

SOUTH JORDAN CITY
CITY COUNCIL MEETING

May 17, 2022

Present: Council Member Tamara Zander, Council Member Brad Marlor, Council Member Don Shelton, Council Member Jason McGuire, Council Member Patrick Harris, City Manager Gary Whatcott, Assistant City Manager Dustin Lewis, City Attorney Ryan Loose, Strategic Services Director Don Tingey, CFO Sunil Naidu, Administrative Services Director Melinda Nagai-Seager, City Recorder Anna Crookston, Director of Public Works Jason Rasmussen, City Engineer Brad Klavano, Planning Director Steven Schaefermeyer, Fire Chief Chris Dawson, Director of Recreation Janell Payne, IT Director Jon Day, Senior IS Tech Phill Brown, GIS Coordinator Matt Jarman, Meeting Transcriptionist Diana Baun, Communications Manager Rachael Van Cleave, Police Lieutenant Rob Hansen

Absent: Mayor Dawn Ramsey

Others: Sean McCarty, Mark Nelson, Brooke Shaver, Tricia, Shannon Ellsworth, Jill Lash, Tina Falk, Tiffany's iPhone, Emma Shaver, Brad Lash, Catherine, Taylor Cook, Heidi, Mindi's iPhone, Douglas' iPhone, Arpit, Kristi Jackson, Safeudien, Brianne J., John Edvik, John Byer, Jeff Seaman, Jamie Culbertson, Luanne Jensen, Eliot Steimle, Robert Hilsinger, Janae Hanson, Jeff Mathers, Wayne Hummer, Elliott Scales, Cheryl Staley, Jeff Seaman, Jason Butterfield, Scott Howell

6:45 P.M.
REGULAR MEETING

A. Welcome, Roll Call, and Introduction to Electronic Meeting - By Mayor Pro Tempore Brad Marlor

Mayor Pro Tempore Marlor welcomed everyone and introduced the electronic meeting. He excused Mayor Ramsey who left to spend time with her family.

B. Invocation – By Director of City Commerce Brian Preece

Director Preece offered the invocation.

C. Pledge of Allegiance – By Council Member Brad Marlor

Council Member Marlor led the audience in the Pledge of Allegiance.

D. Minute Approval

D.1. May 3, 2022 City Council Study Meeting

D.2. May 3, 2022 City Council Meeting

Council Member McGuire motioned to approve the May 3, 2022 City Council Study Meeting minutes and the May 3, 2022 City Council Meeting minutes as printed. Council Member Harris seconded the motion; vote was unanimous in favor.

E. Mayor and Council Reports

Council Member Jason McGuire attended the groundbreaking for the Gold Star Families Memorial Monument, along with fellow council members; he is grateful we are having that monument put in to our city. He typically would have an Arts Council meeting, but they have decided to move those to the last Thursday of the month.

Council Member Tamara Zander also attended the groundbreaking for the Gold Star Memorial and wanted to share her gratitude for all who worked on this. She knows our mayor was integral to this, but it was also great to have Jenny Taylor there as she is a powerful speaker with lots of passion to support those who are working in the military; it was a privilege to sit and listen to her in person. She is grateful our city decided to make this a priority. For those who are new to this, you can visit our city Facebook Page and there is a link to donate to help pay for this monument. It is a large granite structure that will be in front of our Public Safety Building, a great location in front of the Police/Fire building to honor those service families who have lost loved ones. We have had the Jordan River Trail Commission here to speak in the past, and she wanted to share that she has spent the last few days on the Jordan River Trails and they are doing such a remarkable job keeping those maintained and nice.

Council Member Patrick Harris also attended the Gold Star Monument groundbreaking, and it is wonderful to be able to have that in our city. He attended the Bentley Dealership Grand Re-opening, and all the executives from Bentley were there; he is glad to have them in our city, it is a beautiful facility. He visited the Roseman University dental clinic which just opened and is designed to serve those who can't afford dental care. The students, along with their faculty leaders, will perform dental services with state of the art equipment. It is good that we have something like that in our city for those who need dental work done and might not be able to afford it otherwise.

Council Member Don Shelton shared that he attended an art fair, quite by accident, and asked for more details about it.

