

**CITY OF SOUTH JORDAN
ELECTRONIC
PLANNING COMMISSION MEETING
COUNCIL CHAMBERS
May 11, 2021**

- Present: Commissioner Michele Hollist, Commissioner Nathan Gedge, Commissioner Trevor Darby, Commissioner Steven Catmull, Assistant City Attorney Greg Simonson, Assistant City Engineer Jeremy Nielsen, City Planner Greg Schindler, IT Director Jon Day, GIS Coordinator Matt Jarman, City Planner David Mann, Deputy Recorder Cindy Valdez, Transcriptionist Diana Baun.
- Others: Tina Falk, Brad Neves, Sean Lesko, Matt Jennings, R. Elder, Sean McCarty, Abhiram Guvvala, Melanie Culley, Arpit, Bill Norton, Dave Rasmussen, Satej Prabhu, Mark Nelson, Coleman Family, McCarty, Douglas Bjerker, Mindi, Scott Howell, Larissa, Dave, Brad Lash, Danny Wehungie, Narendra Marbate, "A", Rain, Paul Stringham, Mike, Emma, Amanda, Brooke Shaver, Tiffany, Everett Rasmussen, Ray Smith, Scott Hendrickson.

6:31 P.M.
REGULAR MEETING

I. Welcome and Roll Call – *Commission Chair Michele Hollist*

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

II. Motion to Approve Agenda

Commissioner Gedge motioned to approve the May 11, 2021 Planning Commission Agenda. Chair Hollist seconded the motion. Vote was 5-0 unanimous in favor.

III. Approval of the Minutes

Commissioner Catmull motioned to approve the April 27, 2021 Planning Commission Meeting Minutes as printed. Chair Hollist seconded the motion. Vote was 5-0 unanimous in favor.

IV. **STAFF BUSINESS** - *None*

V. **COMMENTS FROM PLANNING COMMISSION MEMBERS** – *None*

VI. **SUMMARY ACTION** – *None*

VII. **ACTION** – *None*

VIII. ADMINISTRATIVE PUBLIC HEARINGS –

A. JORDAN WOODS PRELIMINARY SUBDIVISION PLAT

Location: 9524 S. Redwood Rd.
File No: PLPP202000270
Applicant: Scott Yermish, Newman Construction

City Planner Greg Schindler reviewed background information on this item from the staff report.

Scott Yermish (Applicant) said thank you for hearing their plan tonight. This has been a long, long process with a lot of changes involving them going back and forth, working with the city and neighbors, meeting people's objections and concerns. He said that Chair Michelle Hollist was correct, that when they first came before the planning commission in December it was sent with a "no" recommendation to the city council. The council had a lot of concerns, asked him to come back with a lot of changes to meet what they felt was something they would feel comfortable approving. They made those changes, met with some members of the community and addressed the issues that they had; they came back and had these new plans approved with a development agreement that included quite a few stipulations for them to get approval. A couple of those requirements were making sure that they had the walls, keeping certain lots only at one level so as not to obstruct the view of the neighbors to the north with only ramblers, no two story homes. They had certain restrictions on certain lots and they were fine with that. They were asked to move the subdivision around a little bit to make it more appealing. They added the pocket park and anything else that was asked, they didn't push back once. They just said yes and that they would work within it, and they did. A couple of comments that were made when they came before the commission were that people in the neighborhood were concerned that the values of their homes would go down. They didn't even list this property yet, just put a sign out, and they sold the entire property out in three days. Every single lot was sold and has a construction deposit. They have almost all the permits pulled and upon the commission's approval and a couple other things they are ready to start installing the sewer. They have pulled the bond for the sewer and he is here to tell us that every one of their homes sold for well more than \$600,000 in this development, some as high as \$800,000. The lots on the back side of the property are where the bigger lots and more substantial homes are. They are building four homes for the Okesons who live there and rezoned the property, and they are pretty excited about that and getting a new home. They have been on that property their whole lives. The applicant decided that they are going to take out four of those lots and build them new homes at no cost to them. Newman Construction has been around for 80+ years and has been a valuable part of this community. The applicant knows Bob Elder who lives in South Jordan and he's excited. He also wanted to thank staff, working with them back and forth a thousand times they were always accommodating, getting back to them with answers to their questions; it has been a pleasure working with South Jordan. They have another development in Eagle's Landing and they are ready to start digging their first hole up there near where they are doing the Bangerter work at 10400 S. They are excited and wanted to thank

everyone for their time, and he is here to answer any questions we might have about the development.

Chair Hollist opened up the hearing to public comment.

Brad Neves (Resident) said those on Zoom were unable to understand any of the comments that were just made. He is here for the next issue but was unable to understand what was said through the microphone with the last speaker.

Chair Hollist said the next time they have someone come up to the microphone they will test that out, IT will give them some feedback and then they will check with those on Zoom. She asked if there was anyone else who joined us tonight to speak to this issue. She closed the public comment for this issue.

Commissioner Nathan Gedge said the applicant talked about City Council requiring a development agreement and the various iterations and requirements, he asked staff to confirm for the public record that all the things in the development agreement have been satisfied.

Planner Schindler said yes, he has gone over this and there are only a few small things like the structures on lots 6, 12 and 13 shall be single story; those lots are no longer 6, 12 and 13 but they are the same lots that were 6, 12 and 13. Those lots are now 102, 108 and 109. He has checked it all and looked over it, he is pretty sure City Planner Damir Drozdek has as well since he was the planner on it. Some of the things architecturally will have to wait until they build to make sure they comply, but all the other landscaping requirements and other things on their landscaping plan, as well as the roads, meet the requirements.

Commissioner Gedge said he was pretty sure requirements were met, but he wanted to make sure that was clarified before getting to the next step.

Chair Hollist said she knows the report indicated that the roads, especially the hammerhead, had been reviewed and meet code. She asked staff to comment on snow removal and trash pickup as she had that concern in the first phase and she still has it now.

Assistant City Engineer Jeremy Nielsen said he can confirm that is has been reviewed and approved by staff. He didn't specifically ask them about trash removal but he knows with fire access that has been reviewed and yes, Public Works has reviewed this and trash was part of that.

Chair Hollist had a question on the legal side. She asked now that City Council has voted to approve and rezone this, and they have a development agreement in place, if that effectively overrides any ordinances or general plan type rules that we have? Does this stand as the binding agreement between the developer and the city? For example, our general plan indicates that we encourage two accesses for a development. This does not have that, but because they have a development agreement with the city council she is wondering if that overrides issues and concerns like that.

Assistant City Attorney Greg Simonson said he doesn't have the development agreement in front of him and he doesn't know exactly what it says, but he believes this development has been all along a one access property and has been approved that way; we are too late in the game to be able to change that at this point.

Planner Schindler said in the development agreement it talked about emergency access, that the developer shall provide an appropriate emergency access to the project which may include a wider entrance and exit onto Redwood Road, bigger turnaround areas in the development and if permitted by UDOT a second access on Redwood Road. The developer might be able to answer the question, but he doesn't believe UDOT would allow a second access and that may be why they only have the one. As for the road widths, our code requires those to be approved by the city engineer and he has approved all the roadways, hammerheads and modifications to the code.

Chair Hollist asked if the hammerhead allows all the frontage that they would normally require for this zoning.

Planner Schindler said he believes it does because each of those lots do front on the hammerhead.

Chair Hollist said she was curious about the one lot, lot 102, where it is essentially just their driveway.

Planner Schindler said yes, it is just their driveway and that's the only one he can see as well. The only other way would have been to make it a cul-de-sac, but again that has been modified by the city engineer and allowed so he doesn't think it is in any violation of our codes.

Chair Hollist said she had concerns when this came before them in the first place and she still has some of those concerns, but her understanding of the way it works is that they make recommendations to the city council and they hear and review those. In this case, the council has reached an agreement they feel comfortable with, so this now has become administrative as far as it goes concerning their body. As long as it meets the agreements set aside by the development agreement she believes it is their responsibility to follow through on the wishes of the city council.

Commissioner Steve Catmull said he has a question around the property on the north. The zones there were A-1 and PO and it looks like there are homes there now. He asked for the history there, and in the context of access, what will that look like if it ever were to develop as professional office and they have the one access right there.

