

CITY OF SOUTH JORDAN
PLANNING COMMISSION MEETING
COUNCIL CHAMBERS
November 26, 2019

Present: Commissioner Earl Jolley, Commissioner Sean Morrissey, Commissioner Michele Hollist, Commissioner Michael Peirce, Attorney Ed Montgomery, Deputy City Engineer Jeremy Nielson, City Planner Greg Schindler, Planner Brad Sanderson, City Recorder Anna West

Others: Commissioner Julie Holbrook, Commissioner John Ellis

6:30 P.M.

REGULAR MEETING

I. GENERAL BUSINESS

A. Welcome and Roll Call

Chairman Jolley welcomed everyone and noted that all Commissioners are present with the exception of Commissioners Holbrook, Commission Ellis, and they have been excused from tonight's meeting and Commissioner Morrissey should be arriving soon. He said we have a quorum so we will begin.

B. Motion to Approve Agenda

Commissioner Hollist made a motion to approve the November 26, 2019 Planning Commission Meeting Agenda. Commissioner Peirce seconded the motion. Vote was unanimous in favor. Commissioners Holbrook, Ellis, and Morrissey were absent.

C. Approval of the Minutes from the Meeting held on November 12, 2019

Commissioner Hollist made a motion to approve the November 12, 2019 Planning Commission meeting minutes. Commissioner Peirce seconded the motion. Vote was unanimous in favor. Commissioners Holbrook, Ellis, and Morrissey were absent.

Commissioner Morrissey arrived at this time.

II. INFORMATIONAL ITEMS AND OTHER BUSINESS

A. Staff Business

None

B. Comments from Planning Commission Members

Chairman Jolley asked if the December 5th Work Meeting to discuss the General Plan was still on.

City Planner Greg Schindler said yes.

It was noted that Commissioners Morrissey and Chairman Jolley will not be able to attend that meeting.

III. CITIZEN COMMENT

Chairman Jolley opened the Public Comment. There were none. He closed the Public 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 NORTH SHORE VILLAGE CENTER SUBDIVISION
Location: 4700 West South Jordan Parkway
File No: PPLPP201900528
Applicant: Daybreak Communities

City Planner Greg Schindler reviewed the background information on this item from the staff report. Daybreak Communities filed an application for preliminary plat review and approval of the Daybreak North Shore Village Center Subdivision. The proposed subdivision will divide the property into 11 commercial lots and associated public and private rights-of-way. The proposal also includes a request to the City to vacate a portion of right-of-way (ROW) along the south side of South Jordan Parkway. The amount of ROW proposed to be vacated includes a 6ft.wide section running between the roundabouts at Oquirrh Lake Road and Lake Avenue and an additional segment adjacent to the Oquirrh Lake Road roundabout. They would like to have the 6' section vacated so they would be able to move the buildings closer to the street. That would not be vacating any of the existing roadway it will just cut down the size of the park-strip. It is 14' on the north side of the street to about 10' on the south side it would cut it down to. They plan on having parking on the street like it is on the north side and there will be a 4' wide walk of zone and a 4' landscape area and a pedestrian sidewalk. That is the proposal if the City Council approves the vacation of the right-of-way. The lots are commercial lots with commercial businesses and there will be residential included in apartments and townhomes. The residential will be for-rent housing. There has been a traffic study completed for this area and the results of that study are in your packet. The study shows that the traffic volumes generated by the proposed development are well within the master plan expectations and will easily accommodate the traffic. He said a resident did call regarding the speeding on South Jordan Parkway and the city did a speed study as well. He said when there is on street parking it tends to slow down the traffic. It has shown that buildings closer to the street also reduces the speed of traffic. The proposed subdivision is consistent with the Community Structure Plan and meets the standards of review for subdivisions in the PC Zone. Staff is recommending approval of this project.

Commissioner Hollist asked if it is standard practice to have just a one day snapshot for the traffic studies. She said I saw that you chose one day in August and was wondering if that is sufficient time.

Deputy City Engineer, Jeremy Nielson, said when they are doing intersection counts like this study that was done, yes. One day is the standard.

