

**CITY OF SOUTH JORDAN
ELECTRONIC
PLANNING COMMISSION MEETING
COUNCIL CHAMBERS
June 28, 2022**

Present: Chair Michele Hollist, Commissioner Nathan Gedge, Commissioner Steven Catmull, Commissioner Trevor Darby, Assistant City Attorney Greg Simonsen, City Planner Greg Schindler, City Recorder Anna Crookston, Planner Ian Harris, Planner Damir Drozdek, Deputy City Engineer Jeremy Nielson, Senior IS Tech Phill Brown, IT Director Jon Day, GIS Coordinator Matt Jarman, Meeting Transcriptionist Diana Baun

Absent: Commissioner Laurel Bevans

Others: B.A. Wands, Nile Thacker, Gloria Thacker, Allen LeBaron, Rod Staten, Barbara Ashton, John Ashton, Sheron Fitch, Ralph Dabling, Clive Watson, Mary Jo Dabling, Lori Holford, Cheryl Call, Brian and Jennifer Boice, Roger and Bobbie Baird, Jenkins, Amber Powell, Brandon Powell, Tim & Vicki Wood, Angelina Wermel, Shaun Packard, Tyler Packard, Denai Packard, Jacob Barzee, Barbara Ann Warnick, Gary Monteer, Michelle Cameron

6:32 P.M.

REGULAR MEETING

A. WELCOME AND ROLL CALL – *Chair Michele Hollist*

Commission Chair Michele Hollist welcomed everyone to the Electronic Planning Commission Meeting. She excused Commissioner Bevans and noted that they have four member of the commission available to vote.

B. MOTION TO APPROVE AGENDA

Commissioner Gedge motioned to approve tonight’s agenda as printed and published. Chair Hollist seconded the motion; vote was unanimous in favor. Commissioner Bevans was absent from the vote.

C. APPROVAL OF THE MINUTES

C.1. June 14, 2022 Planning Commission Meeting Minutes

Chair Michele Hollist noted that the June 14, 2022 minutes did not have a “draft” watermark.

City Recorder Anna Crookston noted that we will make sure that is added to future minutes.

Commissioner Darby motioned to approve the June 14, 2022 Planning Commission Meeting Minutes with the correction as noted. Chair Hollist seconded the motion; vote was unanimous in favor. Commissioner Bevans was absent from the vote.

D. STAFF BUSINESS – *None*

E. COMMENTS FROM PLANNING COMMISSION MEMB NERS – *None*

Chair Michele Hollist attended the city council meeting last week, they had to table the ordinance amendment heard by the planning commission the week before. That will be reviewed at their next meeting and the mayor anticipates she will have a nominee for the planning commission to replace Mr. Peirce for the next meeting. The mayor also indicated that she would like to resume having a joint session with the planning commission once a year, with the date to be determined.

F. SUMMARY ACTION – *None*

G. ACTION – *None*

H. ADMINISTRATIVE PUBLIC HEARINGS

**H.1. THE DAWN AT DAYBREAK CONDOMINIUMS PLATS 1-3
PRELIMINARY CONDOMINIUM PLAT**

Address: 11281 S., 11309 S. and 11333 S. Lake Run Road

File No.: PLPP202200029

Applicant: Daybreak Communities

City Planner Greg Schindler reviewed background information from the Staff Report.

Chair Michele Hollist read the statement drafted by our Assistant City Attorney Greg Simonsen regarding Daybreak, to help the public understand what their role as the planning commission is and the limits/discretions they have as far as approving/denying project.

“Development agreements are a common development tool utilized by cities and developers to govern projects that are expensive and often long term. Development agreements allow all stakeholders in the project, including homeowners, to have an understanding of their obligations and what the project will look like when built out. In the City of South Jordan we have Daybreak, one of the largest planned communities in the country. Development of Daybreak would have been impossible without the master development agreement signed in 2003 by the city and the developer. The Master development agreement is recorded, and therefore an encumbrance on every square foot of the project. Any person purchasing property in Daybreak is made aware of the master

development agreement because it appears on the title report for each buyer. This document continues to govern development in Daybreak, up to the latest approvals. When any land use matter in Daybreak, or other project governed by a development agreement, comes before the planning commission or city council, the project must be evaluated not just according to applicable laws, but also according to the terms of the development agreement. This limits what these governing bodies can do, they must comply with the development agreement as well as the ordinances. Hence, if the developer desires, for example, to build a three story high density building across the street from single family homes, and it is permitted by the development agreement, the governing bodies do not have the ability to modify or deny the proposal unless both the city and the developer agree. Although development agreements limit discretion of the planning commission, public hearings assure compliance with the ordinances and development agreement, and inform the public about future development.”

Chair Hollist also noted that the commission received a few emails, one from Mr. Brian Boice (Attachment C) and one from Ms. Felicity Wightwick (Attachment B). Those emails have been reviewed by the planning commission and she has noted their questions which will be answered by staff after public comment. She invited the applicant, if present, to come forward and add any information.

Assistant City Attorney Greg Simonsen was confused on who the applicant is. The report says the applicant is Daybreak Communities, however he understood Planner Schindler to say something different. Before going too far, he needs to know who the applicant is exactly.

Planner Schindler said that in the submittal, it listed both the architect and Daybreak Communities, but in that case it was Perigee Consulting as the engineer for the project. He listed Daybreak Communities, as our City View System only recognizes Perigee Consulting as Daybreak Communities, even though that doesn't exist anymore.

Attorney Simonsen asked the applicant who he represents.

Rod Staten (Applicant – Weekly Homes) represents the owner of the land of the three proposed lots, David Weekly Homes (Weekly Homes).

Attorney Simonsen asked if Mr. Staten was saying that he is authorized to represent Daybreak Communities in this matter.

Mr. Staten said he does not represent Daybreak Communities, he represents Weekly Homes.

Attorney Simonsen wants to make sure that when they are setting aside time for the applicant to come up before the planning commission, that they truly have the applicant here. He is not trying to cause Mr. Staten problems, he is just not understanding the relationship.

Mr. Staten said it appears that when the application was filed by Perigee, as the engineer that prepared the documents, they also have done quite a bit of work for others including many plats in Daybreak. Perigee was hired by the architectural firm that Weekly Homes hired, to prepare

their documents for this. It appears that the form said Daybreak Homes and Perigee.

Attorney Simonsen asked to clarify that Weekly Homes has title to the property.

Mr. Staten responded yes.

Attorney Simonsen asked to have the record show that Weekly Homes is here, and that he assumes Mr. Staten is of one mind with the applicant and the application that has been submitted, and that he is here to advocate that same application.

Mr. Staten said that is correct.

Attorney Simonsen said that answers his questions sufficiently.

Chair Hollist asked if Mr. Simonsen felt they were on good legal footing to proceed.

Attorney Simonsen said yes, he believes they are.

Mr. Staten thanked the commission for reviewing and considering their application, they are grateful for the opportunity to be part of Daybreak. They have been building in Daybreak for many years, and look forward to continuing to do the same. They will certainly be listening to, and preparing to respond as able to, comments and questions.

Chair Hollist opened the hearing for public comments.

Brian Boice (Resident) said it would be wonderful if they were going to have a park there, or townhomes that were the same size as everything else. There probably isn't much they can do with the four stories, but what he would like to address is the entrance and exit of all those townhomes. They are not going to go out on to Lake Run Road, which is where everybody is going to want to go in order to get to Mountain View Corridor or 11400 S, or whatever road they are going to go on. All that traffic, over 100 cars a day, will be dumped on to Jonagold Drive into a retirement community. They have people in walkers, people on scooters, and they have golf carts occasionally, and it's just not that safe for them. It wouldn't be that hard to put an exit and an entrance on Lake Run Road. That will be the address of the buildings, that's where the entrance and exit should be, instead of the alleys that go in back of their townhouses.