Planner Schindler said the property has two zones, it is all owned by one owner. The owner's name is Gary Howland and he has been in here to see the commission many times about projects he has had in the city. His PO zoned area has his office and one residence, that residence is his; it has been there for at least 25 or more years. He has never taken the opportunity to develop closer

to Redwood Road. If you notice the driveway that goes back, it is tree lined and that is the way he has planned it and had it for years. If he decides to develop that PO zone, the access to his house would be much more congested. If he sold the house after that, there would be access provided back to the home, but they would have to go through parking lots and the office zone to get to it. With the A-1 zone they can't really develop any more property back there residentially because he believes they have less than two acres.

Commissioner Catmull said those were his concerns regarding access on Triad Cove on the plan and the hammerhead.

Planner Schindler said part of the reason that the lots along that north side are all limited to single story is because his home is fairly close to the property line there and it was in consideration of that existing home that the city council asked that those homes only be single story.

Commissioner Gedge motioned to approve the Jordan Woods preliminary subdivision plat, File No. PLPP202000270. Commissioner Hollist seconded the motion. Roll Call Vote was 5-0 unanimous in favor.

IX. LEGISLATIVE PUBLIC HEARINGS –

B. HARVEST POINTE WEST LAND USE AMENDMENT AND REZONE Amending the land use designation from Economic Center to Mixed use and rezoning from Commercial community (C-C) to Commercial Community Planned Development (C-C-PD).

Location: 3773 W South Jordan Parkway
File No: PLZBA202000247
Applicant: Peterson Development

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

Chair Michele Hollist asked to clarify the parking. The applicant responded to the staff's request about parking and indicated there is ample parking because they are going to dedicate or count some of the stalls out in the business portion of the property.

Planner Mann said you can see on the concept plan they are showing a total of 30 or so parking stalls around the area, but that also includes two parking spots for each garage. If you include all that it does meet the parking requirement for this type of residential development.

Chair Hollist said there was something in the staff report that indicated the garages were narrow and that he didn't believe two cars would park there.

Planner Mann said doing initial measuring on this concept plan it looked like it was to scale. They used some of the software for electronic review to estimate what the width of the garages would be, it looked like the garage doors would be around 15-16 feet wide which seemed pretty small. In talking

with the applicant they said the garages would range on the interior width from 20-22 feet, 22 feet is the standard minimum requirement for a single family house for garage space.

Chair Hollist asked if the applicant said they would reach that for every unit.

Planner Mann said he believes it was the corner units that would have a smaller interior garage but the applicant can clarify that if they'd like. These are not expansive garages, they are pretty tight, so that also lends to the chance that some residents wouldn't use them for parking if they have large trucks or something that might not fit in these garages.

Chair Hollist asked if any other information has been provided to the city as to what will happen to the rest of the property; if there are office buildings planned, or is this just trying to get these townhomes in and they'll address the rest later.

Planner Mann said they are showing the blue area on the concept plan labeled as office/condo, that would be an allowed use in the existing zone. The change to the zone wouldn't necessarily impact that either way.

Chair Hollist asked if you can get a three story townhouse unit that doesn't exceed our height limitations in our residential zones, or would this be asking for an exception.

Planner Mann said he believes he received an email that indicated the heights would range around 30-35 feet tall depending on the type of unit. Thirty five feet is the maximum allowed in residential zones. Because this is a PD zone that can go up or down depending on what the council decides to include in the development agreement.

Chair Hollist asked to clarify that we have two items to address on this issue tonight, a land use and a rezone.

Planner Mann said yes, that is correct.

Jeff Seaman (Applicant - Peterson Development) said this is first time going through this process and it has been eye opening and fun. He wanted to thank the staff for being patient and working through this with him. It is a fun process to stand up here and then to see people who may be opposed to what you believe in and what you prepared and presented, it is an interesting process. As Planner Mann mentioned, this property has been kind of an interesting scenario. Albertson's was originally the anchor tenant in this commercial center, they pulled out a number of years ago and left the property vacant for a number of years; now it is currently occupied by Vasa. There are two junior anchor pads on both sides of that building, 20,000 square foot pads to handle retail. The pad to the east got eaten up by the Bangerter expansion, which is a good thing, but that really orphaned this piece and left it alone. The viability to the center for commercial and the Amazon effect has really hit retail hard. They have this vacant piece of property that has been a challenge and the way it is laid out is funky; this is really an in-fill project. Had things worked out as it was master planned 20 years ago we wouldn't be here and asking for some of these things. As the staff report pointed out, although it wasn't required, they held two Zoom neighborhood meetings and they had great participation in both of them. Their initial concept that they brought to the neighbors included three story townhomes throughout the whole project and when they got there they said "heck no," and they listened to it. They came away from those Zoom meetings with boiling it down to four major concerns that the neighbors and residents had; those were privacy, parking, traffic and safety. Going

back to the whole project being a three story unit, for some reason there are comments on these plans that aren't showing up. All the units to the south have been changed and they are all two story units, which is consistent with the neighborhood to the south where they are all two story homes. Additionally, as part of the privacy concerns (no one wanted anyone looking into their backyards) they addressed them by making the fence line to their units around 30 feet with a five foot landscape buffer; the rear setbacks for Rushton Meadows from the back of the home to the fence line is 25 feet. They are also addressing this privacy issue with the trees that they will put in. They are dense columnar trees that are fast growing and grow to be about 45 feet tall with a 15 foot wide spread. These trees are super compatible and add a level of privacy to the existing residents; they took the concerns and wanted to address them. Regarding parking, this Rushton Meadows subdivision has a townhome project to the south of it that has caused a number of concerns with residents in this neighborhood because there wasn't adequate parking there. They are now feeling the effects of that inasmuch that they wanted to separate them out and show that their project, Harvest Pointe West, is not Rushton Meadows Townhomes. Those townhomes have a density of 15.4 with two car garages. There are 142 units in that project, right there you have 284 parking stalls. They have an additional 31 public parking stalls which equates to 2.2 stalls per unit. If you look at theirs, all of their units have two car garages that fit the required code with 31 additional stalls. The applicants are offering the same amount of parking stalls as the other project. That means that each of their units will have at least one stall, which exceeds the code requirement of 2.5 and makes their total 3 spaces per unit. The difference between a 2.5 and a 2.2, which the Rushton Meadows Townhomes are, is that they don't make 20% of a car; this means there is one stall for every five houses. The applicants have at least one stall for every unit in the development; that is how they they are different from that project. Next, he wanted to talk about traffic. For those that have been to Neilsen's and around that area, we know that it can get backed up. What they are entitled to right now at the current zoning, and would add, is 755 daily trips in that area. This was a huge concern to the residents as they are not currently experiencing that traffic, but if something were to go in there they would be, and then it would be a major cause of concern and they would be dealing with other problems in the future. Of course, taking this and downzoning it to a much less intense use, which these townhomes would be, reduces that traffic by 65% which is a huge savings there. Regarding safety, originally they wanted to do a raised crosswalk across Harvest Pointe Drive, tying in their townhomes and taking advantage of that awesome park that is right there. It snows here in the winter and staff in the city came back and said we can't do a raised sidewalk, so they pivoted and they are willing to put in a flashing crosswalk right there; that would be paid for at their expense. They take safety and traffic very seriously and they addressed those concerns. The underlying thing is if you want more safety you reduce the amount of traffic, that's a no-brainer. He said this process has been eye opening and they have tried to address each of the concerns of the neighbors. Does it make everyone happy? No. Does anybody want anyone living behind them? No. But, really for this orphaned parcel it kind of completes the area and is a good use for it.

Commissioner Steve Catmull asked about the garage size, he is hearing two different things; that it meets the requirements, but also that at least one may not.

Mr. Seaman said they asked throughout this process if there were any requirements; because it is the PD zone, there is some ambiguity as far as some of the requirements there. They asked what those requirements would be from staff and they didn't get a clear answer. If they are now telling him that they have to meet the 22 foot requirement for garages they can make that work, they can fine tune some of these small details in the development agreement which is something they would have to do anyways.

Commissioner Sean Morrissey said, related to the recommendation from staff, the staff had stated in their report that they came back and said the applicant's proposal doesn't warrant changing the future land use designation or zoning. The applicant is here before us now with a big uphill battle where staff usually works with the applicant throughout the process, enough to where they feel confident and comfortable to present. Obviously, they can go through the process whenever they want to, so he asked for the applicant to explain why they haven't concluded that preapproval process where city staff feels comfortable enough to send it to the commission and be the applicant's advocate. He admires what they have done so far, they have done a great job giving him an idea of what they are trying to accomplish. The Amazon effect is real. He has been on the planning commission for 7-8 years so he is aware of what the city has gone through the last 8 years, including the Rushton Meadows Project. That was a big reason he is on the planning commission, because he lives near that neighborhood and was appointed by the council member who was elected because of that project. He is very familiar with the area and discussion points. What he is concerned about, that hasn't really been vetted, is why they are here too soon (in his opinion) to discuss this when they have an opportunity to work through these issues with staff before they are presented.

