

asking for larger lots against their acre lots. In the R-2.5 Zone District, a large lot would not have animal rights. Mr. Wilkinson questioned if the R-2.5 Zone is compatible and stated his feeling that the R-1.8 Zone may be better for this property.

Chairman Romph expressed concern with the storm drainage in the levels of service requirements.

Planning Director Ken Leetham stated that the City has taken the stand that at this time, there is not adequate storm drainage. The developer seems to be willing to help with this problem.

Richard Allen stated that as he sees this, the existing property owners are in agreement with the block wall. If this was rezoned to the R-1.8 Zone, a block wall would not be required.

Rich Townsend stated that the majority consensus of those present is that the R-2.5 Zone is acceptable with a block wall.

Chairman Romph called for a motion. Brent Arnold made a motion to table this item to get a resolution to the storm drainage problem. G. Doug Wilkinson gave the motion a second. The vote was unanimous in favor.

E. Rezoning Application #SJ-258-94Z, 438 West 11000 South Street, 5.6 Acres, Agricultural (A-5) to Residential-Multi Use (R-M), J. Robert & Owen D. Brimhall and Gerald Anderson.

Mr. Anderson was present. City Planner Blaine Murray presented this item. He reviewed the levels of service stating that the developer can or has indicated that he will meet these.

Mr. Murray stated that this parcel is intended to be added to the 21 acres of proposed upland high density residential development discussed at the last Planning Commission meeting.

Chairman Kevin Romph opened the public hearing. Gerald Anderson explained the proposal with a plat map. He stated that this complies with the master plan and meets all of the levels of service.

Chairman Romph called for any further comment or questions? As there was none, he closed the public hearing and called for a motion. G. Doug Wilkinson made a motion to recommend approval. Brent Arnold gave the motion a second. The vote was 4 in favor with Ken Keown abstaining.

F. Rezoning Application #SJ-259-94Z, 11380 South Redwood Road, 14.54 Acres, Agricultural (A-1) to Community-Commercial (C-C),

MINUTES OF THE SOUTH JORDAN CITY COUNCIL SPECIAL MEETING

MARCH 2, 1996

PRESENT: Mayor Theron B. Hutchings, Councilman Douglas Carlile, Councilwoman Mary Lynn Liddiard, Councilman Kent Money, Councilman Richard Warne, City Administrator Dave Millheim, Interim Planning Director Dennis Larkin, City Attorney Mike Mazuran

Councilman Carlile made a motion to approve the agenda. Councilman Warne seconded the motion. The vote was unanimous in favor.

Councilman Warne made a motion to go into Closed meeting. Councilman Carlile seconded the motion. The vote was unanimous in favor.

I. CLOSED MEETING

A. Personnel

City Administrator Millheim presented short term staffing needs for Engineering and long term staffing needs in the Public Works Department.

Significant time was spent with Council discussing interim steps to assist City Engineer Haight, as a result of his wife's death. The Council instructed City Administrator Millheim to allow City Engineer Haight extreme flexibility with his work schedule for the next few months, and to use the consultant services of Bingham Engineering on a project basis.

Council discussed, in length, the role of the City Engineer and the Public Works Department.

City Administrator Millheim was then instructed to place the filling of the budgeted Staff Engineer position on the March 5, 1996 agenda, for action.

Councilman Carlile made a motion to adjourn. Councilwoman Liddiard seconded the motion. The vote was unanimous in favor.

ADJOURNMENT

MINUTES OF THE SOUTH JORDAN CITY COUNCIL WORK MEETING

FEBRUARY 13, 1996

PRESENT: Mayor Theron B. Hutchings, Councilman Douglas Carlile, Councilman Thomas Christensen, Councilwoman Mary Lynn Liddiard, Councilman Kent Money, Councilman Richard Warne, City Administrator Dave Millheim, City Engineer Gordon Haight, Interim Planning Director Dennis Larkin, Office Assistant Candy Ponzurick, Economic Development Director Keith Snarr

CITIZENS: Ken and Billie Peck, Larry and Rose Helquist, Ann Gayheart, Jim Olsen, Greg Baker, Nathen Kartchner

I. GENERAL BUSINESS

A. Roll Call

Council members present, as listed above.

II. CLOSED MEETING

A. Property Acquisition

B. Property/Litigation

III. STUDY SESSION

A. 2700 West Sidewalk

City Administrator Millheim noted Council previously agreed on some fundamental basics. Staff is asking Council to agree on what they are willing to do, willing to fund, and what the property owners options are. Fencing, allowance per resident, menu for upgrading and consistency in fencing, are the questions still needing resolution.

Councilman Warne asked that the Saturday, February 3, discussion be reviewed for the residents in attendance this evening (where the phases are, cost of each phase, etc.). City Engineer Haight said the City Council appropriated \$500,000 from the Water Fund to the Street Fund in order to construct as much of the 2700 West sidewalk as possible. There are four phases, and the estimates do not include right of way cost. The costs include retaining wall, an irrigation ditch would have to be piped, \$20 a foot fence, driveways with like material, secondary water system (trunk line), and the possibility of money for residents to do improvements to their own property or to use for upgrading on a per lot basis.

Phase 1. Van Ross to Canterwood, \$330,000

Phase 2. Canterwood and Country Road Subdivision, \$234,900

South Jordan City
City Council
February 13, 1996

2

Phase 3. Country Park, \$234,000

Phase 4. Around the Egbert Property, \$164,000

There are UP&L poles that would have to be relocated and scheduling has to be considered. Before UP&L can begin, the City has to have right of way approval.

Councilman Christensen said he likes the concept specifying minimum standards and providing a menu of different fence types for the residents to choose from. If they wish to upgrade, the residents would pay the difference. The Council needs to establish a minimum cost for the fence and go from there.

Councilman Warne mentioned the safety issue in relation to the height of fences, and if they are opaque or not--someone pulling out of a driveway may not see a child walking on the sidewalk. At a minimum, you need to be able to see through the areas adjacent to the driveway.

City Engineer Haight said the front facing street ordinance does not allow fences to get too high and it is for a number of reasons, safety is one of the reasons.

Councilman Money asked how the fence ordinance pertained to 2700 West? Councilman Warne answered the Zoning ordinance governs how high a fence can be on frontage streets, and it is four feet in most of the zones. Rear and side facing lots have different standards. Councilman Christensen noted for front facing lots there is not a fence requirement and rear and side facing there is a minimum of five ft. requirement, but does not apply to these homes.

Maintenance for the fence will vary. Graffiti is typically taken care of by the City, if the fence gets hit the property owner would work it out with insurance, and deterioration would fall with the property owner.

A property owner said it was his understanding that the State building regulations specified any drop off more than 24" has to be fenced with a 6 ft. fence. Staff was unable to confirm this during the meeting. Councilman Christensen added this would apply to any new fence construction. Councilman Warne said the uniform building code has been adopted by State Legislature and would override any ordinance that South Jordan has.

Councilman Money thought on some of the lots the ground could be sloped from the fence, to where you would not have the drop off and would have less expense, assuming sloping is cheaper. If a resident is willing to slope and save on costs in certain areas,

South Jordan City
City Council
February 13, 1996

3

could Council allow them additional money in different areas that may help them ultimately obtain what they want to achieve? City Engineer Haight felt that may be possible. Councilman Christensen said he had no problem with this, as long as the money is being used for actual costs of the road project (trees, etc.). Consistency is something that Council may not be able to achieve-- Councilman Carlile suggested compatibility.

City Administrator Millheim discussed the need to obtain right of way from all the property owners, and the difficulty in satisfying them all with Councils decision. Councilman Money questioned proceeding with the property that the City comes to agreement with. Staff does not believe this is a practical option because unless enough contiguous property was assembled, design and construction costs would sky rocket.

Councilman Carlile would like Council to come up with a set of parameters, with each resident allowed as much choice as the parameters allow.

Councilman Christensen felt time lines should be established, where we get agreements from the affected property owners, and if there is not agreement, it will mean condemnation, or the project will not get done. Negotiations with the property owners on fence types and trees will have to take place before the time line. City Engineer Haight felt if a decision was reached tonight, Staff could meet with the property owners within the next week and a half, make design changes, deeds are done, write up agreements, sign agreements, within two weeks the documents go to the property owners to review, and the project goes out to bid. The project could happen before there is water in the ditches.

Council discussed the \$500,000 coming from the water fund, storm drainage could be taken from the storm drain impact fees, and secondary water to be taken from the water fund.

Councilman Christensen said a lot of the problems would be taken care of if the ditches were straightened out and extend the shoulder and provide some walking area, even if not improved.

Even though this was not a Public Hearing, Council decided to take public comment at this time.

Ken Peck, 10745 South 2700 West, noted the irrigation water is not taken out of the same place as Phase II and doesn't necessarily have to be done at the same time. What is the sense of putting the irrigation water in Phase II when it doesn't have anything to do with Phase I, and the water comes out of a different part of the canal?

South Jordan City
City Council
February 13, 1996

City Engineer Haight explained that each phase can stand alone. The City can go in and build Phase I and make sure we are not impacting anyone adversely at the end of the construction--do Phase I, don't touch II, or III until later.

Larry Helquist, 10913 South 2700 West, Phase I, and he believes fencing needs to be addressed. In front of his property will be a 4 ft. retaining wall. His property is zoned for large animals and he has a pasture that will go up next to the sidewalk. For safety purposes he will need a solid fence (along the pasture) and the height needs to be looked into. He would probably be most happy with a chain link fence out front. He also noted that the lawn used to be higher than 2700 West. He does not want the vinyl fence, or an electrical device. He says he is donating between \$15,000 - \$20,000 worth of property to the City and if they give him a great enough allowance to improve his property the way he wants, that would be fine. He believes the Council will need to meet with 28 property owners and make 28 different decisions (Phase I, six property owners). He thought the meeting last year was a done deal--that what the property owners asked for was reasonable, and Council had agreed to it. The deal was the retaining wall, curb, gutter, sidewalk, replace trees, replace fence (combination block and chain link), and slope driveway.

Kevin Peck 10717 South, Phase II, wanted to know if he would not be allowed to have a six ft. fence? Councilman Christensen said it will depend on the building code. City Engineer Haight added that Mr. Peck's lot is the one that will probably not need the retaining wall. Mr. Peck did not like the vinyl fence, and was told the vinyl with the wood might wood rot. Councilman Christensen questioned the safety of a six foot block wall. Mr. Peck said he would like to have his driveway on an angle and then he'll be able to see out. Councilman Money asked if he could make up the cost difference for a block wall? Mr. Peck said the City would not have to fill his lot in, so he believes he should get more allowance for a fence.

Norma Holt, Phase II, would like a fence like Canterwood, extended across her property. Councilman Christensen asked if she could handle the additional cost (the rod iron fence with brick pillars is approximately \$50/ft.)? Ms. Holt said she could not handle the additional expense. She also does not want the retaining wall--being closed in, and said she cannot have her property sloped.

Ken Peck, 10745 South 2700 West, Phase II, wants to be fair with the City, but thinks the City should give all the property owners whatever fence they want. If the City puts in the same driveway he has now, it will require more than gravel, because there is black top underneath the gravel.

South Jordan City
City Council
February 13, 1996

5

Virgil Madsen, 10700 South 2700 West, is partial to rail or brick and rod iron fencing, but does not want chain link. His driveway may need to be tapered back and gravel brought in.

Council discussed costs of Phases I and II.

Phase I	\$331,000
Storm Drain	40,000
Secondary Water	40,000
Phase II	\$235,000
Storm Drain	7,000
Secondary Water	40,000

The assumption is that right of way will be given to the City. Fencing for Phases I and II will be approximately 1,550 feet x \$20/ft. = \$31,000.

There is \$1.7 million appropriated for water projects. Additional money could be taken from the water fund, but would affect other projects that have not been prioritized yet.

\$500,000 Already appropriated
 47,000 Storm drain
 80,000 Secondary water
\$627,000 Available

\$331,000 Phase I
 235,000 Phase II
 566,000 Total
\$ 61,000 Available for adjustments

Ann Gayheart, 2367 West 10950 South, said if Council went up to \$40/ft., the cost would be an additional \$31,000.

Judd Lawrence, Bingham Engineering, noted in six weeks the water will come in and issues need to be resolved for the design, to get a bid package together, advertise for three weeks, two to three weeks to get enough construction done to run irrigation water. The window of opportunity is missed again, unless something happens tonight.

Council discussed giving the residents a menu of fences, but that they have to stay within their budget.

Councilman Carlile suggested taking former Councilwoman Newbold's notes on the property owners requests (what they previously agreed to), cost them out for Phases I and II, taking into consideration the residents comments from tonights meeting, and get back to Council with this information.

South Jordan City
City Council
February 13, 1996

6

Councilman Carlile made a motion for Staff to take the outline specifications that former Councilwoman Newbold and former City Administrator Glen Vernon developed a year ago, value it out, and tell Council how it fits in relation to the budget for Phases I and II, to see how much negotiating room is available.

Councilman Money felt the residents needed to be contacted to see what their fencing desires are, look at these while entertaining the entire project in relation to costs. Council will see if the fencing comes within the parameters set and if not, Council will have to relook at the project.

Councilman Money reminded everyone to think about the safety of the children.

Council and property owners briefly discussed the fairness of trading right of way for property owner improvements.

Councilman Carlile restated his motion, to direct Staff to develop cost estimates based on the specifics of each parcel for Phases I and II. Attempt to determine what each property owners needs and preferences are (using documentation already in house), so Council can look at the data and determine if it is feasible. If there is no documentation for a particular parcel, use City Engineer Haight's base number as a guide, or data from the closest comparable neighbor.

Councilman Money seconded the motion.

Councilman Christensen feels Council has already done this two or three times, going back and forth. Promises get made and he feels Council is postponing the decision. Believes the facts are there and a determination should be made on how much Council is willing to pay, and tell the residents. He feels everyone should get the same amount, if they want something more, the residents should pay the difference.

Councilman Money noted, Council is just trying to see where they are in relation to costs, and have made no promises. City Administrator Millheim believes it would be an injustice to go out to the property owners and have any discussion, unless the City is ready to deliver.

Councilman Carlile withdrew his earlier motion and no vote was taken. Councilman Carlile's new motion is to cost the project out, with the assumption of a block fence for the entire length of Phases I and II, and see what the costs are.

City Administrator Millheim felt Councilman Carlile's earlier motion was more appropriate. He felt Staff could put the citizen

South Jordan City
City Council
February 13, 1996

7

requests in a matrix form (line items, per parcel) and if the data is not there to make our best guess, but make a footnote that agreement has not been reached.

Councilman Christensen suggested that Council agree on what they are willing to pay, per foot. He believes the amount should be set (at least in the middle ground), and if they want to upgrade, that is their option. If one property owner doesn't agree, then maybe we will need to condemn.

Councilman Warne said Council may ultimately decide to do what Councilman Christensen is suggesting. The new council members have never seen the numbers of what the people are really asking. Let's resurrect the information, do the matrix, see where we are, and make a decision. He would add to the matrix, land acquisition because he does not believe we will get 100% of the property donated and will ultimately need to acquire some property through condemnation.

City Administrator Millheim suggested that **one** call be made to each property owner and ask them one question--Are you comfortable with the agreement you put together last year? Yes or No. Tell them what they agreed to, tell them we are not negotiating, not telling them what their neighbors agreed to (will change anyway), and this will result in finding out if our numbers are close. We are not agreeing to anything, it has not been approved, and he does not believe this will get built this year.

Councilman Carlile reinstated his motion--to direct Staff to develop cost estimates based on the specifics of each parcel for Phases I and II. Attempt to determine what each property owners needs and preferences are (using documentation already in house, without contacting property owners), so Council can look at the data and determine if it is feasible. If there is no documentation for a particular parcel, use City Engineer Haight's base number as a guide, or data from the closest comparable neighbor. Councilman Money reinstated his second. Councilman Warne asked that the motion include the matrix on land acquisition.

Council discussed the project will not get done before irrigation, but the issues can get resolved to get on with the project.

The vote was 4-1, Councilman Christensen voted no.

The information is to come back to Council within thirty days.

City Administrator Millheim stressed to the public that Council is figuring out where we are, no decisions have been made, no

South Jordan City
City Council
February 13, 1996

8

allowances have been confirmed, no neighborhood bidding has been created--Council is trying to figure out how to get Phases I and II done in the most expeditious manner. Council decided tonight to go out and cost out Phases I and II, based on prior existing agreements, and the results will be evaluated before any decision is made.

A resident questioned one piece of property in Phase I, a new home was built and no improvements were put in. City Engineer Haight explained they will still be responsible for curb, gutter, and sidewalk, when the City is ready for them to be put in.

B. Collector Street Fencing Ordinance

Councilman Christensen believes this item should be deferred to the Long Range Planning Task Force, and could be the first item on their agenda. Council concurred to get recommendations on collector street fencing from the Long Range Planning Task Force. Councilman Warne also suggested the County Fair as another item for this committee.

Council discussed the status of the Long Range Planning Task Force and City Administrator Millheim noted the resolution, asking Council to appoint this committee, will be on next weeks City Council agenda.

IV. INFORMATIONAL ITEMS

Mayor Hutchings noted the Community College is holding workshops on February 21 (8:30 - 12:00, requesting input from residents on what they would like the college to offer), 22, and 23 and he will attend. Councilman Money said he could attend, but would like direction from the Council. Interim Planning Director Larkin said he would attend part of this meeting.

