

CITY OF SOUTH JORDAN
PLANNING COMMISSION MEETING
COUNCIL CHAMBERS
October 24, 2017

Present: Commissioner Mark Woolley, Commissioner T. Earl Jolley, Commissioner Sean D. Morrissey, Commissioner Julie Holbrook, Commissioner John Ellis, City Planner Greg Schindler, Planner Damir Drozdek, Assistant City Engineer Shane Greenwood, Staff Attorney Todd Sheeran, City Recorder Anna West

Others: See Attachment A

6:30 P.M.
REGULAR MEETING

I. GENERAL BUSINESS

A. Welcome and Roll Call

Chairman Woolley opened the meeting and welcomed everyone present. He noted that all Commissioners are present.

B. Motion to Approve Agenda

Commissioner Jolley made a motion to approve the October 24, 2017 Planning Commission Agenda. Commissioner Ellis seconded the motion. Vote was 5-0 in favor.

C. Approval of the Minutes from the Meeting held on October 10, 2017

Commissioner Holbrook made a motion to approve the October 10, 2017 Planning Commission Meeting Minutes as printed. Commissioner Morrissey seconded the motion. Vote was 5-0 in favor.

II. INFORMATIONAL ITEMS AND OTHER BUSINESS

A. Staff Business

City Planner Greg Schindler said you should have read an email sent out today from Anna regarding your joint meeting with City Council that was originally scheduled for December 2nd and it has changed to Thursday, November 30th from 5-8pm. The study meeting will be held at the Public Works building in the Strawberry Conference Room.

Chairman Woolley said remember the main topic that night will be the Redwood Road Corridor. He asked to have copies of the presentation distributed to the Planning Commissioners and to have it put online for web access.

B. Comments from Planning Commission Members

None

III. CITIZEN COMMENT

Chairman Woolley opened for Citizen Comment.

Habib Sadid, said he is a registered civil engineer and lives in Daybreak. He voiced his concerns about South Kestrel Rise Road not having enough room for two cars on the sides and two cars negotiating to pass. He said he wrote a letter to the City and explained his concerns. He said regrettably, the City Engineer became defensive and also strongly supported the land developers. He admitted you couldn't drive at the posted speed limit. His advice was to slow down so you can drive safely. The street is dangerous and the City Engineer had obligations as a professional engineer to inform the authorities of the dangers of the street. He believes the City Council has obligations to visit the Plan that was approved 10-15 years ago because today the situation is very dangerous on that road. This street does not meet the standards of a collector street. The total width of the street is 30 feet and there is no way you can park cars on the road and drive two cars through there. He said the City has been informed and the City will now be liable.

Mitch Ashby, said I live in Garden Park in Daybreak right on Kestrel Rise Road. I have two items tonight. 1) from where Soda Row is on Kestrel, all the way north until you hit the South Valley Parkway, there is only one speed limit sign. It is right where you first turn and is obscured by trees. They have done some studies on the road but when I have talked to Mayor Alvord, he said we don't do speed bumps at all in South Jordan. 2) for future discussion, right across the street where we live between where the ramp is by Kestrel and just north of there where the bridge is, is a parcel of land we thought the city would buy for green space. There is green space on the north, east and the south and there is no green space on the west side of the lake.

Teresa Paulin, said 1) I echo the concerns of the width of Kestrel Rise Road. She noted an incident she witnessed a couple of weeks ago where there was an abandoned car with emergency lights flashing and was obstructing traffic. When the light turned green, the car in front of me was trying to go around the abandoned vehicle and at the same time, a FedEx truck was making a right turn from Daybreak parkway onto Kestrel Rise and they both could not occupy the same spot. 2) I hope there is consideration being given to creating a protected pedestrian crosswalk across Kestrel Rise up where the lake is. I walk my dog by the lake every day and with all the increased traffic along Kestrel Rise there are times I have to wait 10 minutes before I can cross safely. This is very hazardous for pedestrians.