Mr. Seaman said it comes down to his rookie time. He thinks Covid definitely played a part in it, that they didn't have a lot of face to face and meetings, and he takes responsibility for that. Looking back and getting to this point right now there could have been more collaboration with staff to get them more comfortable, or at least to have them see their point of view. He thinks early in the process talking to neighbors and then reviewing the Zoom meeting, there were some things that they said that didn't sit well with them and perhaps they thought they were throwing them under the bus. This wasn't the case, they are just trying to show that their project is different from the Rushton Meadows townhomes and how they're laid out; the numbers tell that tale. He agrees there could have been better collaboration between him and the staff.

Commissioner Morrissey asked if they were still open to that, moving back to that milestone event and working with staff first; then moving forward after there is some sort of collaboration and meeting of the minds at the city level before they have to vote on this.

Mr. Seaman said he would have Barrett Peterson answer that question as he is in the audience, but thinks this is part of the process; that they can get here and at least continue the collaboration. They are at such a high level and really what they are looking for is a rezone.

Commissioner Morrissey said that yes, they are looking for the rezone, but there is a final goal/vision in mind that they have, and they have been kind enough to share that with them from the beginning which he really appreciates. He has been here for a long time and seen developers come, do the land use change, and then change direction on them because they got what they wanted with the land use change and changed direction because it's now allowed.

Mr. Seaman asked if they are bound by the development agreement.

Commissioner Morrissey said yes, if you have one, but not all situations have a development agreement.

Mr. Seaman said he believes a development agreement is part of the PD floating zone and the council has to sign off on that.

Commissioner Morrissey said to the commissioners that we are in a pivotal moment in time with the Amazon effect. A year ago we were busting at the seams with opportunities for office and commercial, and now all of that is being vacated because of the work at home model that has been successfully introduced. Now developers, like Peterson Development with commercial real estate, are looking for opportunities to see what they can do now to exercise what they can with the land that they have available now where the commercial use isn't what it used to be, and he gets that. Right now, because they are the guinea pigs, one of the first, they are going to have to vet through that process a little more with city staff than they have in the past to push this through and sell the vision that they have; this may be including a little more mixed use ability and opportunities. Those opportunities aren't something he's saying are right, or what the applicant wants right now, but he is suggesting they take a step back to city staff and get those comments.

Commissioner Catmull said they talked about the four categories of feedback they got regarding privacy, parking, traffic and safety. One of the things they have to consider in the PD zone, in the purpose, is the three main ones which are unique situation, substantial benefit to the city and a significant improvement over the standard zoning. He asked the applicant to speak to him in those terms, what are they saying they should consider as part of this.

Mr. Seaman said he thinks with the uniqueness of the situation, this commercial center got decimated by the original anchor that vacated and then by the expansion of Bangerter; that makes this parcel unique. He doesn't think that happens everywhere in the city, so really they have this orphaned parcel. Next, as a benefit to the city, right now we are in a severe housing crisis. The amount of inventory that is on the market is at all-time lows, but the vision here is that this will also be workforce housing that would be available, similar to Bingham Court that Ivory Homes just did. That is a benefit to the city with city employees who can't get into higher end homes being able to afford this property. He asked to be reminded of what the third item was.

Commissioner Catmull said it was a significant improvement over the standard zoning, but that they don't have to meet all them, it is an "or."

Mr. Seaman said these aren't cookie cutter, they are meant to be high quality homes. Their history with the city is that they are not new, they developed both sides of Bangerter at 10400 South, they have had 55 and older and are building a 55 and older community right along River Heights Drive and it is going well; they make a good product. They don't just come in and leave, they are here for the long haul. They still have ownership in this center and they want to see that survive, so they want to have a product that is good for the community and good for the residents.

Commissioner Catmull said, regarding the quality, it is quality over something the standard zone would give as part of the rezone. He asked if the applicant had anything to say to that, regarding something they wouldn't get from any other zone.

Mr. Seaman said they went above and beyond as far as parking goes, because that was a big concern; being at 3.1 as opposed to the required 2.5, and the flashing crosswalk (that isn't necessarily their responsibility, but they are happy to put that in) which is not cheap. They want their residents to see that park as a benefit, and it helps sell units because it is an awesome location. In dealing with staff, parking along Harvest Pointe Drive can be an issue. While dealing with staff they incorporated a holistic view of the area. On the map in the report you can see the possible eight street parking and eight spaces to the north of the park area and to the south, they like that idea. It is pocket parking, cutouts where the sidewalk might have to be shifted a little bit, but they wouldn't lose park space as

opposed to a parking lot inside the park which was another option. This option gets people off the road and into a pocket which adds additional parking safety for that area, which is needed.

Chair Hollist asked how many bedrooms these units will have.

Mr. Seaman said the two story will have at least two and the three story will be three bedrooms.

Chair Hollist asked if they were in the works with the city to work on the workforce housing.

Mr. Seaman said that they had to cross this barrier first, then they can work out the details on that.

Chair Hollist asked to clarify that they haven't spoken with the city council about this.

Mr. Seaman said in the work session and other communication with council at this point they have talked to them about it, they have also made their intentions known to staff that this is the goal here. His understanding was that they had to do this step before they could get to that step.

Chair Hollist asked if they know at this point how many units would be deeded as such.

Mr. Seaman said a minimum of 10%, but maybe more.

Chair Hollist asked if he anticipates that the city will control that deed restriction, like they did with the Ivory Homes.

Mr. Seaman said yes.

Chair Hollist asked for him to share what he envisions the rest of the property being.

Mr. Seaman said, as far the commercial parts, he sees it being more professionals; accountants, someone who needs an office offsite who doesn't like to have their Zoom meetings while the rest of the family is running around (we've all seen those videos on the internet). Someone made a comment about parking and it can't be seen really well on the presentation, but there are 14 spaces right in front of the condos, and then 47 other spaces inside that is already parking, for a total of 61 parking stalls which is way over-parked; they'd like to count those for their residential.

Chair Hollist said they may have to count those if they lose the 14 along the road, as the city indicated it isn't up to what they normally do.

Mr. Seaman said they can put a landscape buffer and move those a little bit closer to the offices/condos. They can still work out the fine details on this, they are just looking for rezoning and land use right now. This is not a finished product by any means, but once they go through these steps and get it all established they can fine tune the details they need to.

Barrett Peterson (Applicant – Peterson Developent) said Mr. Seaman touched on a lot of the points very well, he just wants to say from the outset to respond to Commissioner Morrissey's comments there may have been an opportunity they missed to collaborate more with staff and he acknowledges that and takes responsibility. They have been working quite a bit with the council, they had a meeting with the mayor recently and they have met with the neighbors. Eight months have gone by and he is not sure how they missed the opportunity to do a better job of collaborating with

the staff, they would be willing to go back and do that. Having said that, they have put a lot of work into this and it is very difficult to satisfy everyone's requests and demands. You get a lot of feedback, both from the neighbors on Zoom and the staff/council, and it is a tightrope walk; they could do better and that's on them. If the commission wants to send it back and they can collaborate more with staff they will do that. Will they come back having met all their demands? Maybe not, and they would just say, respectfully, make your best recommendation (negative or positive) and they will move forward with City Council. He thinks the commission is right, it is probably unwise for them to move forward at this point with a negative recommendation from staff. To review some of the history, they have owned the property 15-16 years and they have been very patient. The Amazon effect is very real. They were in limbo for a few years when UDOT said they were going to lose that ground and once you lose that one junior anchor it makes it very difficult to have the second junior anchor; the center has to take on a whole new look and feel. They think it will be very walkable, it is right there by the park and they are very concerned about safety. He disagrees with Planner Mann's comments about traffic. They have an independent traffic engineer saying the trip generation is night and day. Their allowed use is 800 or so cars and the residential would be around 250 as Mr. Seamans cited. That is a real thing and he knows they will hear from the neighbors about how they don't want it, but safety is an issue and what they are proposing is less traffic and he will stand by that. Those are his quick comments, but he's trying to be sensitive to everyone's time.