A. Calendaring Items

- 1. VECC Tour, Thursday, February 15, 1996, 3:00 p.m.**

The majority of the Council was unable to attend the VECC tour, on this date. City Administrator Millheim said he would have Police Chief Parker reschedule the tour.

- 2. Demonstration of Pentamation Financial Software of Bethlehem, PA, Thursday, February 15, 1996, 6:30 - 9:30 p.m.**

Councilman Warne discussed the conflict of events Thursday evening, the 5:15 p.m. Legislative meeting, the software demonstration at 6:30 p.m., and the Piano Super Store dedication at 7:30 p.m. City

South Jordan City
City Council
February 13, 1996

9

Administrator Millheim said he will let Council know if the legislative meeting is still scheduled for Thursday. Mayor Hutchings and Councilwoman Liddiard said they were attending the Piano Super Store dedication, and Councilman Warne said he would attend the software demonstration.

**3. City Council Work Session on CIP Budget, Tuesday,
February 21, 1996, 7:00 p.m.**

Noted.

City Administrator Millheim gave Council an update on the state legislative meeting, re obtaining money for extending 400 West. There was extreme media coverage, Councilman Carlile gave a speech he had prepared, Councilwoman Liddiard read a statement on behalf of the Mayor, City Administrator Millheim framed the issue and talked about the need for getting the railroad crossing closed and getting the road built (tying the two solutions together). Everyone they heard from was in support of trying to get money for the road. Resistance will come from people who do not want the road closed (none of these people were in attendance). Approximately 8-9 legislators heard the presentation, and a few transportation committee members were also there. Several legislators expressed the immediate need to close the railroad crossing. Councilman Money thought the problem was taking State money and putting it in South Jordan (a local road). The State is looking at a vehicle for funding, i.e., putting the money up for the road and then as the property is developed, have the money paid back to the State. Councilman Carlile believes that this road would be an alternative road when I-15 is under construction.

Council gave direction to City Administrator Millheim to proceed working with the City Attorney on options for closing of the railroad crossing.

Councilman Carlile said he had citizen comment that thank you letters were not sent out to applicants who applied for different committees (City Council, Planning Commission, etc.). City Administrator Millheim said he would check into it, but knew at least some of the thank you letters had been done.

Councilwoman Liddiard asked who would attend the Elk Ridge Middle School meeting? City Engineer Haight is planning on attending this meeting and is trying to work with the school to obtain sound walls, suggesting that be a condition upon giving their right of way.

South Jordan City
City Council
February 13, 1996

Councilwoman Liddiard made a motion to adjourn. Councilman Carlile seconded the motion. The vote was unanimous in favor.

ADJOURNMENT

Council adjourned at 11:15 p.m.

MINUTES OF THE CITY COUNCIL SPECIAL WORK MEETING

FEBRUARY 3, 1996

PRESENT: Mayor Theron Hutchings, Councilman Douglas Carlile, Councilman Thomas Christensen, Councilwoman Mary Lynn Liddiard, Councilman Richard Warne, City Administrator Dave Millheim, City Engineer Gordon Haight

This meeting was held on a Saturday, with the Recorder not in attendance. The meeting was changed from the conference room to the Court and microphones were not set up. Tapes of this meeting were not audible, so the minutes reflect a very brief overview of the meeting.

I. GENERAL BUSINESS

A. Roll Call and Prayer

Council members present, as listed above. Councilwoman Liddiard offered a prayer.

B. Approval of the Agenda

Councilman Carlile made a motion to approve the agenda. Councilwoman Liddiard seconded the motion. The vote was unanimous in favor.

II. WORK SESSION

A. 2700 West Sidewalk Project Options

City Engineer Haight noted several weeks ago the City Council approved a \$500,000 loan, from the Water Fund to the Road Fund, to construct the 2700 West sidewalk. He noted there were four phases of the project (phasing in order of importance). Costs for the phases are: Phase 1, \$330,841; Phase 2, \$234,964; Phase 3, \$234,490; and Phase 4, \$164,598. Phase 1 covers Van Ross to Canterwood; Phase 2--Canterwood and Country Road Subdivision; Phase 3--Country Park; and Phase 4 around the Egbert property. These costs do not assume right of way, or significant fencing alternatives.

Some residents were in attendance.

III. SITE VISIT

A. 2700 West Sidewalk

After the site visit Council made the following decisions:

Retaining Wall	Concrete Masonry Unit (CMU) Split Face Residents may choose color
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South Jordan City
City Council
February 3, 1996

2

Irrigation Pipe	In Parkstrip - Sod & Sprinkler System
Driveways	Replace in kind material to proper catch point
Pattern Colored Parkstrips	No
Phase Priority	I, II, III, IV

Council directed Staff to proceed with these assumptions.

Decisions still needing to be resolved are:

Fencing:

Rear Lot	Chain Link
Front or Side Lot	Vinyl Rail Fence
Vacant Lot	Field Fence

Allowance per Resident
(How should this be
calculated?)

Menu for Upgrading with Cutoff

Consistency in Fencing Look

Staff was to assemble and matrix what all the residents asked for a year ago when original negotiations began. This list was then to be brought back before the City Council for their consideration.

ADJOURNMENT

Ken Keown stated that if this is an underground spring, he would like to know where it heads.

As there was no further discussion, Mr. Keown made a motion to table this item until further information is available on all issues discussed. G. Doug Wilkinson gave the motion a second. The vote was unanimous in favor.

B. Rezoning Application: #SJ-252-94Z, 360 West 11400 South Street, 26.34 Acres, Agricultural (A-5) to Commercial-Freeway Frontage (C-FF), L.D. Fairbourn Family & Gerald Anderson.

Gerald Anderson was present. Planning Director Ken Leetham reviewed this item. He stated that in reviewing the 5 levels of service, this application does conform to the culinary water, fire protection, and sanitary sewer levels of service. On the storm drainage, a storm drain line will have to be extended to this property from areas west of the subject parcel. The developer has been made aware of this fact and indicates that this project will be part of the development of this property.

Mr. Leetham explained that Mr. Anderson is planning to acquire and develop as many properties between 10600 and 11400 South and I-15 and the rail-road corridor as possible. Mr. Anderson has indicated that the construction of planned roadways will be part of this project.

Chairman Romph opened the public hearing. Gerald Anderson presented plat maps depicting the area and some literature for this and an application to be heard later in the meeting. Mr. Anderson explained that all utilities are available. The requested zoning does comply with the new Master Plan. He stated that the rail-road tracks make a natural barrier against residential development. Mr. Anderson stated that this will be a relatively small impact on the surrounding residences.

Max Springer asked what type of development Mr. Anderson was planning on? Mr. Anderson stated that he did not know at this time. He stated that there are several alternatives.

Mr. Springer asked the location of the proposed road? Mr. Anderson showed the area on a plat map. Mr. Springer asked if Mr. Anderson owns any property south of 11400 South? Mr. Anderson stated that he did not. That area is in Draper.

Chairman Romph expressed some concern about the levels of service for fire protection. Mr. Leetham stated that currently, we do not know what is going to be developed on this parcel and do not know what the demand will be. Mr. Romph asked if this would currently

handle a complex similar to WordPerfect? Mr. Leetham stated that it would.

Mr. Romph questioned the developer awareness of the need to extend the storm drain line? Mr. Anderson stated that he was aware of this and is currently working with Salt Lake County concerning this.

Ken Keown expressed concern about the transportation levels of service. 11400 South is not currently designed to handle this type of traffic. He stated that this does need to be addressed.

G. Doug Wilkinson stated that he agreed, but this application does meet the Master Plan. Mr. Keown stated that although this is true, the transportation element does need to be met. Mr. Keown stated that he is not opposed to the commercial development, but feels the transportation element is important.

Chairman Romph stated that the transportation element is important and necessary, but at this time, the developer is unaware of what the use will be. Mr. Romph asked if the applicant is currently working with anyone on development? Mr. Anderson stated that he was not. He stated that in order to have anyone show interest, the zoning must be in place.

Mr. Wilkinson stated that until the use of this property is determined, the transportation element cannot be fully addressed.

Chairman Romph stated that the fire protection levels of service must also be addressed. Mr. Anderson stated that he is aware of this, but this will also depend on the use.

Ken Leetham explained that a rezoning application is not the last test of the levels of service. Levels of Service will be reviewed at each application. He stated that Mr. Anderson is currently working on a Master Plan for this area.

Mr. Anderson explained that they have retained Tim Soffe of Wilkinson, Soffe, Nichols to compile a Master Plan. He stated that he hoped to have this available to the City in December.

Chairman Kevin Romph called for a motion. Ken Keown made a motion to table this item until the meeting of December 14, 1994 to address that levels of service that are in question. The motion died for lack of a second.

G. Doug Wilkinson made a motion to recommend approval of rezoning application # SJ-252-94Z. Richard Allen gave the motion a second. The vote was 3 in favor with Ken Keown voting in opposition.

Chairman Kevin Romph explained that the levels of service must be addressed before any development can be approved.

C. Rezoning Application: #SJ-253-94Z, 2680 West 10400 South Street, .99 Acres, Residential (R-1.8) to Commercial-Neighborhood (C-N).

Jack Lucas was present. Planning Director Ken Leetham reviewed this item. He stated that all levels of service have been met at this site.

Chairman Kevin Romph opened the public hearing. Jack Lucas stated that they are working to get the property properly zoned and then will be looking for a developer.

Julie Petersen stated that she lived in the Cherry Hills Subdivision to the east of this property. She asked if there was a limit to what would be approved on this property?

Mr. Leetham explained that there is a variety of uses such as convenience stores, an office building, a fast food establishment, etc. that would be allowed. He explained that Mrs. Petersen would again be notified as the developer goes through the development process. Mr. Leetham explained that buffering, lighting, hours of operation and other similar items would be addressed as this process progressed.

G. Doug Wilkinson asked if there had been property owners notifications sent? Mr. Leetham stated that there had been 61 letters sent to neighboring property owners and the property has been posted.

Chairman Romph called for any further comment or questions? Seeing none, Mr. Romph closed the public hearing.

G. Doug Wilkinson asked Mr. Lucas if he had been approached by any interested developers? Mr. Lucas stated that he had not.

Mr. Wilkinson made a motion to table this item until December 14, 1994 to allow the public ample time for their input. Richard Allen gave the motion a second. The vote was 3 in favor with Ken Keown voting in opposition stating that all levels of service had been met. He stated that this is a good example of an application that can be moved on.

Jack Lucas stated that he did not understand this being tabled and expressed his feeling that this was unfair.

D. Rezoning Application: #SJ-254-94Z, 598 West & 432 West 11000

South Jordan City
City Council
January 3, 1995

Councilman Carlile asked about the cul-de-sac length as drawn on the proposed amendment to Jordan Commons Subdivision. Mr. Leetham stated that it would be more than the allowable length.

Councilman Christensen made the motion to table the Rezoning Application #SJ-255-94Z, 1901 West 10400 South Street, 4.57 Acres, Agricultural (A-5) to Residential (R-2.5) for McArthur Communities. Councilwoman Newbold seconded the motion. The vote was unanimous in favor.

E. Public Hearing: Rezoning Application #SJ-258-94Z, 438 West 11000 South Street, 5.6 Acres, Agricultural (A-5) to Residential-Multi Use (R-M). (J. Robert & Owen D. Brimhall and Gerald Anderson)

Mayor Hutchings opened the public hearing. Mr. Leetham stated that Mr. Anderson will present a proposal to the Council at a later date which will essentially ask for a higher density on the property for an exchange for parks property.

Mr. Anderson gave a history of the rezoning approvals of the area and stated that he owns many acres in the area that he is trying to develop. He outlined his masterplan for the area and said it would meet the Levels Of Service. He also stated that it complied with the current General Plan.

Mr. Anderson stated that he will be losing 6 acres of property to the road alignment and therefore felt that this would take the place of the 6 acres he is losing.

Mayor Hutchings asked for any further public comment. Seeing none, he closed the public hearing.

Mr. Leetham felt that the Council could benefit from further discussion. Councilman Christensen asked how compact the apartments would be and would Mr. Anderson be building them. Mr. Anderson said the ordinance now allows for 12 units per acre and he would only obtain the approvals. Councilman Christensen asked if he owned the wetlands property. Mr. Anderson said he has it under contract.

Councilman Hofhines asked about how much of the project would be built on the hillside. Mr. Anderson said all of the hillside is buildable, in fact it is probably the most desirable because of the view.

Councilman Newbold said she would like to see a map with an overlay on it that would indicate the current general plan designations and the crossing of the railroad tracks, etc. Councilman Christensen asked if the public was notified of this hearing. Mr. Leetham said yes. Councilman Christensen said some of the property owners had

South Jordan City
City Council
January 3, 1995

been vocal in the past and wondered why they were not in attendance. Mr. Anderson said he owned most of the homes and property now.

Councilman Carlile asked if it met the new master plan. Mr. Leetham said yes. Councilman Carlile made the motion to table the item. Councilwoman Newbold seconded the motion. The vote was unanimous in favor.

Mayor Hutchings asked how extensive Mr. Anderson's plans were. Mr. Anderson said very. Mayor Hutchings asked him to review the footprint for 11400 South and also Draper's plans for the roadway. Mr. Anderson said it was in his plans.

F. Public Hearing: Rezoning Application #SJ-259-94Z, 11380 South Redwood Road, 14.54 Acres, Agricultural (A-1) to Community-Commercial (C-C). (Mark Haymore)

Mayor Hutchings opened the public hearing. Mr. Leetham stated that the proposed use for this site would be commercial and that the Planning Commission recommended approval on December 14, 1995.

Lee Beckstead stated that he adjoined the proposed property. He reminded the Council that he has been in front of them before to explain his mink farming business and the effect that light and noise has on their breeding. He asked what type of commercial business would be there. Mayor Hutchings explained that the exact type is not known at this time. Councilman Peck explained that there would be other meetings for a site plan approval, etc. at which time Mr. Beckstead could also voice his opinion. Councilman Christensen stated that it would need to be compatible with Mr. Beckstead's farm.

Mr. Beckstead stated that his mink barns are about 30 to 50 feet from this property. Councilman Peck said, potentially, the back of a building could be adjacent to Mr. Beckstead's property and not bother the mink at all. Mr. Beckstead pointed out that he is not pleased with the lack of cooperation he is getting from Salt Lake County.

Lisa Stocking stated that this rezoning may be premature if the type of commercial is not known and the applicant does not even have a buyer. Ms. Stocking was also concerned about the water availability and getting a light at the corner of 11400 South and Redwood Road.

Mayor Hutchings asked for any further comment. Seeing none being made, he closed the public hearing.

Mr. Leetham explained that this property would probably obtain their water from 11400 South, but this would be hard to determine without a site plan.

the intersection to the canal would be 106' and tapered to 80' west of the canal. Mrs. Duffin believed that the whole road would eventually be 106'.

Councilwoman Newbold asked if the back portion is able to be sewerred. Mr. Leetham said he believed it could be sewerred across the canal to the South and East, but this is just a concept. The Sewer District found that sewer service through Jordan Commons was not acceptable.

Councilman Carlile assured Mrs. Duffin that the road would only be 80' because of the cost of replacing the homes. He also suggested that the Duffins work with the Sewer District to find a solution to the sewer concerns.

Councilman Carlile made the motion to approve the Amended Final Subdivision Plat of Jordan Commons Subdivision, 1955 West 10400 South Street, R-2.5 Zone District, 7.83 Acres, 15 Lots for McArthur Communities L.C. Councilman Peck seconded the motion. The vote was unanimous in favor.

I. Rezoning Application #SJ-258-94Z, 438 West 11000 South Street, 5.6 Acres, Agricultural (A-5) to Residential-Multi Use (R-M). (J. Robert & Owen D. Brimhall and Gerald Anderson)

Mr. Leetham reminded the Governing Body that a public hearing was held on this item at the last meeting. Councilwoman Newbold was concerned about the upgraded improvements and the levels of service. Mr. Leetham stated that the developer must provide adequate infrastructure and has agreed to do so.

Councilman Peck made the motion to approve the Rezoning Application #SJ-258-94Z, 438 West 11000 South Street, 5.6 Acres, Agricultural (A-5) to Residential-Multi Use (R-M) for J. Robert & Owen D. Brimhall and Gerald Anderson. Councilman Carlile seconded the motion. The vote was unanimous in favor.

J. Conditional Use-Preliminary Site Plan for the University of Utah Credit Union, South/East Corner 10200 South Redwood Road, 1 Acre, Community-Commercial Zone District (C-C). (Thomas Petersen Hammond and Associates)

Mr. Leetham stated that the Council did have some concern about the amount of driveways on Redwood Road. Councilwoman Newbold noted that the plat showed curb, gutter, and sidewalk up to Smith's property and felt this was appropriate. Councilwoman Newbold also felt that both parcels should have a shared access.

South Jordan City
Planning Commission Meeting
April 12, 1995

retirement.

Chairman Romph called for any further discussion. Seeing none, he called for a motion. Brent Arnold made a motion to recommend approval subject to a fire inspection. G. Doug Wilkinson gave the motion a second. The vote was unanimous in favor.

