

CITY OF SOUTH JORDAN  
PLANNING COMMISSION MEETING  
COUNCIL CHAMBERS

October 28, 2014

**Present:** Chairman Russ Naylor, Commissioner Jason Haymore, Commissioner Sean D. Morrissey, Commissioner T. Earl Jolley, Commissioner Richard Feist, Commissioner Beverly Evans, City Planner Greg Schindler, Planner Damir Drozdek, Planner Jake Warner, Assistant City Engineer Shane Greenwood, Assistant City Attorney Ryan Loose, City Recorder Anna West

**Others:** See Attendance Log (Attachment A)

6:30 P.M.

**REGULAR MEETING**

**I. GENERAL BUSINESS**

A. Welcome and Roll Call

Chairman Naylor welcomed everyone to the meeting. He noted that all Commissioners are present.

B. Motion to Approve the October 28, 2014 Planning Agenda

**Commissioner Evans made a motion to approve the October 28, 2014 Planning Commission Agenda. Commissioner Jolley seconded the motion. Vote was unanimous in favor.**

C. Approval of the Minutes from the Meeting held on October 14, 2014

**Commissioner Morrissey made a motion to approve minutes from the October 14, 2014 Planning Commission meeting as printed. Commissioner Jolley seconded the motion. Vote was unanimous in favor.**

D. Approval of the Minutes from the Combined City Council and Planning Commission Meeting held on October 14, 2014

**Commissioner Jolley made a motion to approve minutes from the October 14, 2014 Planning Commission meeting as printed. Commissioner Morrissey seconded the motion. Vote was unanimous in favor.**

**II. INFORMATIONAL ITEMS AND OTHER BUSINESS**

A. Staff Business

City Planner Schindler noted that there will not be a Planning Commission meeting on November 11, 2014 due to the Veterans Day Holiday. The next Planning meeting will be on November 25<sup>th</sup>. He said generally

there is no second Planning meeting in December with it being so close to Christmas but we will take a vote at the December 9<sup>th</sup> Planning Meeting to decide whether or not to cancel the December 23<sup>rd</sup> meeting.

B. Comments from Planning Commission Members

None

**III. CITIZEN COMMENT**

Chairman Naylor opened the Citizen Comment.

**Harry Bigelow**, 11473 S. 3420 W., SJC – I would like to ask your interpretation of how the City Government works. Specifically, I would like to know what was agreed on at the August 12, 2014 Planning meeting regarding the High Ridge Estates Phase II project with regard to construction traffic; the type, and duration of the barricade. The construction has been going now for 6 weeks and the traffic is very heavy. We are concerned for the safety of the children. He said he has called the City several times to report his and nothing has happen. He said they have absolutely no fear of reprimand from anyone at the City. The contractor is going completely against what was supposed to be set for construction.

Assistant City Engineer, Shane Greenwood, said the contractor made a choice without clearing it with the City to have the trucks come through the existing phase because they had some fresh concrete they didn't want the trucks to run over. I was not aware of it until Monday. We talked to the contractor and said this wasn't approved; we didn't allow it and it's a decision he made without approval. Since then they have routed the trucks on 3600 W. Mr. Bigelow said I saw him this morning at the road. There are no barricades there now; they tore them down. They put one sign up that you can drive around it and the other access has absolutely no barricade. You put a lot of kids from two bus stops on that road at risk because these guys fly through there. They have made the decision that concrete was more important than the safety of children. They have absolutely no fear of you guys and they are going to do what they want.

Chairman Naylor asked Assistant City Attorney Loose what our options are here. He said I agree that the intent was to keep the traffic out of their subdivision.

Assistant City Attorney, Ryan Loose, said it is a permitted development; if they are going outside of their permit the staff needs to enforce those. Engineering Department enforces those violations and Shane is working with them. He would be the one to advise you.

Assistant City Engineer Greenwood said he is actively looking into this and will resolve the issue.

He closed the Citizen Comment.

**IV. PUBLIC HEARINGS AND POTENTIAL \*\*ADMINISTRATIVE ACTION ITEMS**

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

<b>A.1. Issue</b>	<b>DAYBREAK VILLAGE 4 EAST PLAT 4 PRELIMINARY PLAT</b>
<b>Address:</b>	Approx. 10740 South 4600 West & 10750 South 4680 West
<b>File No:</b>	SUB-2014.61
<b>Applicant:</b>	Kennecott Land

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

**Gary Langston**, Kennecott Land (applicant); the only thing I would add is this is the final piece of what we call the peninsula that finishes the single family component.

Chairman Naylor opened the Public Hearing. No speakers. He closed the Public Hearing.

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

**Commissioner Evans made a motion to approve File No. SUB-2014.61 with the requirement that all South Jordan City requirements are met prior to recording the plat. Commissioner Feist seconded the motion. Roll call vote was unanimous 5-0 in favor.**

**B.1. Issue: VANCE OLSON SUBDIVISION  
PRELIMINARY SUBDIVISION PLT AND VACATING AND  
AMENDING LOT 25 OF THE RIDGECREST ESTATES  
SUBDIVISION AND LOT 1 OF THE SPRINGHILL SUBDIVISION**  
**Address: 10290 South Springcrest Lane**  
**File No: SUB-2014.62**  
**Applicant: Dave Reddish, Proterra Group**

Planner Damir Drozdek reviewed the background information on this item from the staff report.

**Dave Reddish**, Proterra Group (applicant); present but he had nothing to add.

Chairman Naylor opened the Public Hearing. No speakers. He closed the Public Hearing.

Commissioner Jolley asked what the width of the front is. Planner Drozdek said it is 20 feet. This was reviewed and approved by both the City Engineer and the Fire Marshall.

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

**Commissioner Feist made a motion to approve Application SUB-2014.62 creating a subdivision of five lots on property generally located at 10290 South Springcrest Lane. Commissioner Haymore seconded the motion. Roll Call Vote was unanimous 5-0 in favor.**

**C.1. Issue: EARLY LIGHT ACADEMY  
SITE PLAN**  
**Address: 11709 South Vadania Drive**  
**File No: SP-2014.34**  
**Applicant: Tyler Bodrero, Pace CM**

Planner Damir Drozdek reviewed the background information on this item from the staff report. We are recommending that the Planning Commission approve it with the parking proposed. I know there will be some issues in the future about future Trax alignment.

Commissioner Feist said for clarification on numbers; there are 86 parking lots after their expansion and then 163 total park lots? City Planner Schindler said yes.

**Tyler Bodrero**, Pace CM (Applicant); the plan from 2008 was to add this auditorium theatre building for their performing arts. We have worked closely with Kennecott through this development process. There have been some discussions of a potential future parking lot that would be a temporary parking lot. There have been discussions but no formalized agreements yet. Early Light recognizes that if there is an opportunity with the surrounding parcels to negotiate some future additional parking. The parking that was created for this walkable community school functions with on-street parking as well as the existing parking. The 2008 plans did show the footprint of this building and the expansion of that parking lot to the south. Part of the plans submitted to Kennecott show a traffic management plan and they have reviewed and commented several iterations with regards to that traffic management plan as well as landscaping and architecture. The school is very excited for facility.