Commissioner Catmull said part of the traffic study that was shown in the packet they received talked about how that traffic study and counts were done, it was based off of ITE. Those are published multiple years apart so it is based on some history, but then on another part of this conversation we are saying we are in this unique situation with the pandemic and commercial issues, and he believes the traffic has changed as the remote work force has changed. Those AM and PM counts are probably not as high because people are working from home and maybe making different trips. He feels that is something to be aware of in the traffic conversations to be consistent, since the traffic study they had was based off of books and past and they are trying to apply it to a currently unique circumstance and he wants them to be cognizant of that as well.

Mr. Peterson said that is great feedback and they can certainly bring a traffic engineer (the one hired to do the study) to speak to that because he can speak to it much more intelligently than he can.

Chair Hollist said Mr. Peterson alluded to something that she thinks would be good for our participants to understand. If we do end up voting on this item this evening, this panel does not have the authority to make the final decision. The commission is the recommending board and their recommendation would be forwarded on to City Council. There would be another public hearing, they would hear the issue just like the commission has tonight, but ultimately the final decision rests with them. They do overrule the commission sometimes, in fact the first item agenda she remembers the commission voting against and here it was. They are not the final say by any means.

Chair Hollist opened up the hearing for public comment.

Camille Frandsen (Resident) said she is in a unique situation as she has probably proposed to the commission more than once. She lives on the south end with the other townhouses so she has come up and fought for the stop signs that were on that street and the red zoning by the park. They now have permits on half of their neighborhood because of the townhomes and parking; the townhome residents don't park in their garages, they use them as storage. They rent the units out so they have four to five people living in a three bedroom townhouse, which creates five additional cars. So, when they propose that they want this parking, it is really hard to see where else they are going to park.

They have that little trail way between Vasa and the paint shop, so that's an easy walk through; they will park in the neighborhood in front of all of their houses and then go back and forth where their main cars are not on Harvest Pointe Drive. That's a huge concern. She has been fighting this since 2017. They can have traffic reports that show in one direction it is 2,000 cars a week going back and forth on their street, which is ridiculous for how small their neighborhood is. Second, they are proposing parking along Harvest Pointe Drive. Great idea, but it's not going to be used for the residents, it is going to be used by the people who come to the park. If you've ever driven down the street, they red zoned the one side because they couldn't even get two cars down the street. The way it bends and curves, you are lucky if there aren't traffic accidents now. By having parking available to the people who come visit the park it isn't going to be for the residents, it's going to be for the park people. She is glad they are recognizing the safety of the park for how many times a kid runs out in the middle of the street; they are worried that it will eventually happen and whose kid will it happen to. Those are her main concerns being on the other side, and she knows everyone else who is closer will have more concerns.

Rachel Rasmussen (Resident) said her home is just across the way from the houses that back the property that we are talking about today. She also has a unique perspective because she also lived in the DR Horton townhomes that are on the south side of the neighborhood. She has seen firsthand some of these concerns that are being brought up tonight. It is a real thing, people don't use their garages for parking and there are multiple renters (some of which she knows personally) that have three to four people in the same house with four different vehicles, so this is a valid concern. Just today, she has a picture of 10 cars that are parked on the side where Camille was saying it is used by the park users and it happens like that every day; where they come down the street and it's just lined with cars and it's a real safety concern with her having five young kids. The traffic studies that have been done in the neighborhood, the news stories that have come because of the amount of traffic and speeding in the area are proof. The idea of increasing the possibility of more parking in front of their homes and more foot traffic in front of their homes is a real concern. If the Peterson Developer's traffic study was true, and having an economic type zone there increased traffic to their area, she actually wouldn't mind that; she thinks she would prefer that because that wouldn't increase traffic in front of her home where her children play or her two year old toddlers out into the street all the time. She would prefer that it remain a business, even if it some sort of shipment/Amazon center or WalMart where people are coming and going because they are accustomed to that. There is a UPS store with trucks coming in and out, and that isn't a concern for her. Her concern is traffic right in front of her home and parking right in front of her home.

Paul Stringham (Applicant – Peterson Development) said he wants to reel this back a little bit. He wants to start with his thoughts on the premise that they are very hopeful as a company that they can find this right compromise because they want to recognize, and they do recognize, the needs of the community and city. He believes with Peterson Development, who he has worked with and consulted with for 37 years, they do take this interest and position seriously. He has signed and negotiated with every lease that is in that project. For every spot that is vacated, with new tenants coming in, he has been instrumentally involved. For 15 years this piece of property that we are referring to, he can count on three fingers the amount of interest they have had in commercial activity; it is simply not there. It is a challenge, it doesn't have frontage off of 10400 South (South Jordan Parkway). They deal with it, right now it is a field and more of a weed abatement program than anything else they are engaged in. They would like to do something with this. The whole retail sector has changed, it has been completely redefined since they started this project back in 2006 and to find an anchor or junior anchor that size that you can really count on, you can count on two or three fingers tenants who want to be there in that kind of space; they have consolidated and it is very difficult to do. Leasing smaller

space could be done with a residential component there. He believes, as Mr. Seaman and Mr. Peterson have mentioned, that there has got to be some sort of mixed use component there where they believe it could be compatible to the neighborhood. He also understands that position of neighbors there that would prefer to see it the way it is, because it doesn't increase traffic and is a field. They pay property taxes on it every year and they have suffered on this project for 15 years. When Albertson's moved out of this project overnight, unbeknownst to them and the community, it wasn't right. They had a position to take, they had the option to throw the towel in and put a chain link fence up around the property when construction costs were at their highest point; they chose to lower rents to anywhere from \$25 a square foot to \$10-\$11 a square foot. That was not a break-even scenario. They have been feeding that project for a long time. This is a hardship on a developer and he is not looking for mercy or pity on that, they are not as a company, but they have covered the debt and shortfall for every month for 15 years. They would hope that they can find a resolution in working with the community to make this work. He hopes what he has to say is of value because they do care about South Jordan, they have developed a lot here and they enjoy the relationship with the city, the community and with their neighbors.

Danny Wehungie (Resident) said he lives on Harvest Pointe, at the stop sign at the intersection of Grassy Meadow. He just wants to echo some of the things that Mrs. Rasmussen stated. They moved into their house about two years ago, bought their first house there with his wife and two kids. They were excited about the neighborhood, street, park, all of those things. The first morning they came out, they had both of their cars parked on the road and came out to see they had both been totaled and smashed by a hit and run driver. It was a very challenging time for them and a welcome to Harvest Pointe and the safety issues. With the amount of traffic that they have seen and witnessed every day from their front porch, the number of people that cut through their area to get to Bangerter, he thinks he would agree with Mrs. Rasmussen that he would rather it stay commercial. He feels like the local traffic that would come up and down would be more. The traffic study from the beginning seemed flawed to him and that it was looking at a big box commercial real estate, but now in the same vein we are talking about how commercial real estate has changed and we can't lease that property out so he is getting somewhat conflicting arguments and logic around that property and how it would be used, the amount of traffic it would bring to the neighborhood. If you just walk up and down the street you can look and see there are trees that are planted next to the park; some of those trees are bigger and smaller. Just in the last two years he has lived there cars have come over the curb dodging other cars and have destroyed those trees. It is only a matter of time, with that traffic and that curve, with the properties that are around, that two people dodge and someone goes over a curb and something terrible happens with the kids at the park. For them, it was just their cars, those can be replaced with insurance, but people's lives and people who live in the neighborhood would generally agree that less traffic is better and personally he doesn't believe the traffic study.

Mark Nelson (Resident) lives one house in from the intersection of Grassy Meadow and Poppy Meadow Lane. What his neighbors have said is 100% true, the situations they've described are all there. The traffic is unreal some nights, especially when Neilsen's is busy. On an average day when school ends you're going to see 15-20 cars parked along Harvest Pointe at that park. Those parking spaces would be taken by this change to the property and there would be nowhere for the people who come to the park to park there. On the parking situation, their concern is that on Poppy Meadow Lane and Grassy Meadow there is a walkway into the development that is there to access the commerce over there. If these townhomes are put in, the east end of that project will be a perfect access point to their community. In his previous neighborhood over there, the Villas at Sterling Village, he was right on the corner where they put the road through and it became a walkway; the issues that come with that are not good. If it is just them accessing the commerce it's not a big deal, but if others start to

access their neighborhood for parking in their community they are running into another situation. He knows that many of his neighbors have expressed that they are not going to take it, there will be fight and pushback to keep them out of their community. If they are going to move forward with this project at any time he asks that walkway to possibly be gated off for the utility units in there, to only be accessed by the city or the utility companies. He understands the situation Peterson Development is in, it has been sitting forever and personally he would love to see something go in there. It is sad that he said there have only been three applicants who even expressed interest in it, but they would love to see more commerce in there. It is sad Albertson's doesn't exist in there anymore, they would have used it to death.