Council Member McGuire responded it's called Art on the Town, and was held on the first Saturday of the month.

Council Member Shelton didn't know about the show, and there were some really interesting vendors with live music and he wonders if there isn't a way to promote it a little more broadly.

Director of Recreation Janell Payne said it was the second time hosting it, the first one was last year and it was promoted on social media and in the Recreation Newsletter.

Council Member Shelton said it was fun. He showed up because his youngest son talked him into taking him out to lunch, and ended up being right near the show where they could see the fun things going on while they ate. He attended the Unified Golf Event at Glenmoor Golf Course and there were a bunch of great people there, a lot of special needs folks; they were promoting golf and it was part of the First Lady's initiative. He was appreciative of their partnership with Mr. Young and Glenmoor Golf Course, it was a fun event. He attended the Association of Municipal Councils and learned about a lot of the plans the county has for parks and recreation, the county library, and so forth. He also attended the Gold Star Family event and he was glad they could all be there. There was a Western Growth Coalition meeting yesterday, and he appreciated our City Attorney Ryan Loose being there, along with Emily Fitton who is the new staff member helping him with that.

Mayor Pro Tempore Brad Marlor also attended the Gold Star groundbreaking ceremony on Saturday. For him, it was an emotional and inspiring opportunity. There were residents from South Jordan who had lost loved ones, and that's really what the monument is about, to acknowledge those individuals and their families, along with the service they provided to this country. There was a small city project in his cul-de-sac, close to his house, that took place over the last week or so and he wanted to mention to the crew and staff involved what a great job they did. He texted the Director of Public Works Jason Rasmussen and City Manager Gary Whatcott afterwards and said that he hopes all of the residents in South Jordan have the same kind of experience and exposure that he has had to this project right in front of his own home; the crew were very respectful and did a wonderful job.

F. Public Comment

Mayor Pro Tempore Marlor opened the Public Comments portion of the meeting.

Eliot Steimle (Resident) is the general manager for the Food Truck League here in Utah, they work with Daybreak quite a bit and their Food Truck Thursdays. As there has been so much growth to the west of Mountain View Corridor, they have been working with them to find a spot to provide food trucks for them. They have them at Ron Wood Park in West Jordan, and there is very positive feedback from the community about it. He has talked with City Attorney Ryan Loose about getting permission to park the trucks along Highland Park; however, that is street parking which the code prohibits right now without permission from the city. They have an empty lot across from the park that they have tried, but with street parking, kids running back and forth to the trucks from the park it is a safety nightmare. They don't want to do that, they would much rather work with South Jordan City and get the food trucks parked along Kitty Hawk Road; they would be serving on the west side of the street, facing west towards the park. If there was another area along the park that was a better fit for the city, they would be happy to work with them to do that. The farthest west they have is at Grandville Station, by the health clinic, but all the community to the west is a food desert until they can get developed and they would love to work with the city on that code, or whatever the process is for getting permission.

Director of Commerce Brian Preece said that he and Attorney Loose are meeting on this tomorrow, they have taken the direction from the council.

Mayor Pro Tempore Marlbor responded that the council has recently spoken about this subject, the needs and circumstances.

Luann Jensen (Resident) invited the council and mayor to the Memorial Day program at 11:30 a.m.; the VFW asked them to change the time from previous years as they kept falling behind. Mike Anderson came today and waxed/torched the statue, it looks beautiful, and they are ready to go. There are about 418 veterans buried in our cemetery and they will get the flags up next Thursday, Friday and Saturday on each grave. The mayor is supposed to talk and everyone is welcome to attend.

Council Member McGuire asked if that will start at the funeral home, as it has in the past.

Ms. Jensen said no, it will start at the cemetery. Jenkins Soffe will help with water and a few other things, and she has been working with Cemetery Sexton Kyle Bowen so they will be ready to go.

Jeff Mathers (Resident) wanted to bring up that at the intersection of Sage Creek Road and South Jordan Parkway, there are cars parked in the bike lane on the southwest side of the street. When they are pulling out of their neighborhood, they can't see what's coming because there is a curve and there are cars parked there. You have to practically pull out into the oncoming lane just to see what's coming, and he would like the council to consider putting no parking in that bicycle lane, or at least moving it back around 100 yards so they can see what's coming.

