

CITY OF SOUTH JORDAN
PLANNING COMMISSION MEETING
COUNCIL CHAMBERS
JUNE 11, 2019

Present: Commissioner Earl Jolley, Commissioner Sean Morrissey, Commissioner Michael Haynes, Commissioner Julie Holbrook, Commissioner John Ellis, Commissioner Michele Hollist, City Planner Greg Schindler, Deputy City Engineer Jeremy Nielson, Staff Attorney Todd Sheeran, Planner Damir Drozdek, City Recorder Anna West

Others: See Attachment A

6:30 P.M.

REGULAR MEETING

I. GENERAL BUSINESS

A. Welcome and Roll Call

Vice-Chair Earl Jolley welcomed everyone present. He noted that all Commissioners are present except Commissioner Morrissey and he is on his way.

Vice-Chair Jolley said I think there was one item we wanted to add to the Agenda to discuss in Section II. To have an election for a new Chair and Vice-Chair.

B. Motion to Approve Agenda

Commissioner Ellis motioned to approve the Amended Agenda for June 11, 2019 Planning Commission Agenda. Commissioner Holbrook seconded the motion. Vote was unanimous in favor. Commissioner Morrissey was absent from the vote.

C. Approval of the Minutes from the Meeting held on May 28, 2019

Commissioner Holbrook said she already sent in a change. It was noted by the City Recorder that the minutes in the packet do not reflect that change by Commissioner Holbrook but Deputy Recorder Cindy Valdez has made the change Commissioner Holbrook sent in regarding the very last voting record should be 4-1 and not 4-0.

Commissioner Ellis made a motion to approve the May 28, 2019 Planning Commission Meeting minutes as printed amended. Commissioner Haynes seconded the motion. Vote was unanimous in favor.

II. INFORMATIONAL ITEMS AND OTHER BUSINESS

A. Staff Business

Staff Attorney Todd Sheeran gave an update on the Rocky Mountain Appeal. He said we had an appeal hearing last week where the residents appealed the Planning Commission decision for approval of the Rocky Mountain Power CUP Application with the one condition. We had that hearing on Wednesday, June 5th and

we should have a decision by Thursday of this week from the Hearing Officer. I will keep you updated. He said I anticipate an appeal to the District Court regardless of the Hearing Officer decision. The basis of their appeal is that the Planning Commission should have conditioned more.

B. Comments from Planning Commission Members

None

Vice Chair Jolley said for the next meeting in two weeks he and Commissioner Ellis will be absent. City Planner Greg Schindler said the next meeting will be held downstairs in the new Council Chambers room.

C. Voting for new Chair and Vice-Chair

Commissioner Ellis made a motion to nominate Commissioner Earl Jolley as the new Chair. Commissioner Haynes seconded the motion. Vote was unanimous in favor. Commissioner Morrissey was absent from the vote.

Commissioner Jolley made a motion to nominate John Ellis as the new Vice-Chair. Commissioner Haynes seconded the motion. Vote was unanimous in favor. Commissioner Morrissey was absent from the vote.

Chairman Jolley said these changes will run through the end of the year.

III. CITIZEN COMMENT

Vice-Chair Jolley opened the Citizen Comment. No speakers. He closed the Citizen Comment.

IV. SUMMARY ACTION

None

Commissioner Morrissey arrived at this time.

V. ACTION

None

City Planner Greg Schindler said there is one additional item that didn't get placed on the Agenda and needs to be added to the Agenda. The Planning Commission tabled Item D.1. Ordinance 2019-09 to this meeting regarding the amount of storage in buildings in the P-O Zone and adding the "Office/Warehouse Flexible Space" use to the uses in Chapter 17.18. We need to amend the Agenda to add this Zone Text Amendment at the end of the meeting. This is not a public hearing. I do have an answer and it was a fairly simple change to the Ordinance and the answer to the question about "what storage is."

Chairman Jolley said let's just add that to the Agenda right now. Can I get a motion to add this to the end of our Public Hearings?

Commissioner Holbrook made the motion to add the item as E.1 to the end of the meeting. Commissioner Ellis seconded the motion. Vote was unanimous in favor.