Brad Neves (Resident) said he is across the street from Danny. They woke up that morning to see his and his wife's vehicles, along with a third, smashed by a driver that ran through the stop sign. The amount of traffic and width of these streets are not really supportive of the volume that they have. He asked for the dates from the traffic study that Peterson did. His concern about the dates is that most likely it has been since the pandemic began, since people were moved to home offices and kids have been homeschooled, and he finds it very hard to believe that residential application of this land as proposed would actually reduce traffic. He doesn't understand, at the very least it might reduce traffic with the commercial in the PM hours, but what he and all his neighbors have been concerned with and expressed is that they would see an increase in street parking. There are a lot of young families on Harvest Pointe to begin with, and as time goes on, where most homes are two car garages and many of those are still parking only one vehicle (as people have the right and choose to use garages for storage). As families age, these children will start driving. There will be more vehicles in each home, and the parking problem will just grow from their own existing community. He has a few concerns, and Peterson can address how they've calculated their parking figures, but he does know that they are currently listed as the owner of some of that commercial space and parking. They are not guaranteed to always hold those parcels or properties and they can't therefore claim any parking space that is not part of the parcel that they are considering developing. He would ask the commission to not let them include those spaces in the counts of their parking estimate. Like his other neighbors have expressed, please don't let them include any parking that is not included or in the land unit itself. To Peterson he would say he is a businessman himself, he doesn't like seeing other businesses struggle or have issues. We can't control everything, we put ourselves at risk in business and Albertson's leaving was difficult for their company; the loss of rent and receivables because they had to devalue it is tough. They are not as a neighborhood looking to see a company take a loss, but the values that they might experience in their own homes' decreasing due to this proposal would force a loss on some of them, so it's not their concern to necessarily see a max profit come out of the proposal that would hurt the safety, appearance and appeal of what has been a great neighborhood and community. He has lived there for five years now. To Mr. Stringham he would say even though they don't want to see the proposal go through as it is, that doesn't mean that they don't want to see it improved. As others have said, they would love to see the appeal look nicer than it is. They see the concrete waste disposals there, the weeds, but it would be nice to see something better than that. An entire commercial or professional development there, most of the neighbors would rather see that than the townhomes. He doesn't know that he's going to make a lot of other points tonight that are much different from the other neighbors, so he will respect the time to hand it back. He would ask the council to vote to deny if they are going to vote as it was recommended at the onset of this public comment section.

Tina Falk (Resident) said her property is to the south and shares the fence line of this Peterson Property. She is in a little bit of a unique situation. She agrees with everything that has been said up to this point from her neighbors and neighborhood. They picked this property for a reason, because it

was on the outskirts of the development. Her kids are older, they (the residents) are older and didn't want to be in the center of a community, in the center of backyards and that kind of stuff. She feels with this development going in that they are being forced to live in a multi-family development because they are going to have several units within 25-30 feet from their fence line. Their backyard is very short, which they wanted since downsizing and moving from Herriman. They like their backyard and knew that this was zoned commercial and that there could be potential for another building like what already exists being put there that is run during business hours. They were not prepared for this, to be sitting in her backyard and hearing a motorcycle start up in the garage or a DIY project happening with a saw right outside her back door. She is not prepared to hear the garbage and recycling crew going down her fence line, her bedroom windows are on the back side of the house for the most part. She does live right along that pathway where people walk from their neighborhood to Vasa, Domino's and Roxberry's; her community does love that part. She loves the idea of being able to have more of that content there in their neighborhood. She is also concerned and sent staff her thoughts in a presentation that she believes was passed on to the commission. She is concerned about the residents that will live on the north side of these townhomes that back up against these commercial buildings. You will see pictures she took, she doesn't need to stalk the UPS store as it's there every day; sometimes during Christmas time there are five UPS trucks jockeying for position. There are people that are picking up their big parcels, the Sherwin-Williams guys, and who knows who else is going to move into that other strip area there. If she was a resident there and had to back out, running late for work and needing to get her child to school and had to sit there and wait for a semi-truck to move that is going to be an issue. She doesn't see how squishing a bunch of people in this awkward area is enticing to purchase, especially at the costs of things now, to live in a setting like this. She is not in favor of the townhomes at all, and she does hope they can come to a conclusion and solve this issue. She very much values what Peterson is wanting to do with the walkway and adding parking for the park, but she believes there is another path and she hopes they can all be a part of this and bring the community together. She doesn't want these people to move into these townhomes and they are hated by this whole section to the south of them, that's not a good way to have a new beginning. The commission can review her presentation and she will leave it at that.

Abhiram Guvvala (Resident) was unable to enable his video, but said what the neighbors have said it absolutely true. The biggest challenge on this proposal for townhomes is that they are comparing the parking with the Rushton Meadows Townhomes, which is already bad. You don't want to compare against bad and say "we are good." In order to make things better we need to take a better step not to compare against something which is not right, and then showing what their problem is and that they are addressing it. Along with all the points he wants the commission to consider that the comparison is not correct here.

Everett Rasmussen (Resident) said they are very passionate about this and some of it is outside the context of tonight, but as may or not have been shared he wanted to share that they moved into Rushton Meadows at the beginning of the development five years ago. They spent two years in the townhomes, three years in the single family homes, and the reason you hear everyone so passionate is because the issues have just kept coming at them. First it was no driveways in the townhouse development of DR Horton. Then of course as those moved from being owned by the occupants to then being rented out and all the car issues, community parking in that area turned to permit only with predatory towing coming. Then, dozens of parking stalls painted on the road by the canal and LDS meetinghouse and the neighborhood to the west, followed by the park installed with no dedicated parking. He did notice there is a little sign that says "this parking lot is shared with Neilsen's Frozen Custard." As they all know, nobody is using that and he is curious to know, as

hindsight is 20/20, what the options are for this area. He would love to see the park built there instead of the townhomes, it would have made a lot more sense than backing a canal and a road with no parking. If that is an option he thinks certainly the neighborhood would love that, he doesn't know the economics of that piece but it would certainly be something. If they are not getting any commercial bids they would love to propose a park there with actual adequate access. However, with the 11 homes being bulldozed, in recent memory they have been beat up as a community. Now they are dealing with the Bangerter expansion, then with this proposed rezone and jamming the townhomes it really just feels like the last straw for a lot of them as residents. He and his wife chose to stay in the neighborhood because they love the people there and the problems just keep coming. He knows Peterson is feeling the effects of a lot of those and so they are not blaming them for some of this backstory, but that's really what has happened to them as a community. They have had issue after issue. He is Danny's neighbor and remembers when he moved in, they all keep talking about it but it's just indicative of the problem. It is representative of the emotions they all feel, that they are feeling cramped. Another point regarding traffic is that there are a number of homes due west of the LDS meetinghouse that, over the last several months, have been built out very rapidly and will add significantly more traffic on Harvest Pointe Drive as those folks then use that road to access South Jordan Parkway. As those homes are completed they will have even more traffic along that road. They have been beat up, some things have been out of their control and they get that, and they are not looking to take down Peterson or anything as they are a business and they want them to succeed as well. They agree with the denial that has been proposed and they would love to see something more amenable to both sides of the equation here.

Mindi Butterfield (Resident) said that something she doesn't believe has been brought up yet about the traffic is that if this is going to be zoned as commercial, she doesn't see people coming in on Harvest Pointe for that purpose. If they are coming for commercial they are going to come in off of 10400 South, they are not going to be using Harvest Pointe Drive. If she was looking for a commercial space and trying to find it, she wouldn't go into a neighborhood, she would look off of where Vasa is, she wouldn't even be entering Harvest Pointe Drive. She doesn't think their numbers can be right because the traffic they are getting is residential, it is not from the businesses.

Commissioner Gedge motioned to suspend the rules and allow additional comments to be made by repeat members of the public. Chair Hollist seconded the motion. Vote was 5-0, unanimous in favor.

Mr. Neves said he was still looking for the dates of the traffic study, and beyond that he wanted to propose to not allow a future study to happen in the event that Peterson wants to do another study until the Bangerter expansion has been completed. Now that 10400 South has been shut down at Bangerter, their traffic patterns are vastly different and another study should not be done until they resume more of a regular pattern.