Sheron Fitch (Resident) lives in Garden Park Village, which is a 55 and older senior community. When they purchased their home in 2018 to be built, they were shown the map of what would take in Garden Park. The little strip that Weekly Homes wants to build on now evidently was sold to them by Ivory Homes; she feels like Ivory Homes sold them out because she lives very close to where those condos will be built. They had understood when they bought it that it would be continuing to build townhouses back to back, like is already there in Garden Park; that was rather deceiving. The traffic going up Lake Run Road is horrendous now, that used to be the way they would most often come in and enter their community, but now it's dangerous because there are cars parked on both sides of Lake Run. The roads in Daybreak are made narrow on purpose so the traffic won't be going too fast; however, it's almost a one way

road many times during the day. With all these condos being built, and she would suspect that each condo would probably have two cars, this will just add to this problem. As Mr. Boice pointed out, it is going to be a danger for this senior community to have all of these cars exiting from their garages, which will face the back of the townhouses that are part of Garden Park, and they will all come out onto Jonagold which is a very narrow road. They are really quite unhappy with Weekly Homes that they wouldn't have enough consideration for a quiet senior community to plan something that's more fitting to be back to back with this quiet community. It's a quiet neighborhood, and now with hundreds more moving in, backing up right against them, it will no longer be what they paid a lot of money for, for a quiet senior community. They request that Weekly Homes reevaluate what they are doing and consider the hundreds of seniors that live in that area, in their last home before they end up at the cemetery; they hope Weekly Homes will have respect for them and change their plans. They do request that Weekly Homes eliminate the top layer too, so they don't feel like they are living in the middle of a city with high rise apartments around them.

Alan LeBaron (Resident) lives one house, but one away, from what will be the back of the development. He thinks there is something that the commission should take into consideration, and he wants to repeat, in effect, what has just been said, at least the first part. He noted that all of the stuff about Daybreak online or anywhere else talks about villages. Each village having its own vision and some guidelines within it that are formal, what's going to go on or what they think they're doing in that village; Garden Park is one of them, and the one just next to them would be South Station or whatever it's called. He just wants to suggest first that whatever has been formalized with how South Station Village operates, to make sure that this proposal lies inside of that village; he assumes they will be inside that village as they are not inside of Garden Park. It's kind of queer that they will be buttressing an area that has its certain vision, up against this other one that has just been described, that is supposed to be quiet. The roads were laid out deliberately to make it hard to get in to Garden Park; you can't hardly get in from the east, you can get in a little bit better from the west, and a little from the south. The roads are narrow, they have all kinds of restrictions to slow people down. They have all kinds of little rules about being quiet, and every other thing along that kind of a nature. He doesn't expect people that buy into condominiums to have that exact kind of vision about how their lives are going to be. He doesn't know where the children are supposed to play in these condominiums.

Chair Hollist informed Mr. LeBaron that he has used his three minutes, and allowed him 15 seconds to finish up.

Mr. LeBaron just wanted to say that it's difficult for the commission, but they need to take into account jamming one kind of a vision and allowing it to maybe physically overlap this other vision that was perfectly acceptable in its time and place.

Cheryl Call (Resident) lives in Garden Park Village and has three maps in her hand (Attachment F) that she studied very, very intently when she moved in. She moved in the Spring of 2018, and at that time from all the maps it showed that Garden Park Village, a 55+ community, reached to Lake Run Road. Now all of a sudden this last year they've been told that there is going to be condominiums and family dwellings. When she planned and chose her lot, she thought that she would have a two lot area before getting to Lake Run with people of her

same age, interests, and desire to have a quiet community; that has been changed drastically. She would like to encourage Weekly Homes to reconsider what they're building there as well. When she moved in, the fall afterwards and several months after, there was a playground put in by Daybreak that was less than a half a block away with fire pits that brought a lot of people, children running around the berms, all in front of her home. It is just changing the whole feeling of what she thought she was moving to. She taught school for 27 years, she loves children, but she moved here, like Sharon did, with this being her last home before she goes on the other side someday. It is just a totally different feeling than what she thought it would be; more noise, more things happening there than she ever imagined. These three maps (Attachment F) showed that Garden Park went clear to Lake Run, and that's why she bought her home and chose the lot that she did.

Commissioner Nathan Gedge asked Ms. Call who published/commissioned the three maps she brought.

Ms. Call replied they say "Daybreak," and she believes it was the Daybreak Community. She has three of them going back to 2016, and all of them show Garden Park going right to Lake Run Road.

Commissioner Gedge asked staff to confirm these were not city produced literature.

Planner Schindler replied that no, they are not.

Barbara Ann Warnick (Resident) was asked to also speak for the Abbotts, who live on Black Twig. He is incapacitated and she didn't feel she could leave him. They feel that they made good decisions with the information they had when they chose to move in to Garden Park at Daybreak. A 55+ place was how it was presented. There has been the lots right along Lake Run Road that haven't been developed in Garden Park yet for the seniors, or more homes or townhomes. Characteristically, if you haven't driven in that community, they are one or two story townhomes and she can testify that she wakes up during the night with speeding cars going down Lake Run Road. She hears every time the fire engine goes down, except at night they don't run their siren. She moved from North Carolina, after retirement, to be with family close by who live in the North Shore community. She is very happy with her home, she got exactly what she wanted with windows to the west. She has pictures, not every day, but since she moved in the middle of July 2019, where she has watched development of the apartments Phase 1, now they are doing the infrastructure for Phase 2 to bring it up to Black Twig. She has watched the townhouses right across the street that are three stories, and on the other side they put a street in with another builder doing condos and huge buildings over there. She moved to be in a quiet, 55+ neighborhood, and it is dangerous on Lake Run Road with parking from the apartments and sometimes the townhomes that exist have a visitor that parks there. For safety, she asks the commission to bring this to law enforcement and first responders, to change the parking. She hopes that Weekly Homes can understand their wishes; they want to welcome neighbors, but they want neighbors that are going to be compatible.

John Ashton (Resident) asked the council to take some time and drive around the Garden Park area. They would see that when it was developed, there was a buffer between the 55+ community

and the rest of the community. There is at least a major road, and in many places there are actually greenbelts that divide the 55+ community from the non-55+ community. That's what they really looked at when they made the decision to go to Garden Park. With this plan, suddenly the buffer between the 55+ community and the non-55+ community is a shared alleyway, and it just isn't going to work. The other thing for the commission's consideration, the drawings and plans really look beautiful, but what they really fail to address is what's on the other side of that shared alley. He has taken some pictures (Attachment E) that show the townhomes on the flip side of that shared alley don't match the architecture at all as to what's being planned by Weekly Homes. He really thinks the commission needs to consider, even though it may make all the dots and crosses all the T's, to what the guidelines are; those guidelines have changed since he moved in, and the commission really needs to give some consideration to the people that are already in this community.

Lori Holford (Resident) is about one house and a townhome from where the new condos are going to be built. She has been sitting here trying to come up with a way to convince the commission not to do this, but they stated at the very beginning the explanation behind the Daybreak Master Plan. That may have been on her title papers when she signed it, but nobody explained what that meant; that it meant they can give you all the marketing material you want, but they can change anything they want to once you've paid them all that money. She doesn't think anyone would even be here today from Garden Park if they would have just followed what they said they were going to do in all of their advertising to them. It may not have been a city map, but she hopes that the city would support its citizens when they are being conned and scammed, because they feel that way. Ever since she moved in, everything from telling her that there will be retention ponds across her house which is now a playground for little kids. She has grandchildren, she will walk to the playgrounds, she doesn't want them playing outside her house. She spent 60 years loving that, but she doesn't now. She moved to Garden Park because she wanted it to be a quiet neighborhood. She wants the commission to see where she is coming from, that when they say they want it to be what they were told, it's not like they're saying you can't build across the street. They are saying these condos are right in the backyard of these townhomes that are there, and why can't the developer just go back and build a 55+ condo unit, and then start the big, huge five story condos and townhomes across the street. She asked if there is an ombudsman that's available through South Jordan City to see what they have been conned into believing, that their Garden Park 55+ community was going to be a nice, quiet place to retire.

