are not adding a lot more commercial, they are just shifting the uses so there is a better layout of the community. He said the little commercial that they are adding does not create a great deal of change.

Commissioner Kankamp said he would also like to see the open space fit back into the plan. He said the only way that the two "islands" of commercial will work is if there is cross access through the other commercial area. He said he does not feel there will be a lot of commercial developed until 10400 South is widened. He said retailers don't want to go where customers can't get to them. He said the commercial property may help get 10400 South developed sooner.

Commissioner Woolley said this area was already master planned commercial. He said the re-alignment of the commercial property makes it better, but he does not want to increase the commercial acreage by 5 acres. He said they are also losing some open space. When the zoning is changed, the site plans only have to meet the zoning codes and there is no guarantee that they are going to get open space.

Community Development Deputy Director Preece said they don't have an open space zone. If they require open space in this manner, it is an illegal taking. He said the City could either buy the open space or they can trade open space for some densities. He said they can't require open space unless there is a tradeoff. He noted that the RM zone requires some open space.

It was noted that the City Council will be hearing this issue on December 6, 2005.

Commissioner Woolley reiterated his concern for a net increase in commercial. He said he agrees with the property re-alignment for the commercial use.

Chairman Mabey said this property is currently land used commercial. He said squaring off the property makes sense. He said when this area goes through the site plan process, he would like walkways included, things to look attractive. He said he does not have a large concern with the net increase in commercial because they are also changing some commercial back to office. Commissioner Woolley said the net increase in commercial is 5 acres, after changing some of the commercial back to office.

Commissioner Kankamp made a motion to forward a favorable recommendation to the City Council for Resolution No. R2005-60 approving the amendment to the future land use plan map. Commissioner Perry seconded the motion. The vote was 3-1 in favor, with Commissioner Woolley opposed and Commissioner Johnson absent.

Commissioner Kankamp made a motion to forward a favorable recommendation to the City Council for Ordinance No. 2005-29-Z. Commissioner Perry seconded the motion. The vote was 3-1 in favor, with Commissioner Woolley opposed and Commissioner Johnson absent.

Chairman Mabey said when the final plat comes through, he would like the same amount of open space maintained.

Chairman Mabey closed the public hearing.

Chairman Mabey said he likes the change from commercial to office. Commissioner Perry said this appears to be a down zone. Commissioner Kankamp said this would serve as a nice buffer between the commercial and the residential. Commissioner Woolley noted that the next application has a park in the concept plan.

Commissioner Perry made a motion to recommend approval to the City Council for Resolution No. R2005-61 approving the amendment to the future land use plan map. Commissioner Woolley seconded the motion. The vote was unanimous in favor, with Commissioner Johnson absent.

Commissioner Perry made a motion to recommend approval to the City Council for the adoption of Ordinance No. 2005-30-Z. Commissioner Kankamp seconded the motion. The vote was unanimous in favor, with Commissioner Johnson absent.

- D. *File # LUA-2005.17C Future Land Use Amendment Application, From Commercial, Office Space And Recreation/Open Space To High Density Residential And File # REZ-2005.24C Rezone Application From A-5 (Agricultural) To RM-5 (Multi-Family Residential-5 Units Per Acre), Generally Located West Of 3200 West Between 10300 South And 10500 South, Approximately 27.8 Acres, Peterson Development (Applicant).*

Senior Planner Schindler reviewed the background information on this item. He said the current concept plan has 5 units per acre. The density is higher than 5 units per acre to the north, and it is closer to 4 units per acre on the south. He noted a letter submitted by Ray and Sharon Remund (Attachment B). He said the Remund's would prefer a more balanced housing density on both sides of 10400 South.

Mr. Herold, CLC Associates, reviewed the current land use plan. He said they are looking at down zoning 27 acres of commercial and office to residential. He said the proposal is for RM-5. He gave some history on the original proposal. He said they are also proposing a park as well as the 5 units per acre. He said they feel that there is already sufficient commercial space. He showed the proposed residential layout, with 6 units per acre to the north of 10400 South and 4 units per acre proposed south of 10400 South. He said there will be easy access to the park, which will be a community park. He showed some proposed housing types, which were one story luxury patio garden homes. He said 5 units per acre is what will work for them financially since they are having to purchase this property at the office price. He said the total open space in this area is 39 percent, which includes a 2.3 acre park. There will also be 1.1 acre of trails accessible to the community. He said they are looking at doing a club house, a swimming pool, and improved pedestrian connectivity. He said the minimum square footage for the units would be 1400 sq. ft. He said the homes will be built of high quality building materials. He said the intent is to build an upscale empty nester residential community, that is owner occupied.

Commissioner Kankamp said the site plan issues will be addressed later. He asked why the proposal to change from office to RM-5? Mr. Herold said there is a large triangular parcel south of the commercial property, along Bangerter Highway, that is land used for office. He said they also do not feel that office is the most conducive use that far off of Bangerter Highway.

Chairman Mabey opened the public hearing.

Clay Jensen, 3361 W. Cache Cir., said if they put office or commercial on this property he would at least have a use for those businesses by his house. He said he does not see how this proposal fits into being an upscale to the changing of the zoning. He said they should stick with the master plan and not zone the area high density residential. He said in Daybreak, they have stipulated that a certain amount of homes have to be owner occupied. Is that a possibility for this property? He said the developers are making this change because they don't need that much office and commercial so they are rezoning it back to residential.

Rich Tabish, 3264 W. Corinne Dr., said if they are zoning this to high density residential, why not go back to just residential and let their neighborhood finish. Why do they have to go to town homes around their expensive homes? This will devalue their property. He said neither commercial or office makes sense on this property.

Tammy Kresser, 10561 S. 3210 W., said her main concern is changing this area to a higher density area. The higher density would bring in crime and bring down their property value. She said she doesn't understand why they would make the change to high density when the area is zoned for office. She said if the developer wants to eliminate the office, they should make the property consistent with their neighborhood.

Richard Smith, 3314 Millville, said he bought his property on over 1/3 of an acre this year. He said he invested a lot in his landscaping. He said he did that because he has pride in his home and his neighborhood. He said when they bring in high density, it downgrades the area quickly. They don't have the same pride in the community or homeownership that the people in Jones Meadows are displaying. Either keep it as it is or let it become a regular residential area, otherwise the area will deteriorate.

Arla Rolfe, said she is against the high density. Once they change it, the developer will do whatever they want regardless of what they are saying now. She said South Jordan does not have a good track record with high density developments, and she noted the parking and road problems in the Bluffs development.

Mark Gunderson, 3237 W. 10755 S., said even though the intent is for empty nester housing, that has nothing to do with what can legally be done with the homes. He said he could buy the homes and rent it out. Senior Planner Schindler said they could also rent their home in Jones Meadows. The zoning Ordinance does not restrict people from renting their properties. Mr. Gunderson said he feels the proposed housing is more likely

to become rentals than lower density subdivisions. Commissioner Kankamp said that could be the case.

Larry Larsen, 3238 W. Lewiston Cir., submitted a written statement on behalf of Carey and Linda Archibald, Jack and Jody Marsh, Blake and Tiffany Kump, Bart and Tracy Fullmer, John and Christine Funas, Larry and Connie Larsen. The statement was prepared by Aaron and Christine Hall. He summarized the written comments (Attachment C). He said there has been little input from the residents at Peterson's meetings; Peterson Development has just told them what they have decided to do. He said he hopes that the City Council and Planning Commission can weigh the impact to the neighbors as well as the wishes of the developers.

Melba Taylor, 10613 S. 3210 W., said she understood that the corner was master planned as commercial and there was office mostly around them. She thanked Peterson Development for meeting with them. She said two of the main issues are that there is no guarantee that the homes will be owner occupied, which brings pride. She said they can never have a guarantee that there would be an age restriction for the new property owners. She said she is not in favor of the proposal. She said they should stick with the land use map.

Dale Evans, 3247 Millville St., further reviewed her prepared statement (Attachment A), covering points 2, 3, 5, and 7 as well as the end of the statement.

Jeremy Hart, 10686 Willow Valley Rd., said unless the developer is willing to change the density to R-2.5, he would rather leave it as office space because there is no guarantee with the high density housing. He said the two commercial "islands" make no sense. He said he has small kids and they would not be playing at a park next to a commercial site.

Ron Higham, 3238 W. Corrine Dr., said it does not make sense to rezone an office space area to a high density area. It should be developed similar to Jones Meadows, or leave it as office space. He said he has had past problems with Peterson Development. He said they need to consider the standpoint of the residents.

Mindy Brown, 3228 W. 10755 S., said Peterson Development does not have to live where they are living. If they are not going to change the zoning to R-2.5, they should leave it the way it is or leave the zoning as office.

A resident submitted a statement for the record (Attachment D).

Scott Culbertson, 10961 Scotty Dr., said this is a great place to zone the property similar to the existing residential. He said they take pride in their properties. They don't want to see a corner of their neighborhood be less acceptable than their properties. He asked that the Planning Commission forward a recommendation of denial to the City Council.

Mikkel Storm, 3427 W. Willow Valley Rd., said West Jordan has been doing developments like this and that is why people have moved. He said the Planning

Commission recommendations are generally not overturned by the City Council. He said their decision will likely stand. Chairman Mabey said that is true on the final decisions of the Planning Commission. He said on the Planning Commission recommendations, there have been a number of times that the City Council and Planning Commission have not agreed. He said everyone should be involved in all processes of the government.

Al Peterson, 3419 W. Willow Valley Rd., said this is about economics for them as well as Peterson Development. This has an impact on their investment. He said if Peterson Development had an interest in a high density development, it is ironic that they are doing that as the last development now that all of their homes are built.

Anjil Andsmend, 10824 Logan Canyon Rd., said he moved here recently from the Bay area. He said he moved here for a quality, safe neighborhood. He said high density brings crime. He did not move here to have it turned into another Bay area that he would have to leave.

Markay Perrero, 10793 S. 3210 W., said people that live in the high density area will feel animosity. She said they will be hated. They will not be loved and cherished. There will constantly be something dragging down the people that would want to live in the new development. That is where crime comes from because the people are not treated with the same amount of respect because they are not on par. There will be animosity from people living in both areas.

Don Evans, 3232 W. Clarkston Cir., suggested that they leave the land use as is. They have nice homes, commercial and office and now some proposed high density residential within one square mile. That does not sound like planning; it sounds like hodge podge. He said they were okay with the master plan when they moved in; they would like to leave it that way.

Larry Short, 2234 W. Autumn Farm Dr., said Peterson Development has created two separate residential communities with their concept plan. He said they should hold Peterson Development to 4 units per acre on both sides. The communities will be totally separate.

John Harmon, 3506 W. Zacks Cove, said the high density development would be, in a sense, the gateway to their development. He said that sends a poor signal to anyone that is coming into that area.

Chairman Mabey closed the public hearing.

Mr. Herold, CLC Associates, reviewed the conceptual layout and proposed open space. He said nearly 40 percent of the overall project will have open space. He said that is all the landscaped space. It is not roads or driveways. He said the park and trails alone are 18 percent. He said he thinks they could create a nice gateway into the existing subdivision. He said on the east side of the property, there are 2 easements, 30 ft. in width, beyond the right-of-way so there is a substantial landscape buffer. He said they cannot guarantee that

the homes will be owner occupied. He said a stereotypical high density development is in the 12 unit per acre range. He said 5 units per acre is generally not considered high density. He said he hopes that there will not be any animosity between the people in the two projects. He said they feel that there is a need for this type of project.

Barret Peterson, Peterson Development, said they are requesting the land use change because there is a lot of office proposed. There is not a demand for office in this area. He said the land use is designed to be flexible. He said they are trying to buffer the commercial and office with a high or medium density residential development. He said there is a growing demand for the type of homes proposed. He said South Jordan has done some nice quality developments similar in nature, such as Reunion Village and the Arbors. He said they have tried to work with the City. The price range of the homes is \$300,000-\$450,000. He said that would be hard to rent out as a duplex. He noted that the City staff is recommending approval.

Commissioner Woolley said the master plans should be maintained as best as they can. He said this development is considered high density, but it is not apartments. He said Reunion Village is a nice development. He does not think the proposed housing would lower the value of the area. He said he is okay with the office space for this area. He said the people in this area bought their homes based on the master plan. He said if there is too much office space proposed, it may just take longer to develop. He said he does not feel they need to make a change in this area.

Commissioner Kankamp agreed that there is a lot of office space proposed and it may be too much at this time. He said the demand for office could change down the road. He said he does not favor the change to RM-5. The land use should stay as is. He asked if part of the current land use calls for single family residential? Senior Planner Schindler said no. It is all office space, with a piece of commercial. Commissioner Kankamp noted that he would personally not want a park behind him.

Commissioner Perry said he feels that Peterson Development's proposal looks like a good project and would be a nice addition to the neighborhood. He said he is surprised that the residents would rather have office over the residential. He said if the residents feel that strongly and want the office space, he will support them.

Chairman Mabey said the master plan says that the primary housing within the City will be low density. He said there are some pockets in the City that is appropriate for higher density. He said there are some quality developments in Kennecott with a higher density. He said he would rather leave this property as office over high density. He said if they did develop a residential project, he would like to see it developed as low density residential.

Commissioner Kankamp concurred that this location is not appropriate for high density.

Commissioner Kankamp made a motion to recommend denial of Resolution No. R2005-62. Commissioner Woolley seconded the motion. The vote was unanimous in favor, with Commissioner Johnson absent.

Commissioner Kankamp made a motion to recommend denial of Ordinance No. 2005-31-Z. Commissioner Woolley seconded the motion. The vote was unanimous in favor, with Commissioner Johnson absent.

The Planning Commission took a break.

E. File # CUP-2005.14, Application For A Conditional Use Permit To Have A Registered Physical Therapy Facility Located In The Athletic Performance Building As A Separate Business

Senior Planner Schindler reviewed the background information on this item.

Commissioner Woolley recommended a condition that if the business expands, the owner of the business has to re-apply for a new conditional use permit. Senior Planner Schindler said the reason for that condition is that this use requires more parking than the Athletic Performance Building.

Larry Fullmer, Registered Physical Therapists Inc., said they have 4 clinics. He said he signed a five year lease at the Athletic Performance Building and he assumed this had all been taken care of. They have had a business license in South Jordan for the last seven months. He said this issue came up because they were wanting to hang a sign on the front of the building. He said their clinic space is 1,000 sq. ft. They also rent 4,000 sq. ft. of fitness equipment space. He said they won't be expanding anytime soon.

Commissioner Kankamp asked if the 1,000 sq. ft. of clinic space is a separate area in the facility? Mr. Fullmer said it is a separate facility, but it is accessed from the main entrance of the building.

Commissioner Kankamp asked if the 1,000 sq. ft. is one room or multiple rooms? Mr. Fullmer said there are 2 private treatment rooms. There is one open room that has some curtain dividers, and there is a secretarial area. He said they share a restroom facility with the main building. They also share the work out area.

Commissioner Kankamp asked if this was a stand alone business, how many parking stalls would be required? Commissioner Woolley noted that the 4,000 sq. ft. of fitness equipment was probably approved with the original building approval.

Chairman Mabey opened the public hearing. There were no comments. He closed the public hearing.

Commissioner Kankamp said when he has been at this facility, parking has been limited. He said an additional use would require more parking. Chairman Mabey said he is also concerned about adding one more business if there are already parking problems at the facility.

- D. *File #SUB-2005-86, Application for Preliminary Plat approval for Jones Farm West Subdivision located at approximately 3715 West 10200 South on 25.31 acres, Peterson Development L.L.C. (applicant).*

Senior Planner Schindler reviewed the background information of

Brandon Peterson, 225 S. 200 E., Suite 300 (SLC), said he has and worked with them a lot on this project.

Chairman Johnson asked about the proposed height of the homes have committed to no more than 1 ½ story homes. He said he believed height is 35 ft.

Chairman Johnson opened the public hearing.

Liz Taylor, 3785 W. Norfolk Bay, said the zoning on this property was changed September 20, 2005. Since that time, there has been much communication with Mr. Peterson and Craig Taylor who has represented the neighbors. She said some of their concerns have been satisfied. She said there were several comments made in the September 20, 2005 City Council meeting encouraging the developer to develop larger lots on the west side of the subdivision. She said they thought that they had the support of the City for the ½ acre lots next to their subdivision. She said the developer does not want to do more than 1/3 acre lots and he can't be required, legally, to do more than 1/3 acre lots. She said she feels like the City Council and the developer deceived them. She said as soon as the zoning is changed, they have no recourse; the developer has the choice at that time. She said they need to be honest and upright for the residents that come in. She asked that the plat not be approved until all of their concerns are met. She said she appreciates the cooperation from the developer, but all of their concerns have not been met. She said if the subdivision plat is approved, the residents have to live with it.

Chairman Johnson said when a zoning application is presented, they are only allowed to take comments relative to zoning.

Craig Taylor, 3785 W. Norfolk Bay, said he met with the developer and tried to represent the views of the neighbors. He said they made an agreement with Brandon Peterson. They are asking that this development be postponed or denied until the safety and traffic issues are addressed. He said the traffic flow issues through Whispering Sands and Ashford Acres has not been addressed. He said the building elevations need to be defined. The agreement is that a 1.5 story home would be built, but there needs to be some definition on the actual height of the buildings. He said the City Council misled the residents that ½ acre lots would be placed next to Ashford Acres. When the zoning is passed, the developer only has to meet the Ordinance. The developer did reduce the number of lots next to them from 12 to 11, but the footage was only added to the corner lot. The other 10 lot sizes remained the same. He said he is grateful for the fencing requirements. He said the pressurized irrigation system existing in Ashford Acres could

1-24-06 ^{PC} Minutes

be improved to carry the new homes, existing parks and other growth such as the tree farm, with proper planning and water flow areas. Mr. Taylor said Peterson Development is allowing access to the school through this development and that is appreciated.

Commissioner Woolley asked if the height restriction could be eliminated, if ½ acre lots were developed as a buffer? He said it is unreasonable to require both. Mr. Taylor said he would like to go forward with the height restriction. He said the neighborhood has concern over a misrepresentation with what the city was doing and what the Ordinance could actually enforce.

Commissioner Woolley asked if there is a secondary water plan for this subdivision? City Engineer Klavano said that will be addressed. A secondary water system will be required, if it is feasible.

Mr. Taylor said he feels an appropriate building height is 18-25 ft.

The Planning Commission discussed the required roof pitch, which is 5:12.

Curt Lytle, 10169 Dunsinane Dr., said his biggest concern is safety. He said he is concerned that speed bumps are not allowed because of snow plow drivers. He said the safety of kids and citizens should come first.

Rochelle Thompson, 9979 S. City Lights Cir., asked if there is any requirement for rodent control? She said they have a huge problem with that; they back the Junior High. She asked if a spray could be required?