IV PUBLIC HEARINGS:

- A. Rezoning Application: #SJ-263-95Z, 300 West 11400 South Street (Approximate), 7 Acres, Agricultural (A-5) to Commercial-Freeway Frontage (C-FF), Gerald Anderson & George Pingree.

Chairman Romph reviewed the staff report explaining that Mr. Anderson has very recently rezoned a number of properties in this specific location to C-FF. The purpose of this application is to join these 7 acres to the previously rezoned parcels to make the contiguous parcels larger. Chairman Romph stated that the applicant is planning to acquire and develop as many properties between 10600 South and 11400 South and I-15 and the Railroad Corridor as possible. This applicant has indicated that the construction of planned roadways will be part of this project also.

Chairman Romph reviewed the 5 Levels of Service adopted by the City Council and Planning Commission.

Chairman Romph opened the public hearing. There was no one present with concerns or questions. Chairman Romph closed the public hearing.

Ken Keown questioned the property posting and the notification mailings? Administrative Secretary Judy Hansen explained the Blaine Murray would have been responsible for the property posting and she could not address that, but the mailings were sent. A copy of the letter mailed and to whom it was mailed was presented.

Mr. Keown stated that he had not seen any posting on the property and questioned if this had been done.

Brent Arnold asked the location of the road paralleling the railroad? Chairman Romph explained the site of the future planned 500 West.

Chairman Romph called for a motion. G. Doug Wilkinson made a motion to recommend approval of rezoning #SJ-263-95Z. Brent Arnold gave the motion a second. The vote was 3 in favor with Ken Keown voting in opposition due to lack of property posting and the

South Jordan City
Planning Commission Meeting
April 12, 1995

Transportation Levels of Service not being satisfied.

B. Rezoning Application: #SJ-264-95Z, 1800 West 11400 South Street (Approximate), 9.64 Acres, Community-Commercial (C-C) to Residential (R-1.8), Robert M. Allen.

Mr. Allen was present. Chairman Kevin Romph reviewed the staff report explaining that this is a request to rezone this parcel to construct a large lot residential subdivision just south of 11400 South.

Chairman Romph reviewed the Levels of Service used to evaluate land development applications. It is anticipated that this development can meet these.

Chairman Romph explained that City Staff has listed some concerns in the staff materials and he reviewed this with the Planning Commission and public. He stated that the City is very desirous that UDOT permit the construction of an interchange at 11400 South. In addition, UDOT has committed to construct an intersection at the Bangerter Highway with 11400 South. In light of this, it is believed that the intersection of 11400 South and Redwood Road may become one of the best commercial intersections in South Jordan. Objective 2 of the Future Land Use Element requires that the Planning Commission and City Council consider whether "existing Land Use Plan boundaries are logically drawn in relation to existing or expected future conditions". City Staff has suggested that the Planning Commission may want to consider reserving this corner for a possible large commercial development.

Chairman Romph opened the public hearing. Lisa Stocking asked the location of the rezoning parcel? Mr. Allen displayed this on a proposed site plan map.

Ms. Stocking requested that anything developed at this location be tied into the 11400 South water line and not the Redwood Road line. She also asked that the City continue to work with UDOT and lobby for a traffic light at 11400 South Redwood Road.

Dr. Roger Rees explained that he had a veterinary clinic adjacent to this parcel and express some concern that his type of business may be objectional to the residents. He asked that the developer be required to buffer in some way to prevent future problems.

Dr. Rees asked if the development would allow large animals? He stated that he would prefer that they did.

Mr. Allen explained that this is planned as six, 1 acre lot

Mr. Graf asked if he found a way for off-site storage, could he be heard again by the Planning Commission? Mr. Leetham stated that with off-site storage, this could be put on the Summary Action Calendar.

IV PUBLIC HEARINGS

- A. Preliminary Subdivision Plat: Country Park Estates #4 Subdivision, 9435 South 3200 West Street, Residential R-2.5 Zone District, 2.53 Acres, 4 lots, Robert S. Smith.

Community Development Director Ken Leetham reviewed this item. He stated that this is a public hearing at which the Planning Commission should take public comment and then table this item until the next regular meeting. Prior to the next meeting, a written development agreement proposal will be drafted. This agreement will address all required improvements and other obligations for which the developer and the City will be responsible.

Chairman Romph opened the public hearing.

Randy Parker, 3179 West 9435 South Street asked if there would be restrictive covenants for this subdivision? Mr. Smith was not present to answer this question. Mr. Parker stated that this area has become a dumping ground for construction companies. He ask if Mr. Smith would be required to clean up the site? Mr. Romph explained the complaint form that is required.

Chairman Romph called for any further public comment or discussion. Seeing none, he closed the public hearing.

G. Doug Wilkinson questioned the lot line on lot 403. Mr. Leetham stated that this would need to be looked at.

Mr. Romph asked if the sidewalk is around the entire development? Mr. Leetham stated that it was.

Richard Allen ask if collector street fencing is required on 3200 West? Mr. Leetham stated that it was.

Mr. Allen made a motion to table this item to allow staff to draft a development agreement and define the lot line on lot 403. Ken Keown gave the motion a second. The vote was unanimous in favor.

- B. Rezoning Application: #SJ-271-95Z, 445 West 10000 South Street (Approximately), 22.94 Acres, Agricultural (A-1) to Residential-Multiple Use (R-M), Verona Kemp & Gerald Anderson.

Mr. Anderson was present. Community Development Director Ken Leetham reviewed this item explaining that this application and the 2 that follow should be considered at the same time. He stated that since the areas proposed for rezoning are currently designated Rural-Residential on the Future Land Use Plan, the rezoning applications are inconsistent with the General Plan. Mr. Leetham explained that the applicant has expressed a desire to table the rezoning applications until the proposed Land Use Plan amendments can be heard.

Mr. Leetham stated that it would be his recommendation that a public hearing be held and the applications to rezone then be tabled until such time as the proposed amendments to the Future Land Use Plan can be properly noticed and considered by the Commission.

Chairman Romph opened the public hearing.

Gerald Anderson presented a concept of the proposed development borders which include properties currently zoned R-M and C-FF. Mr. Anderson also displayed a concept of the Master Plan for the area of the proposed development. He stated that it is the City's desire to gain as much commercial property as possible.

Mr. Anderson stated that he is planning on having restrictive covenants adopted in ordinance form to allow the City to enforce them.

Mr. Anderson showed the area of the proposed rezonings on a plat map. He also presented several concepts. He explained that he was currently working with an engineer that had been involved with the Hidden Valley shopping area. This would be a similar project. Mr. Anderson addressed utilities, roads, parks, and school impacts. He stated that the multi-family would be built out in phases.

Sherman Taylor, 11131 South Anna Circle presented a petition (see attached). He stated that while he does not speak for all citizens, he represents some of the neighbors to this proposed rezoning area. Mr. Taylor asked the date of the adoption of the current Master Plan? Mr. Leetham stated that it was adopted on November 1, 1994.

Mr. Taylor stated that 7 months ago, this was the best plan for the City. Now, we are looking at amending it. He asked if the City had solicited this rezoning? Mr. Leetham explained that the City is not participating in this.

Mr. Taylor asked Mr. Anderson's personal address? Mr. Anderson stated that he lived at 10977 South Pleasant Hills Drive in Sandy.

Mr. Taylor read a written statement into the record (see attached).

Mike McMillan stated that he appreciates living in a community where residents are allowed to voice

their views. He stated that previous City officials have repeatedly guaranteed those living on 445 West that 445 West would never be a through street.

Mr. McMillan complimented Mr. Anderson on some of his proposals expressing concern with going from a 1.8 density to 18 units per acre density. He stated that this could create 700 units which is very dense. Mr. McMillan also expressed appreciation to Mr. Leatham for holding the public hearing to allow the residents the opportunity to voice their concerns.

Clark Reber, 11324 South 445 West stated that he had lived in South Jordan for 20 years. He stated that he is not in favor of having high density housing as a neighbor. He thanked the Planning Commission for their time.

Marvin Miller, 11234 South 445 West stated that he will have 600 feet of frontage adjacent to this property. He stated that he supports the rural-residential designation on the Master Plan and would like the Planning Commission to also support it. Mr. Miller also questioned the street lights on 445 West and asked if they could be turned on.

Pete Svedin, 435 West 11000 South explained the Verona Kemp is his Mother-in-law. She is 70 years old and is feeling pressure to sell this property due to the encroachment of the commercial area and the R-M Zone in the area. A previous developer expressed interest in developing this parcel into a large lot development, but due to the lack of a second egress and ingress, they were unable to do it.

Mr. Svedin stated that Mrs. Kemp needs to sell to provide for herself and not become dependent on her children.

Kent Johnson, 11286 South 445 West expressed concern about the lack of open space stating that the community needs to have open space.

Tim Harper, 11229 Brook-n-Lance Lane stated that he has lived in trailer parks and apartment complexes. While living in these areas, he has had cars and property stolen. He stated that he has just moved to South Jordan and enjoys the rural atmosphere. Mr. Harper asked the Planning Commission to support the Master Plan.

Paul Reber, 11337 South 445 West stated that he moved to South Jordan because of the atmosphere. He stated that he is willing to pay his fair share of taxes to maintain this atmosphere. Mr. Reber explained that he understands that people want and need to sell their property, but is opposed to the present plan.

Mr. Reber stated that he favors Mr. Anderson's ordinance driven covenants.

Clark Reber stated that he is unaware of the first developer's plans. Chairman Romph explained that this was never submitted to the City for review.

Mr. Reber questioned the equestrian trails and parks shown on the concept and ownership. Mr. Anderson stated that this would be the responsibility of the bordering landowners. The parks would be deeded to the City.

Sherman Taylor asked why the first concept plan would not work? Mr. Anderson explained the need of a second egress and ingress, the Galena Canal mitigation requirement and a large existing sewer line.

A gentleman in the audience questioned bridging the railroad tracks. Mr. Anderson explained that the cost is approximately \$250,000.00 just to bridge.

Chairman Romph explained that all the comments are well taken. He stated that the Master Plan should be reviewed on an annual basis. Not as a developer demands, but as need demands. Chairman Romph thanked everyone that commented and closed the public hearing.

Richard Allen stated that noting has been completed on the Special Improvement District for this area. He expressed concern that this may be necessary before any further action can be taken. Mr. Allen stated that the last concept plan presented by Mr. Anderson does show 2 egresses. He stated that this needs to be looked at.

G. Doug Wilkinson stated that he would appreciate seeing a 5th option showing a second egress with single family housing.

Ken Keown stated that location of apartments in certain areas was a compromise with a park as part of the compromise. He stated that this is premature as the application to amend the Future Land Use Plan has not been submitted. Mr. Keown made a motion to deny rezoning applications SJ-271-95Z, SJ-272-95Z, and SJ-273-95Z. Richard Allen gave the motion a second. The vote 4 in favor with G. Doug Wilkinson voting in opposition stating that the applicant has requested prior to the meeting to have these items tabled. Mr. Wilkinson stated that this request should be honored.

Chairman Romph stated that personally, he liked what Mr. Anderson is trying to do, but feels there may be a better way to accomplish it. Mr. Romph stated that he is not ready to revisit the Master Plan at this time.

Ken Keown stated that the Special Improvement District should be studied further.

Gerald Anderson stated that the City needs to realize that acre lots do not pay the way.

Chairman Romph stated that Mr. Anderson has presented some good ideas, but would like to see different proposals considered.

- C. Rezoning Application: #SJ-272-95Z, 435 West 10000 South Street (Approximately), 1 Acre, Agricultural (A-1) to Residential-Multiple Use (R-M), Shanna & Paul Svedin and Gerald Anderson.

Considered with item Vb.

- D. Rezoning Application: #SJ-273-95Z, 11200 South 600 West Street (Approximate), 16.55 Acres, Agricultural (A-1) to Residential-Multiple Use (R-M), Robert A. Schmidt and Gerald Anderson.

Considered with item Vb.

V ACTION ITEMS

- A. Preliminary Subdivision Plat: Jockey Club Estates Subdivision, 1800 West 11400 South Street (Approximate), 9.84 Acres, 6 Lots, Rural Residential (R-1.8) Zone District, Robert M. Allen.

Robert Allen was present. Community Development Director Ken Leetham reviewed this item. He explained that the Planning Commission held a public hearing on this item on June 28, 1995. At that meeting, the application was tabled to allow staff time to research the proposed islands in the right-of-way and to put a written development agreement together.

Mr. Leetham stated that the island issue has been looked at and it is the City's recommendation that they not be allowed. He stated that the cul-de-sac exceeds the length requirement, but this is a minor problem.

City Engineer Haight stated that the islands do present some problems.

Mr. Allen stated that with the magnitude of this development, the islands add an ambiance. He stated that if the islands are going to be denied, he would like to propose to have the road a private roadway. Mr. Allen stated that this is not a high density development. It would be an asset to South Jordan. He stated that the average home price in this development will be \$400,000.00. He stated that the covenants will restrict any home smaller than 4000 square feet.

G. Doug Wilkinson asked how this would be guaranteed? Mr. Allen stated that this will be addressed in the restrictive covenants for the subdivision.

South Jordan City Planning Commission Meeting
September 13, 1995

- D. Proposed Amendment to Future Land Use Plan for Property Generally Located between 11000 South and 11200 South Streets and between 300 and 600 West Streets from Rural-Residential (R-R) to High Density Residential (HDR).

Chairman Romph turned the meeting to Community Development Director Leetham. Mr. Leetham stated that City Administrator Dave Millheim would like to address the Planning Commission concerning this item. Mr. Leetham turned the time over to Mr. Millheim.

City Administrator Dave Millheim explained that the issue before the Commission is an amendment to the Master Plan in an area of the proposed S.I.D.. He stated that the S.I.D. is the most complicated project the City has undertaken.

Mr. Millheim stated that there has been a great deal of discussion between the City and the developer of a large area in the S.I.D. Negotiations are ongoing. He explained that feedback was received from the City Council to staff at a meeting held on Thursday, September 7, 1995 that staff has been unable to convey to the developer. Mr. Millheim stated that these concerns should be address by the developer before any other action is taken. He explained that staff is requesting that this item be tabled for 2 weeks to allow time to express the Council's concerns to the developer. This public hearing would then be held on Wednesday, September 27, 1995 by the Planning Commission and by the City Council on Tuesday, October 3, 1995. This would allow staff to get with the developer. Mr. Millheim stated that timing is very crucial, but a public hearing at this time would be premature.

Ken Keown stated that property owners should be included in any meeting with the developer to have their questions answered. Mr. Millheim explained that statutorily, this is not allowed. He stated that the City Council is very concerned with the resident's concerns. This is why he is recommending that this be tabled.

G. Doug Wilkinson stated that if the Commission tables this at Mr. Millheim's request, he would like to have a development agreement in place at least 7 days prior to the next meeting to allow the public the opportunity to review. Mr. Millheim stated that this would not be possible. Mr. Wilkinson stated that in this case, 2 weeks may not be sufficient. The public has the right to review the development agreement.

Ken Keown asked if the public hearing scheduled for October 3, 1995 was mandated? Mr. Millheim explained the S.I.D. and the conditional protests. The conditional protests expire on October 10, 1995 on much of the land.

Chairman Romph asked how the Planning Commission will know what the issues are if a public hearing is not held tonight? Administrator Millheim explained that the issue before the Planning Commission is a portion of the S.I.D. and is a request to amend the Master Plan. It cannot be mixed

South Jordan City Planning Commission Meeting
September 13, 1995

with the entire S.I.D..

G. Doug Wilkinson stated that he did not have a clear feeling concerning the amendment request. He stated that allowing the public to speak would help clear some of the issues.

Ken Keown stated that as an alternative, a public hearing can be held and then table the item for 2 weeks to take any action. Administrator Millheim agreed that this could be done.

Richard Allen explained that due to a family matter, he would have to leave the meeting at 10:00 p.m.. Mr. Allen made a motion to table this item for 2 weeks to allow him to be present for public comment. G. Doug Wilkinson gave the motion a second explaining that the City Council has done a good job on the S.I.D. and in 2 weeks, the Commission may be better able to answer the public's questions. The vote was 2 in favor with Ken Keown and Chairman Romph voting in opposition. Due to a tie vote, the motioned failed.

Mr. Romph explained that the public has been noticed concerning a public hearing. Although questions cannot be answered, public comment can be taken.

Richard Allen explained that he would like to hear the public comment.

Director Ken Leetham stated that Brent Arnold is also not present. It would be wise to allow Mr. Arnold the opportunity to hear the issues raised by the public.

G. Doug Wilkinson made a motion to hold the public hearing asking that those speaking keep their comments to only the amendment issues and refrain from becoming repetitive. Chairman Romph gave the motion a second. The vote was unanimous in favor.

Mr. Allen was excused.

Chairman Romph opened the public hearing.

Jeanne Jackman, 2610 West 10950 South stated that this is not an issue that just affects the east side of the City. She stated that South Jordan residents have continually fought against high density development. Ms. Jackman stated that this is a City wide issue and is adamantly opposed to it.

Marv Miller, 11234 South 445 West displayed the area of his residence on the map. He asked that the zoning not be changed east of the river. Mr. Miller expressed opposition to high density development.

Mile Lyman, 11279 South 445 West stated that he has animals on his property. He stated that when you mix high density housing with properties that have large animals, there is always conflict. He

South Jordan City Planning Commission Meeting
September 13, 1995

asked that this not be allowed.