Robert Hilsinger (Resident) noted that another thing about the intersection just mentioned at 10400 South and Sage Creek is that there is a streetlight that is almost always out in the middle of the night, and that corner is very dark.

Mayor Pro Tempore Marlbor asked if it was on during the day.

Mr. Hilsinger said no, but it is never on at night; at least he can't tell if it's on during the day. At night it is rarely on, if at all.

John Byer (Resident) said that in reference to what was mentioned earlier before about the traffic on 10400 South pulling out on 3850 West, he called this morning and talked to Deputy City Engineer Jeremy Nielson in regards to this ongoing problem. The problem is that they are parking vehicles on the street there, and if you are going to turn, you have to do it at your own risk and pull out into the road so you can see. This morning there was a truck parked there with a huge trailer attached to it, you couldn't see left or right. Last week a vehicle in front of him waited there for three to four minutes because they were afraid to pull out. She finally did pull out and she almost collided with a car coming west. He called back in February about this same problem, and Engineer Nielson said he is looking into it; they will send him an email with their findings as they are going to revisit that problem. It's no longer there, but there was also a huge sign for the construction right in front of where nobody should be parking and they couldn't see around the sign. The light mentioned by Mr. Hilsinger, he has been calling in on that for the last two years. The last time he called he was told that it would not be repaired or replaced until they got all of the construction done on that side of the road. It is dark if that light is not on, and he is

not sure what the current situation is with it. The traffic problem has got to be addressed, the sign in his opinion should be moved back another 200-300 feet, or stop people from parking there all together because it's just hindering traffic and a matter of time before there is an accident.

Elliot Scales (Resident) his place faces the Welby Jacobs canal and it sounds like there is an apartment that is going to be built in that open lot. He doesn't know how big or the actual definition of a multi-family residential plan development, but it's probably more than a few people. That road is super narrow next to the playground, and this is going to be built 16-18 paces away depending on your stride. There are always kids and there isn't even a dividing line painted on the road. He is an auto claims adjuster for a local insurance company, so he talks to people about auto accidents all the time; no one keeps an eye out, no one is accountable for the most part. They say they are going 10 miles per hour, but they are probably going 30 miles per hour. It is aggravating and he knows everyone has to deal with it on an ongoing basis, watching out for folks who probably claim they do look out, but they don't. As a thought exercise, there are about 18 people seated here and he asked everyone to picture all 18 leaving the parking lot going northbound towards South Jordan Parkway, that's about how narrow the road is. If everyone is trying to get out at the same time it is totally bottlenecking and you have all these extra cars on the road. Everyone is eager to get home, or where they are going, and it makes him nervous to think there will be an influx of people who are probably renting. He just bought a house with his wife about a year and a half ago in South Jordan, and it's the first time they've owned; he treats the place differently because he owns it, as do most people versus when they're renting. If it's north of four to six tenants, or however many people moving into this area, there will probably be a lot of cars that will end up having to funnel through the parking lot there where the daycare is, the VASA, and then with the highway access being right there people are eager to get to the highway. There is a south entrance down the road, so you can go that way, but even then the next stop sign is around a curve where there are usually cars parked; it is just a nightmare to add more cars to that area. What's done is probably done, but it is something to think about when other things are being built. It has an impact on everyone's premium here in the room. If you live in West Valley or Taylorsville you are probably paying a higher premium because those zip codes have a lot of bad drivers, and that's the nature of it. South Jordan seems pretty safe, he doesn't know what the premiums are for South Jordan households in that zip code.

Wayne Hummer (Resident) agrees with everything everyone is saying. He believes it's Harvest Point Drive where it comes in behind Neilsen's, and from the last guy's comments, that playground out there has people coming from other jurisdictions all around and parking from Neilsen's all the way down. Those people take up partially one side of that road already, which is a big deal. The other thing he would say, with regards to putting new stuff up, that area was slated for a sit down restaurant at one point being commercial, and that's what they were told when they moved in back in 2007. Now to hear that it could possibly be apartments there, he thinks that is a big safety issue with people parking along that road. There would probably be kids going back and forth across that road from the apartments and he agrees with what everyone before him has said.