Scott Kaufmann, Sr. VP of Commercial Development at Daybreak Communities, said we are here tonight to talk about an exciting project that we are bringing to Daybreak. North Shore, which is about 13 acres, sits on the North Shore of Oquirrh Lake. It is Daybreak's second Village Center within the community and it has been anticipated for a very long time. Conditions exist now that we can bring this forward. The current plan is closely aligned with the original vision for Daybreak and as updated through the years has held steady. The scaling composition is similar to Soda Row, which is our first Village Center. Our proposed plan is a lot less office and a little less retail. Since about 2007, one of the most requested items within Daybreak is a neighborhood market. Something on the line of Trader Joes that they can get their daily shopping needs. We searched nationally and found locally that Harmons is doing the best neighborhood market in the country. This will be about 18,000 sq. ft. size. In addition to that, we are looking at retail and commercial opportunities that consist of about 16,000 additional square feet. This has been scaled back significantly from where we started with North Shore, but allows us to introduce a couple of restaurants and supporting retail such as coffee shop, ice-cream shop, fitness studio, and a boutique, etc. We also have plans for medium-density For Rent townhomes and apartments as noted earlier. This is well under the allowable for our Village Centers. We are preserving community open space on North Shore that includes plazas within the development itself with lawn area, beach dock and shore line accesses. Today it is a 13 acre vacant lot and there are views across that vacant lot from some of the adjacent residential owners. We have been hosting Thursday night Food Trucks on the site which have been popular. They were never intended to be long term use there at that site. We think that what we substitute for that once this development goes forward, will be an attribute to the community. North Shore is a prominent gathering spot for large festivals so some of those will not be able to be held here anymore, but many of them still will. It will just require a different parking plan. We held a neighborhood meeting with residents on October 29th and discussed this development at the annual HOA meeting on November 20th. We did hear several concerns raised by residents. Some of the areas of concerns that we are seeking to address are – area density, height, for rent units, parking for commercial and residential, traffic and pedestrian safety, site lighting, and impacts to open space. We are not here to approve development plans, we are still shaping those plans and will come back to the city with those. We believe we have addressed many of the concerns raised and we are still continuing to evolve our plans to address or mitigate others.

Mr. Kaufmann said Daybreak's view on density and whether the North Shore is the appropriate place for that. Village Centers are intended to be mixed use and more intensive than our traditional villages and neighborhood areas. They include combinations of residential, office, retail, and other community gathering areas, but they are not intended to be for the neighborhood. They are intended to be for the Villages and they tie them together.

Mr. Kaufmann said with regards to the height of the buildings, they will be 2-5 stories. Predominantly 2-3 stories. Soda Row has this scaling and Soda Row is a very livable area within Soda Row as well as within the areas flanking Soda Row.

Mr. Kaufmann said we are proposing a For Rent product on North Shore. That is always a sore subject. When we look at our ability to attract Harmons to North Shore and execute on the retail, the “for rent” allows us to go through the phasing significantly more quickly than if we were to deliver a similar density of for sale product and absorb over a 5-6 year period. Our anchor Harmons has expressed an interest to not endure a long commercial construction project.

Mr. Kaufmann said parking requirements on North Shore will be in excess of what code requires and is similar to what ratios we find across our for sale product.

Mr. Kaufmann said with regards to traffic and pedestrian safety, Mr. Schindler mentioned the traffic study and for a traffic volume standpoint this site was studied both in the comprehensive traffic study done for

Daybreak as we built our road network as well as a couple months ago in the newly commissioned study. Today the rating is an A and it still remains an A. We are confident that we have managed that. We will be putting in a HAWK Signal at the main intersection going into the main street.

Mr. Kaufmann said lighting across the lake and around the project is important in our plan but is too early to address this.

Mr. Kaufmann said with regard to impact to open space; this area was never intended to be 13 acres of open space. This is a unique opportunity to do an infill development. We are excited about it but we are taking away a 13 acre dirt lot that has views of the lake. We are preserving great civic space and community space within this plan.

Mr. Kaufmann said we have worked hard to assemble the right partners. Harmons as I mentioned is as good as it gets on the grocery side. CW Urban is our selected partner on the residential side. North Star Development is a group that had done a number of projects in Daybreak and across the southwest part of the valley. Daybreak Communities will be an owner of the land and in this development. North Shore is consistent with our Master Plan and this is not a deviation from what we have ever envisioned a Village Center across Daybreak to be let alone the Village Center we envisioned for the North Shore. The infrastructure that we have built around Daybreak and immediately adjacent to this site can handle the impacts created by the development. We thoughtfully backed off what this site could have handled to create something that is easily absorbed and works really well with the flow of the adjacent neighborhoods. We do meet the code for the P-C Zone as well as the South Jordan City Ordinances and so we respectfully request your support of the project.

Chairman Jolley asked for the location of the proposed Harmons site. Mr. Kaufmann pointed it out on the site plan shown on the overhead.

Commissioner Hollist asked if Daybreak will be the owners of the townhomes and apartments.

Mr. Kaufmann said we are partners with CW Urban. He said Soda Row has been incredibly successful with our townhome program and they have attracted great economics; they just take a really long time to phase through. We feel we took too long with rooftops in Soda Row.

Chairman Jolley opened the Public Hearing.

Michele Crump Hart – Daybreak, I am a 33 year veteran of the public school system. My concern is that when we build this site of 155 apartments we are overloading our school system. We are currently over capacity now. I don't know that the infrastructure has been fully addressed. I would question the 10% increase in traffic; I feel it will be more. We live further than 300 ft. from this and did not receive notice for it; however, this will greatly have an impact on me and all who live in the area. I asked what the design was for the rentals and nobody could give me any information. They could not understand why I would be concerned about that. To me it speaks to the stabilization of a neighborhood. As a daybreak resident, I have lived there for 4 years and we talk a lot about Soda Row and I don't know if the Commissioners understand the layout of Daybreak, but there are Villages. I looked at the Villages and didn't want to live in Soda Row or I would have bought in Soda Row. Saying this is going to be just like Soda Row is not good. We need more information before we pass this.