Rex McMillan, 11285 South 445 West stated that he had concern in the past with 1/3 acre lots bordering horse properties. This is very high density that is now be considered. Mr. McMillan expressed strong opposition to the amendment.

Steve McMillan, 11223 South 445 West stated that he has 2 acres of ground on which he is currently building his home. The building permit was in excess of \$10,000.00. Mr. McMillan stated that living next to a high density development is not what he envisioned when he began his home. He asked that the zoning currently master planned for this area remain.

Luane Jensen, 11106 South 2700 West asked if the master planned will have to be re-opened? Mr. Leetham explained that this is a public hearing to amend the master plan.

Ms. Jensen stated that when this area was annexed, the residents were promised various things by the City. High density housing was not one of the things promised. She stated that residents throughout the entire City are opposed to any high density development and asked that the Master Plan be kept as it is.

Bert Oliver, 311 West 11000 South asked why the residents are having this pushed on them. Nobody wants to live next to a high density development. Mr. Oliver stated that he asked both the Mayor and the City Council if there would be apartments in this area. They both said that there would be no apartments east of the railroad tracks and south of 11000 South. He asked if there is no moral obligation to stand by what they have promised?

Mr. Oliver expressed his faith in the Planning Commission, stating that they are a fair body that listens to all sides. He stated that he has no faith in the City Council. They seem intent to keep at the residents with this until they give up.

Kent Johanson, 11286 South 445 West stated that earlier in the meeting an item was before the Commission for a high density than allowed by the Master Plan. The citizens expressed their desire to see the Master Plan supported in that area. He asked that it be supported on this issue also. Mr. Johanson expressed opposition to apartments due to the high density that was being requested. He stated that apartments become a blighted area. The residents do not want this. R-R means rural residential. South Jordan residents have strongly expressed desire to remain rural.

Aleta Taylor, 11131 South Anna Circle stated that she is very opposed to any change in the Master Plan. She stated that this proposal is far removed from the rural-residential designation. Ms. Taylor stated that this development would be adjacent to her property. She stated that the Planning Commission and the City Council have a commitment to the residents to support the Master Plan.

South Jordan City Planning Commission Meeting
September 13, 1995

Debbie Francom, 11272 South 675 West stated that she is strongly opposed to amending the Master Plan.

Gerald Anderson introduced himself as the developer of the proposed amendment area explaining that he was prepared to move ahead with this project and hold the public hearing tonight. He stated that he has had several conversations with residents and explained that he is sensitive to their concerns. Mr. Anderson expressed appreciation for the input of the residents. He stated that he wanted to clarify that the area currently zoned R-M which will allow apartments is included in the number of units proposed.

Chairman Romph stated that credit does need to be conveyed to the Planning Commission, City Council, and City Staff as this is a difficult issue to deal with.

Chairman Romph closed the public hearing. G. Doug Wilkinson stated that he is not ready to make a recommendation concerning this request and made a motion to table this item until the meeting of September 27, 1995. Ken Keown seconded the motion. The vote was unanimous in favor.

Mr. Wilkinson explained that the public will not be notified of the meeting and advised that they contact the City on the Monday prior to the meeting to confirm that this is scheduled on the agenda for that meeting.

Gary Crane explained that he was an attorney for various cities. He stated that many good comments were heard tonight. Mr. Crane stated that, by closing the public hearing, this would become an action item and further comment would not be taken. He asked that the public hearing not be closed.

Chairman Romph thanked Mr. Crane stating that this is a good point. G. Doug Wilkinson made a motion to continue the public hearing. Kevin Romph gave the motion a second. The vote was unanimous in favor.

V ACTION ITEMS

- A. Final Subdivision Plat: Elk Run #1 Subdivision, 9580 South 4200 West Street, 10.2131 Acres, Residential (R-3) Zone District, Rycor, Inc. (Applicant).

Craig Knight of Rycor, Inc was present. Community Development Director Ken Leetham reviewed this item. He stated that this phase of the subdivision has been reviewed and approved by the City Engineer and is ready for final approval. Mr. Leetham stated that City Staff is recommending final approval.

Chairman Romph called for any discussion. Seeing none, he called for a motion. Ken Keown made a motion to approve the final plat for Elk Run #1 Subdivision. Kevin Romph gave the motion a

PLANNING COMMISSION AGENDA

AUGUST 16, 1995

NOTICE IS HEREBY GIVEN THAT THE SOUTH JORDAN CITY PLANNING COMMISSION WILL HOLD A WORK MEETING ON WEDNESDAY, AUGUST 16, 1995 AT 6:30 P.M. AT THE SOUTH JORDAN CITY OFFICES, 11175 SOUTH REDWOOD ROAD, SOUTH JORDAN, UTAH. PERSONS WITH DISABILITIES WHO MAY NEED ASSISTANCE OR AIDE SHOULD CONTACT THE CITY ADMINISTRATOR AT 254-3742 AT LEAST 24 HOURS PRIOR TO THE MEETING.

WORK SESSION AGENDA

I GENERAL BUSINESS ITEMS

- A. Roll Call.
- B. Approval of the Agenda.

II PRESENTATIONS

- A. Staff Presentation of Proposed Special Improvement District Located Generally Between 10600 and 11400 South Streets and I-15 and Approximately 700 West.
- B. Presentation by Anderson Development of Development Plans for Properties Within the Proposed Special Improvements District.

III OTHER BUSINESS

- A. Calendaring Items.
- B. Planning Department Matters.

IV ADJOURNMENT



SOUTH JORDAN

U T A H

A.. Proposed Amendment to Future Land Use Plan for Property Generally Located between 11000 South and 11200 South Streets and between 300 and 600 West Streets from Rural Residential (R-R) to High Density Residential (HDR).

Community Development Director Ken Leetham reviewed this item. He stated that this had been previously heard at a public hearing on September 13, 1995. At that time, public comment was taken and the public hearing continued to tonight's meeting. Mr. Leetham discussed the joint work session held with the City Council on Thursday prior.

Director Leetham stated that the developers had requested the opportunity to speak to both the Planning Commission and the public. He stated that this may answer questions that anyone may have.

Chairman Kevin Romph reconvened the public hearing and invited Mr. Anderson to address the body.

Gerald Anderson discussed the joint work meeting held on Thursday, September 21, 1995 with the Planning Commission and the City Council. Mr. Anderson stated that there was also some citizens present to have their concerns addressed.

Mr. Anderson explained that he had been working on this project for over 2 years assembling properties and rezoning them properly. He touched on the Special Improvement District as it related to this property in particular.

Mr. Anderson stated that the neighbors to the south of this project have expressed concerns and he has been working with them trying to mitigate these concerns. He explained his intention to buffer to avoid any foot or vehicular traffic in the existing residential areas.

Mr. Anderson stated that there is a great need for alternate life style housing. He explained that a number of experts have testified to the need for this type of development.

Mr. Anderson introduced Mr. Tim Soffe and asked to spend some time discussing the proposed development.

Mr. Soffe explained the area of the proposed amendment stating that this is an opportunity to attract an upscale development. He explained that he had been involved in the design and construction of the Hidden Valley Shopping Center. Mr. Soffe stated that this is the type of development this area will allow South Jordan to develop. He stated that with what is proposed, South Jordan will realize all of the benefits and none of the impacts.

Mr. Soffe turned the time back to Mr. Anderson.

Gerald Anderson stated that as developers, they are in the business to make money, but he strongly believes that this also offers the City the opportunity to benefit economically. The multi-family will also be an economical benefit to the City. Mr. Anderson compared South Jordan's situation to that

of Sandy City approximately 15 years ago. Sandy continued to raise the mill levy to pay the way. A City cannot function on property tax alone. Sandy rectified this with commercial development.

Mr. Anderson introduced his partner, Mike Hutchings.

Mr. Hutchings presented written material and discussed these. (See attached.) He stated that this is a luxury apartment market. The company that has committed to developing the multi-family is Pegasus. They have committed to constructing a multi-million dollar luxury apartment development. Mr. Hutchings spent some time discussing information concerning sales tax collected per resident (see attached).

Mr. Anderson stated that if a City is going to have multi-family forced on them by government requirements, it should be a choice development. He introduced Dan Lofgren, President of Prowswood.

Mr. Lofgren thanked the public and the Planning Commission for their time and effort. He apologized for the repetition of remarks explaining that everyone is very excited about this project. Mr. Lofgren stated that Pegasus is a premier developer. They have a commitment to quality and they have the resources to make a project of this magnitude come to life.

Mr. Lofgren stated that a project such as this has not been done before. He discussed the type of resident this type of development attracts. This development is targeting a specific high-end renter. Mr. Lofgren displayed a conceptual drawing of the proposed apartment development explaining that these will be 800 to 1300 square feet in size. There will be units with 1, 2, or 3 bedrooms and direct access garages. Mr. Lofgren stated that he was very comfortable with the quality of this project.

Mr. Anderson stated that he and his associates have tried to hit the high points. He explained that they have spent long hours looking at several different concepts. Mr. Anderson asked Chairman Romph if, as the public speak, the area of their residence could be identified on an aerial map in relationship to the project? Chairman Romph stated that this is acceptable, but at the discretion of each resident. Mr. Anderson stated that at the close of the public hearing, Gary Crane would like to summarize for the developers.

Chairman Romph turned the meeting to the public explaining that each speaker is asked to come to the microphone, state his name and address for the public record and try to keep his comments to 3 minutes if possible.

Kent Johnson, 11296 South 445 West stated that he has attended many of the meetings concerning this issue. He expressed some reluctance to the size of the project. His property is 300 to 400 feet from the apartments, but if what has been shown tonight is what is going to be constructed, Mr. Johnson stated that he is not opposed.

Bert Oliver, 311 West 11000 South stated that because of personal reasons, he is no longer opposed

to this project. Mr. Oliver stated that South Jordan is in a financial bind. They need this type of development. The window of opportunity is now. If this window disappears, South Jordan will lose the means to run the City. He asked that the Planning Commission consider this strongly.

Gary Sturdevant, 241 West 11000 South complimented the Planning Commission Chairman and the Commission members for taking public comment at the previous meeting. He stated that he has lived in South Jordan for 33 years. Mr. Sturdevant read a portion of a registered letter sent to Mayor Hutchings in August. Mr. Sturdevant stated that he is against low-rent apartments, but is not opposed to the high quality product displayed here tonight. He asked that the developer be kept to his word. Mr. Sturdevant also commended Gerald Anderson and Mike Hutchings for there work.

Marilyn Boggess, 2118 Scenic Oaks Cove stated that they have property at 300 West 11400 South. She stated that they had previously lived in Union and watched as land around their farm was developed. She explained that they sold their farm and now a very nice apartment complex is being constructed there. There is a time for everything. Ms. Boggess stated that she is very much in favor of this development. Micron is currently under construction in Lehi. This development could be completed as Micron is coming on board. The workers there will need places to live. Lehi does not have apartment facilities. South Jordan needs to be ready to take advantage of this.

Reid Boggess, 2118 Scenic Oaks Cove stated that he was a Planning Commission member in Union and understands the tremendous responsibility these men have. He stated that Dan Lofgren has been in the business of apartments for many years. What is planned here is awesome. It will be a great opportunity for South Jordan to answer their economical worries.

Bruce Kimmel, 240 West 11400 South stated that he was not in favor of this project in the past. He stated that he moved here 20 years ago and felt he had found the greatest place in the world to live. Mr. Kimmel stated that if this is going to happen, the Planning Commission has the responsibility to keep this a pristine development. The Olympics are coming to Utah. This needs to be ready for the Olympics. South Jordan can set the trend by allowing the construction of this development.

Marv Miller, 11234 South 445 West stated that he lives immediately adjacent to the proposed complex. He explained that he was opposed to this at every meeting he has attended. Mr. Miller stated that he has met with the developer many times and they have quieted his fears. He stated that this is a quality group of people. Mr. Miller expressed some concern about the density of the project, but explained that he has done some research and found this project will be less dense then many in the valley. Mr. Miller stated that he wished to with draw his opposition and state for the record that he is in support. He stated that Bob Schmidt has been in an automobile accident and unable to attend the meeting, but would also like to express his support of the project.

Steve McMillan, 11231 South 445 West stated that although he is opposed to this project, he will support the decision of the Planning Commission and the City Council. He asked that the Planning Commission make sure it is for the good of the City. Mr. McMillan thanked the Planning Commission members for their time and effort and wished them luck.

Mark Robinson, 11832 Mapleridge Circle explained that he has ownership in the Fairbourne property. He stated that he has become very well acquainted with Gerald Anderson and Mike Hutchings. Mr. Robinson stated that they are very honest men. Mr. Robinson stated that he is very much in favor of the project and asked that it be approved.

Rex McMillan, 11287 South 445 West stated that 900 units is a large development. He stated that he is not acquainted with many people that can afford the type of rent mentioned. Mr. McMillan stated that the proposed buffer has gone from 100 feet when this was first discussed to 40 feet now. He stated that there should be a more gradual change against the animal properties. Mr. McMillan expressed disagreement with trading wetlands for density. He stated that a 900 unit complex is a very big risk for both the developer and the City. Mr. McMillan expressed appreciation to the Planning Commission and commended them on the way they have handled themselves throughout this process.

Cem Lyman, 11279 South 445 West expressed concern about the density. She stated that Mr. Anderson has met with her family and tried to answer their fears. Ms. Lyman stated that Mike McMillan has been in touch with Mr. Anderson and the buffering is being addressed. She expressed appreciation to the Planning Commission for their professionalism and expertise.

Sherman Taylor, 11131 South Anna Circle expressed appreciation for the opportunity to address the Commission. He read a written statement.

Samuel Reber, 111351 South 445 West stated that he was not extremely fond of the proposal. He stated that he does not approve of the high density. Mr. Reber stated that a lot of numbers have been thrown around with no proof that this will be to South Jordan's benefit. He stated that the economical benefits have been discussed. If we are going to have this, we must make sure we can keep the people shopping in South Jordan and not across the street. Mr. Reber stated that he is not convinced that this is the best use for this property. The developer has brought in his experts. Experts are a dime a dozen and will be in favor of the one holding the purse strings. Mr. Reber stated that on an earlier item, the Planning Commission was concerned about the size of a dump truck parked at a residence. Please have the same concern with this issue. Mr. Reber thanked the Planning Commission for their time.

Wilma Larsen, 310 West 11000 South stated that she is not here to voice opposition or approval. She stated that she has done some research and this will be the largest apartment complex in the State. Ms. Larsen stated that she has talked with Mr. Giles at Sandy City. They do not development complexes of more than 300 units. The largest complex she could find was Pinnacle with 550 units. Ms. Larsen stated that she contacted the offices of Prowswood and was told that 456 units is the largest complex they have. Ms. Larsen asked if South Jordan is ready to accept the problems that will come with this type and size of a development?

Dennis Dalley, 11421 Brook-N-Lance Lane asked if this project is inevitable? If so, the zone change should be tied into what has been presented tonight to guarantee quality of the project. He stated that he is opposed to the project.

Jerry Fairbourne, 291 West 11000 South stated that he has farmed almost all of the ground being discussed. When his parents place was sold, he stated that he was not in favor of the sale. Mr. Fairbourne stated that since that sale, he has gained an impression of Gerald Anderson. He has been honest. Mr. Fairbourne stated that he gives his total support to Gerald.

Bob Brimhall, 434 West 11000 South stated that his property has been rezoned and is under contract with the developer. He stated that he has previously been a Planning Director to a City of 45,000 people. Mr. Brimhall stated that he understands what is required of the Planning Director and the City. Mr. Brimhall stated that Gerald Anderson deserves a great deal of credit for having the foresight to envision this type of development. He stated that he would commend the Planning Commission to go forward with this project and recommend approval.

Gary Crane, 1227 North Holly Circle, Layton, Utah stated that the Planning Commission now has to sift through all the information they have received and make a responsible decision. He stated that they do not work for the developer and for individual citizens, but for the City as a whole. Mr. Crane stated that it is the responsibility of the Planning Commission to consider the health, safety, and welfare of the community.

Mr. Crane explained that he is the City Attorney for Layton, Utah and also for Bluffdale, Utah. He explained that recently, the Layton City Council turned down a 4 unit apartment complex stating that they did not want any more apartments. A developer similar to Pegasus came along with a large complex and it was approved due to the quality of the proposal. Mr. Crane stated that a single developer is a benefit. This allows the City to hold the developer to his word. All of the issues promised tonight will come back to the Planning Commission on a site plan. This will give the members the opportunity to make sure all things promised become reality.

Mr. Crane discussed the benefit of the isolation of this project. Tonight, the question is, is this an appropriate use for this property? He stated that the Planning Commission needs to look at Planning issues and if this is an appropriate area for that use.

Chairman Romph thanked everyone for their comments and concerns. He declared the public hearing closed and invited discussion among the Commission Members.

Ken Keown stated that the rezoning was previously denied by the Planning Commission. He asked if there would be another rezoning hearing? Director Leetham explained that the Planning Commission acted on the rezoning application some time ago. It has not gone forward to the City Council for action. Mr. Keown asked if the City Council would act on both requests? Mr. Leetham stated that they would.

Mr. Keown asked the location of the parcel currently zoned R-M? Mr. Leetham explained this area. Mr. Keown stated that since this is presently zoned for multi-family use, it does not provide any bargaining margins. Mr. Leetham discussed the site plan approval process, explaining that the Planning Commission will then have the authority needed to assist the developer in providing a quality

development.