VI. PUBLIC HEARINGS AND POTENTIAL **ADMINISTRATIVE ACTION ITEMS

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

**A.1 Issue: RIDGEPOINT SUBDIVISION
PRELIMINARY SUBDIVISION
Location: 1610 West 11580 South
File No: PLPP201900437
Applicant: Spencer Moffat with the Boyer Group**

City Planner Greg Schindler reviewed the background information on this item from the Packet Staff Report. This application is for a subdivision in this area. About a month ago you saw an application for the master subdivision plat for this area showing which areas would be commercial and which areas would be residential and had a street plan for the major roads that would go through this area. Tonight you are looking at a specific subdivision for the property that includes the lot layout. There are four different types of residential. There are single-family lots, townhome lots, estate lots, and cottage lots. He said in the staff report one of the conditions is not complete. Condition Item 2 should also show "without proper flood insurance." The applicant can explain this better. It is the process of getting those homes taken out of the flood plain and it has to have a structure on it before FEMA will consider taking them out of there. That will include the final grading to put more fill on the property to raise them up higher. That has to be done after the subdivision is approved and during construction. All plans submitted are in line with the approved development agreement that was approved by City Council in January of this year. A copy of the development agreement is in your packet as well as some of the drawings of the structures from the Architectural Guidelines book. Staff is recommending approval of the subdivision with the 6 requirements listed.

Commissioner Holbrook said when we first saw this, how many living units were there? It was noted that there were 212 units and now it is 188.

Spencer Moffat – the Boyer Group (Applicant), I think you have seen this now a couple of times now. We did have 212 and the development agreement specifies that we are not to exceed 212. We reduced the density voluntarily to 188 just because it felt better and looked better. He said all of the townhomes have two car garages. Initially they were 1 car. One of the big points of City Council was they wanted at least 50% with two car garages and we went ahead with 100% with two car garages. It blends better with the neighborhood.

Commissioner Holbrook asked when the commercial portion is expected.

Mr. Moffat said commercial is currently listed and we have a broker engaged and hopefully will have that sooner than later.

Commissioner Hollist asked if the grading done on the property to make them compliant with FEMA flooding will impact any of the properties adjacent to them.

Mr. Moffat said no. He said the change that Greg mentioned the base flood elevation has been established as 42/23 out here. The top back of curb on those lots is 42/30 so we are well above the base flood elevation. We plan to grade around those homes. The only reason I asked for that amendment with Greg is that FEMA requires that you construct the home and then you submit a conditional letter to have it removed from the flood plain. This should not affect grading because we plan to taper towards the natural grade in the back and hit that 42/23 which is adjacent to the South Jordan Canal. There are no neighbors back there.

Commissioner Hollist asked if there will be any grading with the street hub on the south end.

Mr. Moffat said we had a cul-de-sac there initially, but staff requested that we put a stub there in the event that the neighbors adjacent to us elect to develop their property in the future. They have said at this point there is no interest in doing that. We are just stubbing it in. It is a bit above grade but it is something reasonable to tie into should they decide to develop.

Commissioner Hollist asked if the private lane is wide enough to accommodate the garbage and fire.

Mr. Moffat said yes.

Chairman Jolley asked about discussions with UDOT regarding the potential signal that would go in near the canal.

Mr. Moffat said Jeremy may be able to speak to that but the warrant study has been done and I believe it warrants a signal.

Deputy Engineer Jeremy Nielson said we have a corridor preservation agreement with UDOT that allows that signal. The city will push that when needed.

Commissioner Holbrook asked if it will be right turn only or what.

Deputy Engineer Nielson said it will be a full movement traffic signal. That will be driven by the development as it progresses.

Commissioner Hollist asked which part of the development exceeds the 35 foot limit. I read that some of the townhomes could be up to 40 feet.

Mr. Moffat said at this time I don't think they will. Everything is coming in at about 32-33 feet. We put it in the application at that point because we had not partnered with a townhome builder and didn't know what their floor plans would look like.

Commissioner Hollist asked if any preliminary estimates have been done for how many children this will add to the school system.

Mr. Moffat said early on we reached out to the school district to see if they would like to purchase a site for a school in this area. They said this is not an area that they want to build a school. They thought that because of the aging population and students getting older that they would be able to accommodate this development. That is all we have been told by them.

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

Commissioner Hollist said with regards to the flood plain I want it to be clear that what we required with them going forward and getting FEMA approval to remove them from that is sufficient to shelter the City from liability.

Staff Attorney Todd Sheeran said yes it will be. There will be a note on the final subdivision plat with this information and the survey will be done by a licensed surveyor stating that it meets all of the requirements that we are approving. There should not be any liability on the City upon that happening.