Commissioner Nathan Gedge said the dates for the traffic study are in the packet, but they will address that question after public comment is closed.

Chair Hollist closed the hearing to public comment.

Chair Hollist said there are a lot of concerns to get to, most seem to revolve around parking, traffic, speeding, views, change in the zone and having something come in that was not anticipated. As far as questions, she believes the first one was regarding the walkway. She asked what the options were

with the walkway, if it was part of an HOA agreement or does the city have some measure of control over that walkway to gate it off, should it be requested by the residents of the neighborhood.

Assistant City Engineer Jeremy Nielsen said he would look at the parcel data, but believes it would be controlled by the HOA. After research he discovered it is controlled by the city.

Chair Hollist asked what the city would do if the residents called and expressed an interest in having that gated off, or having a gate installed that only certain people can open.

Engineer Nielsen said he hasn't been asked this before, gating off a walkway. He doesn't know the purpose of the walkway but they would certainly look at it and see if it was something they could do. He doesn't see any reason why it would be an emergency access or anything like that. Maybe it is a utility corridor, but they could come up with a way to still access those utilities. Right now he doesn't see a reason why that couldn't be done if there was pretty strong support of that.

Chair Hollist said that Mr. Nielsen with our Engineering Department is very responsive. Our city is very responsive when issues come up, so in the future, should there be a desire to limit the access through that walkway, the city is somebody that you could reach out to and work with to accomplish that. The next question she had was from Mr. Neves and it was the date on the traffic study. For the benefit of those joining tonight, if you go to the city's website under "meeting minutes" (where you went to find the link for the meeting this evening) there are several options where you can see our agenda and you can see our agenda with supporting documents. The supporting documents link will open up the entire packet they have had access to that includes staff reports, letters between the city and the applicant on this particular issue, and she believes it will give you the dates of that traffic study.

Commission Gedge said he is looking at it right now and it is dated October 14, 2020, but there is no date range of when the study was conducted on the three pages, so we may want to invite the applicant to shed some light if they have that information.

Engineer Nielsen said on that traffic study they did not go out and do formal counts, it was more of a comparison of land uses; what a shopping center would look like versus 28 townhomes. Then, the data that they used to determine the number of trips is based on historical measured data that the ITE manual provides as trip generation numbers that they use to estimate the number of trips that those different land uses would generate. They followed standard transportation engineering practices in generating that report. Where they were only looking at that particular land use that didn't exist, there was no need for them to go out and actually measure traffic counts on Harvest Pointe Drive.

Chair Hollist asked to confirm that those tables are generated from data pre-pandemic.

Engineer Nielsen said they are pre-pandemic. The ITE manual data goes all the way back to the 1980s, they have been collecting data since then. Whoever works for that group that develops those numbers they compile all that data. As far as Covid counts, UDOT has seen a reduction in trips by about 10%-15% on the major highways, so that kind of gives us an idea. As far as how that compares to number of trips to a shopping center versus a townhome, he doesn't really have a good idea, but 10%-15% is kind of the mark of how Covid has affected us at this point. It is hard to say how that will normalize as we open back up.

Commissioner Catmull said when they were talking overall traffic counts, do they have any input or knowledge on how it has affected AM and PM traffic counts, or the peak, as we have been in the pandemic.

Engineer Nielsen said he hasn't studied it in that detail, other than the peak correlates really strongly to the total daily count. If the total daily count has dropped by 10%-15% then our peak likely has followed that 10%-15% as well. There are always cases where the trips are spread out a little more with more remote work. There are a lot of variables, but at this point all he has is the 10%-15% for Covid.

Commissioner Catmull said he presumes that the rigor for this type of application was appropriately followed and his comments to the property developer were more about, to the extent that we can, recognizing both factors; if we are going to apply the pandemic on one side, we should apply and talk about that on the other side as well.

Engineer Nielsen said some of the people on Zoom questioned the trips that would go down Harvest Pointe Drive, and that is a valid point they are making. In the report it mentions the trip generation of 755 trips for a shopping center, that is just what that shopping center would generate. The study did not say they believe 20% are going to come off of South Jordan Parkway, 30% will access from Harvest Pointe Drive. This study was more of a comparison of the total number of trips from the source. We should keep that in mind, it is not saying that all of those trips would be directly off of Harvest Pointe Drive, it would be spread out among the different accesses. He is sure they would use Harvest Pointe Drive, but there would be a percentage that would use other accesses as well.

Chair Hollist asked for comments on the space that would be between the Sherwin-Williams buildings and the driveways of what is proposed, as there was concern about those driveways being blocked. Is it meant to be just a pass through lane, is it appropriate to technically park on (whether or not the reality is that they do).

Planner Mann said this is something they hadn't really taken a close look at. It does look like the concept shows the standard minimum of 24 feet wide interior driveways that you would find between rows in parking stalls. If there is going to be space there utilized by deliveries and other vehicles, in addition to potential for cars to back out of their garages, that does provide a conflict in those uses especially in the morning it seems like; that definitely is a valid concern.

Chair Hollist asked if when staff is working with the applicant, would they recommend a bigger setback.

Planner Mann said it would come down to how the overall development is laid out, to make sure that those concerns are addressed as much as possible so there isn't that much of a conflict between those users.

Chair Hollist said for educational purposes, can they address the parking issues; specifically, which parking spots would be assigned to this property and can thus confidently be counted as parking spots for this development versus what is out in the commercial parking lot.

Planner Mann said you can see the odd shape of this parcel does extend to the north. Like the applicant said, there is existing parking there, so that could be counted as far as parking that is on site. Our code does restrict what parking can be used for specific use, he believes it is within 400

feet. The parking stalls have to be within 400 feet to be considered usable for a specific use on the property. There is also looking at it not by our code, but just by how land or development would be used; the likelihood that people are going to park on the north end of that little finger that comes out of the parcel where the existing parking is to park daily and then walk the distance to the townhomes doesn't seem legitimate. It is more likely that parking will be used by any development of the office/condo are that is shown on the concept plan (the blue buildings).

Chair Hollist said to address the concern that was expressed by Mr. Rasmussen, how would we ensure that the parking that has been set aside for these units is always tied to these units. Let's say the developer decided to subdivide and separate the residential from the commercial, is there any way to write into the agreement that certain spots must remain with the residential portion.

Planner Mann said yes, that would have to be clearly stated in the development agreement, something like "the existing parking can't be used in the parking calculations for the use, the use in this case will require this ratio rather than our standard ratio." That's where the development agreement plays the most important part with this type of proposal or concept, where we are basically creating all the requirements for the zone for any development to ensure the impact on existing residents, property owners and businesses is as low as possible.

Chair Hollist asked the other commissioners if she had addressed all the specific questions that were brought up during public comment.

Commissioner Gedge said there was one that was raised repeatedly and he wants to bring it up to staff for response. They said there are a lot of rentals going on in this area. He is assuming that is part of capitalism, people can rent out their home, but do we have any type of plans for a rental cap or an Air B&B cap like Millcreek and other cities have started to implement so those types of rentals have to be registered with the city, to at least somewhat limit the number of vehicles per unit to help with the parking issues.

Planner Schindler said he believes the city has a rule that if you own a certain number of rental units you have to register with the city and get a business license and operate that way, but as rentals within the same structure (one townhome has four to five people living in it that are unrelated) the city doesn't have any way of limiting the number of units that are rentals. They could require them to put it in the development agreement that they have to set these up as owner occupied, or set a limit that you can only own one unit but you have to live in that one and can use another as a rental. The developer themselves could also not subdivide them and make them rented townhomes so they are all rentals and own them, and continue to own them. He is not sure what the plan is for that, but he assumes, since they have sales prices listed in the staff report, that they were intending on selling them and not renting them out. At some point in the staff report the density was mentioned, that they are proposing being nearly 11 units per acre; it has been the city council's practice when they approve townhomes through the PD zone to not go above 8 units per acre, and this is another reason why the staff is recommending denial because they think that density is too high.

Chair Hollist asked for the density of the Ivory Homes project that had the workforce units in them.

Planner Schindler said it was less than 8, but along with the townhomes they also had a large piece of property that had single family residences on it, which is why their density was lower. This one is a smaller property and it is only proposed for townhomes.

Chair Hollist said that in the staff packet it showed south of this property is zoned RM-8, the applicant however claimed there were 15.4 units per acre.

Planner Schindler said in the entire Rushton Meadows project there is 8 units per acre, it's just that there are areas of that that are less and of course the townhouse areas are higher, but it is the entire development that is counted in that.