The Public Comment portion of the meeting was closed.

G. Action Item

G.1. Resolution R2022-27, Appointing members to the Senior Advisory Committee (*By Director of Recreation Janell Payne*).

Director of Recreation Janell Payne noted that at the last study session the council spoke with Cheryl Staley regarding her application for the Senior Advisory Committee.

Council Member Shelton motioned to approve Resolution R2022-27, appointing Cheryl Staley to the Senior Advisory Committee. Council Member McGuire seconded the motion; vote was unanimous in favor.

H. Land Use Items

H.1. Presentation on Resolution R2022-03, Resolution R2022-04, and Zoning Ordinance 2022-01-Z all related to Harvest Point West proposed development (*By Director of Planning Steven Schaefermeyer and Peterson Development*).

Director of Planning Steven Schaefermeyer noted that there have been some recent changes from the applicant, and he will leave it to the applicant to explain what their current proposal is. This is an application from May 28, 2020, it was a proposal to change the land use to allow residential and that is on the agenda tonight as well as changing the zoning for this parcel to residential multi-family planned development. The planned development provides some flexibility and also requires a development agreement, which is the third thing on the agenda that will be before the council tonight. The planning commission held its first public hearing on May 11, 2021, and based on what the applicant was providing they decided to table the application to give the applicant and staff an opportunity to sit down again and look at the project. They then approached the planning commission during a second public hearing on October 26, 2021; the planning commission forwarded a 5-0 recommendation to not approve the application. The planning commission does not approve zone changes, they are simply a recommending body, and that recommendation is something that the council can choose to follow, or not to follow, it is not binding. After the planning commission meeting, the developer provided staff a development agreement. Once staff had their proposal for what would go into that development agreement, they prepared the application for the February 1, 2022 public hearing before the city council. The applicant chose to pull that from the agenda and meet with City Council during a study session, which is a meeting that happens before this general City Council meeting. No decisions were made during that meeting, and no revisions to their proposal were made during that meeting. The public hearing tonight is to consider their application. Staff didn't receive anything until Wednesday of last week and at that point they had finalized the memo and attached the staff report from the February 1 meeting because that was the information they had. Soon after they finalized that memo and attached the staff report, they did receive a presentation with a couple of the options and changes to the project from the developer. They were able to include those in the packet so members of the public have had access to that and that has been in the public domain since the end of last week.

Jeff Seaman (Applicant) Barrett Peterson wishes he was here, but was unable to attend. It has been since May of 2020, so they are coming up on two years with this and it has been a