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

Commissioner Ellis made a motion to approve the Ridgepoint Preliminary Subdivision based on the following requirements:

- 1. The Developer will submit landscape plans that include the park amenities required by the development agreement, ground cover materials, and street trees. City Staff will determine the location and species of street trees.**
- 2. No structures are permitted in the 100-year FEMA Flood Zone AE without proper flood insurance.**
- 3. The City Engineer must approve all rear yard fencing and final lot grading of estate lots based on FEMA flood zones.**
- 4. Building permits for estate lots 113-117 must include an elevation certificate from a licensed surveyor certifying that homes are at least one foot above the flood plain.**
- 5. Prior to recording the plat, the Developer must:**
 - a. Enter into a storm water maintenance agreement with the City for commercial lot 205;**
 - b. Receive all required UDOT approvals;**
 - c. Obtain approval letters that allow storm water to discharge into the South Jordan Canal and Midas Creek;**
 - d. Convey consolidated excess property to adjacent land owners;**
 - e. Put \$250,000 in escrow with the City to be used for a planned traffic signal at 11400 South near the South Jordan Canal; and**
 - f. The boundary between Riverton City and South Jordan must be adjusted.**
- 6. The City Engineer must sign final construction plans that comply with all city ordinances and other development requirements.**

Commissioner Hollist seconded the motion. Roll Call Vote was unanimous 5-0.

**B.1 Issue: COMMERCE CORNER SUBDIVISION AMENDMENT
PRELIMINARY SUBDIVISION
Location: 11400 South Redwood Road (Northwest corner)
File No: PLPP201900120
Applicant: Ted Didas**

City Planner Greg Schindler reviewed the background information on this item from the Packet Staff Report. He said this item and the next item are connected. The subdivision is to accommodate a future retirement living center on the larger lot. The portion to the south will be reserved for future commercial uses. This meets all of the requirements of our code and of state law regarding amendments and staff is recommending approval.

Commissioner Holbrook said are you saying that this commercial lot number 10 is new or changed.

City Planner Schindler said they are changing the size of the lot. It is not in the same configuration as the original plat.

Ted Didas, McNeil Engineering (Applicant), the purpose of this two lot subdivision is to add an overlay zone to allow the proposed use on the north of the two lots for the retirement community. Harmons grocery originally owned the entirety of this and maintained ownership of the south lot.

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

Commissioner Haynes asked if there is an entrance on the south side of lot 10.

City Planner Schindler said that will be an access there and will be added on the site plan when it is done.

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

Commissioner Ellis made a motion to approve File No. PLPP201900120 to amend lot 1 of the Commerce Corner Subdivision and add property, located at 11352 South Redwood Road, to create one additional lot. Commissioner Hollist seconded the motion. Roll Call Vote was 5-0.

**C.1 Issue: SOUTH JORDAN VIEW RETIREMENT COMMUNITY
SITE PLAN
Location: 11352 South Redwood Road
File No: PLSPR201900115
Applicant: Ted Didas**

City Planner Greg Schindler reviewed the background information on this item from the packet staff report. This property will be lot 11 where this structure is proposed to be built. The zoning is the mixed use south center zone and has the Planned Development overlay zone in order to allow the residential use proposed. It also has a development agreement that is in your staff report that outlines the specific requirements and allowances. One of the changes to the zone was to add the residential and to increase the maximum height from 35' to 47' maximum height allowed. The structure itself is topping out at 37 feet. The main access to this facility will be off of Redwood Road. There will be an easement that will go through lot 10 to the corner where there will be a secondary access to this site. When the commercial goes in it will also provide access to the commercial development. There is a mistake in the staff report that states there is full access on Redwood Road and 114th South. It is actually a right-in right-out only on both Redwood and 114th South. UDOT requires a pork-chop style median to discourage anyone making a left out of there. This meets all requirements and the requirements of the Development Agreement.

Deputy Engineer Jeremy Nielson said the raised median on Redwood Road extends that far so it will be very difficult to make a left on Redwood Road there. On 114th south the raised median doesn't extend that far.

Commissioner Ellis said I would like to know what the elevation drop is between the back fence of the adjacent residences and where the building is going to be.

Deputy Engineer said it looks like 7 feet but we may need to confirm that.

Commissioner Ellis said so this would be 30 feet above the rear property line of the adjacent residences.

Ted Didas, McNeil Engineering (Applicant), I wanted to clarify a couple of things. It is a right-in and right-out on Redwood Road. The shape of the pork-chop on 114th allows right in and left in right now. In terms of the grading, my recollection is that there is about 10 feet of slope across the site from the west to Redwood Road and I believe the building sits down about 6 feet below the west property line.

Commissioner Morrissey said you guys operate these types of community centers in different states. How many of them do you have?

Bob Lewis, Director of Development for Cameron General Contractors, we are the owner operator and builder of all of our communities. We currently have 29 of them open and we are working to open one a month.

Commissioner Morrissey said out of those 29 have any failed.

Mr. Lewis said we have been business 20 years and all 29 are operational and still under our control.