Bill Marticorena, I live three houses off Kestrel Rise on Black Twigg Drive. I have lived here five years now and we have noticed a tremendous increase in traffic on Kestrel and on other roads coming out of the residential area. Our focus tonight should be to address traffic on Kestrel Rise Drive. We would like to suggest to postpone this decision tonight so there could be a UDOT traffic study done on that road to make sure everybody is on the same page as to whether or not that road is safe. I have talked to Lt. Pennington at the police station, and he has pulled up some information for me about the numbers of accidents that have occurred on that road and they are increasing on that road. There is not even enough room on the road to stripe down the center. This road is a safety hazard.

Jeanne McKissich, I live on 10962 and I see that they have added another road to go into this new area across the street from our house on 10960. She said any time you turn right at the light on Soda Row, there are cars parked on both sides of the street with the Rio Tinto employees parking. The signs say 2-hour parking but the same cars are parked in the same place all day. I would like to see this issue looked at.

Chairman Woolley closed the Citizen Comment period.

IV. SUMMARY ACTION

None

V. ACTION

None

VI. PUBLIC HEARINGS AND POTENTIAL **ADMINISTRATIVE ACTION ITEMS

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

A.1 Issue: DABREAK GARDEN PARK LAKESIDE PHASE 1 PRELIMINARY PLAT
Address: 4600 West Daybreak Parkway
File No: PLPP201700479
Applicant: Daybreak Communities

City Planner Greg Schindler reviewed the background information on this item from the staff report. He said this meets all state and local codes and staff is recommending approval of the preliminary plat.

Commissioner Holbrook asked what the size of the homes would be. City Planner Schindler said they are very similar in design to those in Garden Park. The single family will probably be single level with basements.

Commissioner Ellis said we heard the issue of crossing Kestrel Rise Street; does this include some provision for a crosswalk there? City Planner Schindler said I don't know, there is nothing specifically shown on the plat.

Brad Mackey, Ivory Development (Applicant) – he said he wanted to clarify that the townhome is actually a fourplex building. The product will be the same as what we built across the street. There are two different product types called the 40's and the 50's. The 40's were our initial model home across the street. They were very popular and we have sold out of that product now. We will be putting in 50-foot wide patio homes. We will not be using the stucco option we will be using hardy-board to match the other areas around the lake. The townhomes will be two-story like those across the lake.

Commissioner Ellis asked if they have done a traffic study on Kestrel Rise to determine what the impact of loading this side of the street will be. Mr. Mackey said no. He said we are just buying the pads from Daybreak. We are the first ones to buy and develop the land ourselves. The impact should be minimal.

Chairman Woolley asked if the driveways will be deep enough to actually park vehicles on them in front of the garage. Mr. Mackey said yes.

Commissioner Jolley asked how many stalls will be provided for parking. Mr. Mackey said he was not sure. He said I think there are 22 stalls which is one stall per unit.

Chairman Woolley opened the Public Hearing.

Bill Marticorena, said we live on Black Twigg Drive in one of the townhomes and we are very satisfied with Ivory Homes. There are some issues with parking and access. There are issues with the narrowness of some of the entry and egress homes. There are issues with the widths of the roads being only 20-foot wide. The statement about being able to park on the parking ramp behind the garage probably won't exist. I have never

seen that on any of the Townhomes Ivory has built. They are small enough to access your garage, but you can't park on them; you are not allowed to by covenants; so they have to park in other parking areas. If you can't get the cars in the garage then you have to park your other vehicle somewhere else along the street and that is where your guests would have to park also. That takes you back to the street not being wide enough to park all of the cars. The streets are always full of cars. We really like looking at the lake and would like to see more open space that what is given.

Habib Sadid, said there are lots of activities always going on in Daybreak and people park in our parking spots and our guests cannot park there. The land developers have obligations to provide adequate parking. I believe there are several violations by the developers such as open-space, aesthetics, and convenience of the residence. It is starting to look like a third-world country. There is no control of the land developers and they city is not doing their job right. We need a parking lot in there before any building is approved on that side of the street. He gave the Recorder copies of his letters to the City (Attachment B).