Nile Thacker (Resident) said he is not within the 300 feet of the three lots being proposed right now, but the next phase will be right in his backyard. He addressed Commissioner Gedge and said that he had asked if the maps were from Daybreak or the city, then Mr. Thacker asked what the master plan was from the city proposed for that area; has it changed?

Commissioner Gedge said that will be one of the questions they ask staff following citizen comments.

Mr. Thacker said he would really like to know. Regarding the three maps that were shown (Attachment F) from Daybreak, he is curious whether they would produce maps that were different from the master plan.

Ralph Dabling (Resident) shared a pictures of a map, and the parking situation with the commission (Attachment G). A number of years ago, the South Jordan City Council approved a portion of Daybreak to become a 55 year old community. The following is part of the advertisement that they all received:

“Garden Park at Daybreak is a luxurious 55+ community located in South Jordan, Utah, conveniently close to Salt Lake City. The community is part of the larger master planned Daybreak Community, providing residents with access to a number of amenities and activities within Daybreak. Residents of the Garden Park at Daybreak can enjoy facilities, amenities, and stay active with a number of outings and activities planned by the community.”

Mr. Dabling continued by noting that, as you can see, the residents of Garden Park were promised a 55+ year old community by the owners of Daybreak. They bought homes here with the expectations that they would be living in a community that was built to handle the needs and desires of those in retirement or close to it. Per the maps discussed, Garden Park had boundaries, they were all shown those boundaries, and they expected Garden Park to honor those boundaries. They had space between all other areas to act as buffers from noise and traffic. They were told that townhomes and small condo units would be built on this property under discussion, and that they would be for 55+ years and part of Garden Park. After 500 retirees have made the investment into their retirement homes, Daybreak informed them that they would be taking away part of Garden Park land and building condos for the general public instead of Garden Park residents. In fact, the units to be built will be using driveways that go through Garden Park. These new buildings will be the width of a driveway from Garden Park. They will no longer have a space between the retirees and those just starting out in life. The difference in age groups will cause many issues, those that are retired and going to bed at 9:00 p.m. are not much interested in having a community across the driveway that has a much busier lifestyle. It's not wrong, just noisier and busier. This is why they bought homes in the retirement area, so they could be in an area that had the same needs and desires of their neighborhood. They would ask Weekly Homes, who is a fantastic builder, that this become part of Garden Park, and that the residents that go in there, go under the rules and regulations of Garden Park.

Commissioner Gedge asked if there is a way to share the images from Attachment G and other members of the public, so that those in the chamber and on Zoom can see them.

Attorney Simonsen said he wants to make sure that anything projected and considered is part of the record. If the residents come up to speak and then take their images they discussed back to their seats, they will not be considered part of the record. Those images need to be extra copies that can be left with the recorder if they want them considered as part of the public record.

Ms. Call provided pictures to submit as part of the record (Attachment F).

Commissioner Trevor Darby noted that on Attachment G there is a typed statement that says “area under review,” and confirmed with Mr. Dabling that he did not add that text.

Mr. Ashton came back up and asked to project those images for everyone to see.

Commissioner Gedge motioned to invited Mr. Ashton back up and present his evidence discussed during his comments. Chair Hollist seconded the motion; vote was unanimous. Commissioner Bevans was absent from the vote.

Mr. Ashton projected his images and described what they are (Attachment E), those descriptions are included in the attachment.

The maps from Attachment F were projected for those in the chamber and on Zoom to see.

Chair Hollist asked if there were members of the public who still wished to comment, and some hands were raised, so she chose to continue with public comment, rather than closing it for the commission to discuss. She added that if member of the public had already spoken to the commission, and had additional questions, she directed them to speak with one of the city staffers while they project the maps.

Commissioner Gedge asked if it would be appropriate to invite the next public commenter up while the images are being projected for those who wish to view them.

Chair Hollist asked Commissioner Catmull if he could handle looking at the maps on Zoom while listening to public comment.

Commissioner Catmull said yes, but asked to see Lake Run on the map from Attachment F. Once that was shown, he noted that the map is stamped as “Daybreak Materials.”

Attorney Simonsen noted that a citizen had approached staff, and he is not sure that they should be having conversations off the record.

Commissioner Gedge said he will motion to allow those who already spoke a second chance if needed, after everyone else has had a chance to speak for the first time.

Tyler Packard (Resident) echoed what everybody prior to him has said, that there are some major concerns. He was definitely surprised to get the notification that they will be putting 63 units in this 1.5 acre space. He and his wife just recently moved in with their seven month old son and they are planning on staying there for the long haul with the way the market is going right now. They are concerned about preserving that community feel and that whatever goes in there maintains a similar feel to what exists on the opposite side of that development lot, which is exactly where they are; they are directly opposite from the photos that were just shown on Lake Run Road (Attachment E). What’s going to be developed will be directly in their front yard. He has two major concerns, one being that if you are driving north on Lake Run Road from Daybreak Parkway, you slowly get more and more of this parking lot. It becomes more and more of a parking lot on either side of the road, and then it is nearly a single lane road at that point. He has concerns about safety for children, elderly folks that are walking on the sidewalk, and just that the density of this new development relative to what’s currently existing there on the east and west side of this development does not match. They are talking about 63 units, compared to three story townhomes on the west side of Lake Run Road and two story townhomes and condos

in the Garden Park Senior Community. He doesn't think these four story condo units, despite what the math may say, matches the density, feel and style of the current existing neighborhood and community there.

Amber Powell (Resident) wanted to say that she actually lives in a pretty tall townhome, it's not one of the two story ones that you'd find in Garden Park, but that's because she doesn't live in Garden Park. She could understand how if you lived in Garden Park, you'd be pretty concerned with hearing there is a four story condo going up. From her view, this is part of Garden Park and she wanted to echo what everyone else was saying, that she also was told when she moved in three years ago that this area was part of Garden Park. This is right across the street from her and when she moved in they told her it was Garden Park. She also has a question about a space next to the development that was shown on the map included in the Staff Report, with some squares designed into it, and she wanted to know what that was supposed to be because that is directly across the street from her.

Jacob Barzee (Resident) noted that this is his first time attending one of these meetings since he was 14, so if he breaks rules please let him know. He is really happy to see the other community turn out here because he honestly expected he would be one of the few. He thinks they all made a great point, and he hopes to elucidate one thing in particular that he thinks all of them are seeking to say. There is no precedent in Daybreak for this kind of transition between housing. The transitions between housing are all pretty commonly from one story to two story to three story, from low density to medium density to higher density; he doesn't know what those officially mean within the city limit. He thinks that this planning clearly does not fit there, and he, like the other residents, was handed the same marketing materials which are available at the Daybreak offices to the public when you buy your house. He would assume that at this point it has changed, but also wouldn't be surprised if you go in and pick up the same map today. With that particular item called out, he would like to go over the sum total of what he's heard today because he thinks it's important. There are logistical problems with this development that he hasn't heard considered, and weren't documented in terms of the letter that they were sent; from parking, traffic, noise and especially pedestrian safety. He thinks there are communal issues that are important to consider, especially those who bought houses there under the precedent of it being a retirement community and developed further in that form. He thinks, that by Daybreak selling this land and not regulating the way it's developed like it has the others, it is being deceptive; it's clearly deceptive considering their marketing. Though he knows we aren't here to talk specifically about Daybreak, he thinks it's fine to let that fly under the radar. He thinks it's a little hard to recognize the fact that there may be no explicit rules against this at the city level, but from the way he sees it, the city, and particularly the commissioners, are here to protect the citizens. When he considers how he would like to see the citizens protected, including himself, he thinks it would be important that this development is at least some amount of a transition between the two neighborhoods, if not matching the neighborhoods it was proposed to be in at the beginning. He also encouraged Weekly Homes to do the same, he thinks it would be a great way to be a part of the community. Daybreak is a special place, and everyone that moved there recognized that and they looked for that. He really appreciates people who build things, and our communities do change over time. He thinks it is important to recognize that as those communities change, we want to do it with intention and care, to respect those who are already there.