Mr. Keown asked if this remained in the Rural-Residential Zone, how many single family homes would be possible? Mr. Leetham stated that it would be approximately 70 homes. Mr. Keown questioned a height restriction. Mr. Leetham stated that he would have to check on this. He did believe that it was 50 feet or three stories, but was not sure.

Mr. Keown asked if there had been a development agreement drawn up? Mr. Leetham stated that it was not complete. He explained that the City Attorney is currently working on this. Mr. Keown asked if there is opportunity for the Planning Commission to submit issues to be included in the development agreement? Mr. Leetham stated that this could be done in the motion. Mr. Keown asked if buffering could be addressed in the agreement? Mr. Leetham stated that in his opinion, buffering is a site plan issue, but that the Commission's concerns were also shared by City Staff and the City Council.

G. Doug Wilkinson stated that one of the things that concerns him is the density. He stated that he also feels that the roof line of the development should resemble the residential look. Mr. Wilkinson stated that the Planning Commission has a responsibility to look forward. The City is looking at economical collapse if commercial development is not generated. Mr. Wilkinson stated that apartment use generates commercial development. He stated that as long as the commercial is large target, he is in favor.

Richard Allen asked how many units would be allowed on the currently zone R-M property? Mr. Leetham stated that it would be approximately 360 units.

Mr. Allen asked about the levels of service requirements? Mr. Leetham stated that these would apply as they do to all developments and would be addressed in the site plan.

Mr. Allen stated that he has some concerns about generating sales tax. He stated that he has attended City Council meetings where large incentives are given to attract development. Mr. Allen expressed concern that this not be the case. If the developer wishes to develop in South Jordan, the City should be careful to not give away sales and property taxes.

Brent Arnold expressed concern about the safety levels of service. He asked if these safety issues will be on board when this is developed such as addition fire and police protection. Mr. Arnold stated that he was in agreement with Mr. Allen. There should be no incentives for development. The developer should be required to pay their way.

Chairman Romph stated that to complete part of the Jordan River Parkway is a great benefit. The economic issues are vast. He stated that the City cannot continue to spend out of surplus to complete the needed infrastructure.

Mr. Romph expressed concern about the density, but stated that it will be a compliment to the City.

Richard Allen asked if this will provide leverage with UDOT to do something on 10600 South. City Engineer Gordon Haight explained that UDOT is currently designing a grade separation at the railroad crossing and a signal for the proposed 500 West Street.

Brent Arnold asked how far the improvements would go? Mr. Haight stated that they will not cross the river at this time. That portion of 10600 South is on a non-funded long range plan.

Richard Allen asked if this project may move these improvements along? Mr. Haight stated that it would not. The bridge is on a 20 year improvement plan.

Ken Keown asked if only 1 light is planned on Tower Blvd.? Mr. Haight stated that only 1 light is presently planned. The entrance to the apartments and the 11400 South intersection are anticipated locations for lights. Mr. Keown asked if UDOT will fund the light? Mr. Haight stated that they would. Mr. Keown asked the projected time for the completion of the planned improvements? Mr. Haight stated that it is scheduled to begin in 16 months and is a 9 month construction project.

Mr. Keown questioned the construction of the proposed 500 West in relationship to the construction of the apartments. Mr. Haight stated that construction of both the road and the multi-family complex appear to be on a parallel course.

Mr. Wilkinson asked why most cities limit the number of apartment units to between 400 and 500? Dan Lofgren stated that the problem is assembling property large enough and suitable to facilitate a large complex. He stated that this is a physical issue and not a business issue.

Mr. Wilkinson stated that he did have some concern with the single garages shown. Most people in the income bracket to afford this type of rental unit will have two or more vehicles. Mr. Lofgren stated that they have done some research on this giving statistics concerning the number of vehicles per family in a 1 bedroom unit.

City Administrator Dave Millheim requested a minute to address the Commission and the citizens. He stated that he wished to thank the public for their participation in this process and invited them to the City Council public hearing to be held on October 3, 1995. Administrator Millheim stated that the City Council has really made an effort to hear citizens concerns. He stated that this is a very important project which needs general public input.

Community Development Director Leetham stated that the Planning Commission has had his recommendation for some time. He stated that he is recommending approval based on location, anticipation of land uses, and the isolation of this area from the bulk of the City. Director Leetham stated that this is an excellent area for multi-family use. He stated that he feels strongly that this is a well thought out plan. Director Leetham explained that some time ago, Mr. Anderson had approached the City with a Master Plan that did not include this property. Mr. Anderson had the foresight to see the need for this type of development.

Richard Allen questioned the need for another rezoning hearing? Mr. Leetham explained that if the Commission recommends approval of the amendment, they will also be conveying their approval of the zone change.

Chairman Romph called for any further discussion. Seeing none, he called for a motion. G. Doug Wilkinson stated that it is his belief that this is the place where apartments fit. He made a motion to recommend approval of the amendment to the Future Land Use Plan from R-R to HDR. Kevin Romph gave the motion a second. The vote was 4 in favor with Ken Keown voting in opposition. Mr. Keown stated that he voted in opposition for several reasons. He listed these as; there is not a development agreement in place, the buffering zone should be a minimum of 100 feet, the motion should address returning this parcel to it's current designation if this developer falls through. Mr. Keown stated that he is not opposed to apartments, but the design standard should be part of the agreement. This also should address the neighbors view of the development. He stated that the motion should have included these issues.

Chairman Romph expressed his agreement, but it is his opinion that these items will be addressed in the agreement and during the site plan process.

G. Doug Wilkinson stated that if this project does not go through with Pegasus on board, the property should revert to it's present designation. Director Leetham stated that staff will convey this to the City Council.

V ACTION ITEMS

- A. Preliminary Site Plan: Dental Office Building, 11600 South Redwood Road (Approximate), .7 Acres, Community-Commercial (C-C) Zone District, J. Michael Dunn DDS (Applicant).

Dan Vowles, Architect for the project and Dr. Dunn were both present. Community Development Director Ken Leetham reviewed this item. He stated that he and the City Engineer had met with Mr. Vowles on Tuesday concerning the site plan. Mr. Leetham explained that Mr. Vowles has submitted a revised site plan that does answer most of the concerns listed in the material included in the Planning Commission packet. Mr. Leetham asked Mr. Vowles to address the revisions.

Mr. Vowles explained the area for the dental office. He stated that it will be a single practitioners office which is surrounded by commercial property. Mr. Vowles stated that he did meet with Mr. Leetham and Mr. Haight and he and the applicant have tried to address the concerns listed in staff materials. He stated that the parking stalls have been revised to 19, and the driveway width is widened to 30 feet. Mr. Vowles stated that there is some concern with buffering needs. The single residence adjacent to this property would prefer a vinyl rail fence. The plan shows a wood or CMU fence. Mr. Vowles stated that the dumpster has been addressed

Mr. Vowles stated that he has attempted to address the engineering concerns. A fire hydrant is now

- B. PUBLIC HEARING: Rezoning Application for Property Generally Located Between 11000 South and 11200 South and between 300 and 600 West. Proposed Rezoning from A-5 to R-M (File #SJ-271-95Z & #SJ-273-95Z)

Rec: Approval of this Request to rezone the Subject Property from A-5 to R-M.

VIII. ACTION ITEMS

- A. FINAL SITE PLAN: Senior Citizen Center, 1617 West 10200 South Street, 168 Units, C-C Zone District. (The Miles Group)

Rec: Approval of the Final Site Plan Request.

- B. CLAIM - MURRAY KENNEDY

Rec: Denial of Payment of the Claim Request of Murray Kennedy.

IX. RESOLUTIONS

- A. None.

X. ORDINANCES

- A. ORDINANCE Enacting and Amended Sections of the Health, Safety and Welfare Provisions of the South Jordan Municipal Code Regarding Graffiti and the Cleaning of Real Property.

Rec: Approve Ordinance as Presented.

XII. INFORMATIONAL ITEMS AND OTHER BUSINESS

A. CITIZEN REQUESTS

- Any person wishing to discuss any item not otherwise on the Agenda may address the City Council at this point by stepping to the microphone and giving his or her name and address for the record. Remarks will be limited to a maximum of three minutes unless additional time is authorized by the Governing Body.
- This is the time and place for any person who wishes to comment on non-hearing Agenda items. It should be noted that at the Governing Body's discretion, these comments may be deferred until such time on the Agenda as the item is discussed. Remarks will be limited to a maximum of three minutes unless additional time is authorized by the Governing Body.

B. CALENDARING ITEMS

1. October 10, 1995, City Council Work Session--Long Range Planning Task Force.

South Jordan City
City Council
October 3, 1995

10

West Street From Rural Residential (R-R) to High Density Residential (HDR).

Rec: Approval of this Request to Amend the Future Land Use Plan for the Property.

- B. PUBLIC HEARING: Rezoning Application for Property Generally Located Between 11000 South and 11200 South and between 300 and 600 West. Proposed Rezoning from A-5 to R-M (File #SJ-271-95Z & #SJ-273-95Z)**

Rec: Approval of this Request to rezone the Subject Property from A-5 to R-M.

City Administrator Millheim explained there is not total consensus among the Council on this project. The Council has made a commitment to increase the economic revenue stream of the City. The logical place is down on the freeway frontage and Staff has been working with a developer. One of the goals of the Council, conveyed to Staff, has been that the entire area (freeway to 10600 South to 11400 South and down towards the river) be totally planned out. The issue tonight (that has been properly noticed) is a proposed amendment for the future land use plan for high density, multi-family housing within a portion of that area. We are asking Council to talk to the community and use this as kind of a forum for public comment. Mayor Hutchings asked Council, at this time, to make their statements.

Councilman Carlile said that he felt uncomfortable having to evaluate small pieces in a vacuum. He feels this way regarding the particular area along the freeway. He would be much more comfortable evaluating a plan for the whole area.

Councilman Peck stated he has agonized over the land use Master Plan and strongly believes South Jordan needs economic development. He commented his platform, four years ago, was economic development to reduce the tax base. He feels tonight Staff and Council have done a disservice to the Citizens and the Developers. The second Public Hearing was not noticed properly, which is very unfortunate, and is an intricate part of the first Public Hearing. Councilman Peck said he felt the biggest issue in most peoples mind was the number of apartments, and believes that is only one issue. What is also important is what is going to take place from 10600 South to 11400 South where we have our largest potential economic tax base. He feels Council needs to look at the broad scope of things--the Master Plan for the entire area. He would encourage the Citizens that would like to speak specifically, hold their comments until we get the Master Plan and the Public Hearing noticed properly so that the Council can get their input to do it right.

South Jordan City
City Council
October 3, 1995

11

Councilwoman Newbold felt this was a difficult decision and appreciates the Developers and Citizens. She would like to try and resolve all the issues, after looking at the bigger picture.

Councilman Hofhines stated he feels the action on Zoning and the Master Plan amendment go hand in hand. The Council has concerns for the future of the City, and economic development is sometimes difficult to promote, and decisions like this come before you and some people are affected adversely. In the Council Study Session things were brought to light and it would be a disservice to the community to look at one issue and not the whole. I hope the Developer and Staff, who have put in a lot of time and effort, can hang in there with the Council while the whole thing can be looked at. I too would prefer to wait for the Public Hearing on the whole thing to hear Citizens input on all the commercial development proposed. Again, I want to thank the Developer and if it's done right ten years down the road this can be a model for the entire Wasatch front.

Councilman Christensen referred to Monday night's meeting for Citizens and Developers. For good reasons we've been trying to push this to meet obligations for options on properties and accommodate developers. He acknowledged all the hard work put into this project. What the additional time will give Council, is time to develop an overall comprehensive plan for the whole area (10600 South - 11400 South). Staff is hiring a Consultant who has expertise in these types of developments, and Staff and Council want to get his professional advice and give the public more time to provide input in the process. The City needs to adopt an overall Master Plan of the area, look at the zoning ordinance, look at the commercial freeway frontage area, look at conditional use standards, etc. The focus is on apartments and we realize people have concerns about apartments in South Jordan. Apartments in any location causes concern. Council has to evaluate it's worth to have some apartments in South Jordan, to make this project work with the Developers.

Mayor Hutchings noted that when he first began working with the governing body in 1984, on the City Council, he could see that there had to be economic development. In 1986 when I was appointed Mayor, working with previous City Administrator Warne, we came up with a strategy to present to Council ways to establish an economic base. We interviewed Citizens about economic development and as a result a committee was started. One major task you have in economic development is the assembling of property. I certainly want to give my commendation to Gerald Anderson and his team for the excellent way in which they proceeded in assembling a significant amount of land to be developed. I concur with the expressions of the Council in being able to have a Master Plan of the entire area, to work together in getting a quality development

South Jordan City
City Council
October 3, 1995

12

that will suit the Council and be acceptable to the Citizens of South Jordan.

Councilman Peck made a motion that we delete items VII. A. and VII B. from the agenda this evening and direct staff to present recommendations to the Council for a Master Plan for the area 10600 South to 11400 South, and from I15 to the Jordan River. Furthermore, to have this completed in a reasonable time frame, not to exceed 60 days--along with properly noticed Public Hearings where we can get comments from Citizens and Developers and be able to look at this in one complete package. Councilman Hofhines seconded the motion, noting that VII. B. has already been deleted. Councilwoman Newbold felt with the amount of Citizens there this evening, they should have an opportunity to speak. City Attorney Mazuran added Council should follow their procedure and decide which way Council is going to go. City Administrator Millheim noted that the Developer wants to make a statement. He questioned City Attorney Mazuran if they could make a statement without starting a Public Hearing? Councilman Peck suggested XII. A. Citizens Requests and if there are other Citizens who wish to discuss any item not otherwise on the agenda they can do so. City Attorney Mazuran stated if we open the Public Hearing everyone can speak. Councilwoman Newbold felt Councilman Peck's suggestion for Citizens to speak was adequate and she withdrew her suggestion. The vote was unanimous in favor.

Mayor Hutchings noted VII. A. and VII. B. were deleted from the agenda. City Administrator Millheim clarified that Council does not want to have a Public Hearing on this specific issue, because they want the whole thing to come back to them on the whole area. Under Citizens Request, Citizens can bring up items not related specifically to the multi-family request, but from that area as a whole.

VIII. ACTION ITEMS

- A. FINAL SITE PLAN: Senior Citizen Center, 1617 West 10200 South Street, 168 Units, C-C Zone District.
(The Miles Group)

Rec: Approval of the Final Site Plan Request.

Community Development Director Leetham noted this is the final site plan for the Senior Citizen Center. The project has already gone through Public Hearings, the Preliminary Plan for the project was approved in March of 1993, the Plan underwent changes in 1994 (approved in June 1994), and since that time the Developer has been working on the project. Mr. Leetham noted Staff was recommending approval. Councilman Hofhines stated that the June 1994 minutes were not included in the packet.

- C. GENERAL BUSINESS LICENSE: West Star Financial Corp., 406 West South Jordan Parkway. (Sean Petersen)

Rec: Approve Business License as Presented.

- D. BOND RELEASE: Crabapple Cove, 2550 West 11400 South, collector road fencing. \$4,788.00

Rec: Approve as presented.

- E. BOND RELEASE: Hearthstone #3, 3200 West 9800 South, excavation, road base, curb & gutter, sidewalk, and asphalt. \$67,288.50

Rec: Approve as presented.

- F. BOND RELEASE: Eddie Nelson Subdivision, 11739 South 1300 West, street lights. \$2,400.00

Rec: Approve as presented.

- G. CONSULTING SERVICES: Special Improvement District Project.

Rec: By Minute Motion, Authorize the Execution of the Agreement with Dennis P. Larkin & Associates.

- H. TRAINING REQUEST: Judge Halliday

Rec: Approve Training for Judge Halliday to be Paid From Account #10-43-83-000-000 to attend the National Judicial College in Reno, Nevada from November 8-10, 1995.

VI. SUMMARY ACTION ITEMS HELD OVER

Should any items be removed from the Summary Action Calendar for discussion, they will be discussed at this time.

VII. PUBLIC HEARINGS

- A. PUBLIC HEARING: Proposed Amendment to the Future Land Use Plan for Property Generally Located between 11000 South and 11200 South and between 300 and 600 West Street From Rural Residential (R-R) to High Density Residential (HDR).

Rec: Approval of this Request to Amend the Future Land Use Plan for the Property.

- B. PUBLIC HEARING: Rezoning Application for Property Generally Located Between 11000 South and 11200 South and between 300 and 600 West. Proposed Rezonings from A-5 to R-M (File #SJ-271-95Z & #SJ-273-95Z)

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- B. CLAIM - MURRAY KENNEDY

Rec: Denial of Payment of the Claim Request of Murray Kennedy.

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- A. None.

X. ORDINANCES

- A. ORDINANCE Enacting and Amended Sections of the Health, Safety and Welfare Provisions of the South Jordan Municipal Code Regarding Graffiti and the Cleaning of Real Property.

Rec: Approve Ordinance as Presented.

XII. INFORMATIONAL ITEMS AND OTHER BUSINESS

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B. CALENDARING ITEMS

1. October 10, 1995, City Council Work Session--Long Range Planning Task Force.

South Jordan Parkway. (Mark A. Hodgson)

Rec: Approve Business License as presented.