Commissioner Morrissey asked about complaints the City has received from nearby neighbors in regards to the after hour uses and parking. He said when you were planning for this addition did you know about the complaints and if you did how did you plan around the complaints.

Mr. Bodrero said my understanding is there have been some neighbors that have approached the school about their concerns. They have been invited to participate in developing that traffic management plan and to safety week to participate in the safe walking to school routes. The school has been proactive in reaching out to and working with the residents.

Commissioner Morrissey said do you understand that your parking is not meeting the requirements for the code right now. Mr. Bodrero said that has been part of the discussion. The detention pond portion on the south east corner was twice as large and putting half of that underground enabled that parking to continue all the way down to the corner. There has been considerate attention given to parking with regards to the engineers and architects that have been designing that and in managing as much on-site parking and traffic control.

Commissioner Haymore asked how many more students there will be. Mr. Bodrero said another 250 more students. There are three classes per grade K-9 and adding an additional 38 park lots.

City Planner Schindler said the current park ratio is approximately 1 park lot for every 6 students. The issues arise when the schools have events and complaints of parking in front of homes and when they have drop off and pick up. We have the same issues at most all of the schools. One thing about Early Light Academy is not only do they have evening hour functions for the school, they also lease or rent portions of the school for other activities that are not school related.

**Mary Cannon**, Board Chair at Early Light Academy, said he is correct. We have a relationship with South Jordan Community Theatre and they do use our existing Jr. High building that runs along the south end and they park by residential area there. This building will move where those events currently take place which will be adjacent to the parking lot we are expanding. We are hoping that will help mitigate that a little bit. We have no busing. About 60% of our students reside in Daybreak and they walk or ride bikes. It takes a lot of training for any kind of school. We revisit the parking issue every year with the parents and with the neighbors. We have a safety committee meeting that meets monthly and when we have complaints we forward those to our Director and she has invited them to those meetings. We really want them to be part of the solution.

Commissioner Feist asked what kind of complaints you have received. Ms. Cannon said parking on the street and occasionally pedestrian traffic. Most complaints are from evening events.

Commissioner Morrissey asked how many large events are scheduled annually. Ms. Cannon said we would have them 4-6 times per year.

Commissioner Evans said it is my understanding that you rent space out. Ms. Cannon said we currently rent it out to the theatre and that would be the 4-6 annual events. There is also a church that uses it on Sundays, but their parking is very minimal.

Commissioner Jolley asked for more information on the proposed parking lot on the west. Is it correct that parking lot will not be built with this current addition? Mr. Bodrera said parking lot configuration came from one of the Kennecott planners as a potential future project that would be open for discussion and negotiation between Kennecott and Early Light to be able to provide some temporary off-site parking until whatever point in the future. The school is very open to options for additional parking off-site and discussions are ongoing with Kennecott.

Ms. Cannon said we have a contract that we have the students and parents sign to help train them with regards to the parking issues.

Mr. Bodrera said with those added on-site parking and the continued refinement of the off-site parking we meet the standards and it could be better. That is why Early Light has indicated they are open to those options of surrounding property pieces that may come into play for additional off-site parking.

Chairman Naylor opened the Public Hearing.

**Matthew Masters**, I live at 5109 Digory Drive, SJC; I am at ground zero for Early Light Academy. I have lived there for four years and I have intrinsically observed the traffic flow that goes through there as a result of Early Light Academy. The parking that is available there is grossly inadequate both day by and in the evenings. There are far more than 4-6 events over the course of the year that causes the area to overflow with parking. Digory Drive is the unofficial loading zone for Early Light Academy. I have had UPS tell me they had to park 3 blocks away and walk in because they can't get through. There are many events going on in the evenings and some parking till as late as 11 pm. I have been talking with Mr. Greenwood about this issue for weeks.

Commissioner Morrissey asked if there are any photographs of the parking issues. Mr. Masters said he gave some to Mr. Greenwood.

Commissioner Feist said other than the time of 3pm at the loading zone, are there cars parked on both sides of the road throughout the day and evenings. Mr. Masters said not every night but routinely; especially on the north side of Digory Drive and in the fire zone.

**Spencer Criddle**, 5079 Digory Dr. SJC; I can relate to a lot of the concerns that have already been stated. My biggest comment on this is that the parking has to be expanded much, much more than what they are proposing. It is a gross under exaggeration to say there are only 4-6 events per year. Both sides of the streets are completely lined with cars all the way around and it puts a big strain on the residents there. My other concern is when my wife has called in we are told it's a public street, too

bad. The school has a no care attitude when we call about it and have not been very neighborly to the people that live there.

**Todd Miller**, 5101 W. Digory Drive, SJC; I repeat all that has been said. I can attest that the parking is packed almost all the way around the school at pick up and drop off time. The parking situation really needs to be improved. My comment would be if there is to be any construction it should be to improve the parking situation. They need to take more responsibility.

Commissioner Morrissey asked what kind of nuisance has the parking been to you and how has it affected your quality of life. Mr. Miller said it is hard to have people over because there is no place for our visitors to park and it is hard to get in and out of our driveway. There is no parking in the ally way where our garage is located and my wife has a piano refinish project in our garage so there is no place for us to park when we come home from work.

**Adam Yackley**, 11669 S. Veruca Way, SJC; I would like to know about the construction and how will they address that with already extreme parking issues. I would like to know their mitigation plan.

City Planner Schindler said Mr. Greenwood (Shane) can talk about that regarding construction. They get their permits from the state and not from the City. When the Public Hearing is over we can ask the applicant to answer your question with regards to starting the construction.

Commissioner Jolley asked if cars are parked along the street continuously during drop off and pick up times. Mr. Yackley said yes; and after hours at least 4-5 nights per week. That is one of the main entrances for the events. People are usually waiting and pedestrian traffic with kids playing on my lawn. The amount of traffic at night is extreme.