Roger Baird (Resident) has a driveway that would be a shared driveway of one of the units. He thinks that everything previously said was really good, he is really happy with what has been said. The thing that really is going to be an issue, that the city needs to know about, is parking. The way the streets are developed, being narrow, and even now that only one side of Lake Run Road is developed, parking is already an issue. When the other side gets developed, parking is going to be a real issue in the whole South Station area. If you just walk through that area, like he walks through to the new library, you can see that parking is going to be an issue in that whole area. He wants it considered that is going to be an issue for that whole development.

Commissioner Gedge noted that he is making his motion to be accommodating to those who are in attendance, but this time should be for new information that has not already been presented this evening.

Commissioner Gedge motioned to extended public comment for those who have given previous testimony, for an additional one minute maximum. Chair Hollist seconded the motion; vote was unanimous in favor. Commissioner Bevans was absent from the vote.

Ms. Warnick went across the street with another neighbor, Linda, who wasn't able to be here tonight, and they went up the four story model home that Sego is building. There were some others that came in and they talked to the salesperson. She informed them that the architect from David Weekly Homes had come, specifically to look at their building and construction, to see what they were designing. When she drove around today, there are green spaces in Garden Park between homes, the townhomes, the condos and the clubhouse; they will not have that if they build on Lake Run Road these condominiums. They will not have the green space that could be developed and keep the character of Garden Park. She hopes they will look at one and two story options.

Chair Hollist closed the public comment portion of the hearing. She turned to staff and asked what control the city has over inlets and outlets, if UDOT is over Lake Run Road and would the city allow an egress there as an option.

Deputy City Engineer Jeremy Nielson said the city is in control of Lake Run Road. It has not been considered, but it was not on their site plan to put it on Lake Run Road. As staff reviewed it, it met our requirements to have access on the lanes, even with the projected traffic volumes. We have other lanes in Daybreak with similar numbers of units, so they didn't have concerns with them accessing through the lane.

Chair Hollist asked for the rating of Lake Run Road at this time.

Engineer Nielson responded it is a Level of Service A. It was last counted at the end of 2021, about six months ago, and it was about 1000 vehicles per day.

Chair Hollist asked to clarify that the level of service is strictly related to the number of trips, not how it's parked.

Engineer Nielson said yes, it's solely based on the traffic volume. Commissioner Gedge asked if there are any other properties on Lake Run Road that have an access to their property from Lake Run Road, or would that consideration be a first time precedence.

Engineer Nielson said that after a quick look at the aerial view, there is one access for the apartment buildings that are immediately north of Daybreak Parkway, on the east side of Lake Run. For the most part, besides that they are all either accessing through Duckhorn Drive or Rambutan.

Chair Hollist asked about the size of the roads, and if they meet city standards out in Daybreak.

Engineer Nielson said yes, they are typical residential street widths. Lake Run is a little bit wider at 32 feet of asphalt to accommodate parking on both sides of the street.

Chair Hollist asked for the rules regarding parking on city roads, do we have any ability to limit that parking.

Engineer Nielson said on street parking is allowed. In some areas with a safety concern, they might restrict it, but he is not aware of any restrictions in any of these areas right now. There are the typical "chokers" as you get closer to the intersection, where the curb comes in closer to the road and naturally prevents parking up near the intersection; that does a pretty good job of pushing the on-street parking back and away from the intersections. If there are safety concerns, that is always something they can look into and add parking restrictions if needed.

Chair Hollist asked who a citizen would contact at the city with those types of concerns.

Engineer Nielson said they would contact Engineering, which would be himself.

Commissioner Gedge asked if changes were made, he assumes those would be enforced by public safety.

Engineer Nielson said yes, anything like no parking signs would be a police enforcement action.

Commissioner Gedge asked if that would be allowed in the Daybreak area.

Engineer Nielson said yes, because the roads are owned and controlled by city.

Chair Hollist asked if the lanes are controlled and owned by the city.

Engineer Nielson said yes, most of them are. These lanes in particular are owned by the city. There is an exception to these parking discussions, the perpendicular parking that they are proposing adjacent to the lane would be private. The right of way line ends right at the edge of the lane and to the west of that there will be some perpendicular parking that will be private.

Chair Hollist noted that an email received (Attachment B) had concerns about sunlight and if

daylight studies had been done, and asked staff about those concerns.

Engineer Nielson responded that the city plows the lanes, but it is based on priority. The first priority is taking care of the collector streets, residential streets, and then lanes; the lanes are kind of a last priority. He lives adjacent to a lane, and it does get plowed but not as often as the residential streets. If it was as safety concern, that is certainly something they should notify Public Works about and they could bump up the priority on that specific area.

Chair Hollist asked staff about the maps that were shown and were obviously published by Daybreak. This is not the first time we have seen maps from Daybreak, and citizens that are frustrated by changes in what was presented. She noticed this has the always present note at the bottom indicating that things are subject to change. Is there any recourse with a document like that, she feels like this is not the first time we have had citizens come very frustrated, feeling they have been presented one thing and not have it be the reality.

Attorney Simonsen responded the residents aren't going to like his answer to this, and he noted he is the same age as the majority of the people here. There are some basic premises of the law that this commission can't change, that nobody can change. First, when we enter into real estate purchase contracts, they have to be in writing. There are some contracts we can enter into that can be verbally entered into, but real estate purchase contracts must be in writing; the reason for that is being borne out tonight, and in other places. This is because there has to be a record and it has to be binding. In the course of his career, he has looked at hundreds, perhaps thousands, of real estate purchase contracts in Daybreak; he obviously hasn't looked at the contracts of those here tonight, but he has seen a lot for various reasons and he has never seen one that says the surrounding property will be developed in a certain way. He has no doubt that they are honest people, and that they have been told things like that, but he has never seen it translate into the written contract that is binding on everybody. Also, every one that he has ever seen, again he hasn't seen the contracts of those here tonight, refers to the development agreement that Commissioner Hollist referred to at the beginning of this meeting. The residents may have actually received, in their purchase documents, a copy of that development agreement. He loves Garden Park and has been out there many times. It is a beautiful place, the homes are nice, it is clean; he is at the point in his life where he likes quiet as well. However, in some developments there are restrictive covenants added, where a landowner is bound by the covenants they enter into with their neighbors; things like only having senior housing on this mapped property. He does not see any restrictive covenants here for this property. Everyone is responsible for their own contracts, and residents can go look at their purchase contracts. If that contract does say something about this being senior housing, which would mean what the applicant is trying to do is against the contract, that would be an issue. The staff hasn't seen that, apparently the residents haven't seen that either or they would have presented it tonight. While he would like to see all of this property developed in a way that the residents were apparently told, he doesn't see any legal way of doing it. When Commissioner Hollist is trying to find some way to focus on whether this can legally be done, he looks at the Staff Report and it's saying things like "the proposal meets all city ordinances," "The proposal meets the development agreement that was signed" and recorded against every property in Daybreak. Unfortunately for the residents, and for the protection of the developer, the developers have the freedom to do this and he doesn't believe the planning commission is in a position to really be able to help them short of something in writing

that makes it illegal for what the developer is proposing. He noted that many of the comments have been requesting that the developer do something different, and the developer may voluntarily do something different if they want. The comment was made that the city is here to protect the citizens, and there is probably some truth to that, but it has to be done at a certain time. Unfortunately, these covenants and this land development plan were probably made long before the residents here purchased their homes. He suspects that if he, or any competent attorney, looked through their contracts they would find that there is reference made in there to that development agreement and to the zoning. It's unfortunate for him to offer an opinion that he knows hurts the residents, he doesn't like doing that, especially to people of his own generation, but that's the way it is.

Chair Hollist noted that the maps and literature referred to Garden Park as a 55+ community, and it did clearly mark what they considered to be Garden Village. She will ask the developer if this is being removed from Garden Village and becoming its own village, because it obviously doesn't meet the 55+ requirement. That also may fall under the whole "this is subject to change," but it was obviously advertised as such.