Jeanne McKissick, said I would like to know when this opening or drive at 10960 was decided because it was not there before. We enjoy our homes, but it would be nice to have the same green space on the south as they have on the north. She voiced her concern with no parking for their visitors. There is no place behind our garages for anyone to park. They can't park there because we are not allowed to.

Mitch Ashby, said we live on Kestrel Rise in Garden Park and have been there for over 7 years. We love it here and love the vibrancy and friendliness. There needs to be some green space or park space to the south of there. Ivory needs to put in more effort in putting some parklike areas in there for the enjoyment of the people that have invested in that.

Chairman Woolley closed the Public Hearing.

Mr. Mackey showed a map on an overhead where Black Twigg road goes into Kestrel road and the location of a park that will extend to the south. The park splits our Phase I and Phase II areas.

Chairman Woolley asked if this is a typical pocket park that people from around the community will have access to and to the lake. Mr. Mackey said yes. This park will be put in with Phase I. It will be about 2-acres. There will be another little pocket park put in with Phase II.

Commissioner Holbrook asked if Mr. Mackey has met with surrounding residents to explain the development. Mr. Mackey said yes. He said there was a neighborhood meeting held in May or June at the Neighborhood Clubhouse where the plans were shown to the neighbors. I was not there personally but my boss Chris Cambrules, and Gary Langston from Daybreak were there.

Commissioner Holbrook said typically, Daybreak brings these forward; why is this different. Mr. Mackey said they have asked us to develop this piece now that Kennecott Land is not involved. They have two options when you purchase property from them. You can either purchase the whole project or they will do it for you. We chose to develop it. Commissioner Holbrook said this is just different from what we've seen and I have to wonder about the contract with Daybreak Development itself. Chairman Woolley said you are now the applicant and I am not sure how that works legally with the parameters with the pre-existing entitlement. Mr. Mackey said from what I understand, the entitlements run with the land not with the developer. City Planner Greg Schindler said that is true. There will be other plats coming soon that will have other builders other than Ivory.

Commissioner Holbrook asked about the parking in the driveways and how long the driveways will be? Mr. Mackey said it depends on each site plan of each particular house. Some will be longer than others; the townhomes will have a drive apron not an 18 foot parking stall.

Commissioner Holbrook said the size of these streets that you are putting in internally are very challenging. They are basically one way streets. Is there going to be parking on either side of the street or is it no parking on the street. Mr. Mackey said there is no parking on the 20-foot wide streets. Not all of them are 20-foot; some of them are 24-feet wide.

City Planner said these are lanes and they function as drive lanes and are all 20-feet wide. These are not wide enough to park on.

Commissioner Jolley asked what is the width of the access to the lake. Mr. Mackey said 10-foot pathway with some landscape and 5-foot sidewalks.

Commissioner Jolley said I realize this is going to add more traffic along Kestrel Ridge Drive but this meets all of the Daybreak Standards and criteria. There is not a lot we can do about this particular property but we can express to staff and City Council the concerns expressed about parking issues.

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

Commissioner Jolley made a motion to approve file No. PLPP201700479 Daybreak Garden Park Lakeside Phase 1 Preliminary Plat. Commissioner Ellis seconded the motion. Roll Call Vote was 5-0 in favor.

Commissioner Morrissey said I am voting for approval only because it meets all the requirements.

B.1 Issue: 106 EXCHANGE OFFICE BUILDING SITE PLAN
Address: 10610 South Jordan Gateway
File No: PLSPR201700711
Applicant: Zach Olsen (Thrive Development)

City Planner Greg Schindler reviewed the background information on this item from the staff report. He said this item meets all requirements for parking, landscaping, architectural style, design and materials, and Staff is recommending the Planning Commission approval it.

