

CITY OF SOUTH JORDAN  
PLANNING COMMISSION MEETING  
COUNCIL CHAMBERS  
February 12, 2019

Present: Commissioner Mark Woolley, Commissioner Julie Holbrook, Commissioner Earl Jolley, Commissioner Sean Morrissey, Commissioner Michael Haynes, Commissioner John Ellis, City Planner Greg Schindler, Deputy City Engineer Shane Greenwood, Staff Attorney Todd Sheeran, City Recorder Anna West

Others: Chris Nelson

6:30 P.M.

**REGULAR MEETING**

**I. GENERAL BUSINESS**

A. Welcome and Roll Call

Chairman Mark Woolley welcomed everyone present. He noted that all Commissioners are present except Commissioner Morrissey and he is most likely due anytime.

B. Motion to Approve Agenda

**Commissioner Ellis made a motion to approve the February 12, 2019 Planning Commission Agenda. Commissioner Jolley seconded the motion. Vote was unanimous in favor.**

C. Approval of the Minutes from the Meeting held on January 22, 2019

**Commissioner Holbrook made a motion to approve the January 22, 2019 Planning Commission Meeting minutes with changes she submitted to the Recorder's office. Commissioner Ellis seconded the motion. Vote was unanimous in favor.**

Commissioner Morrissey arrived at this time.

**II. INFORMATIONAL ITEMS AND OTHER BUSINESS**

A. Staff Business

Staff Attorney Todd Sheeran said he has an update on the Rocky Mountain Power Conditional Use Permit. Last week during City Council, a group of residents that will be affected by Rocky Mountain Power came and voiced their concerns to City Council. Because we made that change to the Code where Conditional Use appeals don't go to City Council any more, it is now appropriate for them to hear complaints and not be conflicted. One thing that Rocky Mountain Power will likely do is pull the rip cord; rip cord is a phrase they refer to as, once they send the letter saying we want an administrative decision, then we have 45 days from that date to make a decision. If they did it soon, I think that the latest we can have it on the Planning Commission meeting is March 26, 2019. If we have the meeting at the latest time possible, they will not be

able to table that because we will have to make a decision within 45 days. Staff has gone through all of the concerns and we are just waiting for Rocky Mountain Power to pull the rip cord.

City Planner Greg Schindler said, as of today 45 days would be March 29<sup>th</sup> so it could be on the March 12<sup>th</sup> or 26<sup>th</sup> Planning Commission Agenda. There are new documents uploaded to the file on our web page under Planning and you should read through the entire file.

Staff Attorney Sheeran said we will include everything in the Planning packet. We will send you the packet in advance so you will have time to get through all of the information. We have been trying to be very open and transparent about our process and that is why all of the documents have been posted to our web for everyone to review.

#### B. Comments from Planning Commission Members

None

### III. CITIZEN COMMENT

Chairman Woolley opened the Citizen Comment. No speakers, He closed the Citizen Comment.

### 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: DAYBREAK VILLAGE 8 PLAT 5A  
PRELIMINARY SUBDIVISION**  
**Location:** 11170 South 6490 West  
**File No:** PLPP201801060  
**Applicant:** Daybreak Communities/Gary Langston

City Planner Greg Schindler reviewed the background information on this item from the staff report. Daybreak Communities has filed an application for preliminary subdivision plat approval for the Village 8 Plat 5A subdivision. The proposed subdivision will divide the 31.2 acres into 111 residential lots, 2 multi-family future development lots called M-Lots, 11 park lots and associated public and private rights-of-way. The density of this proposal is 3.7 units per acre and 8.1 units per acre (net density), which is consistent with the P-C zone and adopted Community Structure Plan for Daybreak. The proposed lot sizes range from 2,700 sq. ft. to 13,180 sq. ft. with an average lot size of 5,364 sq. ft. The design guidelines for this plat, if approved, will be the same as those approved for Village 8 Plats 2 through 4 and 5B.

Commissioner Holbrook said I am having trouble locating the park lots. City Planner Schindler pointed them out to her on the overhead.

Commissioner Jolley asked about the property between Holly Springs Road and Willow Walk Drive; the gap between the plotted lots and the yellow line. City Planner Schindler said that would be a question for Mr. Langston.