Attorney Simonsen responded that's the most disturbing part of this, if it's true. He doesn't know if it's true because he hasn't looked at the documents, but to have something shown on a map and then change it is troubling. Again, unless it's in a contract, or the development agreement is in violation of the ordinances, he doesn't see recourse. Maybe they would be advised to talk to their own attorneys about it to see if there is something there, but he doesn't see anything before him tonight.

Commissioner Catmull asked about CC&Rs, and if those are considered to be a civil matter, or registered against the individual properties.

Attorney Simonsen said those are a civil matter between property owners, the city doesn't get involved in enforcement of CC&Rs. However, if something came before the city in this setting and it said it was against the CC&Rs, it would be something that he thinks the city would admonish the developer or property owners about.

Commissioner Catmull asked if Daybreak villages are legally defined boundaries that are recorded.

Chair Hollist said that in the Staff Report it noted that this area was zoned a certain way, and that zoning in the master development allows for up to 50 units per acre.

Planner Schindler said that's correct. The subdivision plat for the Garden Park area has several plats, they were listed as Village 4A plat 9 or another number. The three lots being discussed today have been recorded as Village 4A, plat 9, first amendment; they were amended a few years ago to create these three lots plus another one further north. Otherwise, there are village boundaries, but they are only bound by which plats have the same village name in them. There is a plat called Village 11A that has eight lots, but there is nothing recorded on a map that shows that is the entire village.

Commissioner Catmull is just wondering if these lots are officially part of Garden Park, and he thinks they can ask that when they bring the developer back up.

Planner Schindler is pretty sure this project will not be a part of Garden Park and their HOA, as they are not age restricted.

Chair Hollist noted that Mr. Dabbling talked about City Council approving this as a 55+ development, and asked if this would have come before City Council.

Planner Schindler said no, the only thing the city council would have reviewed was the development agreement in 2003. All subdivision plats come to the planning commission. Many times the commission is referred to as the council, so that could have been the reason for the wording.

Chair Hollist asked if the planning commission specifically authorizes 55+ communities.

Planner Schindler said the council may see it outside of Daybreak, because they have higher density that requires a development agreement.

Chair Hollist asked about the square pattern next to the development.

Planner Schindler said that each of those little squares is a unit, in a 21 unit three story condominium building that was approved and has been recorded with Salt Lake County several years ago; they just haven't built it yet. This is not being done by David Weekly, the applicant at that time was Ivory Homes.

Chair Hollist asked for an explanation regarding the state laws that impacted development like this, because of its location and proximity to mass transit.

Planner Schindler said these weren't due to state codes, the parking requirements here were from the design guidelines and part of the development agreement. This has been in the agreement since 2003, and sometimes that can change based on reviewing design guidelines, but the original was 1.5 spaces per unit, and then within a quarter mile of the light rail station that can be reduced to one space per unit.

Commissioner Darby noted that this project would only technically have to have 63 parking spots since they are within a quarter mile. However, they are providing 1.8 spaces per unit. The residents are correct, there will probably be parking on the street for their visitors. However, part of Daybreak's design is to have lots of on street parking to slow down traffic and when it comes to safety of pedestrians it's probably safer there than it is in a lot of our residential neighborhoods.

Engineer Nielson said they recently created a four way stop at Rambutan to try and improve pedestrian safety.

Chair Hollist asked for comments from staff on transitions between land uses in Daybreak, and

asked if the city has any say over that.

Planner Schindler said no, nothing was put into the development agreement to give us any authority over that. The only thing would be the community structure plan that shows what areas are village, town, research and development or industrial. This map shown may not have been intended by the original developers to have this density on this end, but on the community structure plan it does show that the line where the Town Center goes continues quite a way into the Garden Park area, and goes all the way over on the other side of Mountain View.

Chair Hollist asked if these will be owned or rented.

Planner Schindler thinks that as condominiums they will be owner occupied, otherwise they would just be apartments.

Attorney Simonsen noted that one of the residents had asked about an ombudsmen, and responded that no, the city does not have one. The state does has a property rights ombudsman, and that office is there to help citizens who feel they are being wronged in municipalities and counties in the State of Utah.

Chair Hollist asked the applicant if these three properties will be a part of the Garden Village.

Mr. Staten responded that these will not be a part of the 55+ association.

Chair Hollist asked if there are any other locations in Daybreak where lanes are shared between different communities.

Mr. Staten said he can't speak to that as he has not developed all of Daybreak. He did note that directly behind his single family home in Daybreak there is an alley, and directly behind him are three story townhomes.

Chair Hollist said that Daybreak often claims high architectural standards and consistency; they have a lot of control over what colors buildings can be among other things so they are pleasing aesthetics. She asked the applicant to address the concerns residents have brought up regarding the differences in architectural styles.

Mr. Staten said he can't speak to the differences, or as to why Daybreak approves one thing over another, as he is not Daybreak. They are required to get approval from them before anything is done, and they have met extensively with the Daybreak architectural team. They have given them significant comments over the past year as they have been working together on this. Architectural styles, colors, access and every aspect of the way the buildings look has followed Daybreak's direction; the buildings look the way they were directed to look. There have been artistic abilities for Weekly Homes, so there is some variety, but they and their architectural team have responded and complied to their requirements.

Chair Hollist asked Mr. Staten to describe some of the changes that were made during that process.

Mr. Staten said that at one time they considered doing smaller buildings with the same number of units, they seriously considered having different access points rather than using the alley as the only access point for the parking garages. They also looked at the roof structure and different types of roofs. They had a color consultant who worked with Daybreak to choose the colors and color schemes. They discussed the accessibility access, the way the buildings function so there is ADA compliance. They worked through the way the balconies and porches looked. Daybreak told them they had too much parking, however Weekly Homes disagreed and felt it was valuable and important to have the higher parking count.

Chair Hollist asked why Weekly Homes felt this was the right location for this particular development.

Mr. Staten said they were approached a couple of years ago by Daybreak, asking if they wanted to build condos. Daybreak told them this spot was intended for that, and that they would like Weekly Homes to consider that. They were also following the recommendation of the architectural team and the Daybreak Team, that this was what was intended. In Daybreak as a builder you don't have much control, you do what the architectural team tells you to do.

Chair Hollist asked if these will be owned or rented units.

Mr. Staten responded that these will be sold to individual owners, what they do with them will be left to their discretion and compliance with the HOA guidelines.

Chair Hollist asked if he knew what those HOA guidelines were.

Mr. Staten said he only has second hand knowledge of the HOA guidelines, and he doesn't speak for Daybreak or the HOA. It is his understanding that the way these guidelines are written today, after you've lived in your home for a year you can buy another property in Daybreak and then rent the property.

Chair Hollist asked if staff could confirm that statement.

Planner Schindler said that is what they have been told in the past, that you have to live there one year in Daybreak before you can buy another property; however, you can only buy one more property.

Commissioner Gedge noted that from previous trainings, information like this would be inadmissible since it is basically hearsay.

Mr. Staten said he feels the same way, that this is only what he has heard, he does not have first hand knowledge of the rules.

Commissioner Catmull asked if this development is part of any village or district.

Mr. Staten said he is not part of Daybreak so doesn't know the lines.

Planner Schindler doesn't believe this is being listed as part of any particular village, it just happens to be on lots recorded as Village 4A Plat 9 first amendment. It could be considered a part of Village 4A, but so would the rest of Garden Park, it just won't be part of Garden Park.

Mr. Staten added in response to everyone's comments that he is empathetic, and he hears public comment. They also solicited public comment previously by sending out an invitation to an open house meeting with a few people attending that. Someone in the audience said they did not receive that invitation and Mr. Staten responded that they have documentation of those letters that were sent within a 300 foot radius. Some people attended and some people sent emails or called him, and those calls were returned. They tried to respond and tried to solicit public comment, and if some did not hear that he apologizes for that. They are operating under good faith that they invested more than \$2 million in the past couple years to purchase this property and get to this point, under the good faith that this was not a part of Garden Park. They went through the title reports, through everything they had; under the direction of Daybreak specifically, this was not part of Garden Park or the restrictions, and in fact they could build what Daybreak was instructing them to build there. They were given assurance that what they were proposing and planning to build was appropriate and approvable; it was certainly not intended to devalue or create a problem for anybody.