process. Overall, with the cooperation and collaboration with the public, staff and the council, they have made a number of revisions to the project that they think are outstanding. He reviewed his prepared presentation (Attachment A) which is pretty much the same thing that was shown in the work session. On the screen from his presentation was Harvest Point West, the tax parcel, and they propose to have 28 for sale townhome units on there. This originally was an Albertson's Grocery Store, Peterson Development developed the land and sold this parcel together with another parcel that was going to be a fuel center for Albertson's; Albertson's closed shop and moved out in 2009. Had they stayed there, the pad they are talking about today would have been a junior anchor tenant that would be vibrant and they wouldn't be in this situation dealing with this property right now. On September 15, 2020 they had a work session meeting, and they shared two different proposals initially. They proposed six office condos and 30 townhome units, and then a different proposal of a 39 unit large condo building. It was interesting to get the feedback on that, after which was that there was a lack of street presence along Harvest Point Drive. They heard from council, staff and neighbors to turn the townhomes to face east and west with north/south alleys, address or get rid of the paseo between the townhomes and the current residents as there was a big concern about privacy, address the landscape and open space, parking and lack of parking, traffic, density and land use. Their revision took and addressed each one of those concerns, with the exception that they didn't abandon the project, which is what the community wanted, but they felt they were entitled. They had been marketing this property for many years, there is not a lot of commercial uses that can go in there. Part of the reason is the location, it's set back from 10400 South and retail doesn't like that, they want the street presence. Also, they had suggestions for office or other uses that don't require such a street presence. They are not able to do that because there is a development agreement with the owners of VASA, they will only allow certain uses there and office is not one of them. They do allow, and have given Peterson preliminary approval, to go ahead with townhome use there. For them, this would be 28 units that can go to VASA, as well as the Dominos, Roxberry and Code Ninjas which they own as well. These are three bedroom units, 2100 square feet, two car garages and two car driveways. City code requires on multi-family lots 2.5 parking stalls per unit, and off the bat each has four private spaces for their use, together with 29 parking stalls throughout. This is adequately parked, which avoids some of the problems that have happened in other nearby developments. Furthermore, there is overflow parking space that is part of this tax parcel that could be used by these residents or their guests. They matched the setbacks from the existing neighborhoods at 25 feet from the back of their house to the fence line, and these do the same; they also matched the height requirements. He showed again the renderings in Attachment A, including a 1000 foot view of how this would fit in with the existing neighborhood, transitioning from the single family homes to the more commercial. He also showed pictures of the elevations, a modern, clean look that would aesthetically add to the community. In the rear they are alley loaded, that's where the garages are. In comparing elevations between the single family homes that are already built, he showed plans from the city showing the maximum height was not to exceed 35 feet. The typical home along that road is 28 feet 10 inches, the roofline elevation in their project is 29 feet 7 inches with the architectural amenity that is bumped up to 33 feet 9 inches. He showed the typical floor plan with garages and a living space on the main floor, the second floor would have an open kitchen and living/dining rooms, and the bedrooms are up on the third floor. These will have three bedrooms with 2.5 baths. He showed an aerial of the setbacks, along with their site plan zoomed in so you can see the 25 foot setback is consistent

with the neighborhood. As part of this they understand landscaping is a big part of privacy. One of the ways they addressed the privacy for the neighbors, as it's understandable that no one wants a building looking down in their backyard, was that any of the units that are adjacent to that property line will have elevated windows that allow sunlight to come in, but don't allow the residents to peek out and look down into backyards. Together as part of this development they commit to installing a flashing crosswalk from the corner of their property to the park, this will slow down traffic and provide safety for the kids who would be attending the park. When you compare 28 townhomes versus general retail, those townhomes would generate 73 traffic trips per day; this comes from the Institute of Transportation Engineers. Regarding the density issues, an article from May 5, 2022 in the Deseret News has a headline reading "we are our worst enemy when it comes to solving the housing crisis." In that article, the expert says the biggest obstacle to more housing is us. We keep having kids, but when obtainable and affordable housing is proposed in our neighborhood we scream and shout, and that mentality is robbing our kids of a stable financial future. Furthermore, the Kim Gardner Institute up at the University of Utah did a study that showed in Salt Lake County, high density housing does not affect the values of the single family homes surrounding it. Looking at the density issue, if we were to look at other projects that the city has approved, just taking into account their townhome area, Bingham Point versus Rushton Meadows is 11.34 versus 15.43, but they get away with it because they have more space and are able to spread out that density with single family homes. If you compare Harvest Point West, and you are only looking at the buildable area which is 2.5 acres, it comes out to be about 11.2 units to the acre; however, if you compare the whole tax parcel, which is what is done in other subdivisions, it brings that number down to 8.86 which is fairly close to what has been approved before. Staff has recommended that the developer do something to address the parking at that park, the neighbors have seen it and know about it. Option 1 says that with approval of 28 market rate units, Peterson will contract and pay for Items 1, 2 and 4 on the city's infrastructure wish list. Item #1 on the list is widening the road for street parking, which would create a number of parking places that are off the road and he thinks they are looking at about eight stalls. Item #2 would stripe the center median from the park, all the way to South Jordan Parkway. Item #4 would be removing that waterway, and from what he has been told that waterway creates a dip so traffic coming in and out of that intersection slow down to manage that. Removing that waterway would allow a more level surface so cars can get in and out easier. For those wondering why they aren't helping with Items #3 and 5, Item #3 updated traffic direction detection is something Engineer Nielson indicated the city could get a grant for, and then #5 regarding the modifying and striping of South Jordan Parkway had some other components that wouldn't necessarily affect their project. Option 2 would be 27 market rate units and one workforce housing unit; Peterson would provide one workforce housing unit on its dime. This means that Peterson would provide to the first responders and community teachers, police officers, city employees a unit below cost; not only would they not be making a profit, but they would be losing money to provide this housing for those mentioned. They would also pick up the tab and commit up to \$100,000 for participating in the on street parking to alleviate the parking at the park. Mr. Peterson also wanted him to introduce another option tonight, which would be 26 market rate units with two workforce housing units. They envision these units selling between \$525,000 and \$550,000 as that is pretty typical for what is listed on the MLS right now for 2100 square foot townhome units in South Jordan. With the affordable housing component of that, these affordable units would be selling between \$350,000 and