- C. GENERAL BUSINESS LICENSE: West Star Financial Corp., 406 West South Jordan Parkway. (Sean Petersen)

Rec: Approve Business License as presented.

- D. BOND RELEASE: Crabapple Cove, 2550 West 11400 South, collector road fencing. \$4,788.00

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Rec: Approve Training for Judge Halliday to be Paid From Account #10-43-83-000-000 to attend the National Judicial College in Reno, Nevada from November 8-10, 1995.

Councilman Hofhines made a motion to approve the Summary Action Calendar. Councilwoman Newbold seconded the motion. The vote was unanimous in favor.

VI. SUMMARY ACTION ITEMS HELD OVER

None.

VII. PUBLIC HEARINGS

- A. PUBLIC HEARING: Proposed Amendment to the Future Land Use Plan for Property Generally Located between 11000 South and 11200 South and between 300 and 600

South Jordan City
City Council
October 3, 1995

13

Citizen Dix McMullin asked if this Center was a high rise building and, if so, has Council given any thought to the Center-blocking the Temple. Mayor Hutchings noted that this question was raised when the plan was brought in and Council had no basis, from our own legislation put together by previous and present Councils, to deny it. Mr. McMullin noted that laws can be changed. He also noted that the Focus is an ideal way to let Citizens know this facility is going to be several stories high and then Citizens would have an opportunity to speak up. Mr. McMullin felt this item should be put on hold allowing time to develop an ordinance that would be more appropriate. Mayor Hutchings felt it was hard to pass an ordinance after application has been made and requested legal counsel. City Attorney Mazuran felt there should be an assessment of the City ordinances governing this type of development to make sure we have safeguards and policies enunciated in the ordinance for the benefit of our people now and in the future. There is another element to the development that has certain things accomplished, applications made that now fit a certain set of laws that the development is considered under. Community Development Director Leetham noted that the first time this project came to the City it did not come as a Senior Citizen Center and it did not fit South Jordan's ordinances and the project was not approved. The Developer worked hard to meet the City's ordinances and the definition of the Senior Citizen Center, the plan underwent changes and the Planning Commission, Council, Staff and City Attorney determined that they met the definition of a Senior Citizen Center. The next step was to apply for a conditional use permit. They received two preliminary approvals, one in 1993 and they subsequently amended that approval in June of 1994 to the current plan that Council has before them. Councilman Hofhines stated that the current commercial zone ordinance has a height restriction of 50 feet for buildings. He then asked Mike Mazuran if we tabled it and reevaluated the site plan, and possibly change the ordinance to 35 feet, how would it affect the project? Are we bound because of the preliminary approval we have given? City Attorney Mazuran stated we may be bound because of the preliminary approval, but that is a serious question and would have to be carefully reviewed. Citizen McMullin asked that before the final site plan agreement, let Council take a look at it. Citizen McMullin asked for a show of hands of who was in favor of taking another look at the site plan. Councilman Hofhines noted that this was not a public hearing and this had gone too far. He suggested we rely on City Attorney Mazuran as to the possibility of reevaluating the ordinances to make sure legally we can change it. He suggested a Motion, unless further comment, to table this action item until the City Attorney can give us legal counsel. Councilman Carlile questioned height compared to Smith's. The Developer noted that it is less in height than Smith's (44 feet high). Councilman Carlile questioned where the storm drainage was and City Engineer Haight said it was along the asphalt (on the edge of the curve) down Temple View Drive.

South Jordan City
City Council
October 3, 1995

14

Next, Councilman Carlile questioned units per acre, was 19 and is now 24. Mr. Leetham stated with the definition of a Senior Citizen Center there is no density regulation. Councilwoman Newbold noted that by allowing residential type uses in a commercial zone we have created something new and she believes we have not resolved all the issues. Councilman Hofhines motion not receiving a second, did not proceed.

The Developer commented that this project is not a residential facility in a commercial zone. This has a conditional use that allows this type of facility. He feels they have done everything asked of them by the City and due process allows them to move on with the project.

Citizen Luane Jensen questioned the definition of a Senior Citizen Center. Community Development Director Leetham defined it as a residential living facility for elderly persons which provides a variety of services at the facility. Those facilities include laundry, food services, transportation services, it is not intended to be a nursing home--residents are ambulatory. It is a living, not a nursing or medical facility. They qualify for community development block grant funding and fall under a completely different set of regulations. Ms. Jensen felt it should have been advertised differently and previously thought it was an extension of the City's Senior Citizen facility. Ms. Jensen feels we are in violation of the general plan.

Councilman Peck made a motion that we approve the final site plan for the Senior Citizen Center, 1617 West 10200 South, 168 Units, C-C Zone District.

Councilman Hofhines questioned if this was subject to the preliminary site requirements. Councilman Peck said that was correct. Councilman Hofhines agonized over this and stated it is actually lower elevation than Smith's, that we have already approved and according to ordinance it fits. Staff concurs there is no violation, therefore, I second the motion.

Councilman Carlile voted yes, stating there is no legal basis to deny it. The vote was 3-2 (Councilman Christensen and Councilwoman Newbold voted against)--the motion passed.

Councilman Christensen noted there was a need for this type of facility. His main reason for voting no was the density issue. He believes having that many people on such a small space, would be better served by taking off the top level and making it a two story and that might be one solution.

Council briefly came back to this item and Councilman Christensen feels Council all agree that Staff should be instructed to look at

South Jordan City
City Council
October 3, 1995

15

the ordinance in reference to the height of buildings. Councilman Carlile agreed to this. Councilman Peck seemed to struggle with this, noting the tall buildings downtown and felt the Temple didn't stop development there. Councilwoman Newbold suggested a Study Session. Councilman Christensen asked that this be put on the agenda for a future Study Session (after 60 days, referring to the immediate need to work on the SID).

B. CLAIM - MURRAY KENNEDY

**Rec: Denial of Payment of the Claim Request of
Murray Kennedy.**

Public Works Director Gordon Haight stated this item is a request for damages by Murray Kennedy. There was a City project on 1300 West and the City hired Geneva Rock. During the construction process Ms. Kennedy's vehicle hit a pipe that was sticking up in the air, punctured her tire and ruined her running board. Mr. Haight distributed, at this time, a handout from Murray Kennedy (Attachment B). Councilman Hofhines asked if this was reviewed by our City Attorney and Public Works Director said it was reviewed only by URMMA. The occurrence was described as Ms. Kennedy driving in between barricades. Geneva Rock felt they had traffic devices out there and did not feel responsible. Councilman Carlile questioned a dump truck blocking the street and that the Geneva employee signalled her to drive around it. Mr. Haight said no Geneva employee came forward and said they had done that. He described it as Ms. Kennedy squeezing between the dump truck and the barricades and the road was clear at the time. Councilman Hofhines made a motion for Council to refer this to City Attorney Mazuran and upon his recommendation we then vote to pay or deny this claim. Councilwoman Newbold suggested that a statement from the construction crew be secured and given to City Attorney Mazuran. City Administrator Millheim wanted Council to consider cost of claim, along with Staff time. Councilwoman Newbold seconded the motion. The vote was unanimous in favor.

IX. RESOLUTIONS

A. None.

X. ORDINANCES

A. ORDINANCE Enacting and Amended Sections of the Health, Safety and Welfare Provisions of the South Jordan Municipal Code Regarding Graffiti and the Cleaning of Real Property.

Rec: Approve Ordinance as Presented.

CITY COUNCIL SPECIAL MEETING

NOVEMBER 2, 1995

NOTICE IS HEREBY GIVEN THAT THE SOUTH JORDAN CITY COUNCIL WILL HOLD A SPECIAL MEETING ON THURSDAY, NOVEMBER 2, 1995, AT 6:30 P.M. PERSONS WITH DISABILITIES WHO MAY NEED ASSISTANCE SHOULD CONTACT THE CITY ADMINISTRATOR AT 254-3742 AT LEAST 24 HOURS PRIOR TO THIS MEETING. THE MEETING WILL BE HELD AT THE SOUTH JORDAN CITY OFFICES, 11175 SOUTH REDWOOD ROAD, SOUTH JORDAN, UTAH. THE AGENDA SHALL BE:

6:30 P.M.

I. GENERAL BUSINESS

- A. Roll Call and Prayer.
- B. Approval of the Agenda.

II. STUDY SESSION

- A. Update on Negotiations on Freeway Frontage Project.
- B. City Ordinance Revisions.
- C. Discussion of Site Visit to California.

III. OTHER BUSINESS

ADJOURNMENT



SOUTH JORDAN
U T A H

South Jordan City
City Council
November 2, 1995

5

the general plan. Development could not occur that is not consistent with the general plan and the specific layout approved in the land use map for this general area.

Councilman Christensen questioned new language not being highlighted, should he assume it is all new? City Attorney Mazuran noted they purposely did not highlight with the intention that Council read the entire thing thoroughly and digest it all. City Administrator Millheim noted if Council has comments, they should be called in to Staff and he encourages calls as soon as possible.

B. Discussion of Site Visit to California.

Mayor Hutchings stated Council felt it desirable to go to California and look at apartments in terms of density, appearance, location, green space, etc., and that took place over the weekend. Councilmen Hofhines and Peck were in California on Saturday and the remainder of the Council (with Mayor, City Administrator, and Economic Development Director) going on Monday.

City Administrator Millheim added that the basic outline that the City Council followed for their visits (Saturday and Monday) were basically the same, except on Monday meetings with City officials also took place. Five housing projects were looked at in three different cities. Also on Monday, Council met with the proposed developer of the apartment project.

Councilman Hofhines stated the Saturday trip was a little shorter, not seeing all housing projects and not meeting with City officials. Apartments that were looked at on Saturday and Monday were Mansion Grove Apartments, Santa Clara, 876 units, 30 per acre; Cupertino City Center Apartments, Cupertino, 99 units, 132 per acre; Lake Biltmore Apartments, Cupertino, 155 units, 17 per acre (comparable project to the proposed South Jordan project, as far as density is concerned); The Cascades, Sunnyvale, 184 units; Park Place Apartments, Mountain View, 370 units, 52 per acre; and Heatherstone Apartments, Mountain View, 108 units. Council, on Monday, also visited Santa Clara City Hall, Cupertino City Hall, and Mountain View City Hall. Councilman Hofhines noted the California apartment complexes were different than Utah's. He said a lot of them were self contained resorts, store, activities, some looking like homes, and extremely nice landscaping. Some of the apartments in California were built to meet the needs of large corporations. Apartment rent averaged \$1,100 - \$1,600 a month in California.

Councilwoman Newbold felt the apartment interiors were fairly average. She was, however, impressed with the landscaping and felt it made the difference. Councilwoman Newbold thought it minimized the impact that the actual building and asphalt has on an acre of

South Jordan City
City Council
November 2, 1995

ground. It made it more home like, something that would fit better in South Jordan. Most of the trees were nice size trees, rather than small ones. There was under ground parking, leaving a lot of lawn, water, trees, etc. After talking with City officials, all the apartment complexes had a waiting list and said they didn't have problems with the apartments. Advice from City officials in California was that they do not decide what they don't want, they try to look at projects and decide what makes it work.

Councilman Christensen said one thing he was focusing on was the integration into the community. Noting that in the large apartment complexes it seemed they had their own community, smaller complexes are more integrated into the community. Landscaping was probably the key feature, as well as a very strong management concept. Each of the apartment complexes were immaculate. Pegasus (proposed apartment developer) has been in business 26 years and holds onto their property. Councilman Christensen appreciated Gerald Anderson going along, sitting back and letting Council and Staff ask questions. It was helpful talking with government officials, many apartments are a problem as far as crime, however, management and quality seems to be the key. Pegasus requires three times the rent in terms of income, has a certain class of people they cater to, and a very strong lease agreement--all these factor enter into a desirable community. Landscaping and open space helped to disguise higher density.

Councilman Carlile focused on maintenance. He looked at the wood and handrails and couldn't tell the difference between the 20 year old units and the five year old units. One of the apartment complexes they saw, had 40% open space (excluding parking area) required by the City. Councilman Carlile left pictures of some of the apartment complexes and these will be available in the City office for Citizens to come and look at.

City Administrator Millheim appreciated the Utah Developer finding a group with such a positive philosophy. The only way an apartment complex will get built in South Jordan is if it has a high end quality type approach.

Mayor Hutchings was especially impressed with the apartment complex that had almost 900 units that were adjacent to a freeway--because of the landscaping there was no impact from the freeway. He also liked the fountains, swimming pools, water, and beautiful landscaping. He felt the trip made Council and Staff aware that if South Jordan has apartments, they need to have apartments of the right kind, right builder, right design, to make it a desirable addition to the City.

There were requests, from the audience, for public comment. Councilman Hofhines thought if there were items that were not

South Jordan City
City Council
November 2, 1995

7

pertaining to the agenda, Council may want to give Citizens an opportunity to speak. Councilman Carlile made a motion that a section be added to the agenda for comments related to items not on the agenda, prior to the Closed Meeting. Councilman Hofhines seconded the motion. The vote was unanimous in favor.

Dix McMullin 10516 South 1540 West, stated at the last Council meeting he asked for the comment schedule on the three story building that was approved by Smith's. On the comment section he was referring to, there was some confusion on the hearing concerning the number of units in that building. He would still like to receive that information. City Administrator Millheim noted that Staff can get the information to Mr. McMullin. Second item, Mr. McMullin wanted to bring to the Councils attention is research by Police Departments on burglaries that have occurred throughout the County. Statistics are based on residential, by night and day, 1994 - June, 1995. He furnished a copy of these statistics for the Councils review. His point is the City is growing and the burglary rate is growing and will continue to grow. He wanted Council and Staff to see the statistics and suggested this information be passed on to Planning and Zoning. Councilman Hofhines thought the information was helpful and referred to Chief Parker's report on police calls and thought that this information should also be passed on to Planning and Zoning.

Jeanne Jackman 10960 South 2610 West, referred to Administrative Services Director Behunin's presentation on the budget a few weeks ago. Referring to the \$250,000 that had been budgeted for sidewalks, and 80% of it has been used in one spot. She was told that the sidewalk at Monte Vista Elementary was not being done. She feels the money is going to the East project and the money would be better spent on sidewalks. Councilman Christensen said he was not aware of any sidewalk decisions being scrapped. City Administrator Millheim said Council sets the budget and no decisions have been made. Councilwoman Newbold noted all of the Capital Improvement Projects (CIP) were being considered, but no decisions have been made yet.

Councilman Hofhines made a motion for Council to take a ten minute recess and readjourn into Closed Meeting for purposes of Personnel and Potential Litigation discussion. Councilwoman Newbold seconded the motion. The vote was unanimous in favor.

V. CLOSED MEETING

- A. Personnel.**
- B. Potential Litigation**

IV. OTHER BUSINESS

C. Approval of the Minutes of the Meeting of October 11, 1995.

Brent Arnold stated that on page 3, item d, paragraph 2, the first sentence should read "Brent Arnold expressed concern regarding the development agreement ~~and~~ Bingham Creek" in place of "in Bingham Creek".

G. Doug Wilkinson stated that on page 3, item d, paragraph 3, it was his recollection that the trail was to be gravel and asked that the mention of crushed asphalt be omitted.

D. Approval of the Minutes of the Meeting of October 25, 1995.

Brent Arnold stated that on page 6, paragraph 1, in the motion, Mr. Arnold asked that it read "Brent Arnold stated, that in review of the information given to the Planning Commission, he would motion to convey prior motion ~~which~~ was approval subject to curb & gutter connected to existing curb & gutter, utilities through the property, a full width asphalt road to match existing road".

Chairman Romph called for any other corrections to the minutes. As there was none, he made a motion to approve items c on the Summary Action Calendar as corrected. G. Doug Wilkinson gave the motion a second. The vote was unanimous in favor.

Chairman Romph stated that he would have to abstain from voting on item d, as he was not present at the meeting. Mr. Wilkinson stated that he also would have to abstain due to absence from that meeting. As there was not a quorum present to vote on item d, Ken Keown made a motion to table this item until a quorum was present. G. Doug Wilkinson gave the motion a second. The vote was unanimous in favor.

III SPECIAL BUSINESS ITEMS

None.

IV PUBLIC HEARING ITEMS

D. Proposed Amendment to the Future Land Use Element of the General Plan allowing for a Mixed Use Category affecting property between 10600 and 11400 South Streets and between I-15 and the Jordan River.

Community Development Director Ken Leetham expressed appreciation for the public attendance at this hearing and the consideration of the Planning Commission in allowing flexibility with the agenda. Mr. Leetham explained that it would be easier to understand all of the issues if the items were presented together.

*South Jordan City
Planning Commission Meeting
November 8, 1995*

Mr. Leetham explained that the City Council has asked the Planning Commission to look at development opportunities in the freeway frontage area. He displayed the area being considered on the aerial map.

Mr. Leetham explained that the City Council had previously considered a Special Improvement District to complete the proposed 500 West road, but this proposal has now been abandoned. He explained the different proposed land uses and the area of each. Mr. Leetham discussed the proposed amendments to the C-FF Zone District and the mixed use designation. He explained that the City Council will also be holding a public hearing on these same items on November 14, 1995.

Mr. Leetham introduced Mr. Dennis Larkin, currently doing some consulting work for the City and asked him to talk briefly to the Commission and the citizens.