Attorney Simonsen said he wanted to point out an error he should have caught sooner in the staff report. It says on page four of the staff report that their alternatives tonight are to recommend denial of the application, to propose modifications to the application, or to schedule the application for a decision at some future date. The report does not say that you can recommend approval of the application and he wanted to make sure that nobody has been deceived by his failure to catch that error in the report.

Chair Hollist said she believes they have addressed the concerns brought up by residents, she is sure they have also reviewed the concerns that staff brought up. There were concerns about the landscaping and where the air conditioning units will be, garage size and standard setbacks, as well as general concerns about not having sufficient information to feel comfortable recommending this. She is open to suggestions on how they want to proceed this evening. Attorney Simonsen just laid out some of their options, she is curious to have the applicant weigh in as well, whether he is interested in continuing to work with the city. They could potentially table this and bring it back when they and the city feel like they have addressed some of these concerns. They can certainly vote on it this evening and forward it on to City Council; like she said, they are just a recommending body, they do not make a final decision. They are welcome to listen to the commission's conversation and then at that point they can call the applicant up to ask what their preference is.

Commissioner Morrissey said the issues before us are usually pretty straight forward so he doesn't have much to say on those. On this issue there is obviously a lot of controversy and a lot of discussion, a lot of opportunity for us to refine this project to something that he thinks we all want to see in that area. He would like to see that area built out. He doesn't want to see that area built out in a way that restricts future opportunities for that mixed use and he feels that the staff has presented some opposition to the current plan because they feel it doesn't meet all the needs of the city in that area as far as what it is currently designated for. He thinks there needs to be some refinement of the application, of the proposal, through the process that has been set up and our staff at the city does a great job of working through those issues and takes all the time necessary to address those to its fullest extent; they usually satisfy the majority of those issues and he feels like the applicants did too. This is an opportunity to reset and do just that. This is a very unique situation on a unique piece of property and area. He understands where the citizens and residents are coming from because he lives near this area. He lived in this area before that development behind this current proposal was even developed and understands the anxiety, frustration and emotions that can go into high density or proposed high density like this one; the situations in which they are putting their families in and what they thought this area would or could be based on what it is designated to be. He thinks, through the economic times we live in and through the transition of current land use and how it is currently proposed, there is going to be some changes made based on the times. Those times are now. Unfortunately and fortunately for this applicant there is a realization of this. They named it the Amazon effect and he gravitated towards that because he understood it. In business right now there is a transition, people are working from home with less opportunity to rent out office space because of the online presence that we are seeing and people are gravitating towards. That is great, that is how the economy works and how we change and grow. At this time though, unfortunately for the

applicant, they are the guinea pig and we get to go through this process together. It is going to be a little longer than usual. They mentioned eight months, it may take a little longer to figure this out so we are comfortable with it as a city and as a recommending body, and so the citizens are comfortable with it. There is going to be an education process involved. The citizens are going to have to learn how to check their emotions a little bit, which is hard because they have invested a lot in that area. They have put their families there and they want to see them grow up there. There is a park there now with an ice cream shop that they want to walk to. They have family and friends there and don't want to move. They want to invest and they want to stay, but they want to see that area built out in a way they feel like they can stay and feel safe; like there are enough precautions and measures put in place that they feel comfortable with, and we just aren't there yet. We can get there, but there is going to be some understanding and compromise on both sides, and that's where he is at as far as his thoughts; he feels that staff is not there yet either. He still recommends that we table this for an undetermined amount of time and allow the applicant to go back to staff to work out some of the issues which the staff has pointed out, and come to a conclusion and maybe recommendation that we do feel more comfortable with.

Commissioner Steve Darby said it seems to him that the biggest concerns, as far as the development, come down to the density and parking. Of course the traffic is a huge issue, but based on a comparison, if that was a vibrant commercial area it would actually be generating more traffic than a residential area; even if it is a high density residential area. It seems like the builder is willing to make some accommodations. They have talked about reducing the south end there to two stories instead of three stories, they have talked about installing the flashing lights to help the community; he thinks that shows they are willing to work with the city and the current residents in that area, but it still comes down to density and actual parking spots. He has some concerns with that, and he is happy to go either way. If they decided to vote on this tonight he would probably lean towards not recommending approval to the city council. His inclination is to table it and bring it back to staff and let them work with the builder and let them see what they can figure out. He understands that there are some economic decisions based in reducing density, but if the city council won't typically approve higher density than eight it doesn't make sense to try and jam through 11. He thinks we are fighting a losing battle in attempting that. His inclination would be to table this.

Chair Hollist agrees with what has been said. She is sensitive to the difficulties that they are facing commercially in an uncertain time. With that said, they have land use plans so people can know what to expect so when a change like this comes before them. They are very careful and cautious, and she would probably recommend that the city help them work with the city council and mayor, as appropriate, to potentially start working on a development agreement so that they will be brought a plan that is firm. So they don't make a change, as Commissioner Morrissey has seen before, where something different ultimately gets built rather than what was anticipated. It may be that a mixed use is appropriate at this site. In working with staff they may come up with what that looks like, but right now it feels like it is solely focused on being high density residential. She barely feels like the commercial aspect has been addressed, and maybe that's because the applicant doesn't have a tenant in mind yet and that concerns her a little. As Commissioner Morrissey indicated, they don't always anticipate everything that is encompassed in a land use change or rezone when they initially pass them, so she would be more comfortable if this was accompanied with a development agreement that was very specific. She thinks that the staff will be able to help guide them as to the will of City Council; they know very well what City Council does and doesn't like and she knows they are very happy with the workforce units that just went in with Ivory Homes so that would be a very good angle to approach with them in this. The inclination is to encourage the applicant to do this, so that they can find something successful with this piece of property.

Commissioner Catmull echoes a lot of the comments that have been made. He generally, at some level, likes the buffer and feels this is a compatible buffer between commercial and what is existing there in principal; to have this type of product if you can't get commercial, this would be somewhat amenable to him. He does struggle with the density and he feels that because of that there is a lot of very interesting items to it that just don't feel like they fit when they describe the conceptual plan. Things like parking across the street by the park, that was listed as a potential and that's okay if that's off the table, but as Chair Hollist talked about there were other things related to the distance between and where people would go. There are just some things about it that feel a little odd to him and might be resolved if the density was a little lower, and that might make it more amenable to City Council. He goes back and looks at what the PD floating zone gives them and its focus, and it is around the unique situation, substantial benefit to the city and then they talked about the quality that could supersede whatever existing zoning was there. He thinks the one that qualifies the most is the unique situation. He has lived in this area for almost 24 years and clearly he knows 20 or so of the years this has been there, so he appreciates the applicant having to figure out how to do this and the economic situation we are in. As far as the substantial benefit to the city, we talked about the workforce and the housing crisis. He has looked at a lot of the inventory that has been approved that is coming online in the city and that is not as strong of an argument for him to make a PD zone as a substantial benefit to the city over this small property. Lastly, key to him in being able to get the development agreement, is good relationships with the city staff and council in getting to that agreement. As Commissioner Morriseey talked about, it is hard for him to get into that mindset when the recommendation is to deny because perhaps there is some disconnect there. It is vital for him to know that when a development agreement is required, all the parties can collaboratively work together to the benefit of all. As the applicant and representative has discussed, it is difficult to manage everyone's expectations. It is so hard, especially in unique circumstances; however that is what is required. We have this intersection of all these interests and sometimes that does take a little bit of extra time. He is on the fence, but if they had to vote tonight he would deny. He is open to tabling and resetting as others have suggested if that's what the applicant wants to do; build that confidence again that they can collaboratively work together. The applicant might be closer than they think, but he thinks they need to make some sort of effort, for him at least, to be more comfortable with a recommendation.

Commissioner Gedge has the same feelings as the rest of the commission. He thinks tabling would be in the best interest, if that is amenable to the applicant. That will allow these issues, questions and concerns to be resolved and work towards a development agreement. However, if they are not ready for that he follows the opinion of the fellow commissioners of forwarding a negative recommendation. This is a unique parcel/property and he compliments Peterson for coming up with something, a possible solution here. He thinks that everyone participating tonight needs to understand that is not going to stay a field forever, there is something that is going to go in there. The residents are going to have to give a little give and take as well. There are going to be additional cars. The economics that Peterson is doing, sitting on an empty parcel right now, he understands their situation. If the applicant is amenable to tabling that is what he would like to do so they can work through all these issues, start to work on the development agreement with the city and have those conversations with council, the mayor and staff as well to address the concerns brought up this evening. If the applicant is not comfortable with tabling this, then let them go forward to the next step. As they saw with their first item this evening, the council and mayor have overridden previous commissions, but he would like to ask Chair Hollist to invite the applicant up and see how they would like to proceed.