**Rulon Dustson**, 4700 W. Daybreak Parkway/Kennecott Land; I have a handout I would like to submit (Attachment B). I am here representing Daybreak and Kennecott Land. We consider ELA a Daybreak Partner and we commend them for their efforts to expand their operations consistent with their initial plans. We have worked with ELA representatives and also with City staff over the last couple weeks to address some of the issues you have heard this evening. We feel like there are a couple of issues that still remain unresolved and we would appreciate your consideration this night as the Commission considers your decision. One is procedural; most of the development that occurs within daybreak actually provides through our Master Development Agreement with the City of South Jordan a Kennecott Review and approval before it comes to the Planning Commission before it goes to the City Council. We recognize that this is a Charter school and recognize some of the things that the City has oversight over and some of the things that they do not, so we are here in some request tonight that you would recognize the agreement that you have with Kennecott with regards to some of these issues I will identify. To date we have had a great engagement with the ELA folks and with their architect. They have been very responsive to some of our concerns. The challenge with this project has been in regards to timing. The Trax line for example is right in the throes of discussion so being able to identify exactly where it is going to go, exactly what the timing will be is challenging for all of us. Having said that, we recognize that some of these things are beyond the purview and oversight of the City, however, they are in a similar agreement that we have with ELA and all of the folks that develop within Daybreak. To date Kennecott has not provided their approval stamp on the proposed site plan primarily due to a slight change in the scope from the 2008 anticipated concept plan and also some of the challenges as it relates to the parking. The 2008 conceptual plan identified a cultural arts wing that was meant to compliment the programing within the school at that time. It was meant to be about a 30,000 sq. foot facility and it

is a great use for this area. The challenge comes in that the proposed addition increases that by about 25% and will add in addition to the auditorium, a cafeteria and some additional classrooms to this site. Setting aside the process of Kennecott's review, and prior to being submitted to the Planning Commission & City for review we have worked with them and we've looked at the programming for this space and recognize that the on-site coupled with the existing off-site as recognized by the City, can reasonably accommodate this additional programming. Our issue tonight is not necessarily with the day to day during school hours parking, it is the addition of having the site available, especially the auditorium for events after the school hour and what that means in terms of the adjacent traffic. Part of Kennecott's review in terms of their approval does address the design of the building and the site plan but most importantly because it is a mixed use development, and in order for that to work all the uses have to be reasonably compatible. We take a look at parking, traffic patterns, and how that impacts the adjacent neighborhood. We feel like this second phase does have an impact to the neighborhood; however, those are issues that can be addressed. As you move to the second page you'll see some of the recommendations that we would propose and hope you would consider. First of all we recognize the sensitive nature of this project and we want to support ELA in this expansion effort. Although the PC Zone in our Master Development Agreement with the City requires our approval before it be submitted to the Planning Commission, we are willing to stipulate a couple of conditions for your consideration. Since this letter was prepared earlier this morning we have received a final landscape plan for the site and that falls within the Daybreak purview of their development. We also request that the 2008 traffic plan be reviewed in anticipation of the anticipated expanded uses and that would include a review to the extent that the City has the approval authority, Kennecott would like to approve that plan in coordination with ELA. This is specifically identifying the number of sites that are on-site as well as off-site as it relates to some of these activities and non-ELA use of the auditorium. We view that as an opportunity to address some of the previous concerns that you have heard this evening. There was a plan that was mentioned that was prepared in 2008 per your staff report. I don't know how successfully that was implemented either from a signage stand point or an actual drop-off no parking types of things. In addition to that as previously mentioned this evening, we would like your motion recommendation the include that the City's preferred UTA Trax alignment is currently identified and may affect this property and some of the associated on-street parking considerations and that in the future, if that in fact were to come to fruition, that it would necessitate ELA to provide some additional off-street parking elsewhere. We support ELA in this endeavor and we are excited to have them as part of our community, but we recognize that there is a process to follow and you're willing to set some of those aside in behalf of their timeline and their urgency in getting this project moving down the road, that we would set that aside if you would consider those three other items that being the Landscape Plan, the updated traffic plan that would address the issues of tonight and some recognition of the City's identified and preferred UTA Trax Line extension.

Chairman Naylor asked Mr. Dutson to comment on the parking lot that is shown over on the west side and what the situation is with the possibility of that being additional parking. Mr. Duston said what we recognize is that adjacent to the school there are some parking and some challenging problems. We have discussed with ELA the opportunity to provide on a short term, pending where the Trax Line may ultimately go, that parking lot may not be available the entire time or if a commercial use comes on the table. We have thrown that out as far as the discussion to say that on a temporary basis it could be made available to ELA to alleviate some concerns. Based on our conversations with staff on Friday, that may or may not be necessary from the City's stand point to approve the project and so that is something we are discussing with ELA.

Commissioner Feist said with the exception of the Trax Line interrupting that overflow parking lot, what would be the reason that it would be just temporary versus a permanent agreement with the school? Mr. Dutson said as part of the plans of the PC Zone, that is a mixed use zone that has some commercial value to us and we want to make sure that we keep our options open so that if there was an opportunity that presented itself that we could respond accordingly.

Chairman Naylor said there is also a substantial expense to improve it. It wouldn't be a likely thing if they thought in the near future that they were going to lose it that they would want to invest the money to pay for landscaping and curbs and gutters and so forth. He asked if they have investigated the possibility of parking somewhere in the vicinity and transporting patrons to the activities. Mr. Dutson said that is a question they would need to address for you.

Commissioner Morrissey said it is noted here that this can only be approved by the Planning Commission after there is approval by you; is that right? Mr. Dutson said that is correct. We are not interested in holding this project up. He said we are not a very large organization at Kennecott and the process was a misstep and miscommunication. ELA moved forward in submitting their application to the City based on what they felt was a verbal approval and we have since discussed that recognizing that is why we are willing to say there are some things we want to address further if there is a commitment to do that, then we are comfortable waiving those other issues except for the parking which we feel is critical.

Chairman Naylor closed the Public Hearing.

Commissioner Evans said I applaud ELA for the expansion but one of the things that we are talking about property that they want to use for temporary parking that they don't own. Anytime that you add an auditorium and you add those types of facilities you are increasing the amount of traffic that comes in for any given period of time. It says that the majority of the addition is taken by the auditorium and that it is also going to be available for a lot of other community activities. Out there in Daybreak they don't have a lot of other facilities that they have access to so I think it could be very problematic in the amount of traffic that you can have in that area. I have concerns: 1) the parking is adequate as proposed for the additional classrooms, but the issue is that large auditorium. 2) all of the parking is "proposed;" nothing is concrete at all.

Chairman Naylor said one question I had as I'm listening to this discussion is how many seats are proposed for this auditorium? Ms. Cannon said it depends on which manufacturer we go through. It would be from 425 to 450. We currently use our gym. We have 750 students so we have had 750 students in our gym.

Commissioner Haymore asked her to speak to the number of big events. Ms. Cannon said the ones they are talking about on Digory Drive are at our "Little Theatre" that seats about 50 people and they will have events throughout the week and month. That is what they are talking about; it's not a whole school event. They are not parking in our parking lot and that is the problem. They are parking along Digory because that is where the rehearsal space is and that is where the Little Theatre is located. When we do build the auditorium, all that programming will move over to that additional building so hopefully they will be able to park closer to that building rather than on Digory like they do now.