\$375,000; Peterson would pick up the cost of that. They want to step up, they want this project and this allows the city to see the economics of what the developer would be contributing and helping out with the city. There is a lot of different input on this, some of the council and staff want more infrastructure, some want more affordable housing, and after the public comment period they would be happy to discuss anything else if there is an alternative that is presented to marry those two; they are willing to chip in an amount similar to what they have described here to make that happen. This has been a long process, the collaboration between all of the stakeholders has definitely helped this project become a lot better. South Jordan is definitely a place that people want to live and this parcel sadly has had a tough time under a commercial designation.

H.2. Public Hearing Resolution R2022-04.

Attorney Loose noted that we will have the two public hearings, then the council will vote on the development agreement first so the applicant is locked into what they've promised before getting the land use and zoning.

Mayor Pro Tempore Marlbor opened the comment portion of the public hearing.

Jeff Mathers (Resident) is opposed to the zoning change and development of that property into multi-family. He was also opposed to that change in the last two meetings, and he will continue to be opposed to that change for as long as it takes. He doesn't feel that the project offers any benefit to our community. He thinks it's a big benefit to Peterson, but not to the citizens and taxpayers of South Jordan. That was community and commercial zoning, and we seem to be losing more and more community space to developers, and he is desperately trying to hang on to something that was originally designated for the community and should remain for the community in his opinion. He wasn't sure how his neighbors felt about this whole issue, so he took it upon himself to find out and he put together a rudimentary petition (Attachment B). Last Sunday he started knocking on doors with his petition and talked to people between 3:00 and 5:00 p.m.; he visited 30 residents in two hours, and they were just homes on his street because he didn't have a lot of time. There are 255 houses in that community, he interviewed 30, so it's less than 10% sample but it was on one street and on that street it was 90% against this project. Of the 30 visited, 28 people were opposed to the zoning change and signed the petition, two were indifferent, and one of those two was a renter. For those who weren't home or didn't answer their door he left a flyer on the door which included a copy of the public notice and map he received in the mail, plus he encouraged them to attend this meeting. If they were unable to attend he encouraged them to respond to Planner David Mann on Monday, no later than 5:00 p.m. He gave the petition (Attachment B) to the City Recorder and read the statement from the petition that was submitted, he then indicated that he had more to say.

Mayor Pro Tempore Marlbor responded that he had already passed his three minutes and asked him to condense any further comments as much as possible.

Mr. Mathers understands Peterson's position, he knows it's a valuable property, and besides the purchase price he knows there is additional property taxes, insurance and maintenance

with no ROI. It is zoned community and commercial, and when he talked to these people he asked them what they think about something being built there. They responded that they weren't opposed to Peterson developing the lot, that's not the problem. They want to keep the existing zoning as community and commercial. He asked them what they'd like to see built there. They responded a sit down restaurant like Red Lobster, Olive Garden, or even an ACE Hardware, laundromat, dry cleaners or a pharmacy. The most popular response was, and Peterson won't like it, a picnic area; turn it into a dog park with a parking lot for people going to the playground with their kids, so they can park there instead of on the street and make all that street parking not allowed. They just want Peterson to be a partner, build something beneficial to both their company and their community. With so many members of this community having attended multiple planning meetings on this very subject over many months, and years, and having voiced their objections each and every time, it should by now be painfully obvious to everyone in this room, especially to Peterson Development and this planning commission, that they, the taxpayer residents of South Jordan do not want a residential subdivision being built on this lot, not now, not ever.