Commissioner Hollist said will you specify what type of community this is.

Mr. Lewis said this is a senior living community independent living only. Our staff is not licensed to provide any assisted living or healthcare assistance. There are 130 units and 128 are rentable. 40% of the community is common space for our residents. We offer three meals a day, transportation, maintenance, housekeeping, and all of those things are included.

Commissioner Hollist asked how do you determine how many parking stall to put in.

Mr. Lewis said we have 1.2 park stalls per unit across the country that has worked for us.

Commissioner Holbrook said at the beginning the height was going to be 45 feet and not it is not. City Planner Schindler said it was going to be 47 but it is actually 45 feet. That is the highest point in the roofline.

Chairman Jolley said the last time we had this application here we talked about a buffer zone between this community to the west. What have you done to enhance that?

Mr. Didas said the setback is more than what it was and it exceeds 200 feet. If you look at the landscape plan there are a number of berms with landscaping and trails throughout as a buffer.

Commissioner Hollist asked did you ever consider making this a two-story project to stay within the limits of the original zoning?

Mr. Lewis said no. that does not fit our typical model. When we look at independent communities and how we operate and the amenities that we provide, we need to provide 130 units. That has worked for us over the last 20 years and we want to keep those compacted as best we can to the center of the building where all of the activities take place for our residents.

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

Commissioner Hollist said I have a question for City Planning. Do you know why this variance was granted for the height?

City Planner Schindler said it is not a variance. The City Council agreed to put the PD overlay zone on it and that was one of the things that was ok to allow that height. The applicant needed three stories or they couldn't build it.

Commissioner Morrissey said would you remind us of the procedure that was taken to have that floating zone added. City Planner Schindler said it was an application to the City Council to approve it and to the Planning Commission for a recommendation. They also met with the neighbors to the west and told them their plans. The existing zone would allow up to 35 foot tall and it would have allowed much closer buildings to their fence. That was part of the negotiation to move it towards Redwood Road to give a 200 foot setback.

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

Commissioner Ellis made a motion to approve File No. PLSR201900115 for the construction of a multifamily residential building located at 11352 S. Redwood Road as presented to the Planning

Commission, with the following condition that the applicant receive final approval from UDOT for access to Redwood Road and 11400 South. Commissioner Hollist 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)

**D.1 Issue: BLR SUBDIVISION
LAND USE AMENDMENT AND REZONE
Location: 1450 West 11400 South
File No: PLZBA201800965
Applicant: Peter Duberow**

Planner Damir Drozdek reviewed the background information on this item from the Packet Staff Report. This zoning application contains a PD Floating Zone which allows for some modifications and changes to be made to the underlying zone if needed. This contains three parcels and all three parcels are proposed to be developed with this project. The future land use map has this property designated for office use and that is proposed to be changed to medium density residential and the zoning is proposed to be changed from R-1.8 and R-2.5 to RM PD Floating Zone. He reviewed the concept plan. He said there is an access road that leads out to single-family residential lots in the back towards the north end. There are 50 single family homes and about 24-27 townhomes at the south end. One of the bigger components of this project was that the City Council will act as the RDA to allow some RDA Funds to be used towards Workforce Housing.

Chairman Jolley asked about the horseshoe road and if it will be a public road.

Planner Drozdek said yes, that is a public road with standard width. All alleys and driveways are private. There is some guest parking on the side that would be private and maintained by their HOA. All of the open space will be maintained by the HOA as well.

Commissioner Ellis asked if either of the entrances to 114th south coincide with a traffic signal. Planner Drozdek said they do not. If this is passed and we get into the subdivision process is when traffic will be looked at more closely.

Commissioner Holbrook asked what the density of this will be. Planner Drozdek said it is close to 8 units per acre.

Commissioner Hollist asked who initiated incorporating the Workforce Housing component into this. Planner Drozdek said I believe that came from the City.

Skylar Tolbert, Ivory Development (Applicant), he said most people know about Ivory but we are going on our 31st year of being Utah's number one home builder. We are really excited about this project. I have been with Ivory 10 years. We actually built the project prior to my time, directly to the north of this. Some of those homeowners are here tonight that we have been talking to. This has been up and down for sale for many years and when we did the previous project we tried to buy some of these parcels but were unsuccessful. We got a call from one of the sellers saying that they wanted to sell and that they wanted a good product there and believed that Ivory would be a good fit for that. It took three parcels to make it work. We have received a lot of feedback on them from both City Council and neighbors but at this time those other neighbors are unwilling to sell. As was mentioned, it is zoned for office and we will get into traffic a little bit later. Changing to this residential zone is about three times less traffic than an office development would bring here.