Senior Planner Schindler said in the long run, this will be better for rodent control. It could be problematic during construction. He said he is not aware of a requirement that can be stipulated.

Chairman Johnson closed the public hearing.

Chairman Johnson asked about the proposed building height? Brandon Peterson, applicant, said they have signed an agreement relative to a 1.5 story home.

Commissioner Woolley asked about the ½ acre lot request next to Ashford Acres. Mr. Peterson said the buyers of the lots have to be considered also. He said he has worked with the neighbors to the west. He told them from the beginning that he did not want to develop ½ acre lots.

Community Development Director Preece said they can look at the elevation drawings, but they can only hold the developers to the code.

Commissioner Woolley said he would rather see a height restriction on the homes over the larger lots. Community Development Director Preece said that can be done with a deed restriction. Mr. Peterson said he is okay with that. Commissioner Woolley said a

single story home with a bonus room is still considered a 1 story house. The developer has agreed to that. He said he would favor a stipulation of a single story home, with a roof pitch of 5:12.

Commissioner Kankamp said the developer has fulfilled the City's requirements. He could have planned larger lots, with two story homes on all of the lots. Commissioner Woolley concurred and said he would prefer the height restriction over the larger lots.

Commissioner Mabey said when the zoning was approved, he had no misconceptions about the lot size of the subdivision. He likes the compromises that have been made. This is the right thing to do between the Bangerter Highway and a ½ acre lot subdivision.

Chairman Johnson said the developer has tried to work with the neighbors. She feels that the developer performed as she expected.

Commissioner Woolley made a motion to approve File #SUB-2005-86, Application for Preliminary Plat approval for Jones Farm West Subdivision located at approximately 3715 West 10200 South on 25.31 acres, with the following conditions:

- 1. Applicant is to follow the Preliminary Plat design, along with Staff conditions.**
- 2. Applicant is to submit a topographical illustration showing typical home elevations based on finished grade, in relation to the adjacent finished grade, for lots 17-27.**
- 3. A sound wall is to be installed along the east boundary, but cannot encroach into the UDOT right-of-way.**
- 4. That all other Public Services, Planning, Fire, and Engineering requirements are met through the Final Plat application, and that all remaining red-lines be corrected, and completed plans submitted before Final Plat approval.**
- 5. It is recommended that the CC & R's be written to require a 5:12 roof pitch and single story homes on the west side of the development.**

The motion died for lack of a second.

Commissioner Mabey said their responsibility is to make sure that the plan meets City Ordinances. He said legally, the developer can put 2 story homes throughout the whole development. He said he has a hard time taking away property rights.

Commissioner Woolley said it is nice to have it stated clearly when the homeowners want single story homes and the developer has basically agreed to that. Commissioner Mabey said they have not agreed to a specific height of the home.

Commissioner Mabey made a motion to approve File #SUB-2005-86, Application for Preliminary Plat approval for Jones Farm West Subdivision located at approximately 3715 West 10200 South on 25.31 acres, with the following conditions:

- 1. Applicant is to follow the Preliminary Plat design, along with Staff conditions.**

2. **Applicant is to submit a topographical illustration showing typical home elevations based on finished grade, in relation to the adjacent finished grade, for lots 17-27.**
3. **A sound wall is to be installed along the east boundary, but cannot encroach into the UDOT right-of-way.**
4. **That all other Public Services, Planning, Fire, and Engineering requirements are met through the Final Plat application, and that all remaining red-lines be corrected, and completed plans submitted before Final Plat approval.**

Commissioner Kankamp seconded the motion. The vote was 4-0 in favor, with Commissioner Woolley abstaining.

Commissioner Mabey encouraged the developer to come up with a height restriction that they can agree to with the neighbors.

Commissioner Woolley said he would like to vote no because he would like to put some restrictions on this, but he is not sure that is allowed. He said that is the reason for abstaining from the vote.

E. File #CUP-2005-18, Application to amend Temple Vista Village Subdivision Conditional Use Permit located at 10342 South 1300 West on 6.596 acres, South Jordan Development (applicant).

Senior Planner Schindler reviewed the background information on this item.

Chairman Johnson asked if they make these types of amendments, does it infer rights to other PUD's to ask for a 20 ft. garage? Senior Planner Schindler said other developers can always make a request. It does not mean that it will be approved. Commissioner Woolley said a 22' X 22' garage is larger than a 20' X 24' garage.

Dan Gifford, South Jordan Development, said they have had several homes go through the building department and approved. He said this change in garage size will only effect 8-9 homes in the subdivision because it is only built for one specific home model.

Commissioner Woolley said the garage standard was set at 22 ft. Community Development Director Preece said it was in the Ordinance. Mr. Gifford said some of the homes have already been built with a 20 ft. garage. He said he would like the 20 ft. garage available for the homes that have already been sold or are under contract.

Chairman Johnson opened the public hearing. There were no comments. She closed the public hearing.

Commissioner Mabey said if the home is already built, he is okay with the 20 ft. garage. If the home is not already built, he does not want to approve the 20 ft. garage because it is contrary to the Ordinance.

Commissioner Bronson suggested that staff visit section 17.98 of the Ordinances and see if they can include approvals from the HOA with other government agencies to avoid this problem in the future.

IV PUBLIC HEARING ITEMS

- B. File #LUA-2005.24 Future Land Use Amendment application, from Recreation/Open Space to Low Density Residential and File # REZ-2005.36 Rezone application, from A-5 (Agricultural) to R-2.5 (Single Family Residential) generally located along the East side of Bangerter Highway between 10000 South and 10200 South, approximately 2.8 acres (Land Use Amendment) approximately 14.3 acres (Rezone), Peterson Development, (applicant).*

Senior Planner Schindler reviewed the background information on this item.

Barrett Peterson, Peterson Development, 225 S. 200 E., Ste 300 (SLC), said he understands that the neighbors would like a park. Peterson Development said they would provide a park, if they could have a little higher density. Since they could not do that, they are bringing forward the R-2.5 designation which is in compliance with the master plan. He asked for a positive recommendation to the City Council.

Chairman Johnson opened the public hearing.

Craig Sutherland, 10192 S. 3490 W., said he approves of this zoning change. He said some of the residents wanted a park. He does not feel the appropriate place is at the end of a dead end street. He recommended that they consider putting a park on 3200 West. They need a park in this area.

Michael Martin, 10086 S. 3490 W., said he is in favor of preserving the R-2.5 zoning. He said they would like to have a park and they have worked with the City on that. There is not a park in the area and that is a concern. They would like support to find a suitable property for their children to play.

Kirk Brown, 9961 W. Eden Crest Rd., said he would like a park in the area; there are no parks for the neighborhoods in this area. He said even if it requires the City to buy some of the lots that are developed, they would still like to have a park.

Chairman Johnson closed the public hearing.

Commissioner Bronson made a motion to forward a favorable recommendation to the City Council for Resolution R2006-21 and Ordinance 2006-16-Z. Commissioner Auger seconded the motion. The vote was unanimous in favor, with Commissioner Rosenthal absent.

8/23/07 PC PKT

SOUTH JORDAN CITY PLANNING COMMISSION REPORT

Meeting Date: 8-23-07

Issue: PUBLIC HEARING, FILE #SP-2007-22, APPLICATION FOR SITE PLAN APPROVAL FOR A SUPER WAL-MART LOCATED AT APPROXIMATELY 3590 WEST SOUTH JORDAN PARKWAY, SEAN MALLON/PACLAND (APPLICANT)

Submitted By: Judy Hansen, Planner II
Ken Short, Associate Engineer

Agenda Item No.

BACKGROUND:

- On December 6, 2005, the South Jordan City Council approved an application to amend the Land Use designation and Zoning for this parcel. The Council's decision was prefaced by the South Jordan Planning Commission's November 22, 2005 recommendation to approve the application.
- Upon application, an applicant is vested in any use permitted in the C-C Zone District.
- Wal-Mart has made application for a Super Store at this location, which is a permitted use in the C-C Zone.

ADDRESS

3590 West South Jordan Parkway (10400 South)

ACREAGE

17.5 Acres

CURRENT ZONE

Community Commercial (C-C)

CURRENT USE

Vacant

FUTURE LAND USE PLAN

Commercial

PROPOSED USE

Super Wal-Mart

NEIGHBORING LAND USE

DESIGNATIONS (ZONE)

& USES

**North-Low-Density Residential (R-2.5)/Jones Farm #2
& 3 Single Family Residential Subdivision**

South-Commercial (C-C)/Costco and commercial pad sites

East – Commercial (C-C) & High Density Residential (R-M 4)

West – Bangerter Highway

STAFF FINDINGS, CONCLUSIONS & RECOMMENDATIONS:

FINDINGS:

- **VESTING**

- The proposed site plan became vested upon acceptance of a completed application.

- **LANDSCAPING**

- The proposed site plan meets all landscaping requirements. The property to the north is zoned R-2.5 for single family residential homes. There will be 10' of landscaping along the north property line.
- The truck parking and turnaround as well as the delivery ramp as well as employee parking are located along the west side of the building adjacent to the Bangerter Highway. The Jordan Valley Water Conservancy District's aqueduct easement is also located in this area, preventing any trees in the landscaping in that area. Wal-Mart will be landscaping with trees, shrubs and sod in all areas outside of the JWCD easement. A 20 foot landscape area is required and shown along South Jordan Parkway as well as foundation landscaping along all sides of the building.
- The required shaded parking within the parking lot is met as well as walkways for customers as they park and enter the store.

- **PARKING**

- 750 parking stalls are required. The applicant's are proposing 751 stalls. This includes 729 standard stalls (9.5 ft. wide x 20 ft. deep, 22 accessible stalls (ADA)) and 14 cart corrals.

- **EXTERIOR BUILDING DESIGN AND MATERIALS**

- The building is constructed of a blend of brick, cast stone; Arizona cut stone, a mixture of stucco colors and black ornamental fencing around the Garden Center. They are also using soldier coursing to provide contrast within the brick.

- **FENCING**

- The applicants are proposing a ten-(10) foot cement panel fence along the entire north boundary. A portion of this fence is being proposed to cross the JWCD easement. An Encroachment Agreement will be required to do this. At this time the JWCD has agreed to an acceptable fence across the easement area. The color and design of the fence to be approved by the City staff.
- Section 17.52.120 of the City's Ordinance addresses the fencing requirements for the C-C Zone. This ordinance does allow a 6' vinyl fence in unusual circumstances. As this easement is part of the Jordan Valley Water Conservancy District and the Federal Bureau of Reclamation, they do have the authority to allow or not allow any fencing across the easement and also dictate the type of fencing, if it is allowed.

- **INTERIOR DESIGN**

- In January of 2007, Wal-Mart opened their first High-Efficiency Store, designed to use 20 percent less energy than a typical Supercenter. The High-Efficiency design proposed for the South Jordan Supercenter is estimated to reduce the annual energy usage of the store by 40 to 45%. The design will take advantage of the low humidity climate in the Salt Lake Valley. The low humidity will allow for evaporative cooling to replace the typical roof mounted HVAC units. The roof mounted units will be considerably smaller and shorter than a typical air cooled Cooling Tower. In the proposed South Jordan Supercenter, the majority of the cooling capacity for the sales floor will be accomplished by circulating cooled water through hydronic piping cast into the floor slab. This design reduces the number of roof mounted HVAC and dehumidification units by over 60%. All mechanical equipment shall be screened from view with architectural features or walls consistent with the building.
- The South Jordan Supercenter will also receive GE's energy-saving light-emitting diode (LED) refrigerated case lighting. LED's have a longer life span than fluorescent bulbs, produce less heat and use significantly less energy than typical grocery case lighting. Additional design ideas are being developed including a modular solar wall to pre-heat air in the air handling unit reducing gas used for HVAC heating.

STAFF RECOMMENDATIONS (Motion Ready): Approval of the site plan for a Super Wal-Mart located at 3590 West South Jordan Parkway and its entitlements shall be granted upon the following:

1. A ten-(10) foot pre-cast cement panel and post fence to be installed along the entire north boundary adjacent to the residential neighborhood to the north.
2. An Encroachment Agreement is signed by Jordan Valley Water Conservancy District and South Jordan City concerning the placement of a cement panel and post wall across the JWCD easement at the northwest property boundary as well as the truck turnaround, parking and asphalt within the easement. If the 10' cement panel wall is not allowed across the JWCD easement, an alternative fence may be considered as permitted by the property owner.
3. Offer to negotiate with each property owner along the north boundary for the removal of the existing wall and replacement with the proposed 10' cement panel and post wall.
4. The chain link fence along the Bangerter Corridor to be removed with a permit from UDOT and landscaping provided at the corner of 10400 South and Bangerter Highway on UDOT Right-Of-Way. UDOT fencing requirements shall be followed.
5. A 15' water line easement or an encroachment agreement for the 15' water line easement will be executed and recorded with the Salt Lake County Recorders Office.
6. All engineering requirements will be met.
7. Dedication of right-of-way along South Jordan Parkway to UDOT requirements to be shown on subdivision plat.
8. All other South Jordan City Municipal Services, Public Safety and Leisure Services (parks, recreation and open space requirements are met).

CONCLUSIONS:

- The applicant is vested for all permitted uses within the C-C Zone District Ordinance

- Both Pacland, the Engineering firm and BRR the Architectural Firm working with staff on this project have been receptive to all City requests. The proposed store is a permitted use.
- All Zoning Ordinance requirements are being met.

RECOMMENDATIONS:

- Based on findings and conclusions in this staff report, staff recommends that the Planning Commission take comments at the Public Hearing and grant approval of Site Plan with the conditions listed unless, at the hearing, facts are presented that contradict these findings or new facts are presented, either of which would warrant further investigation by staff.

FISCAL IMPACT:

- Will provide employment opportunities as well as retail sales revenue for the City.

ALTERNATIVES:

- Approve the site plan for a Super Wal-Mart subject to the conditions listed above.
- Make no motion upon finding substantial evidence that it is in the best interest of the general welfare of the City.

SUPPORT MATERIALS:

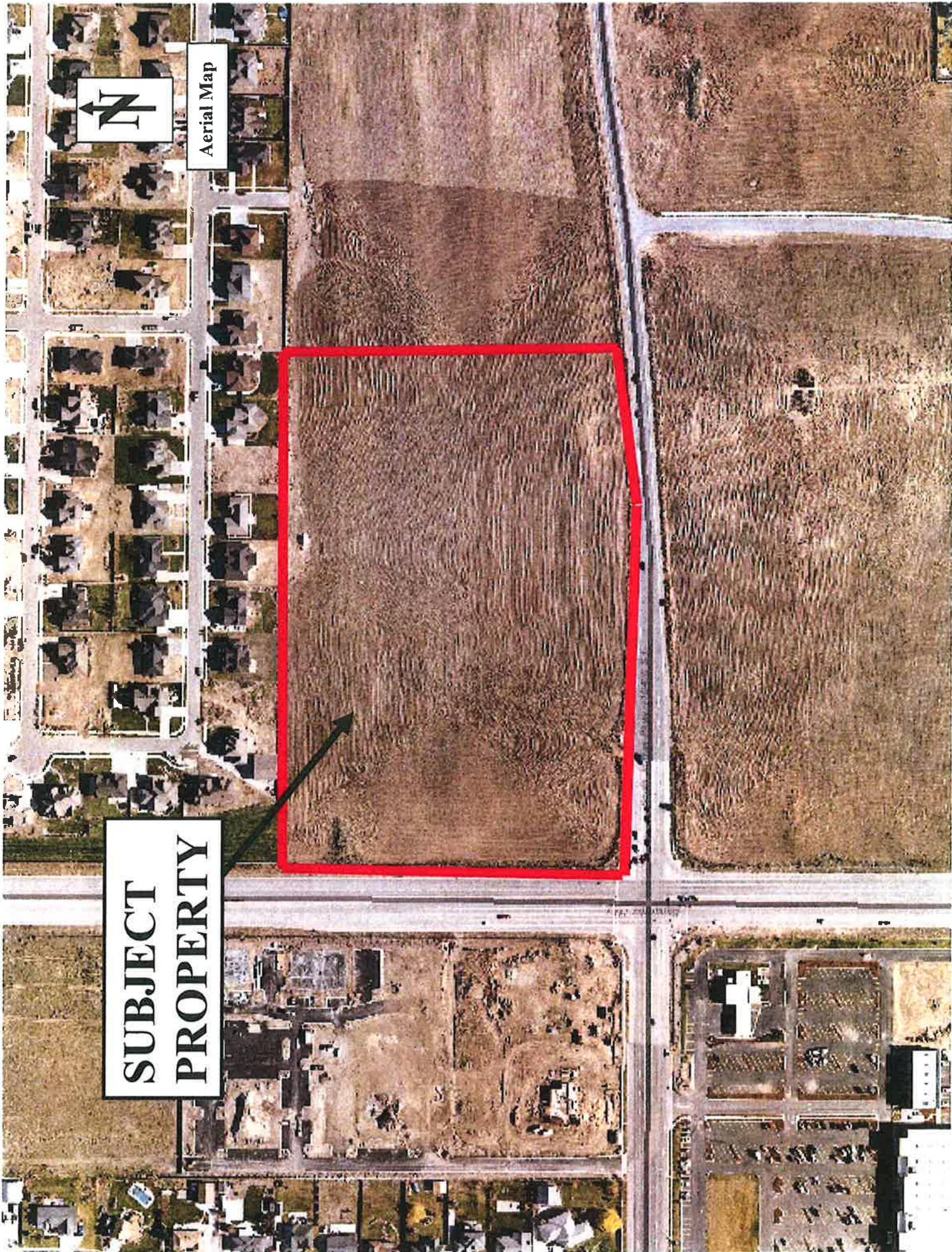
- Site plan including landscaping and building elevations.
- Zoning Map
- Aerial Map.