Teresa Barlow – Daybreak, we moved here about 6 years ago onto Oquirrh Lake Road and we paid a premium price for our location and the view of the lake. We knew we would lose part of our view but

now they are getting rid of that road and moving into the finished green space. We will have no view now whatsoever.

Commissioner Hollist said, you said you paid a premium for that lot, are there guarantees that come with that? Ms. Barlow said no. We looked at our papers and we didn't notice that until this came up.

Gary Barlow – Daybreak, this affects more than a few of us. Over the last 6 years that we have been there, there has been thousands of people that go on that roadway to go to the North Shore of the lake. We are all used to driving that road and going right along the north end of the lake. We figured the road and the greenspace would still be there, but the other sad thing that affects all of the people is that they are moving the roadway down and into a bunch of townhomes. This will change the feel of Daybreak. I think you should verify that they are living up to the 25% open space. I would like you to verify that they are living up to the spirit of the lot by saying how much of that open space is the lake.

Rene Hart-Crump – Daybreak, I have been in Daybreak for 4 years. We moved there for the community. I am opposed to the fact that I have invested in my community by buying into it. I love Harmons and it will be a marvelous addition to our community. There needs to be a buy in for the people there. Renters are short term and that is not what Daybreak Community was sold to us about. When I sell my house I will have to give back a portion to the HOA. How will that work for Renters being a non-homeowner?

Mary Draper – Daybreak, I have lived in Daybreak for 5 years. I taught in the Jordan and Granit School Districts for 37 years. When I look at this site I think of the number of kids that will be added to the public school system. All of the schools are already overcrowded. We cannot accommodate more students without more schools so they will be bussed. If there will be 110 townhomes and 65 apartments will bring the potential of 500 students. I also am concerned about all of the cars that this will bring, assuming there will be 2 cars per residence. I don't understand how you think this will not significantly impact the area. She voiced her concern for parking on the narrow streets. Most of moved to Daybreak thinking that this would be a central park type area. This will change the whole feel of the area and is too much for one space.

Jilian Penman – Daybreak, I am a real estate agent and I would like to know how many parking spaces there will be and how will the trash per unit be handled. I am concerned with the home values going down from this.

Mike Wess – Daybreak, I am excited about this project and I support it. I see Daybreak being a walkable diverse community and I like the mixed housing they have here.

Tessa Lopez – Daybreak, I am right across the street from this. I am excited about this because we have been staring at this dirt lot forever. About 75% of the homes that are in this area are renters who rent from people like us. We love Harmons but it is expensive. She asked about the height of the buildings and wondering if they will cover our view completely because we sit up higher and our view is looking down. We are not able to sell our townhome because of this proposed construction so we will be staying for the time being. Will renters still get HOA services and will they be charged for those services such as road plowing and garbage pickup.

Jolene Campbell – Daybreak, I think that too much is being fit in that small space and I do have issue with renters. I see the property values going down with rentals. There is a lot of vandalism in the area. I am curious what the clientele is normally for Harmons. It doesn't seem to be for people who are renting and can't afford to buy a home. Their prices are higher. I have concerns with the proposed heights of the

buildings. We will completely lose our view with 5-story buildings going in. She voiced her concerns about parking and said this is not the right fit for renters.

Kevin Clawson – Daybreak, I just wanted to encourage you to approve this plan. Our family has been in Daybreak for 9 years and live north across the street from this. We have been waiting a long time for this and are excited for it. When we moved in we knew about this proposal but this is smaller than what they originally had proposed. The density is lesser. We are concerned about there not being enough parking. Parking is an issue in most places in Daybreak.

Charles Stewart – Daybreak, we bought a home here about 11 years ago and we met with the Daybreak association and it was clear that there would be high density mixed use in this area but never heard anything about the 5-story height complex. I understand their need for a fast buildout but that fast buildout has a direct correlation with the impact on the infrastructure. This is not good for the schools. The places will immediately be rented and all of that impact will hit all of the schools in that first year. I have been practicing criminal law for over a decade and most of my clients have an apartment number in their address.

Tanya ? – Daybreak, I have lived in 3 different addresses in Daybreak and I bought my current place about 1 year ago. When I questioned Daybreak about the use of that lot I was told there would be a Harmons there and commercial space. Nothing was said about apartments or townhomes. There is no way we would have bought there had we known there would be apartments there. Concerned about the dangerous traffic in the area. My children and I have come very close to being hit by cars. We have lived in New York City and in London and in Helsinki, and are used to being pedestrians. The cars here don't stop and speed on this little stretch right here. The police said they have registered speeds as high as 50 and it is only 35 mph and adding a traffic light there might help. She said Soda Row has been a fiasco. The rent is too high for most venders and there are several empty store fronts. The residents are concerned that Daybreak residents can't generate enough foot traffic to support Harmons. We don't want this to turn into another eyesore right by the lake which is where the best lots are in Daybreak. She voiced her concern about them building rentals right near the most premier lots by the lake. She likes the open space that is there. It is too crowded for what they are planning there. More people will be blocked off from the lake access and trails. She noted her concern that this will drive down the property values and this area will become slumified like Soda Row has been. That is not something I want to see happen here.