Commissioner Haymore asked if they have had a chance to review the three recommendations from Kennecott for tonight's meeting. Ms. Cannon said yes. We have submitted our landscaping this

afternoon. We are committed to talking about future parking. We started exploring future parking when we started exploring this expansion. In 2008 we were limited by Kennecott's restrictions on parking back then with them wanting it to be a walking community. This approval and that parking was approved way back in 2008 so we have known it has been an issue. With the unknown part of Trax, that kind of put a bump in that discussion; we are willing to move forward and are committed to working with Kennecott. We have yet to see details on the contract for this parking that is off-site and with it being a school with limited funds it is hard for us to commit to something if we haven't seen a contract on it.

Commissioner Feist asked if there is any potential for parking on the site that the school currently owns that's blacktop for after hour events. Ms. Cannon said we have talked about that just before this meeting because as I was dropping my kids off for the choir performance tonight there were a couple cars that were pulled up in the fire lane. It does have a curb cut that you can pull off of the street so we could potentially use that for additional parking. Kennecott is also requiring that we change that a little bit because it is a real harsh hard looking entrance so they are asking us to do additional landscaping along there which will limit it being used as additional parking.

Commissioner Haymore asked about the construction time frame. Mr. Bodrera said this City site plan approval process is one of about 6 or 7 reviews that are required by the State Office of Education before construction would start. I would anticipate construction could start as early as December of this year. Based on when it does start is when that will turn out.

Chairman Naylor said there was a question asked about construction traffic and getting to this site with the congestion of parents and so forth. Mr. Bodrera said there would be a traffic management plan put together for the safety of the children and for traffic.

Commissioner Jolley asked if they would address the Digory Lane Road concerns about the pick-up of students along there. How will this new expansion alleviate their concerns? Ms. Cannon said we are almost doubling the parking spots but not doubling our students. I would hope that would mitigate it a bit. I do think we need to continue to look at other options for parking.

Mr. Bodrera said as I heard a lot of those earlier comments there was the "pick-up and drop-off" issues which is about a half hour to 45 minute window in the am and in the pm. If you can see the two existing buildings, the one on the north with the larger box is the elementary building with the gymnasium; the one on the south east corner is the small black box theatre where they have their productions and functions. The human tendency is to go the path of least resistance and they try to park as close as they can. The east end of Digory Lane will see a change as the programming is moved to the west side of the campus.

Commissioner Feist said Mr. Dutson stated that that Kennecott wanted to work with ELA and work with different parking options; is Kennecott willing to work with that blacktop area and try to figure out if there is a way to get 20-30 car parking in that area. Looking at the site plan that is pretty much the only area that they own that is blacktop or those they could put parking on. Help me understand where they could put more parking. Mr. Dutson said back in 2008 when the traffic and parking plan was prepared; it was a fairly decent document. In respect to the specific blacktop site I know that there have been some things that our design group has looked at, has reviewed and has approved and that is what their expectation is. Whether that site can be utilized for parking is actually a fire department question in terms of keeping adequate access to the site if there was an incident. I think everyone involved

recognizes that parking is something we want to address in an effective and appropriate manner and I think everyone is open to what those ideas may be.

Commissioner Morrissey said I think we should table this to allow them to work out their traffic and parking issues.

City Planner Greg Schindler said we are really bound by Kennecott's agreement with us and you are bound by the Code itself. Technically only the City Council has the discretion to approve that differently than what the code specifies. If there is opposition on one side or the other you would have to either deny it or recommend that it go forward to the City Council for approval of less parking or whatever before it could come back to you.

Assistant City Attorney Ryan Loose said you could table the item here pending an application by the applicants. Code 16.260.40 states that City Council may determine the requirements for individual developments if the use is not listed or under unusual circumstance in which a greater or lesser number of parking stalls is justified. The discretion to make any exceptions on parking is given solely to the City Council not to the staff or Planning Commission.

Chairman Naylor asked if they did not meet the ordinance. City Planner Schindler said no, they still did not meet the ordinance. He said in my staff report we wrote that we didn't think that the addition would make the parking any worse than it already is. In fact it makes a little better because now their ratio is getting better. Our ordinance may need to be looked at closer to get the correct ratio. The on street parking, the drop off and pick up, probably can be solved with other means.

Chairman Naylor said as a point of clarification, if I understand you correctly, they don't meet the ordinance, we don't have the authority to approve parking requirements less than required by the ordinance so we make a recommendation to City Council.

Assistant City Attorney Loose said you can make the recommendation you want just like on a rezone. Ultimate authority as given discretion to code is with the City Council in determining whether or not there are circumstances which justify that greater or lesser requirement. From the standpoint of what you can do, if you deny or approve you are subject to appeal once a final decision is made either way that goes to City Council. If you table or recommend it go to City Council it would ultimately go there anyway. All routes lead to City Council in making the final decision.

Commissioner Feist said Kennecott recognizes the concern and the issue and they still have the overriding stamp on this thing. If they don't approve it they are not going to build it. It seems as though the parking they are proposing improves, it doesn't worsen it. Kennecott recognizes that they still need additional parking so they have to work something out with Kennecott to create additional parking regardless. It seems interesting that we are talking about a parking problem in Daybreak when the design of Daybreak is to create parking problems. Ms. Cannon made a comment that back in 2008 with their original design Kennecott didn't want as much blacktop in the beginning. Now they realize the problem, they want to work on it and I think Kennecott will want to help solve the problem.

Commissioners wanted to know if it was even possible to put Kennecott's conditions on our approval.

Assistant City Attorney Ryan Loose said your review is administrative review to see if their proposed plan meets the code or not. You don't have legislative discretion to put in things that aren't already in

the code. You also don't have the ability to amend or change or give consideration to things that are in the code but you think are substantially met but are not met. Your review is does it meet code or not. Contractual issues are not part of your review.

Chairman Naylor said it seems that based upon our discussion and the evaluation that parking does not meet the requirements in the ordinance so the only thing we can do is send this along to the City Council with a recommendation one way or the other.

Assistant City Attorney Loose said you have two options. You can deny and let it be appealed or you can table pending the City Council getting it on an agenda deciding it and it coming back to you. If the City Council changes the requirement to lesser as the applicant is requesting, then it comes back to you.

City Planner Schindler said if you table it then it would take two more meetings. One meeting with City Council and another meeting with you guys. If you deny it and they appeal it then it takes one meeting with the City Council.

Assistant City Attorney Loose said you could do an approval pending the City Council approving the reduced parking.

Chairman Naylor said all of us are in favor of the project.

Chairman Naylor opened the Public Hearing again for Mr. Bodrera to comment on timing.

Mr. Bodrera said with regards to timing ELA is in the process of securing and finalizing their financing for this project. Part of that financing package is seeing an approval and understanding that the remaining approvals are lesser on the list. Early Light would prefer to have an approval tonight if that has conditions to it so be it. As we look at the calendar there is no meeting the first part of November which puts us to the end of November and if we have to catch a Council and come back to Planning Commission that takes us to the end of the year. It is critical to get the project started and securing the financing. There has been some discussion on parking and your ability to grant or not to grant meeting the ratio; as the applicant I would be curious to know if the other elementary schools that were noted to have deficient parking, if we are being held to that same standard.