Approved as to Content:


Greg Schindler, A.I.C.P.
City Planner

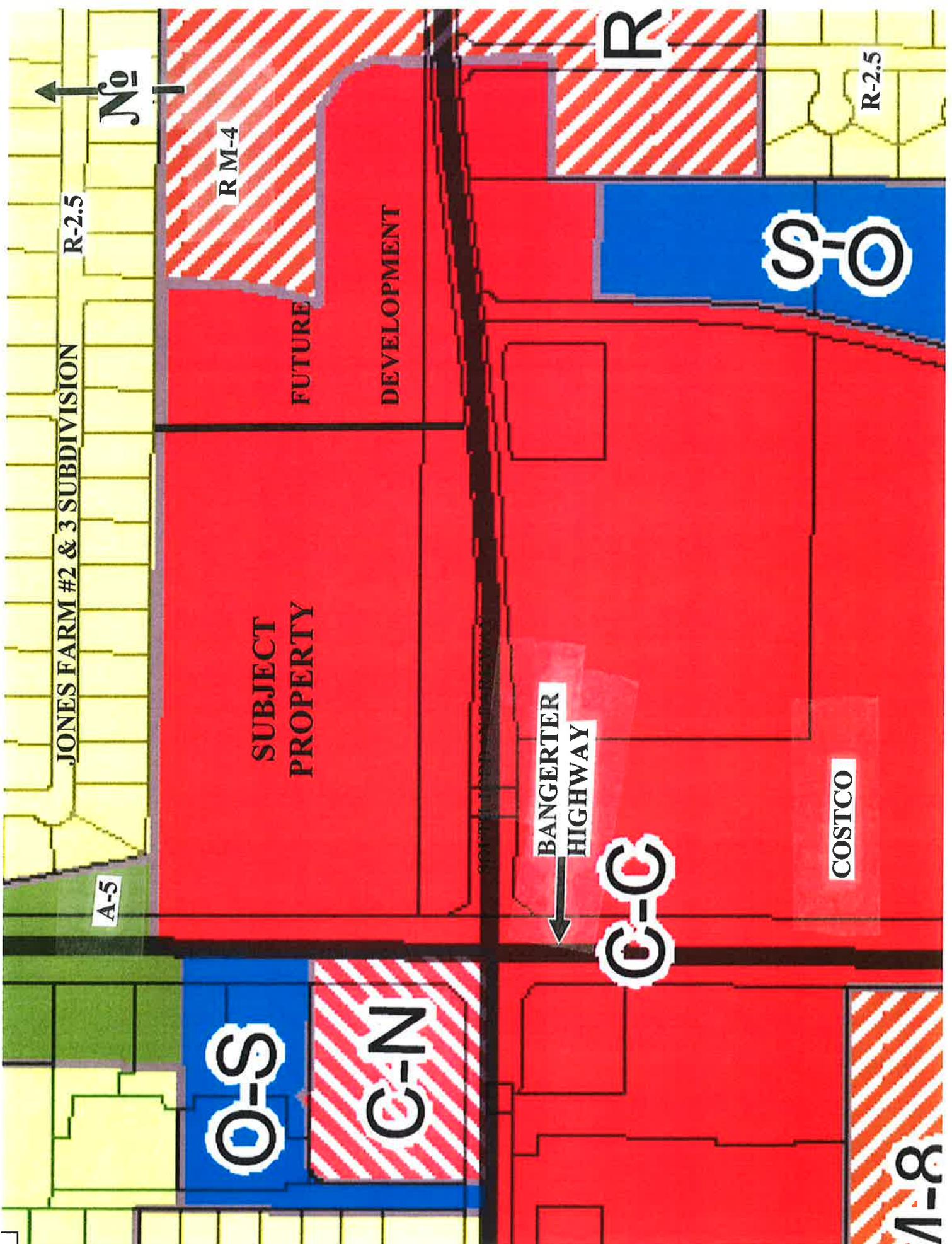
Legal Review

Ryan Loose,
Assistant City Attorney



Aerial Map

**SUBJECT
PROPERTY**



North

R-2.5

JONES FARM #2 & 3 SUBDIVISION

A-5

C-S

C-N

SUBJECT PROPERTY

FUTURE DEVELOPMENT

RM-4

BANGERTER HIGHWAY

C-C

COSTCO

S-O

R

R-2.5

A-8

this pole will carry two additional carriers. He said the ordinance allows a 100 ft. pole and ours is 80 foot.

Chairman Johnson took a moment to remind the public in attendance of the rules and guidelines to be followed during the Public Hearings.

Chairman Johnson opened the Public Hearing to comments on this item. There were none. She closed the Public Hearing.

B.2. Potential Action Item – (See V B1.)

Commissioner Auger motioned to approved File # CUP-2007.15, Conditional Use Permit Application to construct an unstaffed telecommunications facility on property located at 11477 South Redwood Road, on the East side of the property just behind the Lawnmower Hospital, Jerome Gourley (applicant) with the 5 conditions listed. Commissioner Bronson seconded the motion. Motion passes unanimously, with Commissioner Claron Perry absent.

C.1. File # SP-2007.22, Application for Site Plan Approval for a Super Wal-Mart located at approximately 3590 West South Jordan Parkway, Sean Mallone/Paclang (applicant).

Planner Judy Hansen reviewed background information on this item. She said this is a high efficiency design which will reduce the power usage 40 to 50%. She said they are required to screen anything on the roof and staff recommends approval of the site plan with the 8 conditions listed.

Commissioner Auger said the area residents wanted to know about the floor of the site sitting so much lower than the surrounding residents properties and how the site will be elevated to bring it up higher to meet the residents' property. She said she has concerns about the ten (10') foot fence and how it will be built.

Planner Hansen said she thinks that they will be grading the property. She said it would be best for Paclang to address engineering issues on this question. She said our ordinance requires only a six foot fence and they have chosen to put in a ten foot fence.

Chairman Johnson said it is important to make sure the measurements are done accurately to make the wall effective.

Commissioner Bronson asked Planner Hansen about staff recommendation #4 with UDOT Fencing Requirements.

Planner Hansen said at this point UDOT has not determined what will be done.

Commissioner Bronson asked if the road on River Heights Drive is part of this development. Planner Hansen said it is part of this site plan.

Commissioner Bronson asked if we are requiring a traffic control plan. Community Development Director Brad Klavano said no we are not. He said they have done a traffic study of the area that showed the traffic volumes. City Planner Greg Schindler said the traffic control plan mentioned on the site plan documents is something that is required when they do the right-of-way and cuts of the curb; he said it is for the construction of the site.

Commissioner Bronson asked about staff recommendation #2 regarding the encroachment agreement with Jordan Valley Water Conservancy District. He asked if we also need an easement agreement with the Jordan Aqueduct.

Assistant City Attorney Ryan Loose said he has been working with Wal-Mart on the easements. He said South Jordan City signs the easement agreements with JVWCD and not the builders.

Chairman Johnson asked how likely it is that they will give us an encroachment agreement.

Community Development Director Brad Klavano said they will give us one for a fence; he said the question is, will they give one for a masonry fence. He said he has been talking with them on this issue and they will at least approve a vinyl fence.

Commissioner Bronson asked about the temporary barricades for access to the parcel and asked what they look like.

Chairman Johnson asked Planner Hansen about staff recommendation #3 "offer to negotiate with each property owner". Planner Hansen said the property owners are saying that they want the existing wall taken down and replaced with this ten foot wall. She said we are asking Packland to work with all of the property owners to make sure they all want to negotiate. She said if there are any property owners that do not want to negotiate, then Wal-Mart will go ahead and put the wall inside their property anyway.

Commissioner Bronson asked Assistant Attorney Ryan Loose "if Wal-Mart meets all of the conditions for this site plan, then we must approve the site plan."

Assistant City Attorney Loose said you would have to approve it or find substantial evidence that they do not meet the conditions in order to deny it.

Commissioner Auger asked Planner Hansen about the road coming from the residential area. She asked if this road is intended to go into the neighborhood area.

Planner Hansen said the road is intended to go into the residential area in another site plan not this one.

City Planner Schindler said originally when River Heights was planned, this road was designed as a major collector street from 11400 South. He said it has always been planned to connect to

the neighborhood. He said this is part of our Master Transportation Plan to do this and has been listed on past subdivision plans.

Chairman Johnson asks the applicant to address the Commissioners questions.

Sean Mallon, (Packland Agent for Wal-Mart), said they have met with many of the home owners last night and heard their concerns and hopes that their concerns have been met. Mr. Mallon said in answer to Commissioner Bronson's question regarding the barricades, the barricade design will be compliant with the City's requirements.

Commissioner Tominey asked Mr. Mallon what the plans are for the Neighborhood Wal-Mart on 9800 South.

Mr. Mallon said it is planned for it to remain open.

Planner Hansen said there is a "for sale" sign at that store location and it has everyone confused. She said the sign is for the location of where they were going to put their fuel store. She said they are no longer going to do that so they are selling the pad. She said it is planned for the store to stay.

Commissioner Tominey asked how many jobs the new Wal-Mart will bring.

Carrie Ann Fallow, Senior Manager of Public Affairs for Wal-Mart, said a typical Super Center employs between 350 to 500 associates and they expect the same at this store. She said the Neighborhood Markets employ around 100 associates. She said as far as she knows there are no plans to close the Neighborhood Market.

Commissioner Tominey asked if Wal-Mart received a tax abatement for the small store. Ms. Fallows said she was not sure. City Planner Schindler said that store was not part of a redevelopment area so it would not have received any RDA monies. He said this current Wal-Mart plan also is not part of a redevelopment plan.

Chairman Johnson opened the Public Hearing and asked if anyone wanted to speak on this item. She reminded everyone that they are limited to three minutes to speak.

Jim Sorensen – 3399 West 10235 South, said he has several issues he would like to address. 1) He said when he bought a year ago he was told by the Planning Commission that this would be like a strip mall and he is upset that this is indeed a heavy commercial area. 2) He said he is concerned about the lighting and noise that this will bring to their area. He said he would like to see the light blocked and contained to keep it off the residential properties. 3) He said he is concerned about the noise that will come from the box compactor. He asked if the compactor could be faced to the west. 4) He is concerned about the wall and the landscaping and weed control.

Kathi Buksas – 3507 West 10305 South, said she is concerned about the road that will be coming into the subdivision. She said she knows there will be a lot of traffic that this will bring into their subdivision. She asked if they will be doing a traffic study to take a close look at this.

Community development Director Brad Klavano suggested that a traffic count be done prior to the construction and then do another a year from now to see what kind of impact there is.

David Carr – 3523 West 10305 South, said Peterson Development told him this was planned for light commercial business. He said his concern is the light and noise that will come from the development and the traffic on River Heights Drive. He asked if 10400 South will be widened prior to Wal-Mart going in.

Community Development Director Brad Klavano said the City has committed to putting in four lanes between Bangerter and 3200 West before Costco opens. He said it was recently paved and soon will be re-striped.

Robert Elder – 2605 West Carriage Oak Ct., asked about the width of the roadway that runs in front of the Wal-Mart building. Planner Hansen said she does not have that measurement. Mr. Elder said he would like to see the road corridor widened from 34 foot to 40 foot in order to buffer the entry area. He asked about the parking in the back. He said he would like to see the entire parking lot buffered with larger caliper landscape trees.

Sylvia Golder – 3324 West 10305 South, said she purchased over a year ago and was told this would be low key office space. She said there are too many stores already. She said she is concerned about River Heights Drive going into her street. She said she would like to see a break-away barrier installed to allow emergency vehicles access but stop the traffic inflow because she has concern for the safety of the children in the area.

Paul Hammer – 10252 South 3570 West, said he is a future neighbor to Wal-Mart and President of the HOA representing many of the homeowners that are not able to be her tonight but will also be affected by this development. He said their first and biggest concern is River Heights Drive being connected to the development because Wal-Mart will bring all of the traffic to this subdivision. He said he urges the City to mitigate the impact the traffic problem will bring. He said he strongly urges the City to consider putting in one of the moveable barriers to stop the traffic. He said River Heights Drive is now completed so if a traffic study is to be done it should be started immediately. He said he is happy to see that there will be a ten foot wall around the project and would be pleased to do whatever the homeowners group can do to assure the wall goes in as planned. He said others have already discussed the issues of noisy equipment, condensers, compactors, deliveries, idling trucks, trash removal etc. and urges the Commissioners to have the developer fully enclose any of those things and properly mitigate the timing of deliveries, the routing of deliveries or anything else that would cause an adverse affect on the nearby residents. He said he would urge the City to do post development sanctions if possible. He said one final point he would like to discuss the lane on the north side of the building. He said he would like to see a barrier that would prevent other vehicle trips.

Jeremy Hart – 10686 Willow Valley Road, said he lives on the South side in Jones Meadows and feels Peterson Development has misled the homeowners. He said he is concerned about traffic and thinks there are too many Super Wal-Mart's around.

Dan Johnson – 9444 S. Tanya Ave. said he knows that they say the small Wal-Mart will not close. He suggests that the City get some kind of confirmation that it will not be closed. He said this is an anchor store for the businesses in that area and if this store closes it will greatly affect all of the other small stores around it.

Kevin Sullivan – 3333 W. 10305 S., said he feels that the Commissioners should seriously consider the affects of the traffic that will be brought to this area. He said there should be a barricade at River Heights Drive and a traffic study done before the barricade gets removed. He said he feels that any time there is construction going on in any area that they be required to post proper signs that it is a construction site and list the times of operation.

Tim Vincent – 3489 W. 10305 S., said he would like to thank Planner Hansen and Wal-Mart for the jobs they are doing. He is concerned about the wall and has traffic concerns. He said about 4-5 years after Wal-Marts go in they start looking bad. He would hope that they keep this Wal-Mart looking nice in the future.

Melba Taylor – 10613 S. 3210 W., she said she would like to know if this is a done deal. She wants to know when the store is planned to open. She said she is disappointed with the information she has received from the City and their representation on this issue over the years. She asked if anyone has done a study to see if there are enough people to support this store.

City Attorney Ryan Loose explained the difference between Legislative Public Hearing issues and Administrative Public Hearing issues and how much discretion the Commissioners have when approving or denying them.

Commissioner Tominey said the stores monitor themselves to make sure they will be able to service the public area they are in.

Ken Curry 10284 S. 3570 W., said he is a small business owner and understands how a business works. He said he highly recommends that the Commissioners get out and drive the area to see first hand the impact of the traffic they will bring to River Heights Drive when Wal-Mart comes in. He said he moved from Sandy to South Jordan and is disappointed in South Jordan's lack of code enforcement. He said many homes are being occuppies without a Certificate of Occupancy being issued.

Chairman Johnson closed the Public Hearing at this time.

Commissioner Auger said she would like to know about the extreme elevation between the homes that border this project.

Wal-Mart representatives showed a cross section of the different elevations that shows the landscaping will sit high on the burms. He said this will curtail some of the noise and some lighting.

John Frank – BRR Architecture, said on this project they proposed to Wal-Mart to relocate all of the mechanical equipment to the rooftop of the building. He said the compressor house will eventually go away. He discussed the screening of the various items. He said they are looking at rotating the compactor to face west instead of north and by doing that the block wall should screen the sound from that direction.

Chairman Johnson asked what the purpose is for the road that connects the parking lot to the west and wraps around to the fence line.

Wal-Mart Rep said that the primary reason for the access road would be for life safety fire access.

Chairman Johnson asked about the hours of operation for deliveries and construction.

Wal-Mart Rep said they will limit the delivery hours between 10pm to 5am.

Planner Hansen said our code specifies no construction prior to 7am. She said she would have to check on the hours specified for deliveries. City Planner Schindler said the City's ordinance does not have a restriction time for deliveries.

Commissioner Bronson asked about the compressor and box compactor on the north side.

Wal-Mart rep said he is told by his engineers that they are 90% sure that this enclosure will go away and will not be needed. He said they would need a small pump is all. He said they are considering rotating the compactor to face the west to reduce the noise.

Chairman Johnson asked about the lighting issues and how they would screen the lighting from the neighborhood.

Wal-Mart Rep said they have shields on the lights proposed for the northern boundary. He said it blocks the light to 180 degrees instead of 360 degrees. He said the shields are very effective. He shows copies of the lighting and landscaping to be used in the site plan.

Commissioner Tominey asked if it would be possible to shorten the light poles from 32 feet.

Wal-Mart Rep said the lights have to be a certain height for security issues but they can look at the possibility of shortening them.

City Planner Schindler said the City has a limit on the lumens allowed and the City would check on this to make sure it is in compliance. City Planner Schindler said the shields they will be using are very effective and does not feel this will be an issue.

Commissioner Tominey asked where the wall packs will be positioned.

Wal-Mart Rep said they are positioned around the sides and back and are at 14 feet.

Chairman Johnson asked about the 10 foot wall and wanted to be sure that they coordinate this issue with the residents.

Commissioner Bronson asked if there is a way to get permission to landscape all the way to Bangerter.

Community Development Director Brad Klavano said they are currently working with UDOT for landscaping from 11400 S. down to where the JC Penney's is located. He said we will do something similar here. He said UDOT will only enter into agreements with the City and not with the individual developers.

Commissioner Bronson asked about safe walkways from the parking lot to the front of the store.

Wal-Mart Rep said there are no entrances in the back of the store. He said the employees will have to walk around.

Commissioner Bronson asked about construction site signs being posted during the constructions process.

Wal-Mart Rep said there will be various signs directing construction traffic to specific entrances during construction. This is a standard practice of Wal-Mart to put up signs.

Commissioners continued discussing traffic issues and how to mitigate the problems the residents will be facing.

Commissioner Tominey said he has some legal questions for Assistant City Attorney Loose. He said "as we look at alternatives for this, one is to make a motion finding substantial evidence that it is in the best interest of the general welfare of the City." He said "I realize we do not take into consideration financial viability, but in considering the general welfare of the City do we consider the fact that having this store come in, and they close the store on 9800 South, and if it takes Albertsons out, is that not in the general welfare of the City, and does that come into this discussion."

Assistant Attorney Ryan Loose said yes those are factors for general welfare; He said the case law says general welfare is more public safety and concerns of that sort. He said once you have zoned the property, and this property has been zoned for retail use, then you would need to find a very strong general welfare concern; he said most of the ones you just gave are public safety related, not economic so they would not be a strong factor.

Commissioner Auger asked what the expected date is to start construction and when it will be completed.

Wal-Mart Rep said if they can secure all necessary permits they will start construction early spring 2008. He said the construction is typically ten months with three months to get the store ready.

Commissioner Tominey said he has concern for the strip malls around the 9800 S. Neighborhood store. He said the Wal-Mart store is the anchor store and if it closes it will greatly affect all of the strip mall stores.

Wal-Mart Rep said we do a lot of economic studies and it shows that there is a growing need here. She said they need the Neighborhood Market to support the larger supercenters.

Commissioner Auger stated that no one can predict what will happen in the future. She said the growth here in South Jordan is tremendous and we can only hope that everyone will thrive. She said she would like to see a motion put forward here.

Commissioner Bronson said he has a question for Assistant Attorney Loose. He asked if there is a way to address the road issue with this site plan.

Assistant Attorney Loose said we can not impose restrictions on the road with this site plan as part of your approval for the site plan.

Chairman Johnson asked if that also applies to the continuation of the fence. City Planner Schindler said there will be another developer bringing their development plans in for approval and the wall can be addressed at that time in the near future. He said the wall has already been addressed in the conditions of this site plan.