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

**Gary Langston**, Daybreak Communities; I think the first question I heard is what is going on along South Jordan Parkway and the gap there. The width is plat, we are actually only building the west bound lanes on South Jordan Parkway, and for a period of time we are making it a two-way road. The P Lots that you are seeing to the south of that alignment are for future storm water and will likely have something similar to what is going on at Lake Avenue. Along both sides of South Jordan Parkway will be future townhome lots.

City Planner Schindler said I want to make it clear that South Jordan Parkway will not connect to the existing South Jordan Parkway with this plat or anytime in the near future. Mr. Langston said the current time frame for connecting South Jordan Parkway back to Mountain View is several years.

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

**Commissioner Holbrook made a motion to approve File No. PLPP201801060 as proposed. Commissioner Jolley seconded the motion. Roll Call Vote was unanimous 5-0.**

**B.1 Issue: PLAZA ON 11400 2<sup>ND</sup> AMENDMENT**  
**Location:** 11322 South Beckstead Lane  
**File No:** PLPLA201900049  
**Applicant:** Troy Ferran

City Planner Greg Schindler reviewed the background information on this item from the packet staff report. This application is for a two lot commercial subdivision that would amend lot 102 of the Plaza on 114<sup>th</sup> Amended Subdivision that was recorded last month. The new property line will run through the middle of the planned structure and split the building into two units. Approval and recordation of this amended plat will not affect the approval of the site application for the proposed building. The building will be owned by two brothers.

Commissioners expressed confusion about the building and how it will sit on the property.

Planning Director Steven Schaefermeyer showed a rendering of the approved site plan on the overhead and explained how it will be split and shared by the two brothers.

Commissioner Jolley asked if they will have separate utilities for sewer and water. Director Schindler said they originally wanted everything separate but the sewer company said no.

Engineering Supervisor Shane Greenwood said we tried to make some accommodations so that we could get some additional water service without having to cut Beckstead Lane, but since the sewer district required a separate sewer service, we cut the road anyway to meet our standard and put in another meter for the other half of the building and a meter for landscaping.

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

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

**Commissioner Jolley made a motion to approve File No. LPLA2018900049 to amend lot 102 of the amended subdivision and create two commercial lots, located at 11322 South Beckstead Lane as presented. Commissioner Ellis seconded the motion. Roll Call Vote was unanimous 5-0.**

**VII. PUBLIC HEARINGS AND POTENTIAL \*\*LEGISLATIVE ACTION ITEMS**

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

None

**VIII. OTHER BUSINESS**

**C.1 Issue: TEXT AMENDMENT  
AMENDING TITLE 17 OF THE CITY CODE TO CHANGE  
REFERENCE TO CITY  
DEPARTMENTS AND DISCUSS OPTIONS FOR ADDING  
FLEXIBILITY FOR LOT SIZES**

***Note: This Item tabled from January 8, 2019 Planning Commission Meeting***

Chairman Woolley said at the previous meeting we approved and sent forward to the City Council our recommendation for approval of Item A and Item C. Our discussion tonight will be on Item B.

Planning Director Steven Schaefermeyer said I hope you were all able to read my email after the first discussion in January. After talking to Greg I felt like I needed to address timing and the relationship with the General Plan. This is a bit different. Usually staff comes with one recommendation. Tonight we have come with three options. This is an opportunity for you to tell us which of the three options you believe to be best. Currently this is noticed for the City Council meeting next week.

Commissioner Morrissey asked what some of the reasons the PUD was extinguished are.

Director Schaefermeyer said some of it was about predictability. One of the biggest problems was public streets. That was removed from PUD's before the PUD's were removed from the code. There was not a lot of discussion on specifically why PUD's were to be removed. There were some issues about how The Cliffs on Jordan Gateway was approved through performance development. That and PUD's were all caught up in the same issues of how much control do we actually have.

Commissioner Woolley said a few years ago there were also problems with projects that had gone belly-up during the economy downfall. As they were coming back into the system, developers wanted the city to take back the roads and amenities from PUD's and maintain them. The City had a task force to look into that issue and made recommendations to the Council. That is when they started asking why we are even doing PUD's.

Director Schaefermeyer said thank you for bringing that up. We do have a process now where failing HOA's can come to the City and say we would like the City to take over the roads. In order to do that, the HOA's have to bring everything up to City Standards.