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

Travis Johnson, Thrive Development (Applicant) – I too am a South Jordan resident. Thrive Development has been a part of development in this community for the last couple of years. We recently finished the Keller Williams building out in Daybreak. We think this is a great addition to our City.

All Commissioners noted that it is a very nice looking building and a great addition to the City.

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

Commissioner Holbrook made a motion to approve the 106 Exchange Site Plan, File No. PLSPR201700711, located at 10610 South Jordan Gateway, subject to the dedication of portions of Cardon Ridge Way, as public right-of-way, along with certain sidewalk access, water line, and other public utility easements, prior to the City issuing permits for either site improvements or

building construction. Commissioner Morrissey seconded the motion. Roll Call Vote was 5-0 in favor.

VII. PUBLIC HEARINGS AND POTENTIAL **LEGISLATIVE ACTION ITEMS
****Legislative Action = More Discretion, Reasonably Debatable (Subjective Standard)**

**C.1 Issue: THE HAVEN AT HARVEST VILAGE
FUTURE LAND USE AMENDMENT AND REZONE**
Address: 10768 South River Heights Drive
File No: PLZBA201700109
Applicant: Peterson Development

Planner Damir Drozdek reviewed the background information on this item from the staff report. He said you heard this at Planning Commission about 2 months ago where the Planning Commission decided to recommend against the project with a 3-2 vote. Since then the applicant has made changes to the original concept plan that he submitted. The only significant change from the original design is that at the south end they have added some single-family residential lots as opposed to the fourplex's in the first design. They have added the second access, which we asked them to do, but everything else is the same. Our recommendation is not changing. Staff is still recommending against the project even with the changes made.

Commissioner Jolley asked if the project went to City Council. Planner Drozdek said no; the applicant pulled their application.

Commissioner Holbrook asked if what we decide here tonight will go to City Council. Planner Drozdek said yes.

Commissioner Ellis said I want to be sure that I understand what the fiscal impact to the city is of developing this plan with primarily residential. Will the cost to deliver services to those additional homes outweigh the incremental tax revenue from those homes? Planner Drozdek said the future land use calls for office as we have discussed. Obviously, an office type development will bring in more tax revenue to the city and will cost less in services.

Commissioner Ellis said so this will cause a burden to the other residents of the city by essentially subsidizing the services as opposed to office. Planner Drozdek said yes.

Chairman Woolley opened the Public Hearing.

Heather Banks, said I live on Raphi Place right next to this community to be developed. She said I don't know why it was declined previously, but from a community perspective, we would rather have a neighborhood adjacent to us as opposed to professional development, especially because there is so much being developed in The District. A concern of mine would be the need for a sound wall on Bangerter. Busing to Elk Ridge Middle School is currently troublesome at this point and should be considered as this gets developed.

Jeremy Lindquist, my backyard backs River Heights Drive. I have been there for over 11 years and have seen all of the development going on for years behind me. I was here on the first round for Thatcher Park. That parcel was also slated for commercial development as well and I was here opposing that as well. Once again, I don't think commercial is the right fit for that piece of property. I owned a commercial building on South Jordan Parkway and it was a great fit for commercial. When you look at the increased

flow of traffic for commercial down through there in the core hours and the busing situation that was just described; I watch that bus stop every morning behind my house and there are no stop signs there. There are no stop signs from 10600 to 11400 South and River Heights Drive is a drag strip. I am constantly watching cars run that bus stop when the buses stop there with their red lights flashing. I am in favor of this mixed use proposal with the commercial on the other end because the aesthetics and feel of that Thatcher Park and having the continuation of residential is important for the aesthetics of that street. I understand the impact financially, I get that part of it, but when I look at it and it says "it's not conducive to residential use due to noise, odors and other pollution from the highway and the feeder street," I look simply to the west of me and see the entire west side of Bangerter lined with high density and medium density homes and townhomes right on Bangerter. I disagree with the recommendation to deny. I would encourage you to find a residential use for this property; I think this is a good fit for the property. I think there should be some interim stop signs between 10600 and 11400 South to slow the flow of traffic.