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

Commissioner Bronson motioned to approve File # SP-2007.22, Application for Site Plan Approval for a Super Wal-Mart located at approximately 3590 West South Jordan Parkway, Sean Mallone/ Pacland (applicant) with the 8 recommendations listed by staff. Commissioner Bronson read the 8 recommendations aloud:

- 1. A ten-(10) foot pre-cast cement panel and post fence to be installed along the entire north boundary adjacent to the residential neighborhood to the north.**
- 2. An Encroachment Agreement is signed by Jordan Valley Water Conservancy District and South Jordan City concerning the placement of a cement panel and post wall across the JWCD easement at the northwest property boundary as well as the truck turnaround, parking and asphalt within the easement. If the 10' cement panel wall is not allowed across the JWCD easement, an alternative fence may be considered as permitted by the property owner.**
- 3. Offer to negotiate with each property owner along the north boundary for the removal of the existing wall and replacement with the proposed 10' cement panel and post wall.**

4. **The chain link fence along the Bangerter Corridor to be removed with a permit from UDOT and landscaping provided at the corner of 10400 South and Bangerter Highway on UDOT Right-of-Way. UDOT fencing requirements shall be followed.**
5. **A 15' water line easement or an encroachment agreement for the 15' water line easement will be executed and recorded with the Salt Lake County Recorders Office.**
6. **All engineering requirements will be met.**
7. **Dedication of right-of-way along South Jordan Parkway to UDOT requirements to be shown on subdivision plat.**
8. **All other South Jordan City Municipal Services, Public Safety and Leisure Services (parks, recreation and open space requirements are met).**

Commissioner Bronson suggested adding additional suggestions to be discussed as follows:

9. **Suggest that no compressor be located on the north side of the proposed store and the box compactor be rotated to face west and screened for noise.**
10. **Suggest that the applicant shall comply with the City's hours on construction and the construction traffic is limited to using the 10400 South access road.**
11. **Suggest that the three lighting poles on the north side of the parking lot be shortened to mitigate light invasion on the north side of the parcel and that they be property shielded.**

City Planner Greg Schindler said that you can not make the type of requirement stated in number 11 because this is not a conditional use permit. He said if they meet the ordinance requirement for lighting then that is all that is necessary.

Commissioner Bronson said "are you saying we can not put the height requirement or we can not put the whole lighting restriction at all."

City Attorney Ryan Loose said since they agreed earlier to take a look at the height of the light poles then you can request it at this point. But since it is not conditional use, you can not make it a condition for approval of the site plan.

Chairman Johnson said if there is a problem at a later time it can come back and be mitigated.

City Attorney Loose said if there is a problem where they do not meet the ordinance then yes it can be brought back.

Commissioner Bronson revised suggestion #11 to:

11. **Suggest that the applicant meet with the City to discuss shortening the three lighting poles on the north side of the north parking lot.**
12. **Suggest that the applicant restrict deliveries from 10pm to 5am.**

13. Suggest that they post signage at the construction site that would limit access to construction vehicles.
14. Suggest that the Planning Commission encourage the City to meet with UDOT to explore landscaping ideas down to Bangerter.
15. Suggest that City staff meet with Peterson Development to talk about extending the wall to the east.
16. Suggest that we encourage the City to do traffic counts both prior to and post construction that will give us information on whether or not there is a traffic problem there.

Commissioner Tominey seconded the motion as stated. He said there is no financial viability or relevance here and they have met all of the conditions.

Commissioner Bronson said the only part of the traffic issue that he is concerned with is the traffic that might turn west from 3200 South to avoid the light on 10400 South during the period of widening. He said "I like to argue for connectivity of roads" and so I lean that way, but I think this is a legitimate issue.

Chairman Johnson said I can see their point of closing the road during construction to eliminate construction traffic on that piece to the south.

Commissioner Tominey said he too would like to see the road barricaded off at River Heights Drive where it connects to this property just until construction is over and then do a traffic count to see how it is affected. He said being in construction in big sites every day I think they have a valid point. He said unfortunately contractors are not always thoughtful of the neighborhoods they go through. He said at least the City would have a chance to look at this after the store is up and running to see if it is an issue or not.

Commissioner Auger said she agrees that they should at least try to help the people while they are going through the construction period.

Commissioner Bronson said how can you do that when it is not part of this site plan.

Community Development Director Klavano said we will take the recommendations to the City Traffic Committee and we will try to get hold of Mr. Hammer to talk with him about some of these issues.

Chairman Johnson called for a vote on the motion. All Commissioners voted in favor and none opposed, with Commissioner Perry absent.

VI. OTHER BUSINESS

None

- B. *File #SUB-2005.62, Final Condominium Map Application For Carriage Home Condominiums Daybreak Phase Two, Generally Located At 11400 South 4750 West, Zoned PC, Filed By Holmes Home.*

9-13-05 PC min
Need PKT

Senior Planner Schindler reviewed the background information on this item.

Commissioner Perry made a motion to approve File #SUB-2005.62, Final Condominium Map Application For Carriage Home Condominiums Daybreak Phase Two, Generally Located At 11400 South 4750 West, Zoned PC, with the following condition:

1. **That all South Jordan City Engineering, Planning, Public Works, and Fire Department requirements are met.**

Commissioner Johnson seconded the motion. The vote was unanimous in favor.

- C. *File #SUB-2005.68, Application For A Final Subdivision Plat Approval Located At Approximately 2580 West 10745 South, 5.78 Acres, Ames Group LLC (Applicant)*

Senior Planner Schindler reviewed the background information on this item.

Craig Ames, Ames Group, 5263 S. 300 W. (Murray), said they had determined that the property owners to the north will have a say regarding the fencing. He said they plan to pull back the fence to the setback line on lot #1. Commissioner Woolley said he would prefer that. Senior Planner Schindler said that information should be changed on the mylar. Mr. Ames said they would take the fence to the sidewalk line for lot #13.

Commissioner Woolley made a motion to approve File #SUB-2005.68, Application For A Final Subdivision Plat Approval Located At Approximately 2580 West 10745 South, 5.78 Acres, with the following conditions:

1. **That all Public Services, Planning, Fire, and Engineering requirements are met.**
2. **The plat should be changed to indicate that the fence will be built to the setback line for lot #1.**

Commissioner Perry seconded the motion. The vote was 4-1 in favor, with Commissioner Johnson opposed.

Commissioner Johnson said she feels the fence for lot #13 should be built back to the setback line also. She feels they are creating a safety issue.

IV PUBLIC HEARING ITEMS

- D. *File #LUA-2005.17, Future Land Use Amendment Application From Low Density Residential, Commercial, Office Space And Recreation Open Space To Highway Corridor Mixed Use And File No. REZ-2005.24 Rezone Application From A-5 (Agriculture), C-C (Community Commercial) And O-S (Office Service) To BH-MU (Bangerter Highway*

*Mixed Use), Generally Located On The East Side Of Bangerter Highway
Between 10300 South And 10900 South, Approximately 135.6 Acres,
Peterson Development (Applicant).*

Senior Planner Schindler reviewed the background information on this item.

Troy Herold, Senior Project Manager (CLC Associates), gave a presentation outlining their proposal. He showed the project boundary, the 300 ft. notice area, the current land use area, and he noted the potential trail corridor. He showed the proposed land use development plan. He noted the proposed access for the trail corridor. He indicated that there will be a lot of open space in the plan. He said they feel the proposed trail location is in the best place.

It was noted that the current plans show the trail on the north side of 10400 South so there is not a crossing at the Bangerter Highway.

Mr. Herold showed a comparison of the current land use and the proposed development plan. He said this is a down zoning and they are proposing a less intensive use. He said they are proposing a residential buffer to the east. He said they will be mindful of the residents to the north, including buffering and open space areas.

Mr. Herold said it is their intent that the residential portion will be an upscale project with nice exterior building materials. He showed the proposed parking for the project and indicated that they will have intensive landscaping and buffering. He said River Heights Drive will be built to its full width with 2 lanes, a center median, and 10 ft. shoulders. He said the road width will narrow as it goes into the residential area. He said that will slow down traffic.

Commissioner Johnson asked what is the percentage of open space proposed? Mr. Herold said they do not know at this time. He said the residential portion will likely exceed the City codes.

Chairman Mabey asked if a park will be developed in this area? Mr. Herold said they could look at that, but that will need to be addressed with his clients. He said the open space areas in the retail area will not necessarily be park areas.

Commissioner Johnson asked what is the temporary easement used for? Senior Planner Schindler said the Jordan Valley Water Conservancy District easement runs along 3200 West. He said that area would be left open.

Commissioner Kankamp asked in the BHMU zone, what is the maximum office building height? Senior Planner Schindler said he would look it up.

Chairman Mabey opened the public hearing.

Tom Belchak, 9579 Dunsinane Dr., said they are discussing a lot of site plan issues with the land use and zoning change discussion. Development Services Deputy Director Preece said a potential site plan is required with this zone.

Mr. Belchak said according to the current land use, the area at the end of the Jordan aqueduct is master planned for reaction open space. He said he hates to lose open space. He said he has concerns if they set a trend for losing open space designations. He said this property is in the 1976 Kennecott mine permit area, and that may have some affect. He said the easement for the Jordan aqueduct was paid for by Federal dollars. He asked if the Jordan Valley Water Conservancy District (JVWCD) is aware of the zone change for this property? Senior Planner Schindler said he believes they are aware. He said JVWCD is not a property owner; they are an easement owner.

Senior Planner Schindler noted that the maximum building height in this zone is 4 stories. He said the building height has to be limited to 2 stories within 400 ft. of a residential area.

Craig Taylor, 3785 W. Norfolk Bay, said there are 15 homes that show in the 300 ft. boundary and the rest is vacant land. He said there are people in the area that would be interested in this type of project. He said he understands there is a transition that takes place in the growth of a City. He said he believes South Jordan wants to maintain some rural atmosphere. He said he wonders what happened to South Jordan? He said they have to balance the growth with the taxes, etc. He said he has a Wal-Mart and an Albertsons in his neighborhood.

Jerry Hart, 10686 Willow Valley Rd., said they educated themselves before they built their home in Jones Meadow and this plan was not on the master plan. He said high density developments have high turnover rates. He said he is concerned about traffic and the increased congestion to 3200 West. He said kids come and go in and out of schools in higher density areas. He said he is concerned about decreased property value.

Commissioner Woolley asked if the concern is with the proposed residential? Mr. Hart said yes. He said he prefers the light office use over the residential use near their home.

Melba Taylor, 10613 S. 3210 W., asked if Peterson Development owns this land? Senior Planner Schindler said he is not sure. If the Jones family still owns it, then Peterson Development is acting as their agent.

Ms. Taylor said they understood that part of the area would be commercial. She said they lived in a town home in Taylorsville and they know what that kind of residential community that can be like. She said that is a huge concern. She said why have a master plan if there is no guarantee what will be built. She said they might have built somewhere else if they thought they would have apartments in their backyard. She said they have had disappointments with Peterson Development in general. She said they have not maintained areas well that they are responsible for, and she submitted some pictures (Attachment A). She said the street lights were not installed in their subdivision initially.

She said their yard has been torn up three times since it was landscaped to install phone lines, cable lines, and the street lights. She said there is no nice neighborhood entrance. The residents were required to install vinyl fencing, but Peterson Development was allowed to install chain link fencing around their retention pond. She said they understood that they would have secondary water, and they all plumbed for secondary water, but they still don't have it and it has been almost 5 years. She said there has been some maintenance issues with the easement in their neighborhood and they still don't know who is actually responsible for the maintenance of the canal easement. She said she is opposed to the change. She said the area was supposed to have small offices, and that is what they hoped it would be. She said she is also concerned about traffic issues.

John Funus, 3253 W. Lewison Cir., asked what do they need in order for the application to be denied? Chairman Mabey said landowners have certain rights for their property, according to City codes. This request is not illegal or against any codes. He said they will hear all of the evidence and make a recommendation to the City Council. The City Council makes the final decision. He said the Planning Commission tries to make recommendations to mitigate the impact as less as possible.

Mike Russell, 3396 Spring Day, said most people present tonight do not like the high density portion of the proposal.

Larry Larsen, 3287 Lewiston Circle, asked about the number of units that could be developed? Commissioner Kankamp said a couple hundred. Mr. Larsen said they don't want light office space replaced with over 200 residential units. He said the property owners have a right and deserve to be heard. He said Peterson Development tries to maximize the bottom dollar, regardless of the impact to their neighborhood. He said in the past, Peterson Development tried to rip up their street to develop 2 lots, but the City Council denied it. He said it appears that Peterson Development cuts every corner to maximize their dollar. He expressed concern that Peterson Development was allowed to install a chain link fence around the retention pond. He said the retention basin that Peterson Development is supposed to be maintaining is weed and trash infested. He said he does not believe the high density housing will be high quality. He said he would not be opposed to a development such as Wyngate. He said this proposal encroaches on existing homes. He said he would like the original land use plan maintained.

Scott North, 3474 Bear River Rd., asked about the roads coming in and out of Jones Meadows. He said he is concerned about the road width, traffic speeds, and traffic amounts coming into River Heights Drive. He said he is concerned about how people will access the southern portion of office space. He said anything south of Logan Canyon Road should have a narrower road width. He said the access for the southern portion of the office should go through the commercial, rather than using River Heights Drive.

Commissioner Johnson said nothing fronts River Heights Drive. She said they already have a little buffer because no one is backing in and out of the street. Mr. North said there is a small business being run on Bear River Road. He said there is a lot of parking on River Heights Drive and small kids on the street. He recommended that the office be

given a separate access off of River Heights Drive, north of Logan Canyon Road. He said he also has concerns with the high density development.

Kirsten Staples, 3296 Ephraim Circle, said they are concerned about the rezone of commercial to office on River Heights Drive. She said they prefer 1 story office buildings, with no windows in the back if possible. She said they understand that a masonry fence would be required, but they prefer an 8 ft. fence. Chairman Mabey said those issues would be addressed with the site plan process. Ms. Staples said there should be a buffer between the existing residential and the proposed high density development. Commissioner Kankamp said Ms. Staples should also address her concerns with the developers. It is better to address concerns now rather than when the plans get further in the process.

Mark Gunderson, 3237 W. 10755 S., thought the whole area was zoned residential. He said he was ill educated. He said he prefers the whole area remain residential. He said he bought his home because the lots were a minimum 1/3 acre. Now the proposal is to almost triple the density next to them. He asked is the City Council going to do whatever they want regardless of the feelings of the residents?

Chairman Mabey said their input is important. Commissioner Woolley said the Planning Commission listens and make recommendations. The City Council makes the final decision. Mr. Gunderson said they pay a lot of taxes. If the town homes are developed, he'll move somewhere else.

Aaron Hall, 3403 Millville St., said he chose to live here for quality of life issues. He said the City has open space and reasonably sized lots. He said he is concerned about the rezone from commercial to high density residential. He said he is concerned about increased crime and decreased property values. He said if this does move forward, the City should stipulate the requirements for exterior building materials to ensure that they will be high end.

Jeff Whicker, 3251 Smithfield Cir., said he is opposed to the change for the high density residential housing. He said his preference is office over high density residential; low density residential would be preferred over office. He said the class sizes in the schools are already too large. He asked how will they deal with the increase in kids that the additional housing would bring? He said other subdivisions have nice open areas and beautiful parkways; Peterson Development made a lot of money on their subdivision and they were not given parkways or open areas. He said he would like to see that be a requirement.

Tamara Gunderson, 3237 W. 10755 S., said there are a lot of homes being developed in the area and their water pressure has continued to decrease. She said their sprinkler systems are not working adequately. She said they are not doing anything to improve roads, water, and the basic amenities in the area. She said 3200 West is not wide enough; they need a light installed.

Larry Short, 2234 W. Autumn Farm Dr., asked if the developer wants to develop housing, why not make it low density? He said that would fit better with the existing neighborhood.

Brandon Peterson, Peterson Development, said he is happy to address concerns that have been addressed. He said they are trying to downzone the area. He said they are proposing high density housing but it is not apartments. He said it would not be low cost housing. They are proposing high end garden condominiums for empty nesters. He said they want to do something nice and the City will require them to. He said the town homes will also be nice. He said they want to develop high quality housing for those that don't want a yard. He noted that the garden condominiums are planned for 1-2 stories. He said limiting the garden condominiums to 1 story could be done. He said they are trying to buffer the existing residents. He noted that some people would not want an office use in their back yard.

Connie Larson, 3238 W. Lewiston Circle, asked what are the setback requirements for the buildings behind them? She said there should be an adequate buffer. She said 3200 West does not go all the way through. There is already a lot of traffic on that street; she is concerned about increased traffic. She said the town homes west of the Bangerter Highway look awful. She said their property values should be taken into consideration. She suggested that they move the high density development to the north boundary of the project.

Bryce Atkinson, 10138 S. Dunsinane Dr., said a lot of the town homes west of the Bangerter Highway are up for rent. He said he would not want that in his neighborhood. He said the proposal may be condos today, but they will be rental units in the future.

Chairman Mabey closed the public hearing.

Commissioner Woolley said he is in favor of leaving the current designation the same unless they can work out a solution with the neighbors. He said he is against the density of 8 units per acre. He said it appears that they have given up a lot of green space in the new proposal. He said he is against the current proposal unless they can come up with something more palatable to the residents in the area.

Commissioner Kankamp said when people move to a City, they require services. He said plans change. They have to or a lot of the residents would not have been able to move in the City. He said he likes the idea of a residential buffer, but 8 units per acre is too much. He said there was a lot of office space proposed. Office space does not make sense if it is left vacant. He said he likes the change from commercial to office because it moves the office away from the residential.

Mr. Herold said the high density residential would not be apartments. It would be empty nesters or young professionals that don't want a yard. Mr. Peterson said the units would be high end. He estimated the price range to be in the \$250,000 - \$275,000 range. Mr. Herold showed the trail connections. He said they will have buffering and open areas. He

said it will be a requirement, and they would want to provide the green space to be a good neighbor. He said those issues would be addressed with the site plan. He said they will be building River Heights Drive. He said there would be buffering for the existing homes. He said there are front yard setbacks for commercial and office areas. He said the plan is a down zone. He said the current land use proposes too much office area. He said the residential in their plan would serve as a buffer to the commercial and office. He said 8 units per acre would give them some flexibility in the design. The residents concerns will be considered. He said a lower density development would be more standardized and “cookie cutter” and they would not favor that.

Chairman Mabey asked about water pressure problems? Development Services Deputy Director Preece said there are three tanks under design and the construction should be done within a year. He said the City will likely not be installing secondary water. He said the City is still requiring that dry lines be installed; when and if water becomes available, the secondary water would be installed.

Chairman Mabey said he does not want to give up open space area. He said he likes the idea of a residential buffer. He said he is concerned about the proposed density. He said the high density development is surrounded on three sides by low density. He said he does not believe that fits with the General Plan. He said next to commercial, he would be okay with up to a density of 4 units per acre, with clustering and open space. He said he likes the way they are master planning the area. He said he likes the idea of pushing the commercial further from the homes.