Robert Hilsinger (Resident) has property that faces this empty lot, and he agrees that something needs to be done with it. One thing that has not been addressed, that he sees every single day, that daycare right there has cars lined up along that lot to pick up their kids. This is another issue, if the proposal is going to have their traffic exit into that area where the cars line up; it is going to create more problems for parents trying to pick up their kids from that daycare as well. The increase in kids in these residences will mean more kids at that park, and that will create more hazards of someone getting run over. He sees people driving down that road and accidents of people pulling out of that shopping center area from traffic coming down from the residential area to the south. He just thinks having more residential is going to create more problems than it solves.

Wayne Hummer (Resident) agrees with everybody who has spoken. He thinks putting multi-family residential in the area, since they have had major problems with traffic already, adding more parking and making the road a bit wider so they can put more cars down the street is the wrong thing. He doesn't think anyone here would be against having a sit down restaurant there or something like that, it's not a constant thing like you will have with multi-family dwellings and all these people around. There would also be more people crossing the street as well, he just thinks it's a big safety issue and it's going to cause a lot more of the parking problems around there. On 10400 South right now, as was said, people are parking out there because both neighborhoods have restrictions and you can't park on the street. If you have guests, they have to park out there. A lot of people now are trying to use the exit in his neighborhood on 4000 West but you can't get out of there either because traffic is all the way backed up on 10400 South and they are backed up on 4000 West too and you can't get out either way. He thinks it will cause a much bigger problem if they put multi-family residential in there.

Elliott Scales (Resident) said that thinking more about it, if the solution that Peterson is proposing is to narrow an already narrow park to allow for four or six more cars to park on the side of the road is done, and the development is going to happen, he asked they not mess with the park any more than it is already going to be messed with having additional buildings, people and cars. Everyone will have to come to terms with the fact that the \$100,000 solution

to put four to six cars there is just outrageous, then they are taking all the space away from an already narrow park. If they could thoughtfully consider where those go, that would be really important. Putting a flashing yellow light is not going to keep kids safe, it is going to help but he doesn't think it will be the solution. He asked everyone to picture their own friends and family members' kids being there. He doesn't know how it all works, but he thinks these things can be impactful and he appreciates the opportunity to be up here and voice his opinion. Seriously, a \$100,000 solution to a traffic problem isn't something he sees solving anything, but he is sure there is plenty of information out there to say otherwise, so he can respect that because he doesn't have any sort of information to cite or statistics to give, other than just please think of some practical and safe solutions for the community so they cannot be bitter about when this inevitably is built and they can understand they are going to be their neighbors too and a part of the community. For goodness sake, please don't claw into the park that's there right next to a canal. He confirmed the light is off at the corner and off at night all the time, so you can't see and it's a busy area.

Jason Butterfield (Resident) noted that his comments have been prepared for months, and were ready for the last time this was going to be on the agenda and then it was pulled at the eleventh hour. There have been some changes, this feels like a bit of a moving target, but he feels the spirit of his comments are still relevant and applicable, so he hopes they are taken in that context. The purpose of a planned development floating zone is to advance a public interest. It can be applied to address a unique situation, convey a substantial benefit to the city, or incorporate design or uses that represent a significant improvement over what could otherwise be accomplished. As a property owner, as a father, as a member of the public, and as a neighbor he just wants to state that the proposed rezoning does not advance their interests. It doesn't address a unique situation, the only thing unique about the situation is the applicant's ongoing insistence that it should be permitted to classify the nature of its investment to maximize its own profit and that others should bear the burden for them; it asks him to subsidize their enrichment. It would be akin to the applicant purchasing an equity on the open market, and then after the fact, asking others to underwrite the difference in the price between the stock they bought and the stock they wish they had bought. The applicant speaks of addressing a housing crisis as though their motivation is philanthropic, but they are proposing a plan that benefits themselves first and foremost with little real thought to the externalities and the short, middle and long term that would impact the quality of life, the property values and the related interests of others. The applicant speaks of a substantial benefit to the city, and he is frustrated by the ongoing disregard of the fact that above anyone else it would be the applicant who would benefit substantially from any proposed rezoning. The benefit would come at the expense of residents and neighboring property owners, any benefit to the city therefore would necessarily also be at the expense of current residents of the city; that seems like an obvious conflict of interest that speaks for itself to him. Rezoning would not significantly improve what could be accomplished by standard current zoning, it would be a deterioration in quality by invading privacy, causing congestion, increasing street level parking and inviting nuisance. Anyone who has a security camera or video doorbell knows that increased street parking invites criminal mischief in the form of vandalism, theft and the like. The proposal would shoehorn densely packed dwellings into a vacant lot, in a matter inconsistent with density approvals in the city and contrary to the purpose of a planned development floating zone. It would be an awkward appendage to commercial property for the