Trent Eyre, I live on the corner of Bear River and River Heights Drive. My home faces the open field that is there now. I wanted to echo what was just said preferring homes to office. I don't have an issue with this as residential and prefer homes across from me than office buildings, and I understand the fiscal impact upon me as a resident. There is an issue of drag racing on that road because I face that road; 60-70 mph is not uncommon at any time of the day or night. I think a traffic study should be done on that road from a speed standpoint. My only issue with this is the timing. I have a lot of concern with the corridor being capable of handling the traffic that will come from whatever development goes on that land. I would ask Council to approve a residential use of that land.

Larry Gibbons, I live in the neighborhood. I lived in South Jordan from 1999 to 2003 and am familiar with City Councils and how they look at plans. I am against development that may not have the best use for the residents in mind. So many times, there were supposed to be parks in a location and now they are filled with commercial or residential developments. This development represents almost 400 trips per day on a street that is already incredibly burdened. I am opposed to this. I think if there is something that we could do that would make sense for the citizens of South Jordan, let's put a park in and not increase the burden on the services and let's not increase the traffic. That is the responsible thing to do.

Carol Stancliff, I live in Thatcher Park here in South Jordan. I was surprised that this was turned down initially. We came to the City Council meeting expecting to see that this was approved and learned it was taken off the agenda. I was concerned that there would be office building built next to us. I don't want office buildings in my back yard. I would like to see more residential along River Heights Drive rather than more commercial buildings in there. I think aesthetically it would be detrimental to our neighborhood. I think this is a very beautiful plan and I support it.

Chairman Woolley closed the Public Hearing.

Kayla Nichols, Peterson Development (Applicant) – I have a letter from the Land Owner that I would like to submit for the record (Attachment C). I would like to reiterate that Peterson Development is committed to doing quality development and have been since 1978. They helped bring in the Costco and the Walmart stores. Our plan today is to add single-family homes to our concept based on feedback from the open house we had with the residents. They wanted residential so we didn't feel like we could come in with a different concept when the residents are asking for residential. We did hear from you guys that it was too high density so we brought in single-family to drop the density down some. It brought it down from 5.25 per acre to 4.8 per acre. This is going to be a 55+ community, even with the single-family homes shown here. I grew up in South Jordan on an acre of land with horses and animals galore and I loved it. As I watched my mom age and she was alone taking care of an acre of land at age 65 and wish she could have moved into a community like this when she was forced to move; she could have stayed in

this community. This community would also have the beautiful clubhouse like the Harvest Villas has and the pool, so it would have great amenities. The community would provide tax revenue for schools and not increase the student population with it being a senior community. It would also decrease the traffic impact on River Heights road. We have office and commercial land next to Costco that we have tried for years to lease and we just can't lease the properties. If this were for office, it would remain empty for years. Retail is a dying thing and is moving to online. We are trying to make the best use of this property for the land owner who has sat through it. This is their retirement property and if this ends up being office, they could be sitting on it for another 20-30 years. I am asking for your support and a positive recommendation for this rezone so we can create another quality development in your city.

Commissioner Holbrook asked City Planner Schindler if there would be a sound wall put in there by UDOT. City Planner Schindler said I don't know if they will or not. It is usually the developer that is required to put one in. If the zoning is approved and they go forward with this, we will then require a wall be put in.

Commissioner Holbrook asked how many single-family homes are in the plan. Planner Drozdek said there would be a total of 117 residential units.

Commissioner Jolley said I see you are doing the math for the traffic impact. I agree that this would drastically increase the traffic.

Commissioner Holbrook asked if a traffic study has been done?

Assistant City Engineer Shane Greenwood said River Heights Drive is a major collector road and even though it is striped one lane in each direction, we could stripe it to two lanes in each direction. It should handle a good volume of traffic.