Commissioner Johnson concurred with the previous comments. She said a density of 8 units per acre is too high for this area. She said she likes the buffer. She said if this project does ultimately come forward, they should do one story units in the high density area to buffer the existing residents and their views. She said he would like to see a lot of landscaped buffering for the existing residents. She said she does not like giving up open space. She said open space as a buffer to the existing homes would be a bonus.

Commissioner Perry concurred with the previous comments.

Chairman Mabey said Kennecott has higher density areas. He said out of state people are buying and leasing those units. He said Kennecott has had to stipulate that a certain percentage of the homes has to be owner occupied. He said they should make sure those types of things are being put in place to keep so much of the housing from being leased.

Development Services Deputy Director Preece noted that the Planning Commission and City Council cannot take into consideration the number of people that are against an issue; they can take into consideration good reasonable facts. He said they want to listen to the input from the public.

Commissioner Perry made a motion to recommend denial to the City Council for File #LUA-2005.17, Future Land Use Amendment Application From Low Density Residential, Commercial, Office Space And Recreation Open Space To Highway

Corridor Mixed Use, Generally Located On The East Side Of Bangerter Highway Between 10300 South And 10900 South, Approximately 135.6 Acres, as it is currently proposed. Commissioner Woolley seconded the motion. The vote was 4-1 in favor, with Commissioner Johnson opposed.

Commissioner Woolley said things can be done to satisfy both the residents in the area and the developer. He said there will be development in the area and it will be commercial and office. He said the residential component is good, but the density is too high. He said open space and buffering could be proposed.

Commissioner Woolley made a motion to recommend denial to the City Council for File No. REZ-2005.24 Rezone Application From A-5 (Agriculture), C-C (Community Commercial) And O-S (Office Service) To BH-MU (Bangerter Highway Mixed Use), Generally Located On The East Side Of Bangerter Highway Between 10300 South And 10900 South, Approximately 135.6 Acres. Commissioner Kankamp seconded the motion. The vote was unanimous in favor.

It was noted that the developer could request to pull this issue off the City Council agenda. It would have to be re-noticed if the developer wanted to pull it to make changes.

E. File #LUA-2005.16, Land Use Amendment Application, From Low Density Residential To Medium Density Residential, And File #REZ-2005.23 Rezone Application From A-5/Agricultural To R-3/Residential; If Not Approved For R-3/Residential, As An Alternative, The Applicant Requests To Rezone From A-5/ Agricultural to R-2.5/Residential. Subject Property Is Located At Approximately 3665 West 10200 South, Approximately 24.16 Acres, Jones Mountain Estates LLC (Applicant).

Senior Planner Schindler reviewed the background information on this item.

Chairman Mabey opened the public hearing.

Bryce Atkinson, 10138 S. Dunsinane Dr., said he lives in an area with lots that are at least ½ acre. He said the master plan calls for 1/3 acre lots on this property, and the developer is asking for a little smaller than that. He said if they put in 1/3 acre lots, or even match the ½ acre lots, the lots won't look good if there isn't any water. He said the City put in funds into their neighborhood to get a water system that works well. He said that has not been the case in other areas of the City. They should put in a water system that works on this property. He said the school is interested in getting their property off of culinary water use, and they would likely partner with the City for a secondary water system for this area. He said there is a City park on 4000 West that could tie in as well. He said the City is capable of putting in a secondary water system that works in this area.

Craig Taylor, 3785 W. Norfolk Bay, said in 1989, South Jordan's goal was to have 1 acre lots, with ½ acre lots at a minimum. He said they have a Wal-Mart and an Albertson's in their area. They also have a high density development near them. He said

County about that.

The meeting recessed.

Mayor McMullin called the meeting back to order.

- D. Final Subdivision Plat, Jones Farm Subdivision, 10200 South 3425 West Street, 22.91 Acres, 52 Lots, Residential (R-2.5) Zone District, Peterson Development (Applicant)

Victor Barnes, 225 South 200 East, said they have an agreement with the neighbors on the irrigation ditch and the neighbors met and discussed their feelings on the ditch.

Mayor McMullin asked how the secondary water system would work? Staff Engineer Nichol said it will be a standard secondary system. He said it will be dry until they can get water to that location. He said pipes will be installed with services to each lot and when water is available, the residents have the option of pumping the water out to irrigate. He said eventually they would like to pressurize the whole system.

Councilwoman Liddiard asked what is the zoning to the east, west, and north of this property? Mr. Barnes said he believes it is agricultural. He said to the north, it is residential with 1/3 acre lots. He said there is 15 acres between the subdivision and the Bangerter Corridor, and that is now proposed to be a park.

Mr. Barnes asked if the Council still felt 10200 South would be a collector street?

Mayor McMullin said they have never addressed that. Councilman Criner said before they make a decision, he would like a recommendation from Staff.

Councilman Warne suggested that the Transportation Task Force look at it.

Mayor McMullin said Staff needs to look at it, and get a recommendation from City Engineer Rigby.

Councilman Warne made a motion to approve the Jones Farm Subdivision at 10200 South 3425 West, and to authorize the Mayor to sign the development agreement. Councilman Chandler seconded the motion. The vote was unanimous in favor.

- E. Site Plan: South Jordan Community Business Center, 10800 South Redwood Road (Approximate), 2 Acres, MU-Community Zone, Watts Corporation (Applicant)

Milt Shipp, recommended that the small 5 acre piece be attached with the RDA area when it goes in.

Councilman Chandler said the letter from Jay Nelson said they recommend the project pay 1/3 of

will need one person for each two hour time block, and if anyone is interested, they are to call her.

IV. PUBLIC HEARINGS

- A. Consider A Resolution Appropriating \$20,948 In The Municipal Court Budget Of The General Fund. The Appropriation Authority Shall Apply To The Fiscal Year Ending June 30, 2000. Staff Presentation By Administrative Services Director Sharlene Behunin

Mayor McMullin said the court will be operating full time starting February 7, 2000, and this transfers the money to make that possible.

Mayor McMullin opened the public hearing. There were no public comments. He closed the public hearing.

- B. Ordinance Adjusting City Boundary Between Sandy City And South Jordan City At 9800 South 600 West (Area A) And 10100 South 300 West (Area B) And Zoning Of North Parcel (Area A) To A-1 And I-F. Staff Presentation By Economic Development Director Keith Snarr.

Economic Development Director Snarr said this proposal adjusts some property boundaries. He said South Jordan will lose 6 acres, and gain 18. He said the Planning Commission endorsed this item, and Sandy City has voiced approval pending the approval of South Jordan's City Council.

Mayor McMullin opened the public hearing.

Nancy Butters, (no address given), asked if the I-F zone effected the street alignment?

Economic Development Director Snarr indicated that this proposal does not effect the street alignment at all.

Mayor McMullin indicated that this boundary adjustment benefits South Jordan because of the acreage, and because of a development that they are expecting in this area.

Mayor McMullin closed the public hearing.

- C. File #27-17-400-015, Rezone Application, A-5 To R-2.5, Peterson Development (Applicant). Staff Presentation By Community Development Director Clark Labrum. Applicant Presentation By Ryan Peterson Of KFP Corporation.

Community Development Director Labrum indicated that this property was originally rezoned in accordance with the Bangerter Plan for Low Density Residential. He said when the final plat was submitted, it was determined that a larger parcel of land was necessary to accommodate the

Jordan Valley future Aqueduct easement through the property. He said the developer would also like to add additional property to the south, to be included in the subdivision.

It was noted that Peterson Development did not have a representative present.

Mayor McMullin opened the public hearing.

Otto Jones, 10431 S. 3200 W., said they need to have a decision made on the alignment and width of 3200 West. He said they need to have a map that indicates where the road will be, and the width. He said they need a commitment from the City.

Community Development Director Labrum said the master plan indicates that 3200 West will be 66 ft. wide. He said the developer is planning on transitioning the road from the center line to the west of the section line. He said the road will be a total of 41 feet on the west side, and 25 feet on the east side. He said only the developers side (the west side) will be developed at this time. He drew a map explaining the alignment and width of the proposed road. He said this road alignment only effects the property owners adjacent to this development.

Councilman Burton asked what the distance would be for the transition of the road? Community Development Director Labrum estimated the transition would take place over 500-800 feet. City Administrator Horst indicated that the transition meets current traffic code standards.

Community Development Director Labrum said some of the property owners on the east side of 3200 West have promised to dedicate 25 feet of their property.

Mr. Jones said the 66 ft. road will be encroaching their property. He said when they agreed to give 25 ft. of their property, the road was only proposed to be 50 feet. He said there should be a variance to accommodate the original agreement. He said he is also concerned about the traffic and speed that will travel along a 66 ft. road.

Mayor McMullin said the Randy Jones family, who own the property to the west, has agreed to put the curve in the road so they do not infringe on the existing homes. He said that is why there is only a 25 ft. easement from the section line. He said they only addressed the road alignment to the end of the proposed subdivision (approximately 10900 South).

Mr. Jones said the existing road will have to be straightened.

Merrill Turnbow, 3148 W. 10755 S., said when the development was originally proposed, the City Ordinance required the developer to either acquire their property, or shift the development to the west. He said after the development was approved with that Ordinance, and the zoning was obtained, the City Council changed the Ordinance. He said now the burden of furnishing the property for the road became his, as a property owner. He said that was done without any notification from the City. He feels the City Council should consider the "small guys" when they write the Ordinances, and they should have the same rights as the developers.

Community Development Director Labrum said the Ordinance Mr. Turnbow is referring to required the developer to obtain the entire right-of-way for a road that was master planned, whether it was on his property or not. He said the change was done last year. He said staff did not feel that was fair, and the Ordinance change was adopted by the City Council.

Mr. Turnbow said he does not think it is equitable for the City Council to require property owners to provide a road that benefits a development. He said the Ordinance currently reads that if the property owners make any change to their property, they have to dedicate 25 ft. of their property. City Administrator Horst pointed out that if the property owner did nothing to their property, they would not have to dedicate the 25 ft. of land.

Kay Boulter, 3147 W. 10755 S., echoed Mr. Turnbow's comments. He said he is concerned because this is the second time an Ordinance has been changed without personal notification. He pointed out that the law only requires notification in the newspaper, but he does not feel that is ethical or moral. He said the developer asked him to donate 25 feet of his property, but was not willing to compensate him for it. He said he is not opposed to the project, but he did not know this would effect his property. He said the burden should not be pushed from the developer to the property owners. He said as the area grows, the whole street will be installed and if it takes his property, it will decrease the value of his property. He feels this is a hardship on the landowners, and he feels the developer should move the road onto his side.

Lois Johnson, 10862 S. 3200 W., and **Darrel Cosby** (brother), introduced themselves. Ms. Johnson said they purchased this land a few years ago, and they leased the property for 10 years before that. She said they have a radio tower on their property, and they would like to put another tower on their property. She said they tried to apply for a permit to put another radio tower on their property, and they found out the property had been rezoned. She said she was told that she had to go to the City Council to see if they would allow another radio tower. She said they have no objection to the subdivision, but would like to know if there is a grandfather clause to allow them to install a second radio tower.

City Administrator Horst said the issue of the radio tower is separate from this public hearing, and he offered to discuss their situation separately.

Councilman Warne pointed out that this application does not change the zoning on Ms. Johnson's property.

Rex Bingham, 10583 S. 3200 W. (resides in Bluffdale City), said the existing homes were built in the 1970's and South Jordan approved them. He said the road gave ample frontage for the homes. He said if something has changed, and the road is going to take more property than originally agreed upon, South Jordan City is responsible for any change in the value of their property. He said the developer was supposed to put in the road, with curb, gutter, and sidewalk. He said the issue went to court, and they never got the curb, gutter, and sidewalk. He said he never agreed to give anything off of their property.

Councilman Warne said the developer of their subdivision disappeared, and the City did not require a bond at that time. He said the City paid to pave the road, but the curb, gutter, and sidewalk were not installed. He said he does not feel they should take any more property for the road, because it will put it on the doorstep of these people's homes.

Mr. Bingham said the 25 feet they want to take is from the section marker, which is not in the center of the road. He said the section marker is in the irrigation ditch.

City Administrator Horst said the City will not take the 25 feet, and the property owners do not have to donate the 25 feet, unless they decide to develop their property.

Councilman Warne said he thought they were going to install the curb, gutter, and sidewalk where the asphalt currently ends (which is another 10 feet), and then take the balance off the west side of the road.

Mayor McMullin said before they can decide to put all of the road on the Jones property, they will have to discuss it with Randy Jones and his family.

Councilman Warne said with the given setbacks, it is not realistic to take any more property than is necessary for the curb, gutter, and sidewalks.

Mayor McMullin suggested they get the land surveyed.

Councilman Sanderson suggested they continue the public hearing, at a later time. He said when the item comes back, he would like a large blown up map so he can familiarize himself with the area.

Councilman Warne asked that the Engineering Department get a map and a survey from 10400 South to 11400 South on 3200 West. He said he would like to plan the entire road, and avoid future problems.

Kay Boulter expressed concerns about some surveyors marking up his yard with paint. He said the surveyors told him that the sewer would be run through his property. He said they did not have a right to come on his property, and he does not think the sewer line should go through his property, unless he agrees to it.

Mr. Turnbow said some of the confusion is because they do not know how the improvements relate to the section line. He feels a survey should be done to address these issues before they move forward with the Peterson Development.

Luane Jensen, 11186 S. 2700 W, said she was originally told that 2700 West would be 66 ft., but now it is going to be widened to an 80 ft. road. She said she does not have the opportunity to shift the road to the other side, because of an existing church and school. She said most areas in

the City do not have the chance to shift the road, but this development does. She feels 3200 West will be a major road, and one lane will not be sufficient. She also said Salt Lake County has a bike trail planned along 3200 West.

Tisa Walmer, 10593 S. 3200 W., said her front yard is not large. She asked if they were going to put the road by her home, leave the property alone, or buy her home to accommodate the road? She said she did not receive notification for this public hearing.

Mayor McMullin asked City Administrator Horst to work with the Planning Department and the Engineering Department to resolve some of these issues. He said they will have another public hearing, and be given 2-3 proposals, if necessary.

Councilman Sanderson asked that this item be expedited, and that all of the property owners be notified when this item will be discussed.

Councilman Warne said part of Bob Mascaro's subdivision (Pearson Farms) has an extension of 3200 West, and the road needs to be lined up.

City Administrator Horst said they can continue this discussion and public hearing February 1st.

Councilman Warne made a motion to direct staff to retain qualified surveyors to determine the alignment of 3200 West in relation to all of the properties in the area from 10200 South to 11400 South, and make sure 3200 West lines up with the Pearson Farms subdivision, and that this hearing be continued to February 1st, 2000, and to coordinate with all property owners and developers. Councilman Sanderson seconded the motion. The vote was unanimous in favor.

Councilman Warne said it would be helpful to have aerial photos of the area.

Mayor McMullin instructed City Administrator Horst to discuss this item with the Randy Jones family.

V. SUMMARY ACTION CALENDAR

None.

VI. DISCUSSION/POTENTIAL ACTION ITEMS

- A. Approve A Resolution Appropriating \$20,948 In The Municipal Court Budget Of The General Fund. The Appropriation Authority Shall Apply To The Fiscal Year Ending June 30, 2000

This item was done later in the evening.

Mayor McMullin recognized Bingham High's Cross Country Team.

Jeff Arbogast, Head Coach, introduced the Cross Country Team. He said they are a fine group of ladies and they are the fastest girls Cross Country Team ever in the United States. He introduced Assistant Coach Bill Moore. He said Robby Duncan, Assistant Coach, was unable to attend.

City Administrator Horst read a Proclamation of the City Council of the City of South Jordan, Recognizing the Bingham High School Women's Cross Country Team (Attachment A).

Mayor McMullin indicated that each team member and coach would be given a copy of the Proclamation. He said the Governor will recognize them on Thursday, February 24, 2000 at 10:15 a.m. and 11:45 a.m., at the Senate Chamber. He said he would like a picture of the Cross Country Team hung in City Hall.

III. DISCUSSION ITEMS

A. 3200 West Road Alignment

City Administrator Horst said they held another information meeting with the property owners along 3200 West, as well as Mr. Day and Mr. Jessee because their properties border this project to the South. He said Mr. McKee was invited, but not in attendance, and he has been involved in prior meetings. He said they contacted the church, and since they own property on both sides of the road, it was irrelevant to them where the road went. He said they discussed the three proposals to the group.

City Engineer Noble said they presented the three alternatives to the group at the information meeting. He said the property owners to the South (Mr. Day and Mr. Jessee) said they would like the road moved back so there is 33 ft. on each side of the section line. He said they have talked about removing the parkstrips in front of the four existing homes and the property owners were amenable to that.

Gerald Day, 1096 N. 800 E. (Heber City), said he owns 18 acres with his sisters south of this project. He said approximately 300 ft. of land fronts 3200 West. He said Mr. Jessee's property is further south, and he has about the same amount of property that fronts 3200 West. He said he prefers to have an even division in front of their property.

Mayor McMullin indicated that he spoke with Mr. Jessee and his feelings concur with Mr. Day.

Councilman Sanderson asked if the curb and sidewalk would be put in front of the existing homes now? City Engineer Noble said it would not be done until the residents do it, or until the City wants to develop 3200 West to the full width.

Councilman Burton said there is a barn to the south, and the curb and gutter would go through that barn. City Engineer Noble said that was correct, but it would not be done with this project.

City Engineer Noble showed a curve in the road that staff is proposing at the Boulter property, so they can have 33 ft. on each side of the section line as rapidly as possible, as requested by Mr. Day and Mr. Jessee.

Mayor McMullin asked how far it is from the end of the Boulter property to Mr. Day's property? Merrill Turnbow indicated that it is about 700 ft.

Councilwoman Wilburn asked if they had a cost estimate for the land acquisition needed for alternatives 2 and 3? City Engineer Noble said they do not have a monetary value for those two alternatives. He said with alternative one, there would be no land acquisition costs, but there would be some costs to future projects.

Councilman Burton asked if the 41-25 ft. split of the section line would go to the south end of the Boulter property? City Engineer Noble said yes.

Councilman Sanderson said the further they move the property to the west, the more property they will be taking from Mr. Day and Mr. Jessee. City Engineer Noble pointed out that the road will not be able to curve back to the section line safely if they move the road to the west.

Councilman Criner said he does not think there is a really good solution. He said he favors staff's recommendation.

Councilman Warne said he favors a gradual shifting of the road from the church, past the Boulter's property, and then curving the road so there is 33 ft. on each side of the section line. He said they will have to take right-of-way anyway, and he would like to take raw ground and compensate the property owners. He feels the City has a responsibility to the property owners in the area, and to correct mistakes that have been made in the past.

Councilman Burton said if they shift the road west, it causes more problems on the south end, and they will have to purchase more right-of-way acquisition.

Councilman Warne said he prefers taking raw ground versus improved ground.