Commissioner Gedge noted that earlier this evening, Chair Hollist mentioned that the city council is open to having a joint meeting. A potential agenda item might be to get Daybreak Communities or LHM there to discuss these issues and be more aligned, discuss concerns the commission has heard with several projects in the past. His feelings on this motion are that city ordinances are met, the development agreement from 2003 is what is being enforced, so the commission's hands are tied. He wishes there was something they could do, but he can't see a pathway anywhere to change things.

Commissioner Darby noted that when an issue like this comes before the commission he always struggles just a little bit. Clearly there are enough people here who have heard the same thing, and that disappoints him that someone along the way was dishonest. He doesn't know who that was, whether it's an individual agent, a company, or potentially someone larger; however, he doesn't want to make any accusations because he wasn't a party to the conversations. As Commissioner Gedge just said, unfortunately this project meets all criteria set forth in the law, and as the planning commission they are typically required to follow the law. He also doesn't see any alternative. If he were them, he would contact the State Ombudsman and have some conversations with the people the residents interacted with, whether a real estate company or construction company, and keep written records of those conversations. It seems problematic that this many people heard the same thing, and what was presented was clearly not accurate.

Commissioner Catmull echoes similar thoughts. His mom lived in Garden Park until recently, so he has a pretty good feel for the community and the nice place it is to live. It does appear to be, from all the evidence seen and reviewed, that this is able to be built and that's the prerogative of the owner and developer. As a commission they always encourage and are happy when there is conflict and affected entities can get together and resolve those differences. It is tough when so much is in writing, as Mr. Simonsen talked about, and when you go to a closing you could spend

an hour or two reading all the documents there. Most people aren't familiar with the terminology and that does make it difficult, and he's really sad to hear that. He did find some Garden Park CC&R documents that appeared to be official that talk about the individual make up of that, and they were recorded at the Salt Lake County; they explain what defines the village, but from what he can tell it is not part of the village but is part of something else. He would love to know what that something else was, and that is a question he would like to ask Daybreak; what is this entity to the west of Garden Park is called, and what restrictions exist there. Outside of that, he doesn't see any evidence presented today that prevents this application from being approved.

Chair Hollist added that she thinks 55+ communities as a standard have certain expectations that come from them, and she doesn't feel that Daybreak has operated in a way that is meeting the expectations that you should expect from a community like that; that is incredibly disappointing. The parking situation comes up every time they see a Daybreak application. It is not her cup of tea, but at least the former owners explained that is part of their safety, that it is intentionally parked this way so people drive slower. They are very proud of the fact that before LHM ownership they had never had a pedestrian fatality in Daybreak. When they meet with City Council, they need to engage with Daybreak and let them know that we would like their marketing to their citizens to not be disingenuous. Sadly, this is not the first time the planning commission has had a group of people this size come and express very similar concerns, and unfortunately as was mentioned before there is nothing the commission can do. They are required by law, if the ordinances and development agreement has been met, to approve the project.

Commissioner Gedge motioned to approve File No. PLPP202200029, Preliminary Condominium Plat, subject to the following: All South Jordan ordinances and the 2003 master development agreement have been satisfied. Chair Hollist seconded the motion; Roll Call Vote was 4-0, unanimous in favor. Commissioner Bevans was absent from the vote.

H.2. CAMERON DETACHED GARAGE CONDITIONAL USE PERMIT

Address: 11164 S. Anna Cir.

File No.: PLCUP202200124

Applicant: Gary Monteer, Clic Homes

Planner Damir Drozdek reviewed background information from the Staff Report.

Chair Michele Hollist asked about the height of the primary structure on this lot.

Planner Drozdek said it is 18 feet tall with the ridge.

Chair Hollist referred back to the aerial view from the Staff Report, and asked where the structure will be located.

Planner Drozdek said it will be located at the southwest corner of the property. There is an existing shed, and it looks like that shed will be replaced by the detached garage.

Chair Hollist asked if it meets the setbacks for the height requested.

Planner Drozdek said yes.

Chair Hollist noticed a bathroom in the drawings and asked if there is any ordinance governing that as they are not claiming that this will have any living space.

Planner Drozdek said yes, it will not be a living space. As presented it is not a living space. For this to be an ADU, by city code it would need a bathroom, kitchen and sleeping quarters. This only has space for storage and a bathroom.

Chair Hollist said the windows have her concerned. She asked if they were to put in living space in the future, would it meet the ADU standards.

Planner Drozdek said this would require some extensive remodeling to make it an ADU.

Gary Monteer (Applicant) said the intended use of this is storage. The windows are up high for that reason, just to bring in natural light. There is no shower in the building, only a lavatory for convenience.

Chair Hollist opened the hearing for public comment.

Michelle Cameron (Resident) is the owner of the property and just wanted to confirm this is only for storage. The bathroom is just in there to be convenient. They love South Jordan and have been residents for their lifetime.

Chair Hollist closed the public hearing.

Commissioner Nathan Gedge thinks this is a good fit for the area.

Commissioner Steve Catmull drove around there today and looked at the adjoining properties, there are a lot of detached garages that he found. Many of them seemed to have trees in front of them, making them hard to spot. Eighteen feet is pretty big, but absent any concerns about the residents around it, it feels very compatible with the area.

Commissioner Darby motioned to approve File No. PLCUP202200124, Conditional Use Permit. Chair Hollist seconded the motion; Roll Call vote was 4-0, unanimous in favor. Commissioner Bevans was absent from the vote.

H.3. WOOD DETACHED GARAGE CONDITIONAL USE PERMIT

Address: 9447 S. 2500 W.

File No.: PLCUP202200128

Applicant: Tim Wood

Planner Damir Drozdek reviewed background information from the Staff Report. He noted that

an encroachment permit was approved for the second access after the staff report was completed. He referenced an email from a neighbor (Attachment A) that was in support of this permit.

Chair Hollist asked Planner Drozdek to show her on the map which property the email sent in support of this structure was from.

Planner Drozdek said he would try to pull it up, but he was unable to at the time of the question.

Commissioner Trevor Darby said the applicant in the audience was indicating the property was the one just to the east.

Chair Hollist said the commission did receive the email from Mr. Mitra (Attachment A) that Planner Drozdek referenced, citing they had no objections. She then invited the applicant up to speak.

Tim Wood (Applicant) said this structure will be used for personal use, storage, hobbies, just to keep some of his junk out of sight.

Chair Hollist asked about his intention for the living space.

Mr. Wood said his parents live out of town, so it will be for when they are in town to visit. They do not intend to rent it out, they do not want strangers in there; it is for family to use when they come into town, not as a permanent residence.

Chair Hollist asked staff to confirm that an ADU has been applied for and received.

Planner Drozdek responded yes.

Chair Hollist opened the hearing for public comment. There were no comments and the hearing was closed.

Commissioner Gedge motioned to approve File No. PLCUP202200128, Conditional Use Permit. Chair Hollist seconded the motion; Roll Call vote was 4-0, unanimous in favor. Commissioner Bevans was absent from the vote.

I. LEGISLATIVE PUBLIC HEARINGS

I.1. 2555 W 11400 S REZONE FROM A-5 TO R-2.5

Address: 2555 W 11400 S

File No.: PLZBA202200064

Applicant: Austin Bowthorpe

Planner Ian Harris reviewed background information from the Staff Report.

Chair Michele Hollist asked how the fire truck would access everything else down that very long private lane if a turnaround is not required.

Deputy City Engineer Jeremy Nielson said it doesn't have a formal turnaround, but it is a private lane that has probably existed for some time and constructed without those requirements. It does look like the firetruck would be able to get in, and there are options for turning around that he is sure they would figure out should the need arise.

Commissioner Nathan Gedge said this is close to the intersection of 2700 W and 11400 S, and asked about access to the property because of the proximity to the intersection and possible raised median.