Bart Page – Daybreak, we just recently bought a home in Daybreak by the lake. My concern with this is that our property values and views will be compromised. This is really going to deteriorate this amenity. I am excited about Harmons and some retail going in but I think 5-story buildings and all the parking issues this will bring is a bad idea.

David Bassett – Daybreak, I live very close to this project. I am all for this. My wife and I moved specifically to this area because of this promised development. I am a civil engineer with an emphasis in traffic and transportation planning. I reviewed the traffic impact study that was completed and it was absolutely done correct. All of those values and ratios are appropriate as per the work that is out there. This has been zoned for this and meet all of the requirements. The dirt there is an eyesore and I am glad it is being completed. He noted that the traffic speeds are out of control and a HAWK light there will help. He encouraged Daybreak and South Jordan to work together with some traffic calming in the area. He said just do it right in the beginning to keep the pedestrians safe.

Kirk Nelvis – Daybreak, my wife and I live a little bit north of Daybreak. We walk the lake routinely and I just want to make sure that access to walking around the lake will continue to be maintained. I would like to know what the process is to make sure of that. He said he has seen two different renditions

of what is planned and not sure how the trails will continue to go around the lake. He said I echo what the gentleman before me said with regards to traffic. Traffic in the round-a-bouts is terrible. He feels that did not get captured in the statistics of the traffic study. This is a great opportunity for Daybreak and South Jordan City to work together to do this right in the beginning.

Sharon Juno – Daybreak, I live a block off the lake. 104th is a truck lane going east and west and has the traffic study taken into consideration. Wants to know if traffic in a bigger picture has been looked at instead of just this particular spot. She is concerned about the run off in the area and what is being done to protect the eco-system. She asked what the ratio between # bedrooms to # of parking spots. We first had two cars and two parking spots. Now we have three and that 3rd vehicle will have to be parked out into the street. Concerned about parking and fire trucks can't get through. Wants to know the price point for the rental units and number of bedrooms and how many people will impact the area. Need to take into consideration the living quality of the people that will be renting. Also wants to know if there will be a dog park and place for kids to play. Concerned about the height of buildings being 3-5 stories high. That is not consistent with what is in the area. I am looking for this project going through.

Luis Maldonado – Daybreak, I echo what the previous resident just said. I have concerns about parking in the whole area. We are in a townhome and the parking is filled and overflowing already.

Chairman Jolley closed the Public Hearing and invited the applicant back up to address the questions.

Scott Kaufmann (Daybreak Communities), there are a lot of issues raised that were addressed at the HOA Open House and Community meetings we held.

Chairman Jolley said talk about the concerns about the school capacity.

Mr. Kaufmann said the one point that was raised was the fact that this phases in more quickly. The unit counts proposed in this area would not be different if they were for sale vs. for rent. The composition of children in the units will be different. If we did it in a for sale scheme, we would have a similar number of units but more kids per unit. Now we will have a similar number of units that come on more quickly but will have less kids. Generally in the unit type of renter profile, we see less kids. The buyer that is generally in our townhome product is a young family.

Commissioner Hollist said one of the residents make a good point that the schools that would service that area are at capacity. I am aware that there were three properties sold to the school district but they are all west of Mountain View Corridor. Do you anticipate making additional land available for additional elementary schools needed?

Mr. Kaufmann said we partner closely with Jordan School District and we supply them incredibly accurate and current forecast for housing absorption within Daybreak. I don't know of any other developer that does that within the district.

Commissioner Hollist asked if this particular project has been discussed with Jordan School District.

Mr. Rulon Dutson, Daybreak Communities, said we provide an absorption schedule to the school district on a quarterly basis. That accommodates all of the proposed developments that are coming online. What we are interested in with the school district are the numbers, where they are located, and when they will come on. Recognizing that in order for a school to be built and in place by the time the actual development occurs is a two or three year lead time. It is difficult for us to project exactly what the development will be, but in terms of us providing the numbers is not a challenge.

Commissioner Hollist asked if they have anticipated any additional land on the east side of the corridor for schools.

Mr. Dutson said we actually had a parcel a number of years ago that was made available to the school district. We were in negotiations for them to purchase the site and then they decided to pass.

Commissioner Hollist asked who at the school district the information is sent to quarterly.

Mr. Dutson said it is sent to Travis Hamlin. Don Tingey at South Jordan City is involved in all of those conversations and can verify.

City Planner Greg Schindler said at your next meeting you will have a subdivision on the land that was going to be a school and since the school backed out of it Daybreak will develop it with housing.

Chairman Jolley said some of the residents asked about price point and size of the rentals.

Mr. Kaufmann said these are not low price-point units. This is an exciting project and the units for the townhomes are larger than a traditional rental. The units in the apartments will be at the top of the market. We have townhomes that range from \$250-600,000. There were a couple of other things raised from when a house sells the seller pays into an enhancement fee and they pay an HOA fee. Renters will pay a percentage into an HOA fee and they are not given access to private amenities. They do have a private amenity package on site such as pool, fitness and other amenities.

Chairman Jolley said could describe some of the proposed open space that may be associated with this development.