Mr. Larkin summarized a report he had previously submitted to the City Council. He stated that between 1980 and 1990, there had been a 70% increase in development in South Jordan. This increase has been at 16% since 1990. Mr. Larkin stated that South Jordan is no longer a "bedroom community".

Mr. Larkin stated that the area in question is not conducive to prime single family residential development due to the power line corridor, the railroad, and the interstate. The project area consists of 293 acres between 10600 South and 11400 South Streets and I-15 and the Jordan River. Mr. Larkin stated that the proposal is to master plan this area as a complete unit.

Mr. Larkin discussed the evolution of the proposal explaining that 68 acres are proposed for development in the C-FF Zone District, 68 acres proposed for commercial-retail use such as Fred Meyer or R. C. Wiley, and 54 acres proposed for multi-family dwellings. The multi-family appears to be the most controversial.

Mr. Larkin discussed the Planned Unit Development concept stating that this area makes sense for multi-family development. He stated that there would be 16.7 units per acre with 648 units. Mr. Larkin explained that the City Council is looking at exchanging land for density.

Mr. Larkin explained that 25.2 acres, south of the Towers office building and west of the proposed grade separation at the railroad crossing are proposed for office, motel, and restaurant type of use.

Richard Allen arrived at 8:16 p.m..

Mr. Larkin summarized by explaining that these types of development would bring into the City, 2.7 million in annual sales tax, \$238,000.00 in property taxes, and 4.2 million in impact fees.

*South Jordan City
Planning Commission Meeting
November 8, 1995*

Community Development Director Leetham thanked Mr. Larkin and explained to the Planning Commission that they will receive copies of Mr. Larkins report previously given to the City Council.

Mr. Leetham stated that staff is strongly supporting this concept.

City Administrator Dave Millheim asked Chairman Romph if the developer of the proposed area could take a minute before the public hearing was opened.

Gerald Anderson thanked the Planning Commission and the citizens for their time and gave a history of the area and the proposed master planned development. He discussed the City Council's trip to California to see a multi-family development that had been master planned by Pegasus and their impression of this. Mr. Anderson stated that he had received several offers to develop other parcels in the area.

Chairman Kevin Romph explained the use of speaker cards and opened the public hearing. He stated that as the person's name is called, the should step to the microphone and give their name and address for the record.

Owen Brimhall, 434 West 11000 South stated that this project has been stuck in limbo. This does need to proceed. He stated that he was in favor of this.

Jeanne Jackman, 2610 West 10950 South stated that she is not opposed to the complete development, but is opposed to the large area for multi-family. Ms. Jackman stated that she would prefer to see ½ of the area proposed for multi-family developed in multi-family and the remaining ½ developed in a commercial use. She stated that the developers have not sold 1 piece of commercial property. Mr. Anderson has made promises that he cannot keep. She stated that he will sell this property to the highest bidder and be gone. South Jordan will live with what he leaves. Ms. Jackman asked that Mr. Anderson be made to put his promises in writing.

Dix McMullin, 10516 South 1540 West stated that he had several questions. He asked if Pegasus is indeed the buyer, will Mr. Anderson be long gone? Mr. McMullin stated that he is in favor of the commercial use. He asked how much of the area is currently under commercial use? Mr. Leetham stated that very little is presently.

Mr. McMullin stated that he could approve the rezoning without the multi-family as the City needs the commercial. He stated that he Mayor Dolen of Sandy City had indicated that they would help South Jordan with commercial development.

Mr. McMullin stated that he has some concern with the road shown in green on the map. He asked if the City has contacted the railroad concerning this? He stated that it was ludicrous to consider

*South Jordan City
Planning Commission Meeting
November 8, 1995*

developing a 900 unit complex with 2 cars per family and dumping them onto 10600 South from a red light. Mr. McMullin stated that Riverton to the south is developing as rapidly as South Jordan. 11400 South will become a major road. He stated that in the planning stages, there should be consideration given to exiting people to the south. He urged the Planning Commission that their recommendation include an agreement with the railroad on road placement.

Mr. McMullin questioned where the residents of this development will go to church and school? He stated that it appears they will go east.

Mr. McMullin stated that Mr. Larkin gave an excellent report, but expressed concern that Mr. Larkin has never worked where multi-family is not allowed. He stated that a second look should be given to this large amount of multi-family use.

Mr. McMullin stated that he has proposed an RDA to the City concerning development of this particular area.

Luane Jensen, 11186 South 2700 West asked if Mr. Anderson had already been granted zoning for approximately 400 units? This was confirmed. She stated that in her opinion, this was sufficient. Ms. Jensen stated that she would like to see a phased development. She asked if there were any agreements in place to protect the City? Ms. Jensen also questioned how public input can be taken and then shortly after action be taken without any study or consideration given the public input?

Gary Sturdevant, 241 West 11000 South explained that he currently lived right in the heart of the proposed development. He stated that he has tried to look at what is good for the City as well as himself and his family. Mr. Sturdevant stated that where there is no growth, people cannot make a living. As the City is currently, children has to leave the area to earn their living. He stated that this year, his property taxes raised considerably. This is scheduled to happen again in 1998. Commercial development and the multi-family can help off-set this. Mr. Sturdevant stated that he recently purchased a new car. The sales tax on this automobile was paid to another City. Incredible Universe opened on the Friday prior to this meeting. The traffic going to this store had most roads jammed. The sales tax generated by sales there was paid to Sandy City.

Mr. Sturdevant asked if we want a planned development or hop scotch developing? He stated that this should be done as one parcel. He stated that as citizens of South Jordan, they asked that the entire City be considered. Mr. Sturdevant thanked the Planning Commission for their time.

Ann Gayheart, 2367 West 10950 South expressed concern about the cost of the road. She stated that to take all of the monies set aside for City wide improvements to build this road is unfair to the citizens of South Jordan. Ms. Gayheart stated that taxpayer money should not be used at all to construct the road.

*South Jordan City
Planning Commission Meeting
November 8, 1995*

Ms. Gayheart stated that 900 units with only a north access and egress is not feasible. She stated that 900 units is too many, although phasing is an option.

Jan Criner, 10022 South 2700 West stated that the City does need retail and commercial development, but questioned the need for apartments. She stated that in talking to other City's Police Departments, she has been told that 1/3 of all calls are to apartment complexes. Ms. Criner stated that she did not understand the hurry. Commercial development will come. She also expressed concern about taking action on a project this large before the new Council members take office.

Bert Oliver, 311 West 11000 South stated that he is not opposed to apartments. A good class apartment will not have the crime that is associated with the low income complexes. He stated that the Legislature is going to force cities to have multi-family development. Mr. Oliver suggested that South Jordan should make this decision for themselves while they have this opportunity.

Steve McMillan, 11231 South 445 West explained that his property is right to the south of the proposed apartments. He stated that he has talked with the developer concerning buffering. Mr. McMillan stated that with the buffering proposed, he is not opposed to the development. He did express some concern that 445 West not be put through.

Nancy Miller, 11234 South 445 West stated that he property is directly south of the proposed multi-family development and will abut her property. She stated that she is not opposed. Ms. Miller stated that previously, a transfer station had been proposed for this area. She stated that this is a much better use.

Ms. Miller stated that the treatment received by commercial developers in this City would keep anyone from developing here. She stated that she had been present at a City Council meeting when a commercial development was before them for their final approval and was appalled that the treatment they were given.

Bruce Kimmel, 240 West 11400 South stated that the people that are opposed do not live in this area of the City. He stated that multi-family is going to happen. Lets be wise and choose where and what kind before the choice is made for us. Mr. Kimmel stated that without commercial development, the City will go bankrupt. He discussed the amount of business done at the new Incredible Universe in Sandy last weekend.

Mr. Kimmel stated that most large apartment complexes provide their own services such as snow removal and garbage pickup. He stated that the Olympics are coming and this needs to be done before then.

Jan McKinney, 11159 South Anna Circle stated that she had moved her 2 months ago from California

*South Jordan City
Planning Commission Meeting
November 8, 1995*

where this type of rezoning was happening. She expressed concern about the number of apartments. Ms. McKinney stated that there are no street lights on her street and stated that she would like safety measures for existing areas before we look at new development.

Ms. McKinney stated that she is disappointed that this is happening. There does not seem to be much commercial areas planned anywhere else in the City. She stated that the Bangerter Highway corridor would be an appropriate area for commercial. Ms. McKinney thanked the Planning Commission for the opportunity to speak.

Marvin C. Miller, 11234 South 445 West stated that he was opposed at first, but is now totally in favor. He stated that they who live in this area are an appendix to South Jordan. Mr. Miller explained that this area was annexed into the City and this may have been a mistake. This issue in questions seems to be dividing the community. Mr. Miller stated that the residents of the area in question feel that they are a thorn in the side of all other residents and suggested that it may be wise to annex out of South Jordan to an area where they be treated as part of the community.

Paulus T. Svedin, 435 West 11000 South stated that the big controversy seems to be the rezoning for apartments. He explained that the area in question now belongs to his mother-in-law. This is her security. Mr. Svedin stated that other developers have looked at this property for single family development, but they become disinterested when surrounding property owners did not want roads extended.

Marilyn Boggess, 2118 Scenic Oaks Cove stated that she recently moved from the Union area and has been involved in a similar process. She stated that this developer has been to many meetings and is continually being asked to do further work. This needs to move on. Ms. Boggess stated that she would love to have her children live close to her. She stated that the opportunity to work and live here needs to be provided. Ms. Boggess stated that she is in favor of this project.

Reid Boggess, 2118 Scenic Oaks Cove stated that it took 30 years to piecemeal the commercial area in Union. This project can be done now as one piece. There is not 30 years to wait. He stated that this should be acted on now.

Mike Hutchings thanked the Planning Commission and all the citizens that have spoken. He stated that it has been suggested that the developers are going to fast. Mr. Hutchings explained that they have been working on this project for over 2 years.

Mr. Hutchings stated that South Jordan has the lowest percentage of multi-family dwellings in the County. With this development, it will still remain very low. Mr. Hutchings stated that he had kept count of the number of people opposed and in favor of this project. He stated that of those living east of the Jordan River that had spoken, 10 were in favor and 1 opposed. Of those living west of the

*South Jordan City
Planning Commission Meeting
November 8, 1995*

river, 5 had spoken and 5 were opposed.

Mr. Hutchings stated that there is a need for multi-family housing in this community. He stated that there have been many commercial project offered, but a master plan needs to be in place.

Robert Elder, 2493 West Landau Lane stated that he has lived in the community for about 1 ½ years. He stated that all his tax money paid for services goes to other cities. Mr. Elder stated that South Jordan needs to build an environment conducive to allowing developers to developer here.

Billy Reed, 2600 Campus Drive, San Mateo, California stated that he was with Pegasus Development. He stated that the citizens have expressed concern that 900 units as being too many. He stated that as a company, they have been developing for over 25 years. Mr. Reed stated that from a land use standard, 900 is a manageable number. He stated that they are asking for a development agreement that will address many of the concerns raised here tonight.

Chairman Romph called for any other citizens wishing to speak. As there was none, he closed the public hearing and called for discussion among the Commission members.

Brent Arnold expressed concern that the Levels of Service be in place to provide needed services to occupants.

G. Doug Wilkinson asked how the proposed road will be funded? Community Development Director Ken Leetham stated that the Special Improvement District has been abandoned and the City Council is looking at different ways to fund the road. He stated that there is a desire on everyone's part to see the details of the development and the levels of service are a very important part of this development. Taking action on this tonight is the first step in this process.

Ken Keown noted that everyone speaking in favor of the development are landowners that will benefit from the sale of their property. He stated that everyone is concerned about apartments. There are other issues that need to be looked at. Mr. Keown stated that the City needs to make sure all issues are addressed. We are looking at going from 12 units per acre to 17 units per acre. The landscaping needs to be defined. We need to look at the proposed density trades.

Mr. Wilkinson stated that as they look at this, South Jordan as a whole needs to be considered. Tax base and revenue is badly needed. This development will provide this.

Richard Allen stated that South Jordan currently has multi-family housing in all of our neighborhoods with adult children living at home, unable to afford other housing. This may provide this.

Mr. Wilkinson stated that the Cornerstone Condos have been built out in a very short period of time.

South Jordan City
Planning Commission Meeting
November 8, 1995

That is also considered multi-family.

Chairman Romph called for any further discussion. There was none.

V ACTION ITEMS

- B. Recommendation on Proposed Amendments to the Future Land Use Element of the General Plan allowing for a Mixed Use category affecting property between 10600 11400 South Streets and between I-15 and the Jordan River.

Community Development Director Ken Leetham explained that this would include the written element to the Future Land Use Plan as well as the map.

Chairman Romph asked if the levels of service were addressed? Mr. Leetham stated that they were. Also, levels of service will be complied with as the plans move into final stages.

Ken Keown stated that multi-family is addressed as cannot exceed 15% of the number of single family dwellings. He stated that this would include the existing condominiums. Mr. Keown expressed a desire to have the density trade better defined. Mr. Leetham stated that these are defined and have adequate control in the amended C-FF Zone District.

Chairman Romph stated that it is his impression that Mr. Keown would like the development agreement to address the issue that if this developer does not fulfil his part of the agreement, this property would revert back to its present designation.

G. Doug Wilkinson stated that he understood Mr. Keown's concerns and asked what vehicle can be used to accomplish this? Mr. Leetham stated that presently, there is nothing in place, but in the next few days, language can be added to the agreements that would address this.

Chairman Romph called for any further discussion. As there was none, he called for a motion. Brent Arnold made a motion to recommend approval of the proposed amendments to the Future land Use Element of the General Plan allowing for a Mixed Use category affecting property between 10600 South and 11400 South and between I-15 and the Jordan River subject to strengthening the City's ability to determine unit per acre number in item G, page 14, as it comes before the City for approval. Ken Keown seconded the motion with some reservation. The vote was unanimous in favor.

- C. Recommendation on Proposed Changes to the Commercial Freeway Frontage (C-FF) Zoning District and the Planned Unit Development (PUD) Chapter of the City's Zoning Ordinance.

Community Development Director Ken Leetham reviewed this item. He stated that a draft of the

*South Jordan City
Planning Commission Meeting
November 8, 1995*

proposed amendments were included in the packet material. They are proposed as part to implement the Mixed Use category proposed as part of the Future Land Use Element of the General Plan.

Mr. Leetham explained that these proposed amendments establishes a comprehensive list of permitted and conditional uses allowed in this zone. He stated that by placing the majority of the uses in the conditional use category, will allow the City some control over the development which will occur in this part of the City. Mr. Leetham stated that a second change to these regulations is the simplification of the landscaping requirements.

Mr. Leetham explained that the proposed PUD regulations differ from the current provisions by allowing a greater degree of flexibility and power to negotiate for private and public amenities.

Mr. Leetham stated that he had received some suggested changes to the draft by members of the Planning Commission and reviewed these changes. He stated that on item 12-16-070, concerning screening, it has been recommended to change the language to read "Storage areas which do or do not contain garbage or rubbish containers (dumpsters) shall be screened with landscaping or and opaque fencing. Mr. Leetham stated that it has also been suggested that language be added addressing the exterior materials of the dumpster walls to match exterior walls of the main structure.

Mr. Leetham addressed the new landscaping section.

Ken Keown questioned the definition of open space. Mr. Leetham stated that he felt this was adequately addressed.

Chairman Romph called for any further discussion. Seeing none, he called for a motion. Richard Allen motion to recommend approval of the draft of proposed changes to the Commercial-Freeway Frontage Zoning District and the Planned Unit Development Chapter of the City's Zoning Ordinance dated 11-7-95 as outlined with the proposed changes. Brent Arnold gave the motion a second. The vote was unanimous in favor.

D. Recommendation on Proposed Rezoning of Property to the Commercial Freeway Frontage (C-FF) Zoning District and related amendment to the City's Zoning Map. Property Located Generally Between 10600 and 11400 South Streets and I-15 and the Jordan River.

Community Development Director Ken Leetham reviewed this item. He stated that, at the direction of the City Council, Staff has prepared this proposal to rezone all properties within the subject area to the C-FF Zoning District. This action along with the proposed ordinance amendments and mandatory compliance with the General Plan, should insure that all the properties in this location develop as desired.

*South Jordan City
Planning Commission Meeting
November 8, 1995*

Ken Keown asked that if by rezoning, this area will fall under the new ordinance which has not been approved at this time? Mr. Leetham stated that this is correct. The Planning Commission may make this part of their motion.

Chairman Romph called for any further discussion. As there was none, he called for a motion. Ken Keown made a motion to recommend approval of the proposed rezoning of property to the Commercial Freeway Frontage Zone District and related amendment to the City's zoning map subject to adoption under the land use map and element. G. Doug Wilkinson gave the motion a second. The vote was unanimous in favor.

E. Recommendation on proposed ordinance mandating compliance with the General Plan for properties generally located between 10600 and 11400 South Streets between I-15 and the Jordan River.

Community Development Director Ken Leetham explained that the ordinance is proposed in order to insure compliance with the City's General Plan for the subject area. He further explained that in recent revisions to the Utah planning enabling legislation, the State Legislature added a provision that allows communities to mandate or require compliance to adopted General Plans. In this way, the City can adopt a specific General Plan element such as the Mixed Use category which is currently proposed and require development to conform to that adopted plan.