Councilwoman Wilburn asked if taking the parkstrip out in front of the existing homes would effect the needed utility lines? City Engineer Noble said in this case, the utilities don't need to be touched except right where the curb, gutter, and sidewalk will go.

Councilman Warne said the parkstrip is also needed for snow removal so the snow does not cover the sidewalk. He said parkstrips provide a buffer and additional child safety because they would not be right against the street. He feels shifting the road 10 ft. to the west is the best solution, in the long run, for the City.

City Administrator Horst said they are only recommending removing the parkstrip in front of the four existing homes, not along the whole street.

Councilman Sanderson said he supports staff, and feels they have looked at the best solution to this problem.

Mayor McMullin suggested they prepare the tentative alignment for everything south of this development along 3200 West, to 11400 South. He said this decision will tie into the next subdivision that is already being worked on in the City. He said they should include the Fitzgerald's in the road alignment discussion.

B. Negotiations Resolution

Councilman Burton recommended that the City Attorney review this Resolution.

Councilman Sanderson asked that the Resolution be changed, as originally submitted, to say all elected officials not just voting members of the Council.

Councilman Burton asked that the City Attorney review both options.

Councilman Criner said this Resolution precludes one person from negotiating, but allows the whole Council input on what negotiations they want done. He said he supports this proposal.

Mayor McMullin said he opposes this Resolution, but cannot vote on it.

Councilman Sanderson said there has been tension in the City and accusations of micro-management. He feels this Resolution places management responsibilities back with the staff, and not with the Council.

City Administrator Horst read the proposed Resolution (Attachment B).

Jean Jackman, said the City Council has a sacred vote and a sacred trust from the people. She said they don't want their vote hindered. She said staff is great and they are given a wage, but a wage is different than a vote. She said they should work together for what is best for the citizens of South Jordan. She said they are tying the City Council's hands, and staff's hands, with this Resolution. She does not feel there is a micro-management problem. She said staff should want all the help they can get. She said the City Council was voted in by the citizens, to voice what they want.

Councilman Sanderson asked what the Mayor's job is, in her opinion? Ms. Jackman said she voted the Mayor in because he had a lot of knowledge, knew a lot of the right people.

Councilman Sanderson said this Resolution is not intended to change any elected official from getting an idea, and presenting it to the City Council. He feels if negotiations are made without

the City Council's knowledge, and the deal falls through, it opens up the City for litigation. He said there is also tension that comes forth when these negotiations are made. He said nothing will change.

Ms. Jackman said she thinks they are tying each other's hands to serve the people of South Jordan.

Councilman Sanderson said he was voted to be a legislative member, not a manager.

Ann Gayheart, asked if staff would have the ability to negotiate for the city without the City Council's approval? She was told no. She asked if an elected official can negotiate on behalf of the City, if they have direction or the majority vote of the City Council to do so. She was told that was correct.

Councilman Burton feels this Resolution gets issues before the Council prior to the negotiation. He said it changes nothing in the relationship between the City Council and staff. He said the Resolution lists specific things that cannot be negotiated.

Mayor McMullin said the Council is the Legislative body, and he chairs that. He said he is also the Chief Executive Officer of the City. He said he negotiated the road connection through the park to 2200 West with the County, without the permission from the Council. He said the opportunity would have passed, if he would have had to take the time to get permission. He said he used to be the lobbyist for the City, and he got paid good money to do that. He said now he helps the City, for no additional money. He said he and Mayor Dolan negotiated some money for an interchange at 11400 South. He said they also extended the life of the RDA to pay the interest on the years between when the project is started and the year when the money becomes available. He said it was reported to the City Council, and they were in favor of it. He said that is one reason Wal-Mart is locating in South Jordan. He said if this Resolution is passed, he will need to bring back a list of powers delegated to the Mayor and City Council. He said a few weeks ago, he met with UDOT to get some financing for 10400 South from Redwood Road to 4000 West. He said there was not time for a City Council meeting to get approval from the City Council. He said the City Council can oppose anything that is proposed. He said he hopes they are not micromanaging, and if they are, they need to work that out. He said there are different opinions on the Council. He said some Council members only have a few hours to contribute, and he appreciates what they do. He commended all of the volunteers for putting in whatever time they can. He said Councilman Sanderson is trying to improve communication, and get them to work better as a team, and he agrees with that. He said they need to be careful about giving up their rights. He said they don't want to tie their hands. He said he will come back with a Resolution from the "executive office to the legislative body" of the things he intends to do as Mayor to improve the way of living in the City.

Councilman Burton said the citizens and the members of the Council are appreciative of the long hours and efforts of the Mayor, on behalf of the City. He said they could consider leaving the Mayor out of the Resolution. He said they could list specific items in the Resolution, rather than

general statements. He said they could make this a Resolution of Encouragement by changing the language from “shall” to “should”.

Councilman Criner said the elected officials have a sacred obligation to do the best they can for the City. He said this is not an easy position, and they have to make difficult decisions. He expressed support for most of Mayor McMullin’s previous comments. He said if they give one person authority to negotiate, that is not good business. He said if the Council has no knowledge of an item that has been negotiated, it can open the City up to some liability. He said they do need quick reactions at times, but they can call a Special meeting.

Councilman Warne said at times, immediate action is necessary. He feels everyone has tried to keep each other informed of ongoing issues. He said he is concerned about the difference between negotiating and problem solving. He said when they are trying to find solutions to problems, sometimes they have to make proposals or throw out ideas. He asked if that was negotiating? He said they need to decide where to draw the line. He said if an elected official throws out an idea to a citizen, that person cannot bind the City. He said he has solved a lot of problems, and saved the City a lot of money because he has been able to talk to people. He said he does not want his hands tied in serving the people that elected him. He said he is not sure this Resolution is necessary.

Councilman Sanderson said he appreciates what Mayor McMullin does. He said communication is the issue. He said there are moments when decisions need to be made on the spot. He said the City Council needs to be in on the negotiating process in the beginning whenever possible. He said they have a Council/Management form of government, versus a strong Mayor form of government. He said the responsibilities are different. He said if the City Council expresses ideas to citizens, people will hear it differently and they may construe it as a negotiation. He said they need to have something that will bring information to a communication level so all of the City Council knows what is going on.

Rena McMullin, feels the Mayor has many good ideas. She said she has seen Council members tell him not to bother them with the facts, just let them vote. She asked how can they get anything done unless he talks about, or negotiates an issue, and brings something to the City Council? She asked Councilman Sanderson what he feels his job is?

Councilman Sanderson said his job is to study the issues, and make decisions. He said it is his job to go out and look at a project.

Mrs. McMullin said Mayor McMullin lobbies for a living, and that is his expertise and they are asking him to stop doing the thing he does best. She said it has been difficult in the past to find Council members willing to go with the Mayor and work with him on the different projects. She said if they take away his ability to negotiate and run the City, you will kill his drive.

Luane Jensen, 11186 S. 2700 W., said South Jordan is not a large City, and is run differently than West Valley, Sandy City, and West Jordan City. She said she can name mistakes staff has

made in the past. She said staff does not need to be micro-managed, but she resents things that happen that cost taxpayers money. She said she does not want to be like West Valley City. She wants people to act, not react to situations. She said when they react, it is too late. She said she has seen meetings with the former Council when they were unable or unwilling to go negotiate with the Mayor. She said Councilman Warne was the only one willing to go. She said they elected their officials to serve the people of South Jordan, and if they don't have time, they are not serving the citizens of South Jordan. She said they should serve the City and do what is right for the City of South Jordan, and the citizens deserve that.

Councilman Sanderson said if they want a strong Mayor form of government, they should change it. He said everyone, including the Mayor, does a lot of work. He said they all have the same concerns. He said they are only talking about getting permission, and communication with the City Council.

Councilman Warne said the City Council adopted an Ordinance to have a Council/Manager form of government. He said the relationship between the City Council, Mayor, and staff are not dictated by State Statute like in West Valley City, or West Jordan City.

Mayor McMullin said he does not want a strong Mayor form of government. He said they hired a manager to run the City. He said he does not want his abilities limited. He said he favors improved communication, but not if it ties the hands of individuals who get work done.

Councilman Sanderson said the issues and causes that have brought this Resolution about are from meetings outside of the City, and by negotiations that have not come before the City Council. Mayor McMullin said he never negotiated anything for the City without the City Council knowing about it. He said he has always invited a Council and/or staff member to go with him to negotiating meetings. He said Councilman Warne always attends the meeting with him because the other Council members have not been willing to go.

Councilwoman Wilburn said one of their jobs is to make sure the citizens are protected and that the City's resources are protected, and not jeopardized by anyone making implied promises. She said part of the Resolution was to help facilitate that. She said they do need to communicate better and work together.

Otto Jones, said he asked each Council member and the Mayor to talk to him about 3200 West. He said only Mayor McMullin and Councilman Warne met with him. He said Councilman Sanderson talked to him, but did not meet with him. He said they need to talk to the citizens, as well as working with the staff.

Ann Gayheart, said she fought for a sidewalk in the City for some school children. She said every businessman and developer should know that unless they have the vote from the entire City Council, they have no way of knowing if their project would be approved.

Councilman Sanderson pointed out that talking with citizens and asking the City Council questions is not negotiating. He feels staff is responsible to respond to the citizens needs efficiently. Ms. Gayheart said the City Council is elected and she prefers to talk to them about problems.

Simon Baker, said he is a concerned homeowner on 3200 West. He suggested if they shift the road a little, they can allow the homeowners more room in their front yard.

Mayor McMullin turned to Councilwoman Wilburn for an announcement.

Councilwoman Wilburn said she worked very hard to get this position on the Council and many people worked hard to help her. She said her husband has accepted a position of employment in another state. She submitted her letter of resignation effective May 1, 2000. She said she loves the City. She said she knows each City Council member will rise to the occasion in serving the City.

Mayor McMullin expressed appreciation for her willingness to serve on the City Council, as well as her years of service on Country Fest. He wished her the best.

City Administrator Horst read Councilwoman Wilburn's letter of resignation (Attachment C).

Mayor McMullin said they will follow the procedure to fill a vacancy in the City Council.

CITY COUNCIL REGULAR MEETING

I. DISCUSSION/ACTION ITEMS

A. 3200 West Road Alignment

Councilman Criner made a motion to accept staff's recommendation as it pertains to the 3200 West road alignment. Councilman Sanderson seconded the motion.

Councilman Warne made a substitute motion to realign 3200 West, by shifting the road to the west starting at the church with option #3, which would shift the road 10-12 ft, and that the city, at the appropriate time, pay Mr. Jones, Mr. Day, and Mr. Jessee for the additional right-of-way involved in shifting the road. The motion died for lack of a second.

Roll call vote. The vote was 4-1 in favor, with Councilman Warne opposed.

B. Negotiations Resolution

Councilman Sanderson made a motion to circle this item for the attorney's review, leaving the Resolution in tact, understanding the administrative powers or executive authority that

A. Miss South Jordan Committee - Councilman Sanderson

Lori Edmunds, Miss South Jordan representative, said they will have their first meeting for the pageant on February 21, 2000. She said the dates for the pageant are May 3, 4, and 5, 2000. She said the first place person will receive a \$1200 scholarship, second place will receive \$500, and third place will receive \$300. She said the young women are goal oriented and college bound. She encouraged the City Council to support them in their effort. She indicated that they are always looking for volunteers. She said the pageant will be held at Juan Diego High School. She said the girls will be participating in service projects for the City, and asked for suggestions.

Councilman Sanderson said he was impressed with the efforts of this committee and encouraged all to participate.

B. Senior Citizen Committee - Councilman Sanderson

Councilman Sanderson said Carl DeMill was not present and they will reschedule this discussion for a later time.

Mayor McMullin recognized some scouts present. Scout Troop 1479 introduced themselves. Scout Troop 1886 introduced themselves. Tyson Bowen, scout, was also introduced.

Staff Engineer Shipp said South Jordan received an award (Best Roadway Construction) from the Rocky Mountain Concrete and Pavement Association for Jordan Gateway. He presented the award to the Mayor and City Council.

II. PUBLIC HEARING CONTINUED FROM FEBRUARY 1, 2000 AND JANUARY 18, 2000

A. File #27-17-400-015, Rezone Application, 10830 South 3200 West, 14.108 Acres, A-5 To R-2.5, Peterson Development

Staff Engineer Shipp showed an aerial photo of the area, the width of the asphalt for the project, and the 66 ft. right-of-way.

City Engineer Noble said staff's recommendation is to have the road 25 ft. east of the section line, and 41 ft. west of the section line. He said 12 of the 25 ft. on the east side of the section line is currently asphalt.

Mayor McMullin asked for some clarification on the water issue. City Engineer Noble said the water issue has been resolved with some explanation. He said there was one pipe found that the developer will have to add to their plans. He said the section through Otto Jones' property is the only place the ditch will be moved. He said the ditch and fence on Otto Jones' property will be

moved to the east to accommodate this project. He said the water issues will remain the same, and won't be changed with this development. He said the water box will not be touched.

Councilman Warne said the issue came up whether or not to put a pipe in for a future secondary water system. City Engineer Noble said the piping for the secondary water system will be installed with this subdivision.

Councilman Sanderson asked about the effect this would have on Kay Boulter's barn, and would he have to move the barn to accommodate the water? City Engineer Noble said he won't have to move the barn for this project, but it is possible that it will have to be moved for future developments.

Mayor McMullin said he thinks they need to fence the water box completely in to prevent problems. City Engineer Noble said the concrete pipe that is not reinforced comes from that water box, and the developer will replace the pipe if necessary. Mayor McMullin asked if there are any clean outs west of the water box? City Engineer Noble said there are clean outs in the proposal about 300 ft. apart, which is what the City requested.

Jack McKee, resident, said if the pipe going south is smashed with the road construction, the developer will need to fix it. City Engineer Noble said that is understood.

Mayor McMullin said staff was instructed to plot the rest of 3200 West to 11400 South to prevent future problems. He said the property owners will be notified on the public hearing for that road alignment.

Mayor McMullin asked about the road alignment for this development? City Engineer Noble said they have presented staff's recommendation. He said the developer also has a proposal, but it poses some problems for the Jordan Valley Water Conservancy District (JVWCD) and the aqueduct. He said this aqueduct will be a parallel line. He said they have right-of-way easements along 3200 West.

Mayor McMullin asked if the JVWCD's right-of-way is on the south side of 10200 South? He was told that it was.

City Engineer Noble showed the developers recommended road alignment for 3200 West. He said there is a 1 ft. right-of-way strip, a 4 ft. sidewalk, 5 ft. parkstrip, 2.5 ft. of curb and gutter, and the remainder of the 41 ft. west of the section line is all asphalt.

City Administrator Horst pointed out that they would not be developing east of the section line with the new construction. Councilman Sanderson asked if there would be any curb, gutter, and sidewalk installed on the east side of the road, as part of this development? City Engineer Noble said not at this present time.

Mayor McMullin said there is no agreement to take 25 ft. of Boulter's or Turnbow's property.

Councilman Sanderson asked if the 4 existing homes are set back enough on the north side of this development? **Keith Russell**, Ensign Engineering (representing Peterson Development) said the furthest house to the south is over 23 ft. from the front of the house to the right-of-way line. He said the other three homes are more than 25 ft. from the front of the house to the right-of-way line. He said currently most required setbacks are 25 ft. Councilman Warne pointed out that the City's requirement for setbacks is 30 ft.

City Engineer Noble showed the City Council Kay Boulter's barn, in relation to the road for staff's recommended alignment. He said the developers recommended road alignment causes some problems with the JWCD because it increases their cost due to tearing up a large portion of road (about 800 ft.). He again showed the City Council an aerial photo of the developers road alignment recommendation. He said there is a 19 ft. shift that is curved over about 1000 ft. of road. He said the aqueduct is planned to be 66 inches, but requires several feet beyond that.

Councilman Warne asked why the JWCD does not install the aqueduct now, rather than having to tear up the road at a later time? City Engineer Noble said it is not within their budget.

Councilman Warne said if they shift the road, as recommended by the developer, how much road would be on each side of the section line? City Engineer Noble said it would be 6 ft. on the east side of the section line, and 60 ft. on the west side of the section line. He said the curve in the road is very gradual and they are back in line with the intersection at 10200 South.

Councilwoman Wilburn asked what the timeframe for the aqueduct is? City Engineer Noble said it will not happen for 5 years.

Councilwoman Wilburn asked if the JWCD would want a reimbursement from the City? City Engineer Noble indicated that they would not.

Mr. Russell, Ensign Engineering, said the JWCD purchased an easement to have a select corridor that was free and clear of utilities, maintenance, and construction problems. He said they would like the pipe constructed outside of the street. He said the City does not have any right-of-way over the Jones property. He said the JWCD does, and they are concerned about the additional costs.

Councilman Warne asked if they owned an easement or a right-of-way fee simple? Mr. Russell said it is an exclusive easement that gives them more leverage than a secular easement.

Mayor McMullin asked about the landscaping for the aqueduct? Community Development Director Labrum said they will have to create an interlocal agreement with JWCD, and they will most likely maintain the landscaping. He said that can be addressed before the final plat approval.

Mr. Russell said the underground utilities are in the development, except the secondary water line and an existing culinary water line. He said he is not sure of the fuel lines and the phone lines.

Councilman Warne said there are underground utilities with every development. He feels the JVVCD should have coordinated with the City regarding the road location. He asked if they can shift the road 5 more feet to the west on the north end. He said that way everyone would have a normal setback, except the southern most home. City Engineer Noble said he could look at shifting the road, but there would be a more severe curve. Councilman Warne suggested they start the curve by the church. City Administrator Horst said then 3200 W. north of 10400 South will not align with 3200 West south of 10400 South.

Leon Peterson, developer, said this was approved but it was determined that they needed to get out of the JVVCD's right-of-way. He asked that they approve the rezoning and then they can work out the other issues.

Mayor McMullin interrupted the meeting momentarily to introduce Senator Mont Evans. Senator Evans said he is proud of the fact that UDOT and the Transportation Commission have tentatively agreed (on the basis of available funding) to set back 10400 and 12600 South from Redwood Road to the Bangerter Highway. Mayor McMullin said the roads will be discussed at the UDOT meeting on Thursday, February 10, 2000. He said 10400 South is on the list to be done in 2001 and 2004. Senator Evans said 10400 South is fully funded. Senator Evans said 12600 South is not fully funded, and Riverton got part of the excess money from the 11400 South interchange.

Councilman Sanderson asked how soon Redwood Road would be widened south of 9000 South? Mayor McMullin said it is on the schedule for 2002 and 2003.

Councilman Criner asked if there are any bills on affordable housing at the Legislature this year? Senator Evans said there always is, but he has not tracked any bills specifically.

Mayor McMullin asked for comments on the citizens proposal for the road alignment.