Mr. Kaufmann said we are sensitive to the fact that there is a lot of use of the trail network across Daybreak and specifically around the lake. I think from an ease of convenience, North Shore has been a great parking lot and that will go away as this is developed. The trail network around the lake will be uninterrupted. We try very hard to maintain access during construction so we don't create barriers. The trail system should be enhanced because it is good to be on a trail with interesting points along the way. We do not have a final plan for open space yet. He points out the public plaza, the terraced benching that will be preserved, a lot that is currently grassed and will not be developed and will be enhanced as we phase in the project. Points out space along the way around North Shore that will be preserved.

Chairman Jolley asked about the existing storm drainage runoff.

Mr. Kaufmann said we are diligent with making sure we are in compliance with storm water management. This basin was built, landscaped and looks good but does not handle the storm water capacity for the area that is was intended to. We are trying not to encroach into that storm basin too much, but we are putting in an underground enhanced storm water gallery in there. That will absorb in a retention manner of the 100 year event for the majority of the site that is being developed.

Chairman Jolley asked Mr. Kaufmann to address the concerns with parking spaces for townhomes and rental units and dumpster locations.

Mr. Kaufmann said all of the units within the plan will have consolidated dumpster locations throughout the plan. The parking for the townhomes is 2-parking spaces per unit and there is guest parking within the pods as well as on the street. The apartments have a parking ratio of 1.5. There is overflow parking on the

street and there is dedicated parking for the retail at 4 per thousand. That does not include Harmons that has their own dedicated parking.

Chairman Jolley asked if Harmons has concern with townhome residents using their parking lot.

Mr. Kaufmann said they did and that is part of the reason they have their own dedicated lot which makes it easier for them to govern.

Chairman Jolley said there is some concern of building heights.

Planner Greg Schindler said there is not a maximum building height in Daybreak. They range in the 47' height. This site plan is for subdivision only so if this gets approved it will not be coming back to the Planning Commission.

Mr. Kaufmann said the scale of buildings here would be similar to those at Soda Row.

Chairman Jolley asked Mr. Kaufmann to describe the HAWK Light and how it will operate.

Gary Langston, Daybreak Communities, said there is one on 4000 West just below the temple. Effectively it is a button activated electronic crosswalk that has flashing lights. It looks and feels a lot like a traffic signal but it is for pedestrians not for cars. Salt Lake County will build it and maintain the signal. We will work with them in putting in a signing and striping package in addition to the HAWK signal. We will consider some traffic calming things for the area also.

Commissioner Hollist asked them to comment on the narrow roads that when you have parking on both sides you can't get through.

Mr. Langston said we believe we meet the current fire code requirements.

Commissioner Morrissey said based on your previous comment as far as considering additional options, what other options did you consider and how did you determine that the HAWK signal was the one you wanted to go with.

Mr. Langston said the HAWK signal is a requirement of the city. We agreed with them and complied with that. It is one of the more effective ways to cross pedestrians especially considering the type of road.

Commissioner Hollist said she has concern for South Jordan Parkway. She said I spoke with Jeremy right before the meeting and I am curious what the Master Transportation Plan says specifically about South Jordan Parkway and future volumes expected to be on it. I am concerned that it is short sited to allow them to narrow the right of ways through there.

Deputy City Engineer Jeremy Nielson said they won't be narrowing the travel lanes. They will just be narrowing the portion behind the curb. In our current Master Plan for 2040, right now South Jordan Parkway is about 10-11,000 vehicles per day. We are expecting 28-29,000 vehicles per day in 2040. That will be at capacity for that roadway which is a level of service D for that time.

Mr. Langston said Daybreak will be complete 20 years from now.

Commissioner Morrissey asked what type of communication Daybreak has had with the City regarding this issue or the Master Plan itself.

Mr. Langston said there has been significant coordination. We were intimately a part of the Traffic Plan Master update that was done by the city. We provided significant feedback into that. We agree with the assumptions that are in the current Master Plan and think they are consistent with what we are showing for our proposed traffic plans for Daybreak over time. The unknown is what the buildout of the west bench will be.

Chairman Jolley said I think we had addressed all of the issues brought up.

Commissioner Morrissey said there seems to be things that are brought up repeatedly over and over again in these types of builds in the Daybreak Community. I would reiterate my concern for the interactive relationship between the City and Daybreak and I have already stated this a few weeks ago. I feel like the communication needs to be a lot better and a deeper concern for these types of buildouts. The rallying cry is that Daybreak builds to get as much money as they can out of their property. I don't feel that way personally but I can see that the public feels that way. My concern is that as we move forward with Daybreak properties and the buildout in Daybreak to the west, is really the General Plan. My major concern is the traffic with any project in South Jordan.

Commissioner Hollist said I would encourage Daybreak to continue communicating with the School District. I am concerned with how quickly these units will come on and their impact on the schools. The recommendation before us has two parts and I hesitate to approve the second part for the right-of-way. I worry about the long term impact it has on our ability to possibly expand this road in the future.