The question came up about how did the workforce housing become part of this. It actually wasn't part of our original plan. Our Original plan showed 62 units and this shows 50 units. We sat down with the Mayor, City Attorney and City Manager to talk through it. The conversation developed and became an item that the Mayor liked and we really liked it too. We have come out this year with a Workforce Housing priority which is a little bit different than this. We are restricting certain lots in certain communities that we have to our Workforce housing. They are defined by us as our school teachers, first responders, our vets, our sub-contractors, and a lot of people that cannot afford a 500-600 thousand dollar home. We are putting restrictions on our own communities throughout the valley. We have committed to build 150 of these units this year and we have over 500 applicants that want one of those units. This project will be just slightly different. It would actually be 9 of these units would be deed restricted and would be sold at a purchase price that has an equation that the buyers have to be 80% AMI in Salt Lake County. That brings these purchase prices to \$287,000 or less. That list will be made by the City and I know those units will go very fast. When they are sold, they are sold under the same equation as Workforce Housing and that sticks with the deed. They are limited in their appreciation and will always stay within Workforce Housing. We have had a lot of meetings and interactions with City Council and staff on this. Furthest to the north are single-family homes and in the center of the U there are 6 homes there as well. On the perimeter and along 114th are the townhome units. The workforce Housing are restricted to the Townhome unit. All of the finishes will be the same and you won't know which units are different for Workforce housing. Our cottage lots are highlighted in yellow and are built in a number of different locations. These plans were designed by a firm out of Colorado and we are building some right now in Park City. We will also be building some in Lehi. In the center are our Cottages. Our townhomes that border 114th and create a U that are separated in 3-4 units here and there. One major thing we have talked about with Council are the landscape standards. We have strict landscaping standards and are actually going to install all of the landscaping and will be fully maintained and installed so homeowners will not be required to do this. We feel it is important to have enhanced landscaping. We have engaged with the neighbors a lot. Before the Workforce housing became an item on this I sent notices to everyone within 500 feet and we held a meeting with them. There are 6 neighbors to the north that are most affected by this and some are here tonight. We have engaged with a lot of texts and a lot of phone calls and a couple of meetings in their homes. There are three items that are real important to them that we have agreed to and we will put that into the development agreement. Number 1 was that those 6 homes directly adjacent to our fence line will be limited to rambler homes only. They didn't want two-story homes there. The second item is that we would do a precast wall along the back property line. The third item is, each of the homeowners there have different trees that are already planted so we will work with them to do a thoughtful tree planting along there on our side to create more of a barrier there than they already have. I am happy to answer more questions as needed.

Commissioner Hollist asked if they have coordinated with the local schools as to how this will impact them.

Mr. Tolbert said not directly on this project. Indirectly, yes. We are selling school sites and doing some trade sites. Right now their focus from what they have told us is similar to that of Spencer Moffat, that they are buying a lot of school sites for the west but for this general area they have what they need. They feel like they have the capacity to handle additional students. I will engage with them as we move forward.

Commissioner Hollist asked if they are asking for any additional changes to the zoning besides the density.

Mr. Tolbert said the height will follow the South Jordan City height ordinance. The one major set-back that we have talked a lot on are with the six neighbors and putting in the ramblers in that area. Nothing outside of that.

Commissioner Ellis ask about the workforce housing and how will that be policed, enforces and ensured.

Mr. Tolbert said on the front end with sales, it will be easy to police it and ensure it because we are advertising it and there will be a list created and the city will create priority for that. In the future it is recorded against the title of the property deed. If one comes up for sale in say two years, when someone pulls a title report it will be right there and can't be sold unless it meets this criteria and it will always be restricted.

Commissioner Ellis asked about renting them. Mr. Tolbert said the Workforce Housing will be restricted from rentals. Our own subdivisions we have people sign an addendum that they cannot lease for the first year. We don't want a bunch of investors in here. Workforce housing will be deed restricted.

Commissioner Holbrook said who determined the job classifications on this. Does that come from the governor's office?

Mr. Tolbert said the job classifications for the workforce housing is our initiative so we have set our own priority. Those are wage earners that are big contributors to our community but their salaries aren't that to support a lot of the homes that the South Jordan market can provide. It comes from us. On this particular workforce housing will come from City Council and they will make the priority. You have to make less than a certain amount of money or 80% AMI. There is a slide in here that shows the formula.

Commissioner Morrissey said how do you make those types of employees a priority.

Mr. Tolbert said for us the priority is that we set aside certain lots in every one of our communities in our most affordable lots and most affordable homes. They are getting a better deal than the market rate. They have to qualify for it.