Merrill Turnbow, representing the homeowners on 3200 West, passed out a paper outlining their position (Attachment A). He showed a copy of the plans from the JVVCD showing where the easements run. He said the 10400 South easement does not occupy all of the City street easement; he said it steps back to the section line and goes 50 ft. west from 10200 South to 10400 South. He said the easement is 50 ft. to the west of the existing street dedication, until the area south of the homes, and then switches to 60 ft. He said the easement from there to the end of the property is a 60 ft. easement. He said as currently proposed, the street easement would occupy 41 ft. of the JVVCD easement. He said in the area above the homes, the total combined easement between the City and the JVVCD is approaching 75 ft. He said from the homes north, there is a 75 ft. easement right-of-way to work with. He said past his property and the Boulter's

property, it is a 60 ft. easement. He said the easement was acquired from the Jones family in 1997 and the JWCD has an exclusive right on the easement. He said there is 30 ft. from the section line available at Jack McKee's property to do something with, depending on how things work out with the JWCD. He said the City needs to address whether they will have 3200 West follow the water easement. He said their recommendation is that they start at the church and go to a gradual incline from that point through the existing homes and gain as much space as possible.

Randy Jones said the problem is that would be taking some of his property. He said they gave 8 ft. of land earlier, and now they are asking for 5 more feet.

Tisa Walmer said her concern is the safety for everyone.

Mr. Turnbow said at the south end of the church, there is a potential 75 ft. area to put the road into 10400 South. He said from that point south, they should avoid replacing the water box. He said they are recommending that the 66 ft. goes west of the center line. He said east of that, the City would give up 10 ft. of their easement of the front yards of the existing homeowners. He said it would be 15 ft. from the section line, versus 25 ft. from the section line. He said by doing this, it would be a straight road.

Councilman Warne asked how many feet it would be from the back of the sidewalk to the front door of the Larsen property, with the citizen's recommendation? Mr. Turnbow said there is 65 ft.

Mr. Turnbow said the problem they have with the water box is that it is not engineered to know how it will be used when the east side of the street is improved. He said someone will have to redo the piping that will be done by this developer. He said they should engineer the water box so they know how all of the pipe will be constructed. He said he is asking to utilize part of the JWCD easement for the road. He said the JWCD would like 30 ft. of undisturbed property for the aqueduct.

Randy Jones said the JWCD has an easement to the property, but his family owns the ground.

Councilman Warne asked if they could map out the citizens suggestion, and present it to the City Council.

City Administrator Horst said to put in a road, you have to have the right-of-way, which means acquisition of land versus a utility easement.

Councilman Criner said the issue is a rezone request and he is in favor of the rezone.

A resident asked if the developer will be required to put a privacy fence for the homes backing 3200 West? Community Development Director Labrum said they would have to install collector street fencing, which allows a lot of wrought iron so there could be quite a bit of openness unless a specific request was made to the developers.

III. ACTION ITEMS

- A. File #27-17-400-015, Rezone Application, 10830 South 3200 West, 14.108 Acres, A-5 To R-2.5, Peterson Development

Mayor McMullin said there hasn't been any opposition to the rezone. He said the concerns are with the road alignment, the water, and the ordinance. He said those issues will be addressed at a later time.

City Administrator Horst clarified that the Ordinance deals with how the City acquires road right-of-way. He said it has nothing to do with density or zoning. He said the final plat has not been approved. Mayor McMullin said the road alignment will be addressed before the final plat is approved.

Councilman Sanderson made a motion to approve the rezone application, 10830 South 3200 West, 14.108 Acres, A-5 to R-2.5 and to encourage staff to continue working with the residents and the City Council on the water and road issues. Councilman Criner seconded the motion.

Councilman Warne suggested they have the road alignment issue back on the agenda next week.

The vote was unanimous in favor.

Mayor McMullin said they will put the water and road issue back on the agenda next week.

City Administrator Horst said the developer would like permission to do the underground utilities during the discussion of the road.

- B. File #27-15-251-029, Rezone Application, Southeast Corner Of South Jordan Parkway And Redwood Road, 23.29 Acres, MU-City To C-C, The Boyer Company

Mayor McMullin said they will discuss this item later in the evening, but they will not be taking action tonight because the agreement with Harmons has not yet been signed.

ADJOURNMENT

CITY COUNCIL WORK MEETING

II. DISCUSSION/ACTION ITEMS

- A. Culinary Water Tanks Site Location

3. January 13, 2000

Councilman Burton made a motion to approve the January 13, 2000 City Council minutes, as printed. Councilwoman Wilburn seconded the motion. The vote was unanimous in favor.

II. AWARDS, PRESENTATIONS, APPOINTMENTS, AND PROCLAMATIONS

A. Lohra Miller Presentation

Ms. Miller was not present. Mayor McMullin indicated that she has served as the City Prosecutor for 1 1/2 years, and staff will deliver a plaque to her for her service.

B. Recognition of 10 Year Fire Department Employees - Russ Avery and Ron Fullmer

Fire Chief Whatcott said two of his employees have reached 10 years of service, which is significant for his department. He indicated that Russ Avery was unable to attend the meeting. He recognized Ron Fuller and presented him with a certificate and a service pin.

III. CITIZEN REQUESTS

None.

IV. PUBLIC HEARINGS

A. Public Hearing Continued From January 18, 2000-File #27-17-400-015, Rezone Application, 10830 South 3200 West, 14.108 Acres, A-5 To R-2.5, Peterson Development (Applicant)

Community Development Director Labrum said this property was zoned previously for the development of a residential subdivision. He said the area was master planned for low density residential some time ago. He said they are adjusting the boundary in the area to allow a shift in the property to accommodate the Jordan Aqueduct. He said there is an easement along 3200 West, which requires the developer to move the subdivision a little west (about 30 ft.). He said this adjustment also requires that an additional piece be rezoned. He said as they held the hearing for this additional rezoned area, there were concerns raised about the alignment of 3200 West, the right-of-way width, and the proposed alignment of 3200 West. He said they have brought some engineering studies tonight to discuss that issue. He said they will be unable to rezone the property until the road issue is resolved.

Staff Engineer Shipp displayed plans for the road. He said the developer surveyed the location of homes and where they exist according to the right-of-way line. He said the existing asphalt is about 6 inches away from the right-of-way.

City Administrator Horst said there will not be additional infrastructure (curb, gutter, and sidewalk) unless the homeowners want it installed. He said the homeowners will be responsible for installing the additional infrastructure.

City Engineer Noble said there will be no effect to the existing asphalt with this development. He said if the road was widened completely, the existing asphalt would be widened 6 inches.

A citizen asked where the existing irrigation ditch fit into the survey? City Engineer Noble said the irrigation ditch stays where it is in front of the existing homes. He said the developer has an agreement with Otto Jones for the ditch in front of his home.

Otto Jones suggested they not install the parkstrip in front of the existing homes. He said he wants it designed without the parkstrip, to ensure it will not be installed.

Community Development Director Labrum said the sidewalk and parkstrip are within the 25 ft. already dedicated.

Mr. Jones said if the parkstrip was eliminated, that would allow the front yard to be 5 ft. larger. Community Development Director Labrum said the Ordinance does not allow the City Council to eliminate the parkstrip, but they could look at eliminating the sidewalk.

Mayor McMullin said they would look at that. He pointed out that the utilities are under the parkstrip. Councilman Sanderson expressed concern about snow removal, and that the snow would be right on the sidewalk if the parkstrip was removed.

Mayor McMullin said when the existing homes on the north end of this project were built, the homeowners dedicated 25 ft. for a future road. City Engineer Noble said of that 25 ft., 12 ft. is already in the existing road. He said the remaining 13 ft. will not be used for this project. Mayor McMullin said when the road is fully built, as currently planned, it will only be 6 inches wider on the east side in front of the existing homes. He said it is the responsibility of the homeowners to install the curb, gutter, and sidewalk improvements. He said Randy Jones has agreed to move the road to the west, so they could widen the road and it doesn't interfere with the existing homes. He said staff was also asked to look at the road alignment to 11400 South.

A resident said he thought the instruction at the last meeting was to do a study of the road from 10200 South to 11400 South. Mr. Noble indicated that 3200 West at 10200 South lines up perfectly with the planned road. The same resident indicated that the 25 ft. in front of his home, that was dedicated to the City, did not belong to the person who deeded it to the City. He said if the property belongs to the City, why should the residents pay to install the curb, gutter, and sidewalk? He feels South Jordan is liable for the improvements because the developer did not

install them, and he was not bonded by the City. He said if the City does not install the improvements, it should be the responsibility of the developer.

Mayor McMullin said they will have to look into the legality of the deeded property at another time. He suggested that resident meet with him, or staff, to get an answer to his question.

Otto Jones asked how the center of the road could be in the existing asphalt when the marker is in the irrigation ditch. City Engineer Noble said the irrigation ditch lines up with the center of the road. He said the ditch curves to the east. He said the road was surveyed recently.

Councilman Criner said some of the residents are concerned that their irrigation water would be diverted, and they will not have their irrigation water.

City Engineer Noble said there is an agreement to relocate the ditch, from the end of the asphalt heading south. He said it should not effect anyone's irrigation water.

Councilman Warne said some people are under the impression that 10755 South will be connected to 3200 West. He said his understanding is that will not happen. City Engineer Noble said it is not planned at this time. City Administrator Horst said staff has not discussed that at all. Councilman Warne said there are some houses in the way, and he does not see a way that it could happen.

Mayor McMullin said staff does have instructions to plan 3200 West to 11400 South.

Kay Boulter, said no one has negotiated with him or Merrill Turnbow about the irrigation water.

Mayor McMullin opened the public hearing.

Merrill Turnbow, 3148 W. 10755 S., read a prepared statement (Attachment A).

Kay Boulter, 3147 W. 10755 S., concurred with Mr. Turnbow's statement. He expressed concern about not being personally notified of the rezoning. He feels this zoning change is spot zoning. He recommended that the City Council rescind the existing ordinance regarding the development of the streets and restore the old ordinance. He said there has been some discussion about only developing half of 3200 West. He does not feel a half street will be sufficient for the traffic that will be generated by this, and other developments. He said eventually the road will take some of his property, including his horse stables. He said that devalues his property. He said it will also take out 30 year old trees, a fence, and irrigation accessibility. He does not understand why the zoning was changed when the development went in. He suggested the road be curved and moved to solve some of the problems. He said when his home was built there was no indication that the road would be built, or he would have moved his stables back farther or not purchased the property at all. He expressed concern that if the neighbors subdivide their property, they will have to dedicate 25 additional feet of land. He feels they should go back to the old

Ordinance so it benefits everyone. He said he does not oppose this project, but he does not want his property devalued to benefit a developer.

Jack McKee, President of the Welby-Jacob Canal Company, said he is concerned about the irrigation water. He requested a drawing of what they are going to be doing with the irrigation because he has to ensure that everyone will get water. He said before he can approve anything on the ditch, he needs to meet with his Director to get it approved. He said the water line is a low pressure line, and if they build a road over it, they will smash it.

Mayor McMullin said wherever they put the road they will have to put the water line in the parkstrip or outside of the sidewalk, in a designated area.

Mr. McKee said the concrete pipe on the main ditch is not reinforced and it will not hold the road.

Mayor McMullin said the engineers are aware of the problems that need to be solved.

Craig Norton, 3910 W. Skye Drive (9800 South), said he supports the people with concerns on this development. He said they should require accountability from elected officials. He expressed concern about some past problems he has had with the city regarding power poles in front of his yard. He said the residents were required to pay \$100,000 per block if they wanted to bury the power lines that supported Merit Medical. He said his property value was decreased as a result of the power poles. He said the decisions regarding the power poles were not made in a City Council meeting, and they are a direct violation of the neighborhood covenants. He also expressed concern that the City requested that a developer install 9800 South to the Bangerter Highway, and then zoned certain areas commercial to benefit that developer. He feels this is spot zoning and abuse of power. He concurred with Mr. Turnbow's comments.

Otto Jones, 10400 South 3200 West, said he is concerned about the irrigation water. He said they could have irrigation water as early as April and the work has to be done before that. He acknowledged some mistakes have been made in this area. He said since the Jones family and the developer appear to be willing to work with everyone involved, they should try to establish the road to accommodate the traffic. He feels they should design the road now to accommodate future traffic and developments. He said they should take advantage of the undeveloped land available for this development. He said the City should not be without some financial responsibility to see that the needed changes occur, and that they are fair. He made copies of the old and new ordinance regarding the development of the streets available to the public.

Jean Bateman, 3065 W. 10400 S., asked if the new ordinance is regarding collector streets, or all streets?

Community Development Director Labrum said the Ordinance deals with collector streets. He said a collector street is any street that the City has designated on the Transportation Plan as meeting a capacity that would dictate a certain width or configuration.

City Engineer Noble said a collector street collects and distributes traffic from one area to the other. Councilman Warne said the collector streets have been identified and adopted.

Ms. Bateman said 3200 West does not currently qualify as a collector street, but will in the future.

Councilman Warne said that subdivision plat was approved in the late 1970's prior to the City's first Transportation Master Plan that was done in 1981. He said in 1981, 3200 West was put on the City's Transportation Master Plan. He said prior to that, the City did not have a Transportation Master Plan.

Ms. Bateman pointed out that 3200 West used to be just a dirt road to allow access to the Boulter's and Turnbow's homes. She said her concern is with the irrigation water. She said she has an orchard and a farm, and can't afford to go without water. She encouraged the City Council members to go see the area in person to see how the area will be impacted.

Mayor McMullin closed the public hearing.

Councilman Warne said Kay Boulter and Mr. Turnbow built their homes under the County's jurisdiction and there was not a Transportation Master Plan prior to 1981. He feels this is not spot zoning because the City has a General Plan that designates specific uses in specific areas. He said there is also a Bangerter Corridor Plan, and there were Public Hearings held. He said this subdivision is designated as low density residential on the Bangerter Corridor Plan. He said he can't address the problems along 9800 South, and the power poles because he was not elected at that time. He said he has not tried to do anything underhanded and keep people uninformed. He said a Public Hearing was held on the preliminary plat and the surrounding neighbors were notified.

Mr. Turnbow indicated that the neighbors were not opposed to the development at that time, because the old ordinance was in effect. He said the new ordinance has changed everything.

Councilman Warne said the ordinance was changed while this subdivision was being approved. He said the City Council also approved a final plat for the Jones Meadow subdivision. He asked staff to follow up to see if the irrigation company's approval was on that final subdivision plat. He said they are now trying to rezone a portion of land where the Salt Lake County Water Conservancy District aqueduct is, and a little piece on the south end. Councilman Warne pointed out that a committee was formed originally to work out the road alignment issues. He said they shifted the road alignment 8 ft. so they would not have to get additional right-of-way.

The City Council discussed the Bangerter Corridor Plan. Community Development Director Labrum said the City Council adopted the Bangerter Corridor Land Use Plan in 1998, and was begun in 1997. Randy Jones pointed out that this area was designated as residential, to please the

neighbors. He also pointed out that the Water Conservancy District has purchased a 50 ft. right of way for the aqueduct.

The developers engineer said the Bureau of Reclamation has purchased nearly 75 ft. from the section line. He said the alignment begins to taper back toward the section line south of the end of the pavement. He said they jogged the aqueduct so they would not have to put the pipe in the existing street. Staff Engineer Shipp said there are a lot of utilities in the street.

Kay Boulter said if they look at the existing zoning map, they will see how this rezone is spot zoning. Councilman Warne said zoning is nothing more than implementing the General Plan. He said if the development is consistent with the designation on the General Plan, or Bangerter Corridor Plan, it is not spot zoning.

Community Development Director Labrum said when this development began, it was discovered that the developer was required to approach the neighbors to acquire their land for the right-of-way. He said staff had talked about changing the ordinance before, but didn't. He said they believe the ordinance is not fair, and he has not seen that requirement before in other cities. He said he suggested that the ordinance be reviewed and that is the reason the text was changed. He said they held a public hearing and noticed the hearing in the newspaper. He said this development started the discussion of changing the ordinance, but they had looked at changing it before. He said the Ordinance Review Committee did not review this because it was a Land Use Development.

Councilman Criner said one reason the City Council changed the ordinance is because they did not want to be forced to condemn property if the property owner was not willing to sell their property.

Councilman Warne said most of the collector streets are on the section line, but this road is not. He feels they should meet with all of the property owners to determine the road alignment. He said the City may also need to help out because of mistakes that have happened in the past. He said they can also review the ordinance to see if they can make it fair to everybody.

Community Development Director Labrum said the developer would like to get underway, and he is willing to move the road over if that will expedite the process. Mayor McMullin said he does not want to do that until the water issue is resolved.

Mayor McMullin set up a meeting on Thursday, February 3, 2000, at 3:00 p.m., to discuss the road alignment. He invited the developer and the effected property owners to the meeting. He said they would address the ordinance at a later time. He said public notices need to be for the people. He said they will do the best that they can. He asked if there was any opposition to the zoning change?

Merrill Turnbow said they are not opposed to the proposed zoning. He said if it wasn't for the amendment to the zoning plan, they would not have known about the change.

Luane Jensen, said she served on the Bangerter Corridor Committee. She said the Plan was done so there would not be spot zoning because that is not fair to the property owners. She said it took a lot of work to put the plan together, and the City paid a lot of money to hire a consultant to help them. She said Randy Jones has the right to develop his ground, and the citizens have a right to say, within reason, what is put there. She said the process was very open. She said now they are working on a plan from 4000 West to U-111 because Kennecott would like to develop their land. She encouraged the citizens be involved in the City, and make it a City to be proud of. She feels the City Council should look at revising the ordinance, and feels this situation is a special case.

Mayor McMullin set up another meeting for Thursday, February 3, 2000 at 2:00 p.m. to discuss the water issues with the effected property owners.

Councilman Warne suggested they have aerial photos of the area at the meetings.

Mayor McMullin said they can approve the zoning next week, but they have to agree with the alignment of the road first. He said they will address the ordinance at a later time and those attending will be notified when the meeting is.

A resident asked about the sewer lines and said he heard they were going to go down 10755 South. The developer's engineer said they looked at that as an option, but it will not work.

Councilman Burton made a motion to take a break. Councilwoman Wilburn seconded the motion. The vote was unanimous in favor.

- B. File No. 27-15-251-029, Rezone Application, Southeast Corner Of South Jordan Parkway And Redwood Road, 23.29 Acres, MU-City To C-C, The Boyer Company (Applicant)

Jeff Bennion, Boyer Company, said the Harmons Board is going to review the lease document tomorrow. He showed a picture of the site plan. He said they have added meandering sidewalks on the exterior and the interior. He showed elevation drawings of the plan. He said they intend to use the building materials, as required, and that will be more fully addressed when they get their site plan approval.