City Planner Greg Schindler said I would like to make it clear on the approval. You are not approving the right-of-way on the plat. It states that they can't record this plat unless the City Council approves the right-of-way vacation. They are the ones by ordinance that would have to approve that. This is going to the City Council next week and they won't be able to record any plat that you have approved unless the Council approved the vacation of the right-of-way.

Deputy City Engineer Neilson said Mr. Langston brought up a good point that is it come down to needing additional lanes there is a wide shoulder on each side of the road that could be used. There is also a 20 foot median in the middle of the road and those are elements that could be modified to accommodate additional lanes without changing the width of the street.

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

Commissioner Hollist made a motion to approve Project No. PLPP201900528 subject to the following conditions:

- 1. That all South Jordan City Requirements are met prior to recording the plat.**
- 2. That the City Council approve the Right-of-Way vacation prior to recording the plat.**

Commissioner Morrissey seconded the motion. Roll Call Vote was 4-0. Commissioners Holbrook, Ellis, and Morrissey were absent.

B.1 Issue: DAYBREAK SOUTH MIXED USE MF # 1 & #2 AMENDED, SUBDIVISION AMENDMENTS
Location: 5890 West 11385 South
File No: PLPLA201900569 & PLPLA201900570
Applicant: Destination Homes

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

Daybreak Communities has filed an application for review of an amendment to the Daybreak South Mixed Use Multi Family #1 and #2 Subdivisions. The purpose of the proposed amendment is to realign the inter lot lines between lots 105-106, 108-109, 120-121, 122-123, 134-135, 150-151, and 165-166 to accommodate the townhome product that will be constructed. There will be no change in the number of lots. The proposed amended subdivisions remain consistent with both the Community Structure Plan and Daybreak Development Plan.

Gary Langston, Daybreak Communities, said this basically has to do with fire code requirements and where the windows are placed in the buildings so that the requirements can be met. We have experienced this in other areas where Destination is building similar products.

City Planner Schindler said this has to do with how close windows are to adjacent properties. They have had to come up with a different design or amend other plats as well.

Chairman Jolley opened the Public Hearing. There were no speakers. He closed the Public Hearing.

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

Commissioner Hollist made a motion to approve Project No. PLPLA2019-00569 and Approve Project No. PLPLA201900570. Commissioner Peirce seconded the motion. Roll Call Vote was 4-0. Commissioners Holbrook, Ellis, and Morrissey were absent.

C.1 Issue: SOUTH RIDGE GATEWAY LOT 2, SITE PLAN
Location: 10656 South Windsor Ridge Way
File No: PLSPR201900462
Applicant: Travis Taylor

Planner Brad Sanderson reviewed the background information on this item from the packet staff report. The applicant, Travis Taylor, is proposing to construct a three-story residential apartment building with 30 residential units on Lot 2 within the South Ridge Gateway mixed use area. The proposal includes 54 parking stalls on the west side of the building with an additional seven designated on-street parking stalls located along Windsor Ridge Way, just east of the building. The applicant is proposing to allow this development to have access to the existing clubhouse and open space amenities provided in the adjacent South Ridge Townhouse development. Planner Sanderson reviewed the staff findings, conclusions & recommendations as listed in the staff report. He said staff concludes that based on its review of the application, materials submitted by applicant, and the findings listed in the staff report, that the proposal meets the requirements of Titles 16 & 17 of the City Code. He said part of the requirement we have done on all of the other commercial buildings, including the townhomes, there is a requirement of the zone that requires the Planning Commission to approve a Design Guideline Book. He said rather than showing you the entire Design Guideline Book that is quite large, we have just been adding to it as each of these phases have been developed. It just grows like chapters in a book. What you have in your packet is the portion that applies to this particular site. This meets the minimum code requirements for the zone and staff is recommending approval.

Chairman Jolley asked about the waterline easement.

Planner Sanderson said anytime we have a city waterline that crosses outside of the public right-of-way we require a waterline easement for that and it will be recorded. Because the road is being reconfigured

on the east side, we are requiring that there be an easement so the public will still have access there. Those are requirements that we have added.

Commissioner Hollist asked about the retaining wall.

Planner Sanderson said as far as structurally, it does have to be submitted by a civil engineer provided by the developer. Our building department and engineering department will look at it. It is a fabricated block wall.

Commissioner Hollist asked what is our ordinance regarding parking spots for units like this.

Planner Sanderson said when we removed most of the multi-family uses out of our zones along went that ratio. There is still a ratio in our title 16 that does require 2.5 stalls for 3 bedroom, 2 stalls for a 2 bedroom and 1.5 stalls for a one bedroom. This meets the ordinance. There is some non-designated off street parking.

Travis Taylor (Applicant) said the parking ratio is 51 required and we have 10 more than what is required.

Commissioner Hollist asked if the parking stalls will be assigned.

Mr. Taylor said we haven't assigned any stalls but if it becomes an issue we can assign them. Commissioner Hollist said did I understand correctly that this will be considered part of the townhome development and will have access to the clubhouse facilities.

Mr. Taylor said when the overall was approved, that was part of the condition. They will have access through the sidewalks, the clubhouse, the pool and the open space.

Commissioner Hollist asked who will be responsible for maintaining open space.