Commissioner Morrissey said how do you make sure that those types of employees are professions that actually receive this benefit. How do you filter out the rest?

Mr. Tolbert said when they apply they have to give all of their information. If they say one thing on their application and their proof of work is another then they are not qualified. On our workforce housing it is not deed restricted. We filter them out. We are marketing them out there for these professions. Our restrictions are broader than what we have here. You can refer to the chart that shows how the qualifications are looked at. The qualification is very intense and we'll create a waiting list and everything will be verified.

Commissioner Hollist asked who subsidizes this in this particular application. Mr. Tolbert said the City does with RDA Funds. The nine units will be deed restricted for those units in South Jordan.

Commissioner Holbrook said are you saying that cost wise there is no difference to you because the city will make up the difference?

Mr. Tolbert said the city makes up some of the difference. On these nine units we will not hardly make anything. We are making money on the market rate, but the subsidy is to bring the price points down on the deed restricted nine units.

Commissioner Morrissey said as far as this subsidy goes and our requirements for the city, do we have certain requirements that we need to meet that this may influence our decision on moving forward on as far as government benefits that we may not receive if we do not pass this?

Staff Attorney Sheeran said these funds are already set aside in the RDA. If we don't use them by a certain date we will lose them. The City Council can determine how much funding they want to use per project. They have had a couple of study sessions to discuss this regarding allocating these funds and whether they should

do it on a full project or just split it up to do multiple projects. If this project does not move forward and they don't use those RDA funds then they will lose them. Brian Preece is in charge of those funds.

Commissioner Hollist asked if the city will get to maintain control over who gets to purchase these homes.

Staff Attorney Sheeran said the City Council will create those priorities for the Workforce Housing.

Commissioner Morrissey asked how this is constitutional as far as putting a priority on certain professions. It seems like it is excluding certain groups of people based on profession which seem unconstitutional based on what I know.

Commissioner Holbrook said this would be government housing to government employees, other than nurses, paid for by the government. That is strange to me.

Mr. Tolbert said in Park City where we have already done this, they have created their list of priorities. I am not saying it is right or wrong. In city council meeting that we have had that is the hard conversation. The income matrix is set so to use the RDA funds you have to go from the chart I showed you and you are limited. The city of South Jordan could come in and say we don't care what your profession is as long as you meet the income. In conversations with Council, they want to give back to residents of South Jordan. It is the people that are working in South Jordan and giving to South Jordan. If you are an elementary school teacher but you teach in Draper but want to live in South Jordan, from what I have heard they prefer to give it to a South Jordan teacher that also wants to live here.

Commissioner Morrissey said I am not against the priorities at all, I just wanted to understand that more from a legal perspective on how that is allowed.

Staff Attorney Sheeran said that is a good question and is something I have not specifically looked at. There are different levels of discrimination and different scrutiny's for that discrimination, where this is not a protected class this will be on the lower scrutinized level which would be hard to defeat if someone were to challenge this.

Mr. Tolbert said one of the big feedback items from the Council was that we don't want to use all of these funds and create a specific project. From what their feedback has been is let's scatter some in here and let's do some other projects too.

Commissioner Ellis asked if there has been any thought given to expanding those workforce homes beyond the townhomes into the single-family homes?

Mr. Tolbert said the hard thing with that is to hit those price-points. We are actually trying to come in under \$280 to open that door even wider. It is hard to hit those price-points on a single family home.

Chairman Jolley asked what is the overall price-point ranging from your highest level.

Mr. Tolbert said the 18 single-family homes will be in the \$420-500; the six single-family that are in the center of the U will be \$360-400 range. The Townhomes will be from \$310-360.

Commissioner Holbrook said what if they have one of the workforce housing units and have it for a couple of years and change jobs and then sell it. Would they still have to adhere to the original workforce people?

Mr. Tolbert said yes. When they go list it on the market they would be to disclose that and a title company cannot transact that purchase unless it meets that same AMI chart. HUD comes out with that chart annually.

Commissioner Ellis said I would really caution City Council against placing more value on one profession over another.

Staff Attorney Sheeran said City Council is aware of the difficulties on creating this priority list. I would encourage you to reach out to your Council member to express your concerns so when it comes before City Council they can address those concerns in a public setting.

Commissioner Hollist asked if there are any restrictions or guidance given by the RDA money where it comes from or is it strictly income based and then up to whatever municipality to define further.

Staff Attorney Sheeran said from my understanding the City Council has discretion on using this money for housing in general.

Commissioner Hollist asked if this will be a one-time use and then moving forward it will just be a private sale with deed restrictions and not require future monies.