Commissioner Morrissey said what is your recommendation?

Director Schaefermeyer said I think it is good to have some flexibility in the code or an option for flexibility. I understand your concerns about doing it administratively, it is hard to anticipate everything. These infill developments are very difficult. I think there is an expectation from land owners when they say I have R-3 zoning and they think they can get 3 lots on their property. Because of all of our requirements, they can't get their full three units per acre. It is a difficult process for our staff to work through those and I don't think that our fees cover the time and effort it takes to work through some of those with developers on these smaller pieces of property. From that standpoint, staff would support some level of flexibility. Ultimately, if the recommendation to Council is we don't want to mess with that that will at least give staff a clear directive when people come in and want to do something different or creative, in this case, absolutely not.

Commissioner Holbrook said then we would be accepting things that would be non-standard. Is it possible for them to have a development agreement if they want something specific.

Director Schaefermeyer said it depends on the option that you choose. The PD Floating Zone allows deviations from the underlying code. Through that process we have avoided some of the downfalls of the PUD zone like we have been requiring public size streets. Those are not things that are on the table when someone says I can't do what I want under your zone. The PD Floating Zone also front loads the discussion with the City Council so that staff understands up front, these are the types of things that the City Council supports so we don't waste time and the developer doesn't waste time trying to negotiate. Yes, you can always have a development agreement with a rezone. The City has taken a more conservative stance on development agreements where it takes the zone and constricts it. It limits what you can do in that zone. The PD Floating Zone was adopted about the same time that the flexibility was taken out of the code.

Commissioner Ellis said it sounds like the intent is to allow land owners to get the true density out of their land and meet the city's requirements for streets, easements and that kind of thing?

Director Schaefermeyer said it depends on how it is written. Option 1 and Option 3, allow that flexibility. Option 3 is the administrative option and that limits what that flexibility is. Option 1 which is the legislative action, would allow the Council to decide. The PD floating zone inherently allows the Council to modify anything.

Chairman Wooley said for instance on 1b, if that was the choice to remove it from an administrative action into a legislative action so that it does go before the Council and there is that discussion, if we recommended the requirement and the Council adopted that, stating there was a maximum acreage that this could be applied in, are you saying that the Council then could waive that?

Director Schaefermeyer said no. If you added in there that the PD floating can only be used in single family zones or subdivision that are a certain size.

Commissioner Morrissey asked what size lots would this affect the most.

Director Schaefermeyer said I think probably the R-3 zone and R-4. The problem with R-1.85 and R-2.5 is those lots are already so big that if you limited it to 5-acres, there is not much flexibility left. That is why I went with the 10 acres.

Commissioner Morrissey asked if hypothetically any developer could come in and request this PD to be applied to any land that fit the criteria as far as the density goes.

Director Schaefermeyer said yes. As long as they met all of the requirements for the PD Zone. Right now the PD Zone is limited to certain zones. If you have a C-C zone and you want to develop it as a C-C zone then you would submit a rezone request with a PD overlay. Our City Council is still in the driver's seat and decides on all of these. One of the issues people had with the PUD zone was that it's adopted and if you meet the requirements than you have entitlement. You do not have entitlement to a rezone. No one has entitlement to the PD Floating Zone. The City Council would have to adopt the rezone ordinance. Developers can request it but with the administrative option, once it is adopted as code then as long as they meet the code they are entitled to approval. The reason the PD Floating Zone is made a legislative option is so that the City Council can say no if they choose to.

Chairman Woolley said I just heard something that is not what you and I talked about nor what is in the writing regarding density.

Director Schaefermeyer said the density is the same under the zone regardless of whether you have the PD. I understood your question to be, if, based on the constraints of the property they are only limited to five lots, but under the zone they are asking for they could have up to 8 lots or whatever, the density will still apply. They are not getting any additional lots than they would be entitled to under the existing zone.

Commissioner Holbrook said are you saying they would have to apply for a rezone; like if they are an R-2.5 and they wanted a 3 or 4.

Director Schaefermeyer said it depends on which option. If you are talking about the PD Floating zone, then yes, they would have to apply for a rezone. If you go with the administrative option, which is #3, then no, it would not be a rezone it would be a straight up subdivision. All subdivisions are based on gross acreage.