Engineer Nielson said it looks to him like it's full access, as the raised median ends at Jackson Downs Way, which is the road immediately to the west.

Chair Hollist opened the hearing for public comment. There were no comments and the hearing was closed.

Commissioner Gedge said he is not sure how many similar future properties remain with the limited emergency access, and he understands the concerns with having to potentially stretch a firehose down a private lane and wondering if there would be adequate emergency response. It may not be an issue with this particular property, but this may set a precedence for future rezone opportunities so he wants to note that as a potential concern moving forward.

Chair Hollist noted that this is considered a flag lot, but then asked if it's possible to do anything deeper than that, like a two or three deep flag lot.

City Planner Greg Schindler said this property could have two flag lots instead of just the one, but to get three flag lots they would have to meet the underlying zone. This applicant is applying for the R-2.5 zone, which would only allow them to have two lots with that density. He asked if they will have to put a fire hydrant in on this property, as he remembers this being discussed and it being brought up that they are too far away from the closest existing fire hydrant which is across 11400 S.

Engineer Nielson said it looks like the infrastructure analysis does say a fire hydrant will be required on site, per city standards.

Commissioner Trevor Darby asked if they won't see that until they propose the building, as they are not seeing it on the rezone.

Planner Schindler said the commission won't see the proposed building because it's a residential lot.

Commissioner Gedge asked if they could include that in the motion for the council to consider, to make sure it is included before construction.

Planner Harris said that he believes when they intend to subdivide the lot the commission will see a subdivision plat.

Planner Schindler confirmed that and said that they will see this again as a subdivision plat, and it should be on there.

Planner Harris said he would make a note to address the fire hydrant with the applicant.

Commissioner Darby motioned to forward a recommendation of approval for File No. PLZBA202200064, Rezone from A-5 to R2.5. Chair Hollist seconded the motion. Roll Call vote was 4-0, unanimous in favor. Commissioner Bevans was absent from the vote.

J. OTHER BUSINESS

Chair Michele Hollist asked staff to make the city council aware of their wishes and intentions regarding Daybreak, as well as brainstorm any solutions staff might have for how the commission can better encourage communication with our citizens.

Commissioner Nathan Gedge suggested pulling the maps from tonight to show them what residents have, and possibly recommend that Daybreak update them.

Commissioner Trevor Darby said that to him, the biggest struggle seems to be the marketing division typically. Unfortunately, sometimes the agents get fast and loose; they see an image and take it as documented truth, as opposed to saying all areas are subject to change.

Chair Hollist noted they do have fine print that says that, but what was seen tonight was clearly meant to create a vision. She added that she will be missing the first meeting in July.

Commissioner Gedge asked staff if they know what the agenda looks like for that first meeting in July.

City Planner Greg Schindler said he hasn't checked it, but he doesn't think there are any Daybreak items on it. He thought there might be one, but they submitted their corrections to the wrong application so it was sent back to them.

Commissioner Gedge asked if the joint meeting will count towards their annual education requirement.

Assistant City Attorney Greg Simonsen nodded his head in agreement, it should count towards those hours.

ADJOURNMENT

Commissioner Gedge motioned to adjourn the June 28, 2022 Planning Commission meeting. Chair Hollist seconded the motion; vote was unanimous in favor. Commissioner Bevans was absent from the vote.

The June 28, 2022 Planning Commission Meeting adjourned at 8:51 p.m.

Meeting minutes were prepared by Deputy Recorder Cindy Valdez

This is a true and correct copy of the June 28, 2022 Planning Commission minutes, which were approved on August 9, 2022.

**Cindy Valdez
Deputy Recorder**

From: [Damir Drozdek](#)
To: [Anna Crookston](#); [Cindy Valdez](#)
Cc: [PLANNING COMMISSION](#)
Subject: FW: Tim Wood's Conditional Use Permit
Date: Wednesday, June 22, 2022 8:25:31 AM

Regarding the upcoming PC meeting on the 28th.

Thanks,

Damir Drozdek, AICP | Planner III | City of South Jordan

1600 W. Towne Center Drive | South Jordan, UT 84095

O: 801.253.5203 Ext. 1290 | C: 801.946.4377



From: Subhasish Mitra <subhasishgmitra@hotmail.com>
Sent: Monday, June 20, 2022 12:58 PM
To: Damir Drozdek <DDrozdek@sjc.utah.gov>
Cc: v.tim.wood@gmail.com
Subject: RE: Tim Wood's Conditional Use Permit

Hello Damir Drozdek,

I'm Subhasish Mitra residing at 2433 W 9435 S, South Jordan and in receipt of a letter in regards to Tim Wood's Conditional Use Permit.

I would not be able to attend the in person meeting with South Jordan Planning Commission and neither would be able to attend the zoom meeting scheduled for June 28, 2022.

Please consider my this email as my approval of consent.

TO WHOMSOEVER IT MAY CONCERN

I, Subhasish Mitra property owner at 2433 W 9435 S have no objection to Tim Wood's Conditional Use Permit to build the new detached garage being taller than the main dwelling.

Regards,
Subhasish Mitra
subhasishgmitra@hotmail.com

I have also included Tim Wood in CC to this email for his reference.

Please feel free to reach out to me for additional information or query.

Regards,
Subhasish

From: [Greg Schindler](#)
To: [Michelle Hallis](#); [Nathan Geddes](#); [Trevor Darby](#); [Steven Catmull](#); [Laurel Bevans](#)
Cc: [Anna Cookston](#); [Cindy Valdez](#); [Steven Schaefermeyer](#); [Gregory Simonsen](#)
Subject: FW: 11281, 11309, 11333 South Lake Run development
Date: Monday, June 27, 2022 11:00:36 AM

Planning Commissioners,

See below email from concerned resident regarding the Dawn at Daybreak Condo project that will be on the 6/28/22 PC agenda. I hope to provide a response to her tomorrow regarding her questions.

Anna and Cindy,

Please add this letter to the minutes of the meeting

Thanks

Greg Schindler, AICP | City Planner | City of South Jordan
1600 W. Towne Center Drive | South Jordan, UT 84095
Office: 801.254.3742 | Direct: 801.253.5203 ext 1291



From: F W <felicitywightwick@gmail.com>
Sent: Sunday, June 26, 2022 5:31 PM
To: Greg Schindler <GSchindler@sjc.utah.gov>
Subject: 11281, 11309, 11333 South Lake Run development

Hi Greg

I have questions and comments about the proposed development.

Comments

The date listed to return comments is March 2021 on this letter. That is clearly incorrect so I am emailing regardless.

1. Most residents abutting these developments have not received this letter.
2. Originally purchasers of the Garden Park townhomes were shown plans indicating one and two storey townhomes were going to be built on Lake Run behind their townhomes. For this development that would be approximately 16 townhomes. Instead 63!!! condos are now planned. That could result in up to 80 more vehicles than might have been expected. While I understand the developers want to maximize their profits, this should not be at any cost. The City of South Jordan has a duty to consider the amenity of existing residents and the intended village design of Garden Park.
3. The proposed condos are solid blocks of 4-storey buildings rather than one and two story townhomes. All sunlight from the west will be completely blocked by having such immense buildings. This will impact the ice levels in Winter in the lanes and yards at the rear of the townhomes presenting a significant increase in potential hazards for the over 55 owners of the existing townhomes. In addition, the small courtyards next to, and behind the townhomes may no longer get sunlight at any time of year.

Questions

1. What is the traffic management plan to accompany this proposal including number of vehicles, traffic noise, pollution levels (dust and emissions) and parking?
2. What reduction in sunlight on the lanes and townhomes do daylight studies indicate?
3. Will you put the needs of existing residents above the chase for more money and keep Garden Park to its original intended village feel?

The City of South Jordan has a duty and moral responsibility to consider the previous expectations, requirements and reasonable needs of existing residents over and above the desires of developers to maximize profit and squeeze in as many residences as possible. Therefore I ask that you reject this development and ensure that only appropriate one and two storey townhomes are built.