Mr. Tolbert said there will be an HOA here and those workforce housing units will still be paying the same HOA as everyone else and will not be subsidized by the City. This will be a one-time commitment.

Commissioner Hollist asked if their property taxes will remain the same as market value or will that recognize the lower value.

Staff Attorney Sheeran said usually the property taxes are based on the market value of the home. If there is a deed restriction I am assuming that would affect the market value. I would anticipate they would be paying less than market value in property taxes.

Chairman Jolley asked about the future land use calling for this to be office space. We are quickly losing our commercial and office space in the city. I know that these properties have been for sale for some time. Did you guys look at potential use for office space?

Mr. Tolbert said no, we didn't. We do build some office but we are not really an office builder. It has been for sale as office for quite some time. I know that it has been looked at throughout this process. I think it is a hard use there.

Chairman Jolley opened the Public Hearing.

Wes Fisher, I live over by ExecuTech. I live within 300 feet of this property and my biggest concern is I did not want my zoning to be changed where I live just because there is a change for this. After listening to the Ivory guy it almost sounds like half of his projects are low income and I don't like that either. I don't think they should pick and choose who gets houses and I think that is being prejudiced. I think is bringing in low income. I don't like giving them a cheaper discount than you, me or anybody else. Just because we make more money doesn't make it right.

Ken Margetts, I am one of the property owners to the north and here to represent 5 property owners along that north fence line. As Skyler from Ivory has stated we have spent a lot of time talking and working with him and going over plans. Ivory has been very accommodating of our concerns. Our primary concerns are privacy, and density. Based on the things that Ivory has agreed to do in terms of the precast fence and

landscaping and putting ramblers along that northern portion, we support the project and support the workforce housing. The five home owners that are most affected by the project are in support of this.

Commissioner Hollist said there were six homes affected that were indicated earlier do you have someone that disagrees?

Mr. Margetts said no, they are apparently not responsive and didn't care to participate.

Chairman Jolley asked if the property that is directly behind where the fence would be is similar in grade to your back yards or is it higher?

Mr. Margetts said it is actually lower. Because of the water table that existed 15 years ago when our homes were built, they had to build up the property. If the new development had to be built up to the same extent we might have a discussion about height of the precast fence, because if they were built up as we were built up the fence wouldn't do much.

Chairman Jolley closed the Public Hearing.

Commissioner Ellis said for the record I would like to ask staff to address Mr. Fishers statement about this being discrimination to provide low income housing or advantages and how the RDA and the state require that and how we are being proactive in order to preserve the sovereignty of South Jordan City versus the state.

Staff Attorney Sheeran said that is a good question. I don't think there will be any constitutional issues with this project as long as the city has a legitimate interest. I think there is a legitimate interest in providing affordable housing which is a huge topic with the legislatures. It is a constant topic with the Planning Commission and the City Council. As long as what the City Council ultimately passes is related to that interest then the courts will use their lowest level of scrutiny as long it is rational. It would be very difficult for someone to challenge this based on a constitutional claim.

Commissioner Ellis said I also understand that in the legislature there is quite a bit of discussion about making a state zoning board and taking that responsibility or prerogative away from cities all together. The basis for that is cities are reticent to allocate areas or zone in affordable housing.

Staff Attorney Sheeran said that is a huge topic every year up on this hill. Whether local governments are too restrictive as far as how a development comes in and their arguments are that these are expensive and we can't provide this housing and city councils are unwilling to do the density necessary. In order to help the local government's side we can say South Jordan provided and agreed to this development at 7.9 units per acre. Approving something like this does help out. If we get that authority taken away then it would be up to someone who doesn't live in the community and doesn't have a feel for it.

Commissioner Ellis said I would assert to Mr. Fisher that by doing this type of action we are protecting his home values and our community as well as we possibly can.

Commissioner Holbrook said even though the state is putting this threat out there, South Jordan has done a really good job of having multi-family housing. My concern with this particular piece of property is our future land use shows office here and all of these people need places to work and could walk to work if this were office. I have a bit of reservation with the workforce housing and it seems like government funds providing government subsidized housing to government employees. It would have been better on this other development on the corner of 114th Ridgeview because that is already approved. I am feeling a bit of

reservation about doing all of this to a property where all of these people around here could potentially have a place to walk to work.

Mr. Tolbert said I spoke with Councilwoman Tamara Zander today and that exact question came up. She is in support and she let me know this is a good use of the funds to place it here. I would like to clarify to Mr. Fisher that the workforce housing in this is only 18% not half. We will be sensitive to the grading as we push through this and I appreciate all of your time.

Chairman Jolley said this property has been for sale for quite some time. This is a recommendation to the City Council and they will make the final decision. I think it is important to hear our opinion on this and they will hear our discussion.