Chairman Naylor closed the Public Hearing again.

City Planner Schindler said I don't think that Council ever reviewed them because it wasn't until recently that the City actually understood what they could and could not review. Since I have been here the only schools that have gone through City review are South Jordan Elementary, the new one, and Early Light Academy and Paradigm High School.

Mr. Bodrera said state code specifies within the site plan review the municipality reviewing certain things and not others and its interpretation. I visited with City Planner Schindler and it is kind of a grey area. It says the municipality may not impose regulation requirements for landscaping, fencing, aesthetic considerations, construction methods, additional building inspections, municipal building codes into the interpretation of what codes those are. We talked a lot about the on-site parking and I am wondering if that is grounds for tabling or not approving.

Commissioner Evans said everyone that comes in here wants to be approved. I think there are some questions that need to be answered and I don't feel comfortable. You have got a problem when you have an auditorium and that is going to be used a great deal by the community out there. We already know we have parking issues out there and I think there needs to be a lot more information. We have seen when we approve things and we had done it rather hastily because of deadlines.

Chairman Naylor said the Kennecott Master plan was approved a long time ago. I don't know where they would get additional parking unless they work something out with Kennecott.

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

**Commissioner Morrissey made a motion to table this item and send to City Council with a recommendation that Kennecott and ELA get together and try to revise the plans until resolved according to the Kennecott Master Development Plan. Motion died for lack of a second.**

Commissioner Feist asked if tabling this moved it to the City Council. Assistant City Attorney Loose said no. He said generally we advise that it be tabled to a specific date. Tabling it also does not give them the ability to appeal a decision so it will drag the time out rather than a flat out denial.

Commissioner Haymore said as we discussed earlier, the only way to have the City Council decide it without them deciding it and kicking it back to us is a conditional approval; is that right.

Assistant City Attorney Loose said no. If they appeal a denial or an approval the City Council can decide both issues in that meeting. They can decide on the parking issue, if they decide to lower that they could overrule you and grant it because they have changed the parking requirements which you cannot do. So if you give them a flat out denial or a flat out approval, City Council can decide the entire issue in one meeting. If you table it and they apply and go to City Council then it does have to come back to you and then there is an appeal time on that.

**Commissioner Feist made a motion to approve application SP-2014.34 allowing for construction of the school addition located at 11709 S. Vadania Drive with the condition that the City Council accept the parking as presented. Commissioner Morrissey seconded the motion. Roll call vote was unanimous 5-0 in favor.**

## **V. PUBLIC HEARINGS AND POTENTIAL \*LEGISLATIVE ACTION ITEMS**

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

**D.1. Issue: JUDD HOMES  
LAND USE AMENDMENT AND REZONE  
Address: 10708 South 1055 West  
File No: LUA-2014.14 & REZ-2014.15  
Applicant: Charles A. Judd**

Planner Damir Drozdek reviewed the background information on this item from the staff report.

Commissioner Feist asked if it is consistent with the properties to the South also. Planner Drozdek said not immediately to the South since those properties are not developed. Further down South there are subdivisions that are zoned the same way.

Commissioner Haymore asked what happen on 1055 West in order to lead the City Council and the Mayor at the time to constitute that as historical district.

City Planner Schindler said I did not attend that meeting. When that did go into effect we did have a requirement that any development that it did occur on 1055 West and access to it the developer would have to provide upgrades to the road and bring it up to City standards. Not just in front of their property but they would have to enter into an pioneering agreement and continue it up to where the Cemetery is where the road does meet City standards. That hindered development because most developers were not willing to go to that expense. Historically it was the first street that was developed in South Jordan.

Commissioner Jolley said if this were to be approved and rezoned and the ordinance changed on 1055 W., in order to develop this they would have to improve that road to the north to the Cemetery? City Planner Schindler said there is no ordinance that says that. We would likely as staff look at that. We would have to work with the applicant. Maybe they wouldn't get their subdivision approval from the Planning Commission if they can't meet the requirements providing proper access. Proper access means putting in a road that connects it to it. There is the chance that the City could front the cost and then we would be reimbursed the future development. There are a lot of ways to do it.

**Charles Judd** (applicant) 45 Wander Wood, Sandy; I lived in South Jordan for ab out 10 years previous on Country Creek Drive and saw this property behind where I lived for a lot of years. I have had 4 different people from that neighborhood come to me and say they would like me to buy their homes which I have done over the last five years and now own these 5 acres. Not only do I want to live in South Jordan but I have 6 kids and 5 of them currently live on this property that we are talking about. Our desire is to keep the rural atmosphere and our kids would like to be able to build nicer homes there. Right now we have four of our kids there and one of them just left on a mission yesterday. We just want to build some other homes there. As far as 1055 west is concerned, we will do whatever is required. If they don't want us to improve it then we won't improve it. There are 10 lots proposed and I would like to keep two or three of them to farm on.

Chairman Naylor opened the Public Hearing.

**Steve Roberts**, 1113 W. Judd Lane, SJC – I have a couple of concerns regarding the development. It is a historical lane because it is down that lane where the creek comes in and that is where the original settlers of South Jordan had their dug outs. Our biggest concern is the impact on that stream. As they hauled in dirt they have already backed it up a little bit so it has changed the flow upstream. We encourage you to make sure that in the development of that that the waterway is protected and properly developed so that no one is impacted upstream. In reviewing the ordinances in 16.04.180 the length of the cul-de-sac is concern and I wonder if it requires a variance from the ordinance.

City Planner Schindler said we are only doing the rezoning at this time. I don't know if the cul-de-sac is over 750 feet. If it is, they could get Council approval again for a longer cul-de-sac or make it closer.

Planner Drozdek said I don't think so. The frontages along those lots range between 100-150 feet and there are only four of them.

**Luane Jensen**, 11186 S. 2700 W., SJC – I am on this Historical Committee and the reason that was Historical was because at the time we thought it was the Pony Express way but the Pony Express did not go there it was actually further East along State Street. The Dugouts is where Parkway Palisades is.

Mike Judd, I am Charles Judd's oldest son. I left Utah for a little while to go to school back east and when I moved back to Utah a lot of my peers who were working downtown were moving to the Avenues or to North Salt Lake. There was no place I ever wanted to be other than South Jordan. I like the type of neighborhood there. I hope this project helps it stay the way it was.

Chairman Naylor closed the Public Hearing.

Commissioner Feist said the concern I see is if you approve a development here without any City Code widening, how do you approve one on one side of the road and then someone will want to develop on the east side too. It's not just 12 homes that will be going in here. Other applicants will want the same deal and it will not work with a 10 foot wide road.