Mr. Leetham stated, that in the past, the Commission has expressed concerns over the assurances which the City has regarding the type of development which will be done along the freeway. He explained that Staff believes that this ordinance, together with the proposed amendments to the General Plan and land development regulations, will provide the needed assurances.

Chairman Kevin Romph made a motion to recommend approved of the proposed ordinance that mandates compliance related only to this specific area and not City wide. Richard Allen seconded the motion. The vote was unanimous in favor.

Chairman Romph thanked the public for their participation and explained that these items will be before the City Council on Tuesday, November 14, 1995 and encouraged everyone with interest to attend.

IV PUBLIC HEARING ITEMS

A. Rezoning Application: #SJ-278-95Z, 11200 South 2200 West Street (Approximately), 42.5 Acres, Agricultural (A-1) to Residential (R-1.8) Zone District, Westmark Property L.C. (LaMar Bradshaw, Applicant).

MINUTES OF THE SOUTH JORDAN CITY
SPECIAL PLANNING COMMISSION MEETING
November 20, 1995

PRESENT: Chairman Kevin Romph, Richard Allen, Brent Arnold, Ken Keown, Community Development Director Ken Leetham, Interim Community Development Director Dennis Larkin, Administrative Secretary Judy Hansen.

EXCUSED: G. Doug Wilkinson.

CITIZENS: Billy Reed.

Chairman Kevin Romph called the meeting to order at 7:07 p.m..

I GENERAL BUSINESS ITEMS

A. Roll Call.

Those members present are listed above. G. Doug Wilkinson was excused due to being out of the City.

B. Approval of the Agenda.

Chairman Romph called for any changes, amendments, or corrections to the agenda. As there was none, he called for a motion. Ken Keown made a motion to approve the agenda as presented. Kevin Romph gave the motion a second. The vote was unanimous in favor.

II SPECIAL BUSINESS ITEMS

A. Conditional Use Application: Multi-Unit Residential Development, Generally Located at 400 West 11000 South Street, C-FF Zoning District, 54.47 Acres, Sunset Ridge Development Co., Inc..

Community Development Director Ken Leetham reviewed this application explaining that the City Council has requested a recommendation from the Planning Commission for a conditional use for 54 acres proposed for multi-family residential use. This property is located at approximately 400 West 11000 South in the newly zoned C-FF Zone District.

Mr. Leetham presented copies of a draft of findings and a proposed motion which he read to the Planning Commission.

Upon completion of Mr. Leetham's review of the draft, Chairman Romph opened the meeting to discussion among the Planning Commission.

*South Jordan City
Planning Commission Meeting
November 20, 1995*

Ken Keown stated that he did have many concerns. He stated that #9 of the draft deals with buffering. Mr. Keown expressed desire to have this more clearly defined. He stated that he would like to see the southwesterly landscape buffering in place before completion of the first phase. Mr. Leetham explained that, at this time, we do not know where the construction will begin. He stated that it is his understanding that the development will be phased, but where each phase is located on the property is unknown at this time.

Brent Arnold expressed agreement that the buffering should be completed by the completion of the first phase.

Mr. Leetham asked Mr. Reed, a member of the development team, about the buffering? Mr. Reed stated that they will be presenting a preliminary site plan on the complete project and a final site plan on each phase. He stated that the buffering should be addressed at the final site plan review.

Ken Keown stated that he would like to see the buffering completed to buffer against the construction itself as well as the development.

Chairman Romph stated that many issues will be addressed in the development agreement. He asked Mr. Reed how many phases he anticipated? Mr. Reed stated that they are expecting to do this development in 3 phases.

Ken Keown asked about the proposed land swap for density? Mr. Leetham stated that this is currently being worked out with Gerald Anderson in a development agreement. He explained that it was not being considered as a land swap for density, but would be addressed as a donation of open space. Mr. Keown expressed concern that this was not covered in the draft presented tonight. Mr. Leetham stated that action item 10 could be added to the draft to cover this which would tie this approval to the donation of open space by Mr. Anderson.

Mr. Reed stated that a development agreement between Pegasus Development and the City is required, but will not be signed until an agreement with Mr. Anderson is completed and signed.

Ken Keown asked if the date listed on action item 7 is concrete? Mr. Leetham discussed this with Mr. Reed and it was decided to change the start date to May 1, 1995.

Brent Arnold stated that he had some concern about item d in the findings. He asked for substantial evidence that the levels of service will be in place before occupancy is allowed. Mr. Arnold expressed concern about the need for additional public safety. Mr. Leetham stated that the development agreement will address this. He explained that the design work on this has begun. Although, fire response times are not addressed in the current levels of service, according to the Fire Chief, response times to this area are at about 5 minutes.

South Jordan City
Planning Commission Meeting
November 20, 1995

Mr. Arnold asked about additional police protection and will additional staff be added? Mr. Leetham stated that the Police Chief has reported to the City Council with statistics concerning the needs in this area.

Richard Allen arrived at 7:45 p.m..

Mr. Allen asked if Pegasus and Sunset Limited Partnership were the same company? Mr. Leetham stated that they were. He stated that on action item #5, additional language may be needed to cover any new company conceived by Pegasus Development. This could be added as "or other entity".

There was further discussion among the Commission members concerning the findings.

Chairman Romph called for any further discussion. There was none. Mr. Leetham read the draft with the proposed changes to the Commission. He then asked the Planning Commission to make a recommendation to the Council.

Chairman Romph motioned that the Planning Commission make and adopt findings and recommend that the City Council issue a conditional use permit authorizing construction of multi-residential units pursuant to the conditional use application submitted by 11000 South and 400 West, a California limited partnership dated November 15, 1995, in accordance with the following:

FINDINGS

A. The South Jordan City Planning Commission has received and reviewed an application from 11000 South 400 West, a California limited partnership, for a conditional use permit for a planned unit development consisting of not more than 880 multi-residential units to be located on real property in South Jordan City, Utah, which is more particularly described in Exhibit "A" attached to this motion and by this reference made a part hereof. The planned unit development shall be sometimes referred to herein as the "Project".

B. The Planning Commission has recently conducted a full public hearing in connection with the master planning and zoning of the area including the Project. Considerable public comment was received regarding the proposed use as Class A apartments and all related matters thereto. Accordingly, the Planning Commission hereby determines that no additional public hearing will aid in the review process regarding the application for a conditional use permit.

C. The proposed multi-unit residential planned unit development is necessary or desirable to provide a facility which will contribute to the general well being of the community. The proposed planned unit development will provide Class A apartments at a location which is

conducive to the construction of such multi-unit residential housing within the City.

D. The proposed planned unit development will not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity. The Commission affirmatively finds that the proposed planned unit development will in fact promote the general welfare of the community and its citizens as well as persons residing or working within the vicinity. The rules, policies, and regulations which promote public health, safety and welfare and convenience and address matters pertaining to traffic, aesthetics, etc.. The proposed planned unit development appears to be compatible with the area uses.

E. The proposed planned unit development is consistent with and will be required to comply with the requirements for a planned unit development and the requirements for the C-FF Zone in which it is located.

F. The proposed planned unit development is consistent with the provisions of and conforms to the intent of the South Jordan City General Plan and the Land Use Map for the area in which it is located.

ACTION

The Planning Commission, having made it's findings, hereby recommends approval of the issuance by the City Council of a conditional use permit for the multi-unit residential planned unit development in the C-FF zone pursuant to the provisions of the South Jordan Zoning Ordinance on that certain property within the City which is more particularly described in Exhibit "A" attached hereto. No documents or other prior submittals from the Developer in support of it's application are to be considered approved by the granting of this permit except as expressly set forth in this motion. The Planning Commission recommends that said permit be granted subject to the following requirements and conditions:

1. Approval by the South Jordan City Council of a preliminary master site plan for the entire Project and a final site plan, (after recommendation by the Planning Commission), for each phase of the Project prior to construction of each such phase.
2. Developer shall enter into and execute a satisfactory written Development Agreement with the City for the Project and shall comply with the terms and conditions contained in such agreement.
3. Developer shall comply with all requirements of the Salt Lake County Sewerage Improvement District No. 1, Salt Lake county Flood Control, any other governmental entities having jurisdiction over the Project.

4. Developer shall comply with all applicable ordinances, rules, policies, and regulations of South Jordan City in constructing and maintaining the Project.
5. The conditional use permit shall be issued to and vested in 11000 South 400 West, California limited partnership, or other entity, substantially all of the equity of which must be owned by Sanford Diller and/or Pegasus Development Company.
6. Developer shall have closed on it's purchase of the property for the Project and hold fee title thereto on or before November 30, 1995.
7. Developer shall commence construction of the first phase of the Project on or before May 1, 1996.
8. Not more than a total of 880 multi-residential units shall be constructed within the entire Project. Developer may elect to construct a lesser number of units as determined by the Developer.
9. Developer shall provide satisfactory buffering between the Project and the single family residential areas as required throughout phasing of the Project.
10. The City execute a written Development Agreement with master developer Gerald Anderson which includes, at a minimum, the donation of open space in the Jordan River bottom property.

Brent Arnold gave the motion a second. The vote was 4 to 0 in favor of recommending approval. Ken Keown stated that, although he had voted in favor, he would like it part of the public record that this vote was with a great deal of concern.

Chairman Romph called for any further business. As there was none, he called for a motion. Richard Allen made a motion to adjourn. Brent Arnold gave the motion a second. The vote was unanimous in favor.

The Planning Commission meeting of November 20, 1995 adjourned at 8:15 p.m..

Constructing the South Jordan City Post Office.

- D. SPECIAL REQUEST by Mr. Jack McIntyre Related to a Small Residential Development Approval, 2915 West 10545 South Street.

Rec: Affirm the Planning Commission's Action on This Item.

- E. CONCEPTUAL APPROVAL of Phase III, Towers at South Towne.

- Rec: 1. Conceptually Approve Subject to the Completion of the Proposed Agreement with the Towers Related to the Future Frontage Road North of 10600 South at this Location.
2. Approve Right-of-Way Dedication Agreements With Various Parties for Construction of 400 West **if Signed By Property Owners Prior to Council Meeting.**

- F. BID AWARD for Engineering Design Services for the 400 West - 10600 South to 10200 South Capital Project.

Rec: Approve the Awarding of this Bid to Bingham Engineering for \$57,887.00. Funds are Available from Capital Projects #41-4785-000 and Create a New Project Called "Freeway Frontage Road - 10600 South to 10200 South".

- G. BID AWARD for Engineering Design Services for the I-15 Frontage Road - 10600 South to 11400 South Capital Project.

Rec: Approve the Awarding of This Bid to Greiner, Inc., for \$169,982.00. Funds Are Available from Capital Projects #41-4784-000 and Create a New Project Called "Freeway Frontage Road 10600 South to 11400 South".

- H. CONDITIONAL USE APPLICATION Multi-Unit Residential Development, Generally Located at 400 West 11000 South Street, C-FF zoning District, 54.47 Acres. (Sunset Ridge Development Co., Inc.)

Rec: Approve Conditional Use Application with Staff Recommendations.

NOTE: The Planning Commission is Considering this Item on November 20, 1995. Their Recommendation Along With All Applicable Backup Information Will Be Provided When It Becomes Available.

IX. RESOLUTIONS

South Jordan City
City Council
November 21, 1995

17

- H. **CONDITIONAL USE APPLICATION - Multi-Unit Residential Development, Generally Located at 400 West 11000 South Street, C-FF Zoning District, 54.47 Acres. (Sunset Ridge Development Co., Inc.)**

NOTE: The Planning Commission is Considering this Item on November 20, 1995. Their Recommendation Along With All Applicable Backup Information Will Be Provided When It Becomes Available

The Council has asked that the Master Development Agreement be executed before they enter into the conditional use. The Master Development Agreement is not on the agenda, but it does relate to the conditional use. Council has already approved the Agreement subject to some language being worked out. There is a problem relating to paragraph six. The City is in a position, with signatures, to execute this document. Council needs to decide do you want to issue the conditional use permit without having this fully resolved, or does the Council want to fully resolve it and then get the conditional use permit? The Planning Commission did approve the Conditional Use Permit on a 4-0 vote, with a number of conditions. The Development Agreement was approved and last week Council authorized the Mayor to sign it, working out a few items-- which were all done, but the open space dedication.

Mike Hutchings said the problem relating to paragraph six is the dedication of open space and the charitable deduction. After talking with a few attorneys about the charitable contribution, the Developers have found out they can get a charitable deduction for this property, but in order to do that they need to hold the property for one year. Also, the best scenario to get the deduction is not to make a binding commitment in the Development Agreement. In essence, the contribution would be made voluntarily by the Developers in a year. The Developers position is they are going to make this contribution, but if they put it in writing it weakens their position with the IRS. Setting up a trust was also discussed. There is no desire on the Developers part to change the deal, but they would really like the deduction.

Councilman Christensen's fear is that in helping the Developers secure a tax deduction, it increases the Councils insecurity over that donation, as far as having it in the contract. Councilman Hofhines believes it is getting far off what was agreed with. At the beginning it was discussed that if the City would give the Developer a higher density, they would donate this open space (a tax deduction was never a condition). Gerald Anderson said that is absolutely correct, it was not a condition and is still not a condition. The Developers are asking for help in how they can solve this problem, because it would make a substantial difference to them. With some of the tax savings, the Developers would be in

South Jordan City
City Council
November 21, 1995

18

a position to donate, towards the wetland park, the development of trails. Councilman Carlile also brought up the 3 acres of mitigation that now has to be held by the Developers. Gerald Anderson is proposing that on those three acres he build a three acre pond, which at a later date, the City can bring a storm drain into and can use for the distilling pond.

Councilman Hofhines said the Councils feeling is they still need it in the agreement. What the Developers do with their tax deduction is up to them. But to protect the Cities interest and the original intent of when this was first started, it still needs to be in the agreement. Councilwoman Newbold wanted to address the wetland park, that if Mr. Anderson needs to permanently locate a three acre pond that he does it in conjunction with the designing of the wetland planned area. Mr. Anderson said that was not a problem, with a time line (within 12 months).

City Administrator Millheim said he sees three choices: 1. eliminate the paragraph and take it on faith (City Attorney is not recommending that); 2. leave it as is; 3. step back and reevaluate.

Bruce Kimmel, Citizen, asked that the Council give the Developers a break.

Councilman Hofhines believes the only option he is comfortable with is leaving it in. Mike Hutchings said if it is the consensus of the Council that they have to have paragraph six, perhaps the Council would consider giving the Mayor, City Attorney, and City Administrator authority to negotiate some of the language in paragraph six to get it as good as possible. City Administrator Millheim said in the Councils motion last week they authorized the Mayor to sign the agreement, subject to review and approval by the City Administrator and City Attorney with conditions. All conditions have been met. One condition was finding suitable language for paragraph six. Council has done this, but how far does Council want to negotiate that language? Councilwoman Newbold said you can work the words whatever way you want, but to leave the intent.

Gerald Anderson brought up one more issue on paragraph nine, to move February 1 to March 1 for architectural guidelines. The only problem would be if they started to receive site plan proposals first.

Councilman Hofhines made a motion to table the conditional use application for one week and consider it after the Master Development Agreement has been signed. Councilman Christensen seconded the motion. City Administrator Millheim clarified putting off the conditional use application for one week to make sure the

South Jordan City
City Council
November 21, 1995

19

Master Development Agreement is signed. There will be no room after next Tuesday for further negotiations. Councilman Carlile questioned paragraph 10 of the Planning Commission resolution, which says the City executed a Development Agreement with the Master Developer Gerald Anderson which includes a minimum donation of open space Jordan River bottom property. Mr. Mazuran strongly urged the Council that they have a Master Development Agreement signed, the Development Agreement with Pegasus and the Conditional Use Permit all taken care of concurrently. Councilwoman Newbold said on the current Agreement she sees three property owners and the Johnsons are not one of them. Gerald Anderson said they are trying to put the Johnsons on the Development Agreement, they have not made a decision if they are going to be a part of this. The Developers feel the Johnson's will want to become a part of this, if not, they have agreed to sell the ground. If Johnson's agree they will amend the agreement, or if they buy it, they will add that. Right of way, or an agreement to obtain right of way, will be in tact.

Councilman Hofhines amended his motion to table the Conditional Use Application for one week from today and reconsider it upon presentation of a signed Master Development Agreement. Councilman Carlile seconded the motion. The vote was unanimous in favor.

IX. RESOLUTIONS

A. RESOLUTION Recognizing the South Jordan City Employees' Association Membership (TEAM) and Approve the By-Laws

City Administrator Millheim said a task force of employees looked at some City issues. Out of this came a request to form an employees association.

Cheri George said the idea is a way to get together, get to know each other more and with the City Staff growing the need is even greater. She told the Council they polled the employees and asked them what their top three concerns were (excluding compensation): 1. retirement; 2. vacation; and 3. sick leave incentives. Councilman Hofhines questioned if the Staff felt they did not have a mechanism to have these issues dealt with? Cheri George said yes. City Administrator Millheim wanted a goal to be a commitment to do things that don't cost a lot of money--employee recognition dinner, summer family picnic, etc. Looking for the association to be a sounding board, not a grievance committee. It's voluntary, Department Heads are members but cannot vote.

Councilman Carlile had some concerns with issues three and four talking about representing. To recommend ways to improve he is receptive to that, but when you start talking about actively representing that sheds a different light on it. In Article IX.