Mr. Taylor said there is a cooperative agreement between all of the properties in the development. Our management company maintains it. Everyone will contribute to it.

Chairman Jolley asked him to describe the retaining wall.

Mr. Taylor said the blocks are 4' long and 2' high and various thicknesses. It is the same wall used in other areas as show on the map. They have a lot of texture to them.

Commissioner Morrissey asked about the TOD Zone and asked what type of impact it has made on the trax or bus routes and other types of service for moving the flow of people.

Planner Sanderson said there is a TOD Zone that is right by the Front Runner station that I think has had some impact on each other. I don't know that there will be a whole lot of impact from this development because it is a bit further away. It is walkable and about ¼ mile from the Front Runner station. As far as tracking that impact it might be something we can do. If this were a true TOD Zone the intensity would be much higher than what we are getting here.

Chairman Jolley opened the Public Hearing.

Kim Monti, South Jordan, said we are going to offer our employees the \$300 pass that is good for the Front Runner and everything. We have quite a few that live in downtown Salt Lake. I wanted to comment on the parking. Since we are building just to the east and we are going to have a parking structure in the corner, there is some concern that we will get some overflow parking into our parking structure. If we have to we will put gates up and require card access. I do love the project and hope that employees that are working in the building can rent there. We will be overlooking the structure and are leasing out our top floor so we will be looking at the top of that flat roof building. We are concerned about what kind of mechanical will be on the roof and what kind of screening will be for it.

Chairman Jolley closed the Public Hearing.

Commissioner Morrissey asked if the City has considered any kind of incentives or tax break to residents, employees or employers.

City Planner Schindler said there are none for city employees because there are not trax by city hall.

Mr. Taylor said if parking becomes an issue and trespassing to another structure that would be pretty bold. Our management company would address that immediately. As far as the rooftop mechanical we did a visual screening analysis on that and there is screening individually behind the walls.

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

Commissioner Hollist made a motion to approve the South Ridge Gateway Lot 2 Site Plan, File No. PLSPR201900462, subject to the following requirements:

- 1. Prior to construction, the Applicant shall record:**
 - a. A public access easement for all improvements located outside the public right-of-way along Windsor Ridge way; and**
 - b. A maintenance agreement assigning maintenance to the adjacent land owner including striping, snow removal, and other landscape maintenance along the west side of Windsor Ridge Way; and**
 - c. A 15-foot waterline easement for all waterlines located on private property**
- 2. The applicant shall complete all off-site sidewalk improvements and agreements, connecting pedestrian access with the adjacent open space and clubhouse amenities, as proposed.**

Commissioner Morrissey seconded the motion. Roll Call Vote was 4-0. Commissioners Holbrook, Ellis, and Morrissey were absent.

VII. PUBLIC HEARINGS AND POTENTIAL **LEGISLATIVE ACTION ITEMS

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

D.1 Issue: FRAUGHTON PROPERTY REZONE
Location: 10353 S. Temple Drive
File No: PLZBA201900607
Applicant: David Mann

City Planner Greg Schindler reviewed the background information on this item from the staff report. He said the Fraughton's have lived on the property over 46 years. We found a letter in our files that the previous property owner applied to rezone the property to an RM zone back in 1973. In 1973 the city did not have a zoning ordinance so it was the County ordinance we were using. No one was sure what the RM Zoning meant. Mr. Fraughton believed that at the time the RM stood for Rural Mixed. We adopted a zoning back in 1978 that was RM which for the City meant Residential – Multiple. At some point Salt Lake County assessed taxes on properties based on their zoning. The City would have assessed it as

multiple family residential. Since that time, the Fraughton's have been paying property taxes that probably, in their minds, exceeded what they should have paid and that the property was valued too high. They came to the City to get our help in remedying that. The best we could come up with is to rezone the property to A-1 Zone. The City, on behalf of the current property owners, created an application seeking approval to rezone the property. Staff engaged in discussions with the property owners, Edward and Ann Fraughton, about the existing R-M zone that covers the majority of the Property. Since that zone no longer exists and the Property owner has no plans to sell or develop the Property, the City began the process to change the zone to reflect the current use. The current proposal to change the zone to A-1 Zone will ensure that any future plans for this property will require review by Staff and approval by the City Council, allow the Fraughton's to continue using the property as they have done for many years, and could have a positive affect for the Fraughton's of how the Salt Lake County Assessor values the Property.