Mr. Peterson said these have been some very thoughtful questions and responses, and very civil and respectful comments from the neighbors; even better than their first Zoom call which wasn't

necessarily bad, but it was handled well tonight. Not all the problems of growth and traffic are on the developer, but they have a bit of a bullseye anytime they propose something as it is a sensitive and complicated issue. He is leaning towards the option of tabling it. They will certainly look at density and parking, all of their parking counts did not include the street parking or the little finger, they just did everything around the brown buildings. They will be back before the commission and they can continue to add some finer detail. They will certainly look at the density. We are in a housing crisis and he wants to bring up the comment about the Amazon effect. We are in a different world, where are our kids going to be able to live and afford. He wants to say to people who don't want this development that they are going to need infill housing like this and it is going to continue to be the norm. Working through these challenging issues of where people park, and how you regulate that, isn't something he has all the answers for here tonight. They will certainly look at that through CC&Rs that they can do, but they can't police everything. The city has been part of that by ticketing, and he acknowledges that this is something that can be looked at through a fresh set of eyes. As far as the development agreement, they want to have something that ties their hands so that if they sell the commercial the parking stalls are still allocated to this project. They already have a real estate agreement (RDA) that governs that whole center and this is something that makes it very difficult if they sell to change that. It was helpful to have Mr. Nielsen talk about the traffic study. It was just traffic counts rather than a full blown study, but having a traffic engineer come and explain his numbers and methodology would be helpful; they certainly didn't spend the money on a full blown analysis because there are a lot of upfront costs that go into this and they have to be wise about what they spend and where. He does think they are proposing a development that would bring down traffic counts. He knows that could be looked at in more detail and a traffic engineer could answer a lot of these questions that residents have raised, and they are good questions; however, it was simply a trip generation report. He thinks they could certainly bring him to the next meeting and he could answer questions. The gentleman that prepared it, his name is Joe Perrin, and he is a reputable traffic engineer here in the valley. They are open to tabling this, working with staff and trying to work through these issues. They may not see eye to eye completely on the density, they may still go forward and give them the thumbs up or down before going on to council, but he thinks it is wise to do what they've recommended tonight.

Chair Hollist asked the commission if they are comfortable tabling this until the applicant is ready to come back.

Commissioner Gedge asked in the motion to table, do they need to have a specific date, or can they do a date uncertain just in case they are not prepared for their next meeting. He wondered if proper noticing would then go out if they did it to a date uncertain.

Planner Schindler said if they table it, they don't have to do it to a certain meeting, it can be tabled indefinitely. This might be for Legal to answer, but if this is tabled and new development comes back, technically we already held the public hearing. He wonders if part of the public hearing could be that we re-notice it for a public hearing at that time too because it could be a totally different type of project; we would want input again from the neighboring property owners as well. If the legal department believes that is okay, he would suggest making that part of the motion, to have another public hearing when it comes back.

Commissioner Gedge asked if since we've have the public hearing this evening, and as long as it's the same items that come back, do we need to have another public hearing and re-notice.

Attorney Simonsen said it doesn't do any good to send it back if there has not been some thoughts generated and hopefully the new proposal is a little bit different. Even if it's exactly the same, if the staff and Peterson couldn't really come to some kind of mutual understanding, the commission still needs to take a vote on it and will want to re-open it for a hearing at that time.

Chair Hollist said that if Attorney Simonsen is telling us that's ok, then that would be her inclination. There has been enough interest in this issue that she feels it would be appropriate for the commission to hear from the public again and have it re-noticed.

Commissioner Catmull asked staff about the discussion they had regarding garages and parking, whether we think someone might use a parking stall or not and how that might affect. He doesn't recall that they have actually done that too often. He can't remember any discussions where they have done that, other than situations in Daybreak where they say it's close to a transit stop so they think people will do something specific. He doesn't think they officially can take a position on whether they think someone might use it, versus if it's eligible to be used.

Planner Mann said he believes that is where the development agreement comes into play. It wouldn't be based on opinion or trying to predict how the property would be used by the new tenants there, but anticipating as much as we can, with concrete rules in place, so that when it is developed any potential impact is minimized as much as possible within reason.

Commissioner Catmull said it's more that things are very specific to the development agreement so they get a very firm development agreement that everyone understands because of the unique situation, what's at play and what's been applied for.

Planner Mann said that, for instance, if they put in a requirement that the garage has to be 22x22 which is standard minimum for single family residential, or there needs to be "this many" parking stalls that are clearly designated for the residential component of this development, those are the tools that they can use to address that concern.

Chair Hollist said with a house bill they adopted from last year they had to pick three metrics of a big, long list and one of those was that if you are within a certain distance of public transportation we can lower our parking requirements; that is why that always comes up out in Daybreak.

Commissioner Gedge moved that they table File No. PLZBA 202000247, the Harvest Pointe West land use amendment and rezone, to a future date; during which time the applicant will work with city staff to address staff's issues and concerns raised by the commission and the public, continue to work on a development agreement and once that future date is set that proper noticing will be made to the general public for a subsequent public hearing.

Commissioner Catmull asked if it matters that the motion says the applicant will do certain things. Does that matter if they say they have the option to do those things?

Commissioner Gedge amended his motion to say the applicant may work on the items discussed this evening.

Commissioner Catmull wants to make sure we are not directing specific actions, they are just saying they are not comfortable and have given feedback where the applicant has said they may or may not change things.

Chair Hollist seconded the amended motion. Roll Call Vote was 5-0 unanimous in favor.

Chair Hollist said they meet every two weeks, so some time in the future they anticipate this will be on their agenda again; anybody that was noticed this evening will be noticed again. They will have another public hearing to address what the applicant and the city are able to work out on this issue, at this point they will make a recommendation to City Council and send it to them to make a final decision on the rezone and land use for this parcel.

X. OTHER BUSINESS – *None*

ADJOURNMENT

Chair Hollist motioned to adjourn the May 11, 2021 Planning Commission meeting. Commissioner Gedge seconded the motion.

The May 11, 2021 Planning Commission Meeting adjourned at 7:58 p.m.

Meeting minutes were prepared by Deputy Recorder Cindy Valdez

This is a true and correct copy of the April 27, 2021 Planning Commission minutes, which were approved on May 11, 2021.

Cindy Valdez

South Jordan Deputy Recorder.

5-11-21 PC Meeting
Attachment A

Cindy Valdez

From: Dallin Stoll <chidostoll@hotmail.com>
Sent: Tuesday, May 11, 2021 4:15 PM
To: dmann@sjc.utah.goc
Subject: Public Hearing today for proposed development.

Hello,

My name is Dallin Stoll. I live in close to this proposed decelopment and would see it from my backyard.

We received notification about a development on 3773 W South Jordan Parkway. We want to express our displeasure with this idea. There are plenty of homes and we do not need to cram 30 MORE in that little plot of land. It is a bad Idea and will just cause more frustrations to all that live around here. We do not want this to happen and hope you make the correct decision by not allowing it to happen. Please do not allow it as it really is not needed. Thank you!

Sent via the Samsung Galaxy Note9, an AT&T 5G Evolution capable smartphone
[Get Outlook for Android](#)

Cindy Valdez

From: David Mann
Sent: Tuesday, May 11, 2021 5:26 PM
To: Anna Crookston; Cindy Valdez; Greg Schindler; Nathan Gedge; Sean Morrissey; Steven Catmull; Trevor Darby; Michael Peirce; Michele Hollist
Subject: FW: Public Hearing for Property located near 3773 W South Jordan Parkway

Thanks,

David Mann | Planner II | City of South Jordan
1600 W. Towne Center Drive | South Jordan, UT 84095
O: 801.253.5203 ext. 1221 | F: 801.253.5235



From: Eric Treu <eric.treu@yahoo.com>
Sent: Tuesday, May 11, 2021 4:53 PM
To: David Mann <DMann@sjc.utah.gov>
Subject: Public Hearing for Property located near 3773 W South Jordan Parkway

I know that a traffic study has been done and the results favor more homes.

I think that it is imperative that the project be put on hold until a proper traffic study can be done when we are not in the middle of a Covid Pandemic as people are working from home and not travelling. Also, when construction has altered the regular flow of the streets.

Eric Treu
801-550-1127