Planner Drozdek said Mr. Dearing who owns the property to the south stopped by and he said he was not opposed to the project but he wanted to have the same opportunity to develop his property if this is rezoned.

City Planner Schindler said you can make whatever recommendation you feel fits. Part of our recommendation is that you recommend approval but also recommend that the City Council revisit that resolution R2006-54 to determine if improvements can be made. If they approve the rezoning the next thing that comes forward is the subdivision application. If they don't want to make any changes to that Resolution then they will deny the rezoning. Somebody could come in and apply for a subdivision, with part of the properties at R-1.8 they could develop with that density. The rest of it is zoned agricultural and they wouldn't be able to develop that part any further. Either way there is still opportunity for a few more lots. Regardless of how you recommend, Council has the ultimate decision and they will have to be aware that if they approve it.

Commissioner Feist said I don't have a problem with it being rezoned and developed with the condition that the City Council revisits the resolution.

#### **D.2. Potential Action Item – (See V.D.1)**

**Commissioner Haymore made a motion forward a recommendation of approval to the City Council to adopt:**

- 1. Resolution R2014-93 approving an amendment to the Future Land Use Map, and**
- 2. Rezone Ordinance 2014-17-Z approving an amendment to the Zoning Map**

**Also to make a recommendation in conjunction with our approval that the City Council revisit and reconsider Resolution R2006-54 and determine if 1055 West can receive improvements as needed to accommodate development. Commissioner Jolley seconded the motion. Roll Call Vote was unanimous 5-0 in favor.**

**E.1. Issue: SOUTH JORDAN ALZHEIMER'S SPECIALTY CARE CENTER  
LAND USE AMENDMENT AND REZONE**  
**Address: 2664 West 11400 South**  
**File No: LUA-2014.13 & REZ-2014.14**

**Applicant:** Rachel Rudiger

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

**Rachel Rudiger**, 3150 Kettle Ct. SE Salem, OR (applicant), we are excited to be in your community. We are a much needed use and we feel we are an excellent transitional use for this corner property.

Chairman Naylor opened the Public Hearing.

**Luane Jensen**, 11186 S. 2700 W., SJC – I am not against the project. I worry about the road coming off to 2700 West as close as it will be to the intersection. From what I have been told there will be a road coming off of 11400 S. that will go north and then come back and onto 2700 W. when the homes are all developed. I worry about the road from the Alzheimer's being that close to the corner.

Chairman Naylor said this is just the site plan we are looking at tonight. I had the same thought when looking at the site plan.

Chairman Naylor closed the Public Hearing.

Chairman Naylor said part of you didn't participate in the consideration of the Mixed Use Zone. The property owners here have tried awfully hard with several different applications that received a lot of public opposition and we didn't feel like we could support. This one looks like an uncontroversial one.

Commissioner Haymore said I think 114<sup>th</sup> South should remain as residential as possible. I don't want to see it turn into a commercial district all the way down. When we rezoned this property the last time I was ok with that one little commercial corner; this expands that to two almost three times to what I had in mind when we rezoned it the last time. I realize it is a low impact building but I would like to see more residential in the area.

Commissioner Feist said I think it looks fine. I think it is a busy corner for residential.

**E.2. Potential Action Item – (See V.E.1)**

**Commissioner Evans made a motion that the Planning Commission forwards a recommendation to the City Council to approve the following:**

- 1. Resolution R2014-91, amending the Land Use Designation from Village Commercial and Village Mixed Use to Office; and**
- 2. Rezone Ordinance 2014-16-Z, rezoning the property from R-2.5 to P-O.**

**Commissioner Feist seconded the motion. Roll Call Vote was 4-1 in favor. Commissioner Haymore was opposed.**

**F.1. Issue: ACCESSORY BUILDING & HOME OCCUPATION  
REGULATIONS ZONE TEXT AMENDMENT**  
**File No: ZTA-2014.03**  
**Applicant: City of South Jordan**

Planner Jake Warner reviewed the background information on this item from the staff report and showed an updated presentation (Attachment C). You will see in red the changes made since the last time you saw this presentation.

**F.2. Potential Action Item – (See V.F.1)**

**Commissioner Haymore made a motion to forward a recommendation to the City Council to approve Ordinance 2014-16, amending regulations pertaining to accessory buildings in the Zoning Ordinance (Title 17), specifically chapters 17.24, 17.28, 17.32, 17.36, 17.40, 17.45, 17.46, 17.48, and 17.98 of the Municipal Code and adding the following three suggestions:**

- 1. Measure the height of the average wall size of the exterior buildings from 5 feet outside the average height, 5 feet outside of the foundation and the average grade at 5 feet from the structure.**
- 2. City Council further amend the home occupation business licenses to exterior buildings to mirror in all respects the ordinance as it applies to the house.**
- 3. Look at the part of the ordinance that allows outdoor activities and evaluate whether those would be acceptable in accessory buildings.**

**Commissioner Evans seconded the motion. Roll Call Vote was 5-0 in favor.**

**VI. OTHER BUSINESS – NOT PUBLIC HEARINGS**

None

**ADJOURNMENT**

**Commissioner Evans motioned to adjourn. All Commissioners were in favor.**

The October 28, 2014 Planning Commission meeting adjourned at 9:55 p.m.

Meeting Minutes were prepared by City Recorder Anna West.

**This is a true and correct copy of the October 28, 2014 Planning Commission meeting minutes, which were approved on November 25, 2014.**

*Anna M. West*

**South Jordan City Recorder**



OCTOBER 28, 2014

PLANNING COMMISSION MEETING SIGN IN SHEET

<u>PRINT NAME</u>	<u>ADDRESS</u>
<u>SPENCER CRIDDLE</u>	<u>5079 DIBORY DR, SOUTH JORDAN, UT 84095</u>
<u>HARRY Bigelow</u>	<u>11473 South. 3120 West.</u>
<u>Rennald Egbert</u>	<u>2644 W. 12420 S. Riverton, 84065</u>
<u>RACHEL RUDIGER</u>	<u>3150 KETTLE CT SE SALEM, OR</u>
<u>Lorivance</u>	<u>10281 Springcrest Ln. So Jo 84095</u>
<u>Christine Reese</u>	<u>11253 So. 2580 W. South Jordan, 84095</u>
<u>Sydney Young</u>	<u>11709 S. VADANIA DR. SOJO 84095</u>
<u>Mary Cannon</u>	<u>11638 Copper Sky Dr. SoJH 84095</u>
<u>REED CHAWKE</u>	<u>11792 S. 4715 W. HERRING</u>
<u>Christy Lasher</u>	<u>11709 S. VADANIA DR. SO. 84095</u>
<u>Todd MILLER</u>	<u>5101 W BIGORY DR ST 84095</u>
<u>Susan &amp; Melznie EGBERT</u>	<u>11323 S. 2700 W.</u>
<u>GARY LANGSTON</u>	<u>4700 DAYBREAK PKWY</u>



OCTOBER 28, 2014

PLANNING COMMISSION MEETING SIGN IN SHEET

PRINT NAME

ADDRESS

Tyler Roberto 3248 S. 750 W. SPRING

ADAM + TINA YACKLEY 11669 S VERUCA WAY

Leslie Mascaro

Andrew Johnson 11648 Apple Dr

Rulon Dutton 4700 Daybreak Dr

October 28, 2014

South Jordan Planning Commission  
1600 West Towne Center Drive  
South Jordan, City 84095

Dear Commissioners,

Thank you for the opportunity to comment regarding the proposed Early Light Academy (ELA) expansion site plan review. We consider ELA a Daybreak partner and commend their efforts to operate and expand this progressive educational facility. We also appreciate the opportunity to discuss this issue with City staff and ELA representatives last week and have been working with them to resolve several of the concerns noted at that time.