I hope my trust in you to do the right thing is not misplaced.

Yours sincerely
Felicity Wightwick

Dawn R. Ramsey, *Mayor*
Patrick Harris, *Council Member*
Bradley G. Marlor, *Council Member*
Donald J. Shelton, *Council Member*
Tamara Zander, *Council Member*
Jason T. McGuire, *Council Member*


SOUTH JORDAN
UT

PH: 801.446-HELP @South

NOTICE OF PUBLIC HEARING

June 16, 2022

Weekley Homes has filed an application for preliminary subdivision The Dawn Condominiums Plat 1-3. The applicant is requesting the South Jordan Planning Commission review and approve the three condominium plats totaling 1.557 acres and containing 63 condominium units. The proposed developments are located at 11281, 11309 and 11333 South Lake Run Road.

You are receiving this notice because Salt Lake County records indicate that you own property within 300 feet of the proposed development or your agency may be affected by the proposal.

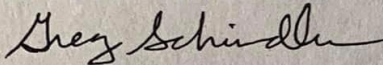
The South Jordan Planning Commission will hold a public hearing in-person and electronically concerning this application at **6:30 p.m. on Tuesday, June 28, 2022** in the South Jordan City Council Chambers (1600 W Towne Center Drive, South Jordan, UT 84095). If you desire to electronically attend the meeting, please visit <https://www.sjc.utah.gov/planning-commission/> for further instructions. Ability to connect and comment is dependent on an individual's internet connection, not the City.

To assure your comments are reviewed and included in the record, written comments may be submitted in advance of the meeting by emailing Greg Schindler at gschindler@sjc.utah.gov, by 3:00 p.m. on March 9, 2021. Any email attachments cannot exceed 10 Mb in size.

Please call the South Jordan Planning Department during regular business hours at 801-446-4357 or email City staff at the address above for additional information about this proposed development.

Sincerely,

CITY OF SOUTH JORDAN



Greg Schindler, AICP
City Planner

From: [Greg Schindler](#)
To: [Michele Hollist](#); [Nathan Gedge](#); [Trevor Darby](#); [Steven Catmull](#); [Laurel Bevans](#)
Cc: [Anna Crookston](#); [Cindy Valdez](#)
Subject: FW: Dawn Condominiums
Date: Monday, June 27, 2022 11:06:43 AM

Planning Commissioners,

Another comment regarding the Dawn at Daybreak. See below

Anna, Cindy,

Please add this to the meeting minutes.

Greg Schindler, AICP | City Planner | City of South Jordan
1600 W. Towne Center Drive | South Jordan, UT 84095
Office: 801.254.3742 | Direct: 801.253.5203 ext 1291

-----Original Message-----

From: Brian <brianboice@sbcglobal.net>
Sent: Monday, June 27, 2022 10:46 AM
To: Greg Schindler <GSchindler@sjc.utah.gov>
Subject: Dawn Condominiums

I believe for safety's sake, the entrance and exits for the new condominiums should be on Lake Run and not pouring into a retirement community on Jonagold drive.

Please address this decision.

Brian Boice
11318 South Jonagold Dr
South Jordan Utah

Sent from my iPad

From: [Damir Drozdek](#)
To: [PLANNING COMMISSION](#); [Anna Crookston](#)
Cc: [Cindy Valdez](#)
Subject: FW: Conditional use Permit
Date: Wednesday, June 29, 2022 8:08:35 AM

Received this email during the PC meeting last night. I didn't have access to my email at the time. It is regarding the Cameron detached garage CUP.

Thanks,

Damir Drozdek, AICP | Planner III | City of South Jordan

1600 W. Towne Center Drive | South Jordan, UT 84095

O: 801.254.3742 | C: 801.946.4377



From: Aleta Taylor <aletataylor@gmail.com>
Sent: Tuesday, June 28, 2022 7:25 PM
To: Damir Drozdek <DDrozdek@sjc.utah.gov>
Subject: Conditional use Permit

Damir and planning commission,

We received notice of the detached Garage approval for the Home owned by the Edward Cameron family. We do not believe this will have a negative impact on the neighbors. However, we are not the closest home to this project. The existing home to the south is considerably taller than the proposed garage. We are confident that the five feet in question will in no way decrease the value, or impede the esthetic value, of the surrounding properties, but it will allow a great family to get the full use of their property.

Thank you for your consideration,

Aleta and Sherman Taylor
11131 S. Anna Circle,
South Jordan

From: [Anna Crookston](#)
To: [Diana Baun](#)
Cc: [Cindy Valdez](#)
Subject: Fwd: City of South Jordan - Planning Commission Meeting Photos
Date: Tuesday, June 28, 2022 9:54:38 PM

Here are the descriptions to go with the photos from Mr. Ashton.

Sent from my iPhone

Begin forwarded message:

From: John Ashton <jdar1200gs@gmail.com>
Date: June 28, 2022 at 9:30:34 PM MDT
To: Anna Crookston <acrookston@sjc.utah.gov>
Subject: Re: City of South Jordan - Planning Commission Meeting Photos

Thanks for the email.

IMG_1215, IMG_1217, IMG_1218, IMG_1219, and IMG_1221 are all various views from Lake Run, showing the back of the townhomes on Jonagold. They also show what would be the shared lane/alley for the proposed condominiums.

IMG_1228 shows two of the townhomes on Jonagold. The condominiums would be behind these.

IMG_1229 shows the Jonagold townhomes looking south from just north of Rambuton.

IMG_1230 shows Jonagold townhomes just north of Black Twig. It also shows 4 story condominiums on the west side of Lake Run.

IMG_1231 shows Jonagold townhomes looking south, taken from just north of Black Twig.

Thank you for your help.

John

Sent from my iPad

On Jun 28, 2022, at 7:21 PM, Anna Crookston
<acrookston@sjc.utah.gov> wrote:

Hello Mr. Ashton,

Here is my email address to be able to send your description of photos from public comment.

Thank you,
Anna

Anna Crookston | City Recorder | City of South Jordan

1600 W. Towne Center Drive | South Jordan, UT 84095

O: 801.253.5203 Ext. 1404 | F: 801.254.3393









Lake Run Rd 5085 W
Rambutan Way 1000 S

Garden Park at Daybreak Overview

A number of years ago South Jordan City council approved a portion of Daybreak to become a 55 and older area called Garden Park. The following is part of the advertisement that brought residents to Garden Park:

Garden Park at Daybreak is a luxurious 55+ community located in South Jordan, Utah, conveniently close to Salt Lake City. The community is part of the larger master-planned Daybreak community, providing residents with access to a number of amenities and activities within Daybreak. Residents at Garden Park at Daybreak can enjoy modernized facilities, amenities to stay active, and a number of outings and activities planned by the community. The scenic beauty and seasonal climate of Central Utah also add to this community's endless appeal.

As you can see from above, the residents of Garden Park were promised a 55 and older community by the owners of Daybreak. We bought homes here with the expectation that we would be living in a community that was built to handle the needs and desires of those that are in retirement or close to it. As you can see by the map that was given to us when we bought our homes, Garden Park had boundaries that we expected Daybreak to honor. We had space between all other areas to act as buffers from noise and traffic. We were told that townhomes and small condo units would be built on the property under discussion and that they would be for 55 and older and part of Garden Park. After 500 retirees had made the investment into their retirement homes, Daybreak informed us that they would be taking away part of the Garden Park land and building condos for the general public instead of Garden Park residents. In fact the units to be built would use the driveways that go through Garden Park. These new buildings will be the width of a driveway away from Garden Park. We no longer will have a space between retirees and those just starting out in life. The difference in age groups will cause many issues. Those that are retired and going to bed at 9:00 PM are not much interested in having a community across the driveway that has a much busier lifestyle. Not wrong, just noisier and busier. That is why we bought homes in a retirement area. So we would be in an area that had the same needs and desires as our neighbors.



As far as parking goes you can see from the pictures, Lake Run is already full from the condos across the street. There is no room for additional street parking for these buildings if owners have multiple cars.