Ed Fraughton (property owner & applicant) asked if everyone received a copy of his letter (Attachment B). When we moved to South Jordan there were about 2,000 residents and it was almost all agricultural. The City was just in the process of figuring out a Master Plan and zoning ordinances. Then they created the Planning Commission. I served on the Planning Commission for about two years after we came. The seller wanted to sell his property and there were two proposals for the property. One was a tire recapping factory and the other was for a cabinet shop. When they saw my work they said what we are looking for is the perfect buffer between agricultural and residential or a business that would come to South Jordan for future. There were no stop lights and you used to have to drive over the railroad tracks from Sandy, down 106th South and came out on 1300 West and turn right, go two blocks then turn left on 104th South. The Mayor said you don't qualify for A-5 because you have to have a minimum of 5 acres. The only zoning we could think of was RM which was to mean Rural Mixed in South Jordan. It was not codified or recorded in the county archive records. That morphed into the County's definition of Residential Multiple. Our taxes started increasing due to that. From 1973 to 1976 we were paying \$180 per year in taxes. Property values were about \$2000 per acre in South Jordan. That went from \$180 to over \$14,000 dollars. We filed an appeal and it went to the Utah Supreme Court who wouldn't hear it because they required documentation. There is no documentation. The taxes are so exorbitant. All I ask for is one thing. That is when we go back to the County is you simply make a zoning change and my fear is that Kevin Jacobs will put a time stamp on it and say from this day forward it is A-1. We want to be able to claim overpayments for the past to see if we can be reimbursed for some of the overage we have paid. We want to live there until we die and have no desire to develop. Any help you can give us in going back and redoing what should have been done in the first place. A-1 apparently still fits the use that we have for the property.

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

Commissioner Hollist asked if we are allowed to change the zoning retroactively. City Planner Schindler said no.

Chairman Jolley said we will make the recommendation to City Council and maybe they could add some language that may influence the County in their evaluation of the property.

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

Commissioner Hollist said based on the staff report and other information presented at the Planning Commission during the public hearing, and the Planning Commission's discussion, I move that the Planning Commission forward a recommendation to the City Council to approve the proposed rezone from A-5 and R-M to A-1 on the Ed Fraughton property. Commissioner Peirce

seconded the motion. Roll Call Vote was 4-0. Commissioners Holbrook, Ellis, and Morrissey were absent.

VIII. OTHER BUSINESS

None

ADJOURNMENT

Commissioner Hollist motioned to adjourn the November 26, 2019 Planning Commission meeting. Commissioner Peirce seconded the motion. Vote was unanimous in favor. Commissioners Holbrook, Ellis, and Morrissey were absent.

The November 26, 2019 Planning Commission Meeting adjourned at 9:30 p.m.

Meeting minutes were prepared by City Recorder Anna West.

This is a true and correct copy of the November 26, 2019 Planning Commission minutes, which were approved on December 10, 2019.

Anna M. West
South Jordan City Recorder



November 26, 2019

PLANNING COMMISSION MEETING SIGN IN SHEET

PRINT NAME

ADDRESS

Michele Crump Hart	4379 Mille Lacs Dr
Rene Hart - Crump	" "
Wish Tessa Maldonado	4738 W. SJ Pkwy.
Dave + Keri Elshay	10459 Lake Ave
Mary & Dennis Drofer	5027 W. Dock St.
Mark Hanson	4532 W South Jordan Pkwy
Teresa & Gary Barlow	10473 S. Oquirrh Lk Rd
KARL NOTES	10346 S. Cherrango Lane
DAVID BASSETT	4527 W SoJo Pkwy
Shawn Larson	10592 Harvest Pointe Dr.
Jill and John Penman	10877 S Lake Island Dr
JO & ANN FRACCHIONI	10353 So. TEMPLE DR.
Robert Hays	Perge

Edward J. Fraughton
10353 South 1300 Temple Dr
South Jordan, UT 84095
ed@edfraughton.com
Cell: 801 699-5556



November 26, 2019

Mayor Ramsey,

Members of the South Jordan Planning Commission & City Council
1600 W Towne Center Drive
South Jordan, Utah 84095

Dear Mayor Ramsey, Members of the Planning Commission and City Council:

Ann and I appreciate your time and urgent attention. Hopefully, you have all been advised of our family's never-ending nightmare over our property taxes. We are hoping these two formal hearings will **finally bring this matter to a complete and satisfactory close.**

Once a final decision is made, it is **extremely important that the City address the matter properly with the Utah State Tax Commission, the Salt Lake County Assessor and Treasurer's office.**

~~We say that because in reality we have never asked for, nor are we now asking for a zoning change.~~
Rather, the purpose of this action is to correct a **serious inadvertent clerical error** that occurred over time with respect to the City's modification of its original RM (Rural Mix) zone to RM (Residential Multiple), (which most likely occurred sometime between 1973 and 1987). To resolve this issue, the **City Planning Department and City Attorney recommend the following:**

Part of our property still shows a A-5 Agricultural designation. This makes no sense because it is under the 5-acre limit and doesn't qualify. South Jordan's newer A-1 designation more accurately covers the land's actual use which has remained unchanged from the time of its purchase to the present (46-years).

We therefore agree to the City's recommended solution with the following stipulation: **The reason the change must be correctly stated to the taxing agencies as a clarification of an inadvertent clerical error** (or some other such wording) is: we wish to be reimbursed for all past tax overpayments collected in error. **Calling it a zoning change will likely start the clock at the zoning change date, thereby preventing us from receiving satisfaction.**

Being taxed as much as \$14,000 a year as a result of a simple clerical error has been extremely harmful and emotionally stressful. Thus far, we have paid the full purchase price of our property several times over. **Your action to correct this serious injustice will be deeply appreciated.**

With sincere thanks, best wishes and Happy Thanksgiving,

Edward J. and Ann Fraughton