We feel several items remain unresolved, which are relevant to this evening's discussion and potential site plan approval. First, provisions of the Daybreak Master Development Agreement with the City require Kennecott review and approval before development plans are processed by the City. Although beyond direct City obligation, our agreement with ELA as part of their purchase agreement requires the same coordination. To date, Kennecott has not provided an approval stamp on the proposed ELA site plan due primarily to concerns related to the proposed expanded use of the facility beyond the 2008 conceptual/development plans and the associated parking and traffic challenges.

To point, the 2008 conceptual plan accommodated a "performing arts wing" auditorium and associated instructional spaces. The proposed expansion includes an approximate 25% increase in building square footage (30,000 square feet to 39,000 square feet), incorporating a cafeteria and 13 additional classrooms. It is our understanding that some of these facilities will be available to non-ELA interests for non-ELA functions.

Kennecott has considered the expansion-related school programming and associated increased student population projections and feels that the proposed parking can reasonably accommodate most school-related uses, without significant impact to the adjacent neighborhood, if an adequate traffic and parking plan is implemented. However, our primary concern, consistent with the staff report, is the inevitable conflicts with the adjacent neighborhood to adequately accommodate the anticipated after-hour, non-ELA uses and activities, particularly those associated with the 400+ seat auditorium/theater. Our conservative estimates indicate an additional 30+ "off-site" parking spaces are necessary. Current strategies include parking along the adjacent streets and adjoining neighborhoods.

Per the above, we do not concur with staff that the phase two addition does not substantially impact area parking and traffic patterns and feel that this issue should be addressed in the Commission's deliberations.

We recognize the time sensitive nature of this project and want to support ELA in their expansion efforts, so while the PC zone and our Master Development Agreement require our approval of this application before it can be considered by the planning commission, we are willing to stipulate to a conditional approval that addresses the following:

- 1) Submittal and approval of final landscape plan
- 2) Updated 2008 "traffic plan" to accommodate the expanded use and uses, including approval by the City and Kennecott, specifically identifying the total number and location of on- and off-site parking spaces considering neighborhood impacts of parking and traffic flows, and accommodating the anticipated non-ELA auxiliary use of the auditorium.
- 3) Recognition that the City's preferred UTA TRAX alignment, as currently identified, may affect this property and the associated parking considerations and further necessitate ELA to provide additional off-street parking.

Thank you for your consideration in this matter. We will continue to work with ELA and the City regarding this matter.

Sincerely,



Rulon Dutson  
Manger Community Planning  
Kennecott Land

# ZONE TEXT AMENDMENT: ACCESSORY BUILDING REGULATIONS



Original:  
Sept. 16, 2014  
Revised:  
Oct. 28, 2014

# PROPOSED REVISIONS: HEIGHT

## Current Requirement

- Staff review
- A-5, A-1: 35'
- All other zones: 25'

## Proposed Revisions

- Planning Commission approval required **as a CUP** if height exceeds house.
  - Notice to include 300' and all owners in subdivision.
  - In no case shall height exceed 25'.

# PROPOSED REVISIONS: FOOTPRINT

## Current Requirement

- Staff review
- Allowed Footprint:
  - A-5: not specified
  - A-1: 5,000 s.f. (over 5,000 s.f. with CUP)
  - R-1.8, R-3, R-4, R-5, R-M: not to exceed house
  - R-2.5: not to exceed 60% of house

## Proposed Revisions

- Planning Commission approval required **as a CUP** when footprint exceeds **80% 60%** of house.
  - Exception: footprint in A-5, A-1, & R-1.8 allowed to match house.
  - Notice to include 300' and all owners in subdivision.
  - In no case shall footprint exceed house.

# IMPACT EXAMPLE



# PROPOSED REVISIONS: SETBACKS

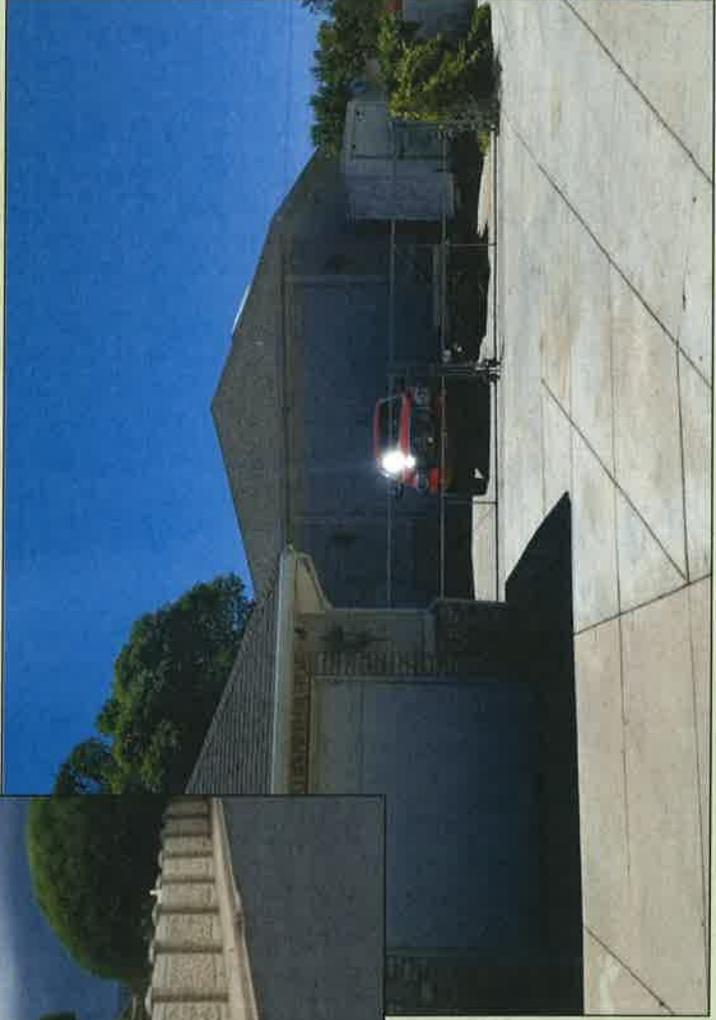
## Current Requirement

- In a side yard: side setback same as house (10').
- In a rear yard: 3' to rear and side property line, additional 1' for every foot the structure exceeds 16' tall . (12' for a 25' tall building)

## Proposed Revisions

- ~~20' to habitable space above the ground floor.~~
- When adjacent to right of way: ~~3' 5'~~ to property line, additional ~~2' 1'~~ for every foot the structure exceeds 16' tall.