Commissioners continued discussing potential scenarios of property sizes and how that would work with the PD overlay. They talked about projects in the past that kept asking for more and more density.

Commissioner Ellis said I do not want to create something that can be gamed by the developers. I understand the desire to make infill development feasible, but I don't want to create something that can be gamed.

Director Schaefermeyer said if anybody is being gamed it's the City Council. I just want to be clear. We have three options, and the purpose of this was to have a discussion. Under one scenario the City Council always holds the cards. In another scenario, once you meet the requirements of the zone you become entitled.

Chairman Woolley said we have a very diverse Commission and yet there is a great deal of respect for each other and we can debate the issues and have disagreements and still be respectful. On this very item, I am on one side and some of you are on the other side. I do recognize that whatever we do has got to work. We need to do what is best for the community as a whole. I still think that 10 acres is not infill. To me that is a big piece of property. I think the legislative option with a maximum acreage of 5 or something close to that, then begins to make sense. You are not changing the density unless someone goes before the Council and us with a rezone.

Commissioner Ellis said I think that option 3 is too prescriptive and 1a is way too broad. I think either 1b or 2 are the answer. I agree that we need a size restriction on 1b. I think 10 acres is a subdivision.

Commissioner Jolley said I agree that by restricting it to 5 acres makes more sense and gives the City a great tool to take care of some of those small parcels.

Commissioner Haynes asked if any of our surrounding cities have anything like this already in place.

Director Schaefermeyer said the PD Floating Zone is unique. We are more restrictive than other communities.

Commissioner Haynes asked what the long term effects of attached housing is on a community.

Director Schaefermeyer said the City did a study about the fiscal analysis of it and the property values of this type of housing is lower. I do know that South Jordan has one of the highest rents in terms of our multi-family housing.

Commissioner Haynes said I have a police officer friend and he said the more density there is the more crime goes up.

Director Schaefermeyer said one of the issues with multi-family housing is if the property is not managed properly that becomes an issue.

Commissioner Holbrook said I am still trying to get over more homes on smaller lots, which is exactly what the people of this city has said over and over that they do not want. Basically you are going to have a neighborhood with smaller lots than the surrounding area. I don't think that we have sufficiently defined infill. I wonder if this isn't a bit premature. It would be something to think about, but I think because we already have a tool where it could be decided on a case by case basis, personally I don't see this as beneficial at this time.

Commissioner Morrissey asked Commissioner Holbrook to explain what that tool is that we have.

Commissioner Holbrook said because you can ask the City, can I have this if I give that.

Chairman Woolley said we have restricted the density to a lower zone and still it didn't approve. The last two times I have seen it be used it has not worked in accomplishing getting the net density of an infill project.

Commissioner Haynes asked to get clarification on something. He said in our code under Overlay and Floating Zones 17.130.010, it says definition and purpose. I feel like that is already defined and what we are talking about here it states *“an overlay zone represents a geographical area or district where additional standards, conditions, and/or uses are superimposed upon the underlying zones within that area or district. A floating zone may allow for additional uses and modifications to use regulations and the zoning provisions of the existing base zone; a floating zone is not automatically applicable to the predetermined location as with an overlay zone, but may be applied to a specific location after specific standards and conditions are met and after legislative approval by the City Council. A floating zone may provide greater flexibility for land owners that own unique properties or who agree to build projects that include eye quality and unique elements not otherwise required by the underlying zone. The purpose of overlaying zones and floating zones is to provide a zoning tool for the accomplishment of community goals and policies in the pursuit of the public health, safety, and welfare in ways not available in typical zoning.”* Doesn't that already cover what we are talking about?

Commissioner Ellis said yes, but it won't allow for single-family residential zones to be used in the PD floating zone.

Chairman Woolley said currently it is only for commercial. The intent is good and what we're trying to accomplish is good, but we can't use it in residential.

Commissioner Morrissey asked how many properties we have in South Jordan that would qualify if we did limit this to 5 acres or less.

Director Schaefermeyer said I have a map that I had GIS prepare. I did not show it in the beginning because it might be misleading because I have not gone through it thoroughly yet. I asked GIS to give me any vacant piece of property that is either master planned or zoned for residential that is 5 acres or less, or 10 acres or less. He showed the map to the commission with the understanding that it could be misleading. This map shows both 5 acre and 10 acre parcels which are highlighted in different colors.