Commissioner Jolley said I am surprised that no one has brought up the issue of property values being impacted. If you have a fourplex right across the street, what is that going to do to this gentleman's home value. I just think it is a detrimental effect to those property home owners that exist there. The zoning is currently office and we would like to see the buffer go from commercial to professional office to residential. I agree that we have plenty of residential and I don't think we should rezone the property.

Commissioner Ellis said I am not convinced that a fourplex is going to devalue anyone's property and not more than an office building would.

Commissioner Holbrook said I think we have plenty of residential in our city and we have fewer and fewer large commercial lots. I am not in favor of this because I don't think we should keep rezoning our commercial properties for residential.

Commissioner Ellis said I am not convinced that this is our property. I think this is the Jones' property. The zoning right now is agricultural and commercial.

Commissioner Ellis said I would like to read a statement that was made by John Adams, one of our founding fathers – *"The moment the idea is admitted into society that property is not as sacred as the law of god and that there is not an enforceable law to protect it, anarchy and tyranny commence."* I think that what we are trying to do here is control an individual's right to quietly enjoy his or her property.

Commissioner Holbrook said this requires rezoning the property; that is different than what has been planned for the entire city.

Commissioner Ellis said we, being the City, seemed to have already done that just south of here.

Commissioner Holbrook said when does it stop. It is all of that random rezoning that has us as a city in the situation where we have lost so much of our good commercial property.

Commissioner Jolley said I think that the fourplexes on the majority of this property is a burden to the city that I am not willing to agree with.

Chairman Woolley said we discussed this the last time it came before us and we can weigh back and forth the benefits of the single-family versus the fourplex type of product. We do know what the product looks like because of the examples they have done in our community. As a Planning Commission we are looking at a Master Plan use where the future land use says this was earmarked for office for our commercial tax base. Some time ago, others than ourselves, began to slowly erode that look and feel along River Heights Drive. There are issues with traffic that we have talked about in our last public hearing about the traffic at 104th and River Heights. Obviously, this will be a four-lane road and as we look at that and the loss of revenues, we are in a different paradigm right now in terms of office and revenues. While we have to be very cautious as a city with giving up any of those spaces that have been earmarked for those commercial revenues, we also have to look at compatibility of the zones so it is not a perfect world or a perfect slate. I was personally very disappointed when the City Council changed and put Thatcher Estates in. I was under the wrong assumption that this had a special overlay and that it would be a restrictive height. For me personally I think this is one of those properties in our community where we know that in the next 16-18 months our city will be looking at our Master Plan. One of the questions we are going to have to be asking ourselves as a Planning Commission, as a City Council, and as a city, is we live in a different world and what are those revenue streams that are going to come from Commercial. For me personally I think we need to preserve as much of space for office or restaurants or other commercial uses.

Commissioner Ellis said I don't think it is our place to continue to play a waiting game with the Jones family and hope that they just cave because they want to do something, rather than nothing. We are sitting on their money by holding this up and I don't think that is right at all.

Commissioner Jolley said they chose not to move it forward to City Council because they were in fear of what was going to happen and I think they are in a similar position right now. We are not holding it up; it will go to City Council if they choose to send it there. I just can't in good faith give it a positive recommendation to go to the RM-6.

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

Commissioner Holbrook made a motion to recommend that City Council not approve:

- **Resolution R2017-57, changing the subject property's future land use designation; and**
- **Rezone Ordinance No. 2017-14-Z, rezoning the subject property.**

Commissioner Jolley seconded the motion. Roll Call Vote was 4-1 in favor. Commissioner Ellis voted no to the motion.

VIII. OTHER BUSINESS

None

ADJOURNMENT

Commissioner Ellis motioned to adjourn the October 24, 2017 Planning Commission meeting. Commissioner Morrissey seconded the motion. Vote was unanimous in favor.

The October 24, 2017 Planning Commission meeting adjourned at 8:15 pm.

This is a true and correct copy of the October 24, 2017 Planning Commission minutes, which were approved on November 14, 2017.

Anna M. West

South Jordan City Recorder

City Recorder Anna West prepared the meeting minutes.