Councilman Sanderson asked if the rezoning could be approved tonight, subject to Harmons signing the lease? Community Development Director Labrum said development approvals can be based upon conditions, but those should not be attached to the zoning. He pointed out that the developer will have to meet the requirements of the Agreement for Disposition of Land (ADL) because it is an RDA area.

Mayor McMullin asked if the MU-City Center zone could be approved with some variances that would be closer to the C-C standards? Community Development Director Labrum said if they

F. APPROVE Succession Resolution

City Administrator Horst said this establishes protocol for emergency situations.

Councilman Wells made a motion to approve the succession Resolution. Councilman Criner seconded the motion. The vote was unanimous in favor, with Councilman Sanderson and Councilman Warne absent.

G. RESCIND EWP Engineering Designated As The City Engineer

City Administrator Horst said the services from EWP Engineering are no longer needed.

Councilman Criner made a motion to rescind EWP Engineering Designated As The City Engineer. Councilman Wells seconded the motion. The vote was unanimous in favor, with Councilman Sanderson and Councilman Warne absent.

V. SUMMARY ACTION ITEMS HELD OVER

None.

VI. DISCUSSION/POTENTIAL ACTION ITEMS

A. Excise Tax Revenue Bonds, Series 2000 Parameters Resolution

City Administrator Horst said they have looked at borrowing money for some of the road projects. He said they are asking that they consider a bond issue in the amount of \$2,750,000. He said they are short \$1,250,000 for the 1300 West project, and they would like to use \$1.5 million to complete the intersection at 10400 South and the Bangerter Highway. He said they need to open up that intersection, and that has great economic development potential. He said this Resolution only sets the parameters, and it does not commit the city to anything at this time. He said there is a large food franchise negotiating with the Jones family. He said the development won't come unless the intersection at 10400 South Bangerter Highway is opened.

Councilman Wells said they need to take out item ii in paragraph two, under the Notice of Bonds to be Issued.

Councilman Wells asked about the publication of legal notices? City Administrator Horst said he would like to start putting them in the local papers. Mayor McMullin said he does not think the local papers would be allowed, and he thinks the legal notices are currently published in both the Deseret News and the Salt Lake Tribune.

Councilman Criner made a motion to approve Excise Tax Revenue Bonds, Series 2000 Parameters Resolution, deleting item ii in paragraph two, under the Notice of Bonds to be

STAFF FINDINGS, CONCLUSIONS & RECOMMENDATIONS:

FINDINGS:

- **VESTING**
 - The proposed site plan became vested upon acceptance of a completed application.

- **LANDSCAPING**
 - The proposed site plan meets all landscaping requirements. The property to the north is zoned R-2.5 for single family residential homes. There will be 10' of landscaping along the north property line.
 - The truck parking and turnaround as well as the delivery ramp as well as employee parking are located along the west side of the building adjacent to the Bangerter Highway. The Jordan Valley Water Conservancy District's aqueduct easement is also located in this area, preventing any trees in the landscaping in that area. Wal-Mart will be landscaping with trees, shrubs and sod in all areas outside of the JWCD easement. A 20 foot landscape area is required and shown along South Jordan Parkway as well as foundation landscaping along all sides of the building.
 - The required shaded parking within the parking lot is met as well as walkways for customers as they park and enter the store.

- **PARKING**
 - 750 parking stalls are required. The applicant's are proposing 751 stalls. This includes 729 standard stalls (9.5 ft. wide x 20 ft. deep, 22 accessible stalls (ADA)) and 14 cart corrals.

- **EXTERIOR BUILDING DESIGN AND MATERIALS**
 - The building is constructed of a blend of brick, cast stone; Arizona cut stone, a mixture of stucco colors and black ornamental fencing around the Garden Center. They are also using soldier coursing to provide contrast within the brick.

- **FENCING**
 - The applicants are proposing a ten-(10) foot cement panel fence along the entire north boundary. A portion of this fence is being proposed to cross the JWCD easement. An Encroachment Agreement will be required to do this. At this time the JWCD has agreed to an acceptable fence across the easement area. The color and design of the fence to be approved by the City staff.
 - Section 17.52.120 of the City's Ordinance addresses the fencing requirements for the C-C Zone. This ordinance does allow a 6' vinyl fence in unusual circumstances. As this easement is part of the Jordan Valley Water Conservancy District and the Federal Bureau of Reclamation, they do have the authority to allow or not allow any fencing across the easement and also dictate the type of fencing, if it is allowed.

- **INTERIOR DESIGN**

- In January of 2007, Wal-Mart opened their first High-Efficiency Store, designed to use 20 percent less energy than a typical Supercenter. The High-Efficiency design proposed for the South Jordan Supercenter is estimated to reduce the annual energy usage of the store by 40 to 45%. The design will take advantage of the low humidity climate in the Salt Lake Valley. The low humidity will allow for evaporative cooling to replace the typical roof mounted HVAC units. The roof mounted units will be considerably smaller and shorter than a typical air cooled Cooling Tower. In the proposed South Jordan Supercenter, the majority of the cooling capacity for the sales floor will be accomplished by circulating cooled water through hydronic piping cast into the floor slab. This design reduces the number of roof mounted HVAC and dehumidification units by over 60%. All mechanical equipment shall be screened from view with architectural features or walls consistent with the building.
- The South Jordan Supercenter will also receive GE's energy-saving light-emitting diode (LED) refrigerated case lighting. LED's have a longer life span than fluorescent bulbs, produce less heat and use significantly less energy than typical grocery case lighting. Additional design ideas are being developed including a modular solar wall to pre-heat air in the air handling unit reducing gas used for HVAC heating.

STAFF RECOMMENDATIONS (Motion Ready): Approval of the site plan for a Super Wal-Mart located at 3590 West South Jordan Parkway and its entitlements shall be granted upon the following:

1. A ten-(10) foot pre-cast cement panel and post fence to be installed along the entire north boundary adjacent to the residential neighborhood to the north.
2. An Encroachment Agreement is signed by Jordan Valley Water Conservancy District and South Jordan City concerning the placement of a cement panel and post wall across the JVWCD easement at the northwest property boundary as well as the truck turnaround, parking and asphalt within the easement. If the 10' cement panel wall is not allowed across the JVWCD easement, an alternative fence may be considered as permitted by the property owner.
3. Offer to negotiate with each property owner along the north boundary for the removal of the existing wall and replacement with the proposed 10' cement panel and post wall.
4. The chain link fence along the Bangerter Corridor to be removed with a permit from UDOT and landscaping provided at the corner of 10400 South and Bangerter Highway on UDOT Right-Of-Way. UDOT fencing requirements shall be followed.
5. A 15' water line easement or an encroachment agreement for the 15' water line easement will be executed and recorded with the Salt Lake County Records Office.
6. All engineering requirements will be met.
7. Dedication of right-of-way along South Jordan Parkway to UDOT requirements to be shown on subdivision plat.
8. All other South Jordan City Municipal Services, Public Safety and Leisure Services (parks, recreation and open space requirements are met).

CONCLUSIONS:

- The applicant is vested for all permitted uses within the C-C Zone District Ordinance

- Both Pacland, the Engineering firm and BRR the Architectural Firm working with staff on this project have been receptive to all City requests. The proposed store is a permitted use.
- All Zoning Ordinance requirements are being met.

RECOMMENDATIONS:

- Based on findings and conclusions in this staff report, staff recommends that the Planning Commission take comments at the Public Hearing and grant approval of Site Plan with the conditions listed unless, at the hearing, facts are presented that contradict these findings or new facts are presented, either of which would warrant further investigation by staff.

FISCAL IMPACT:

- Will provide employment opportunities as well as retail sales revenue for the City.

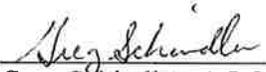
ALTERNATIVES:

- Approve the site plan for a Super Wal-Mart subject to the conditions listed above.
- Make no motion upon finding substantial evidence that it is in the best interest of the general welfare of the City.

SUPPORT MATERIALS:

- Site plan including landscaping and building elevations.
- Zoning Map
- Aerial Map.

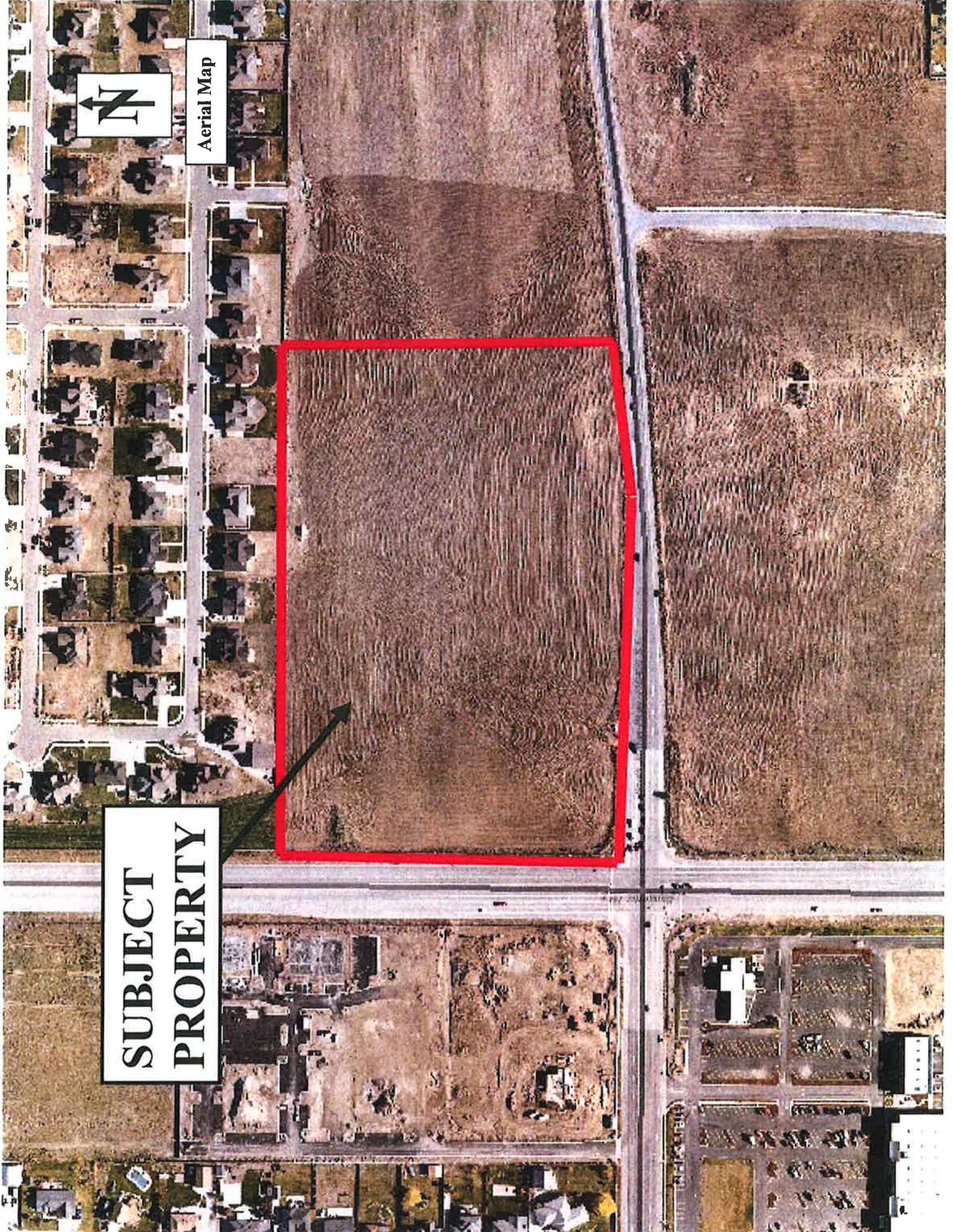
Approved as to Content:



Greg Schindler, A.I.C.P.
City Planner

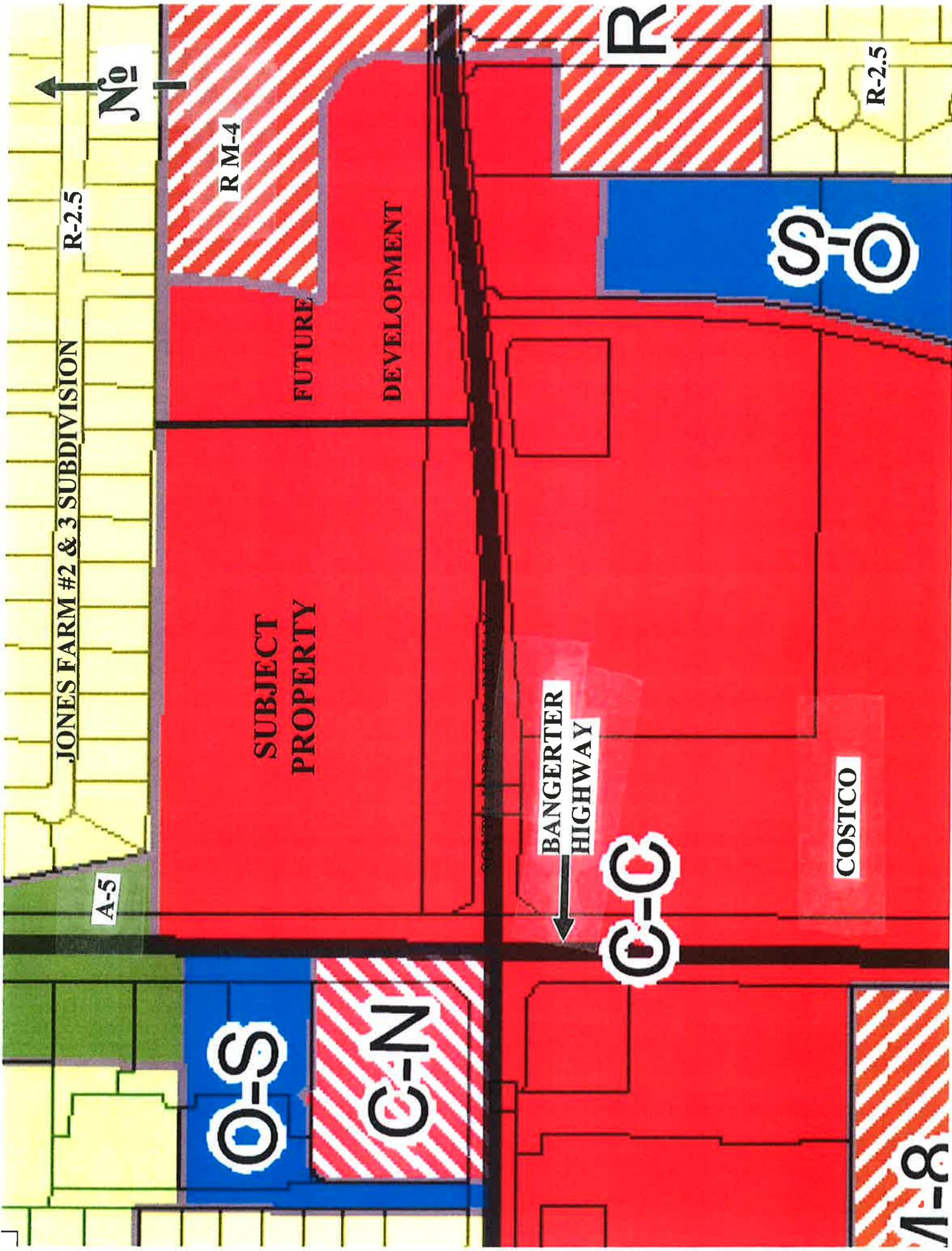
Legal Review

Ryan Loose,
Assistant City Attorney



Aerial Map

**SUBJECT
PROPERTY**



JONES FARM #2 & 3 SUBDIVISION

A-5

C-S

C-N

SUBJECT PROPERTY

FUTURE DEVELOPMENT

R-M-4

BANGERTER HIGHWAY

C-C

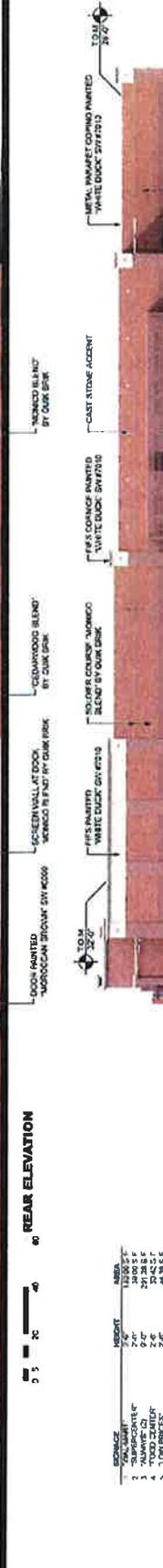
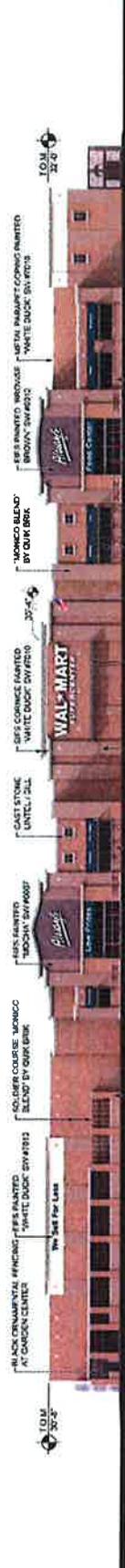
COSTCO

A-8

S-O

R

R-2.5



NO.	DESCRIPTION	HEIGHT	AREA
1	"SUPERCENTER"	7'-0"	24,000 S.F.
2	"FOOD CENTER"	7'-0"	24,000 S.F.
3	"LOW PRICES"	7'-0"	44,365 S.F.
4	"WAL-MART"	1'-0"	2,333 S.F.
5	"SUPER"	1'-0"	3,000 S.F.
6	"WAL-MART"	1'-0"	2,333 S.F.
7	"WAL-MART"	1'-0"	2,333 S.F.
8	"WAL-MART"	1'-0"	2,333 S.F.
9	"WAL-MART"	1'-0"	2,333 S.F.
10	"WAL-MART"	1'-0"	2,333 S.F.
11	"WAL-MART"	1'-0"	2,333 S.F.
12	"WAL-MART"	1'-0"	2,333 S.F.
13	"WAL-MART"	1'-0"	2,333 S.F.
TOTAL BUILDING SQUARE			78,825 S.F.

REPRESENTATION ONLY
 NOT FOR CONSTRUCTION
 BUILDING IMAGES SHOWN ARE A REPRESENTATION OF THE DESIGN
 INTENT AND MAY NOT REFLECT ANY SUBTLE VARIATIONS IN COLOR
 OR FINISHES THAT MAY OCCUR DUE TO LOCAL MATERIAL
 DIFFERENCES AND FINAL DESIGN DECISIONS.

BORR

**WAL-MART
 SUPERCENTER**

South Jordan (Bangerter), UT
 #5763 09/28/07