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

Commissioner Ellis made a motion that the Planning Commission recommend that the City Council approve the following only if the City Redevelopment Agency (RDA) approves funding to ensure that at least nine townhome units are deed restricted as workforce housing:

- **Resolution R2019-28, authorizing the Mayor to sign the development agreement;**
- **Resolution R2019-29, approving the land use amendment; and**
- **Rezone Ordinance 2019-03-Z, approving the zone change.**

Commissioner Jolley seconded the motion. Roll Call Vote was 3-2 in favor. Commissioner Holbrook and Commissioner Morrissey voted no.

Chairman Jolley said this will go to City Council in the coming weeks.

VIII. OTHER BUSINESS

**E.1 Issue: ORDINANCE 2019-09 AMENDING CITY CODE §§
17.18.030.070.B.2.d, LIMITING THE AMOUNT OF STORAGE IN
BUILDINGS IN THE P-O ZONE AND ADDING THE
“OFFICE/WAREHOUSE FLEXIBLE SPACE” USE TO THE USES
CHAPTER 17.18
File No: PLZTA201900446
Applicant: CITY OF SOUTH JORDAN**

E.2 Potential Action Item – (See VIII. E.1)

City Planner Schindler said I am handing out the ordinance that you saw two weeks ago and on page two of the attachment is the Exhibit. The question came up regarding “what is storage.” Steve and I talked about it and basically storage is the storage of anything. I have changed the wording to read “the floor area used for storage of any type, including but not limited to supplies, equipment, materials, product, etc., shall not exceed 20% of the floor area. Another question came up about a business in an office zone and some commissioners said they were using way over 20% of floor space for storage. Existing areas, it is like anything else when we change the code, if people don’t come into compliance we are not out looking for it, it comes in on a complaint basis. If we get a complaint from another tenant in a building about someone doing something against our code, then we investigate it. Then it comes to how are we going to regulate this. When they come in for a site plan if it is a new building, then at site plan review we look at the building foot print and ask for floor plans and elevations. If it is in an office zone and the P-O

zone and it is going to have more than 20% of its floor area being used for storage then they would have to correct that. Before they can go forward to the Planning Commission for approval of the site plan, if they try to build the building and go back to their old design of more than 20% we will catch it at building permit and a building permit will not be issued.

We will count every area in there, it is anything designated for storage including closets. We look at our building here and it is probably less than 10% designated for storage.

Chairman Jolley asked for a reminder of what initiated the text amendment.

City Planner Schindler said the flex space type thing is becoming popular and we have areas that it can't be done and we can create new areas with the IF zone and the CI zone, we just didn't want to see this happening in the professional office zone. That seems to be areas where we are getting this because often the land prices are lower in the professional office zone than that of the commercial zones.

Commissioner Morrissey said you mentioned that you have received a lot of interest, why is the city absorbing that interest and looking into providing support of making these changes because of this interest; what benefit do you see there.

City Planner Schindler said we still want businesses to come to South Jordan but we also want the Professional and Class A Office to come to South Jordan as well. That kind of office use is a better buffer between general commercial and residential. When you start putting in businesses that have a lot of deliveries or storage of equipment, that is not usually a good buffer against residential. They make a lot more noise and have more traffic.

Commissioner Ellis said as I recall, there is inherent in most businesses and it was undefined in the current ordinance and we wanted to allow for that very realistic need without just opening the doors to warehousing against residential.

Commissioner Holbrook made a motion to recommend to City Council approval of Ordinance 2019-09 Zone Text Amendment, File PLZTA201900446, amending City Code Subsection 17.18.030.070.B.2 regarding the allowable storage area for a building that is located in the Professional Office Zone, and adding "Office-Warehouse Flexible Space" as a permitted use in certain zones. Commissioner Ellis seconded the motion. Vote was unanimous 5-0 in favor.

Chairman Jolley said this issue passes and moves forward to the City Council.

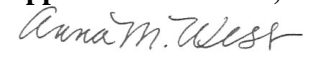
ADJOURNMENT

Commissioner Holbrook motioned to adjourn the June 11, 2019 Planning Commission meeting. Commissioner Ellis seconded the motion. Vote was unanimous in favor.

The June 11, 2019 Planning Commission Meeting adjourned at 8:30 p.m.

Meeting minutes were prepared by City Recorder Anna West.

This is a true and correct copy of the June 11, 2019 Planning Commission minutes, which were approved on June 25, 2019.


South Jordan City Recorder

JUNE 11, 2019

PLANNING COMMISSION MEETING SIGN IN SHEET

PRINT NAME

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