# IMPACT COMPARISON



# PROPOSED REVISIONS: ARCHITECTURAL STANDARDS

## Current Requirement

- N/A

## Proposed Revisions

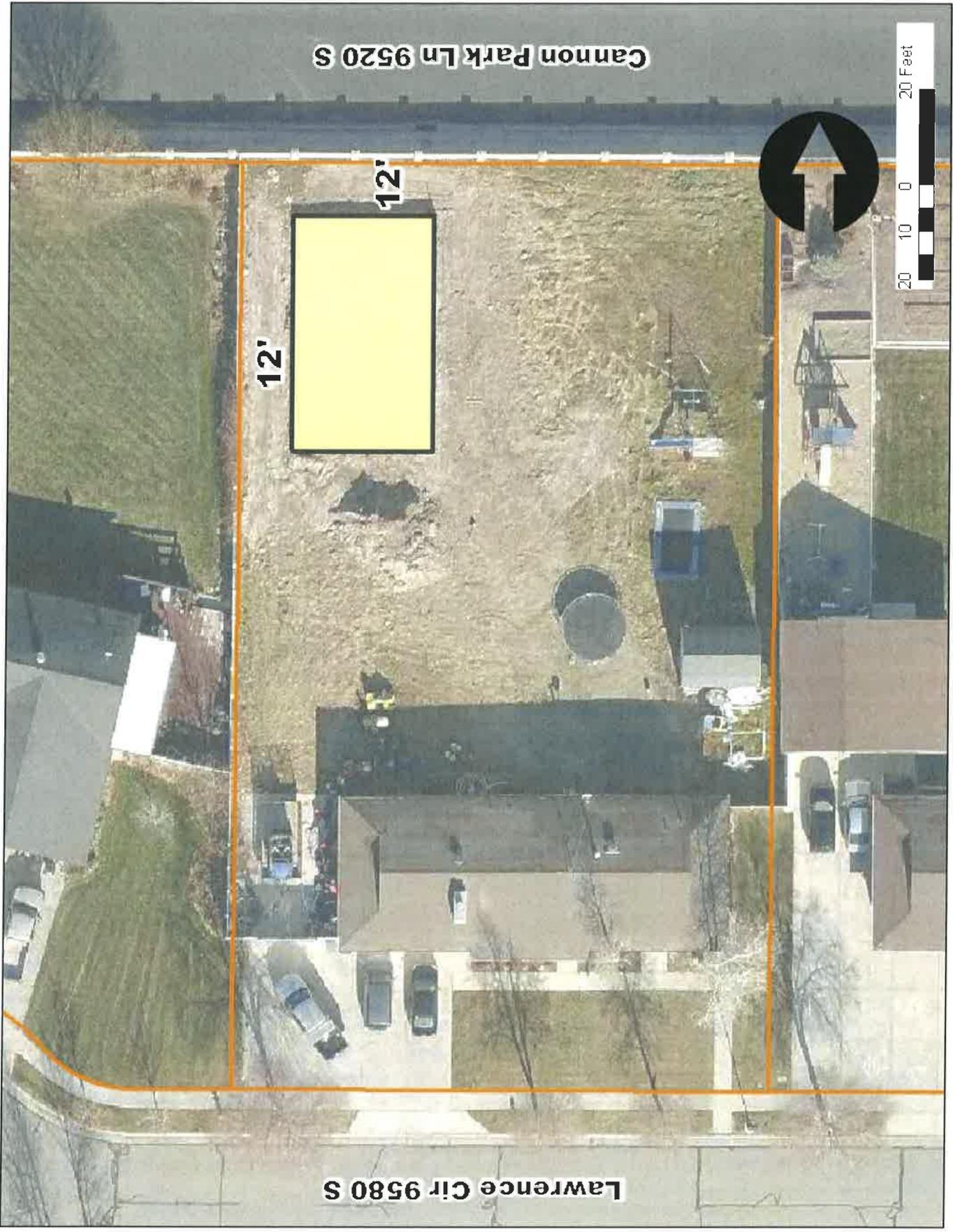
- For portions within 20' of a property line, unless approved by the Planning Commission as a CUP:
  - No exterior openings (windows or doors) permitted for habitable space when the floor height exceeds 4' above the property line.
  - Average wall height shall not exceed 16'.
  - Notice of Planning Commission meeting to include 300' and all owners in subdivision.
- Majority of roof structure to be constructed with a minimum 4/12 roof pitch for structures over 200 sq. ft.

Cannon Park Ln 9520 S

20 Feet  
0 10 20



Lawrence Cir 9580 S



Cannon Park Ln 9520 S

20 Feet  
10 0



21'

20'



Lawrence Cir 9580 S



Lawrence Cir 9580 S

Cannon Park Ln 9520 S

- No second floor windows or doors.
- 16' maximum wall height.
- Min. 4:12 roof pitch.

12'

14'

40 20 0 40 Feet



# PROPOSED REVISIONS: HOME OCCUPATION

## Current Requirement

- Not allowed.

## Proposed Revisions

- Home occupations **commonly conducted in a primary dwelling** may be conducted in an enclosed and properly permitted accessory building.

# PROPOSED REVISIONS: MISCELLANEOUS STAFF PROPOSALS

- Under ~~8'~~ **10'** tall in a side yard: allowed to be ~~3'~~ **5'** from the property line.
- Distance between structures: 5' rather than 6'.
- Permitted use changed from "Residential Accessory Buildings" to "Accessory Buildings".
- "Community Development Department" references changed to "Development Services Department."
- Home Occupations allowed to occupy an area of not more than 35% of the floor area of the main building, and not to exceed 1,000 s.f. Currently restricted to 800 s.f.
- Removal of restriction against street side garages on a corner lot.
- Removal of the automatic denial for a home occupation due to a received objection. **Fee reduced to \$50 for home occupation appeal to Planning Commission.**

Cannon Park Ln 9520 S

20 10 0 20 Feet



Side Yard: 20'

Setback to Prop. Line: 5'

Setback to house: ~~3'~~ 5'

Buildable Width: ~~12'~~ 10'

20'

Lawrence Cir 9580 S