Commissioner Holbrook said I just can't see people who want to buy the property, go to the property owners and say "hey, charge me more money because if I use this floating zone here I can get more lots on here and you could get more money;" I don't see that happening. I see that this benefits developers more than it benefits the people and because we have been so adamant as a city to adhere to standards, I am just not good with this.

Commissioner Ellis said I am surprised to see how few lots there are in that under 5 acre size. I think if we put the restriction of 5-acres on 1b then it works.

Chairman Woolley said I think based on our discussion I think it is a fair recommendation to the Council because they are going to debate this as well.

Director Schaefermeyer said, so we are clear about the PD floating zone, it's not like a traditional rezone where you get the zone and then you come back with your application and we don't know what you are going to develop. Our zoning code requires a concept plan, but unless we have a development agreement, that concept can change. If I am up here talking to the Council and they say they like this development, I try and emphasize you are giving them a zone not requiring that specific development. The PD Overlay however, requires the development agreement which requires everything from lot layout to landscaping.

Commissioner Morrissey asked Chairman Woolley if in his position as a quasi-developer and using this tool, would you tell us your experience in this.

Chairman Woolley said in my experience, you have several things going on. Number 1, the majority that I am aware of, these parcels are owned by individuals who either have been farming them or their parents farmed them. In many cases this land is their retirement or their 401K. Its value is based on what the zoning can be. Occasionally you will have that owner that wants to get as much as possible for it and that is by higher density than is currently planned or master planned. For the most part it is individuals who say I want to sell my property, I am no longer farming it and I'm getting older and want to move into a smaller place so they put it up for sale. The realtors contact the development community and try to find what will work. Without having a tool, there is uncertainty across the board. The homeowners don't know what they can legitimately sell their property for and in many cases they try to go for a higher density and ask for more money. That is what we are seeing with the current ability of just simply asking for higher zoning. You are talking about a much higher price and more homes. With a tool like this, it puts everyone on an even playing field. This is a win, win, in my opinion because it gives some clarity to the owners of property of what they can reasonably expect but it doesn't allow them to get a higher density.



Commissioner Morrissey asked if it gives more benefit to the current land owners or to the developer. Chairman Woolley said initially to the land owner. They but benefit but initially it starts with the sale. If we don't approve something like this, what we are going to continue to see in my opinion is people who want to sell their property or may need to sell their property that are going to apply for rezones and we are going to have a higher density issue continuing; where this puts that to bed. The owners benefit, the developers benefit, and the people who buy those homes will benefit.

Commissioner Ellis said I see the value in having this flexibility.

Commissioner Jolley said if we did recommend to the City Council that we go with 1b and we restrict it to properties 5-acres or less, can the City Council say we like option 1b but we are going to strike the limitation on the acreage. Director Schaefermeyer said yes.

Commissioner Holbrook said I think that you are underestimating how much this will be used because as was brought out by Commissioner Jolley, we have a lot of agricultural that will be turning residential so it is going to be used more than what we saw on the map.

Commissioner Jolley said those agricultural properties will be developed into larger normal sized subdivisions. We will then end up with some odd shaped pieces that this can apply to. I agree we should restrict the size.

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

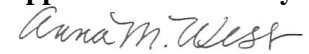
**Commissioner Ellis made a motion that the Planning Commission recommend to the City Council that it approve Ordinance 2019-01 as presented by City Staff, with option 1b and only applied to parcels of 5-acres or smaller, for lot flexibility. Commissioner Jolley seconded the motion. Roll Call Vote was 4-1. Commissioner Holbrook voted No.**

#### **ADJOURNMENT**

**Commissioner Holbrook motioned to adjourn the February 12, 2019 Planning Commission meeting. Commissioner Jolley seconded the motion. Vote was unanimous in favor.**

The February 12, 2019 Planning Commission Meeting adjourned at 8:10 p.m.

**This is a true and correct copy of the February 12, 2019 Planning Commission minutes, which were approved on February 26, 2019.**

  
**South Jordan City Recorder**

Recorder Anna West prepared the meeting minutes