benefit of the developer alone. The property has been commercial for years and remained commercial in the latest reiteration of the future land use map adopted by the city council in 2021. The applicant invested in commercially zoned property and should bear the risks inherent to such an investment. The applicant's proposal wouldn't increase public benefit, it would increase public burden for its own private benefit. It wouldn't be the highest and best use of the property, it seems like the applicant is only concerned with the highest return on its investment and the best use of the property for its own profit. Efforts to address their concerns have been secondary always to the applicant's self-dealing expectations, that the neighboring property owners should somehow mitigate the fact that market conditions have brought to bear some of the risks inherent in its investment from the outset. The applicant, citing an unnamed expert, said that waiting for professional office space to materialize would be a train wreck for a developer; it seems to him instead that the applicant is proposing to strap neighboring residents and property owners to the metaphorical train track, enriching themselves and leaving the residents to their fate.

John Byer (Resident) opposes this development taking place in regards to everything that was said before he was here. He has lived in the area for over 17 years and he has seen growth go in there; it has become such a nuisance traffic-wise in that area right now. The development that has gone on in there now has gone way far ahead of safety concerns and safety issues. It is unbelievable how much traffic is on 10400 South now, and the light that was put in by Neilsen's has just created havoc for traffic in there; if you add more residents in that particular area there it is just going to compound the problem. As far as he is concerned, that area right now, the way it is, is enough. There is a nice park there for people to enjoy, but when you put that facility and buildings in there, it will just add to congestion and he thinks it will create a lot of issues and he totally opposes it and doesn't think it's a good plan; he doesn't agree with it.

Mark Nelson (Resident) said many of their neighbors couldn't be there, or couldn't comment tonight due to this time of year and the family and school situation going on. Many of them have said they built their homes at this end of the neighborhood based on the fact that the master plan is there and South Jordan has always been known for its roles in planning and it's concerning that might be changing after this being a commercial project for so long. He agrees with everything else that has been said here. They have had four neighbors move in the last six months and one of the main reasons they heard from them is that if that's going in, they're out. After two years of waiting they are hearing that more neighbors are moving and they have great neighbors at that end of their community that they would love to keep. One other thing is that they feel it is a lowering of their quality of life just so we can fit more people in the valley and in our community and area. Now that 10400 South is done, he can be 12 cars back from the light, right by the park some mornings trying to get out of there and there are still people going straight across 10400 South into that old neighborhood across the road, and if one person is sitting there waiting you could be 12-14 cars deep getting out of there. Adding these 28 units is just going to compound the situation. The walkway that they have right now between their community and the business section is for them, it is of value to them to use the commercial project. They feel if that goes in, there will be five condominium doors right there on the opposite side of those homes across that walkway which just brings traffic into their community. If there are no parking spaces there, they will park in his community. Many have

asked why not a bagel shop, a Swig, a coffee shop as so many of them stop at those places in the morning. It would be busy at times, but businesses have hours and they don't park in your community after hours.

Mr. Safeudien (Resident) was at the gym while participating via Zoom and had a bad connection. He gave an example of when Bangerter brought the bridge construction, but we were unable to understand what the rest of the example was. He noted that you wouldn't believe how much traffic they have in their community every day since 10400 South was opened again. During the rush hour, it's unbelievable traffic almost from 11400 South to 10600 South, completely blocked with cars. Can you imagine adding more residential areas to the community; it is going to be overwhelming during rush hour when you have kids' busses and everything else. He checked the city's master plan before purchasing his home and he made his decision based on that.

Tricia Martindale (Resident) seconded everything Mr. Butterfield mentioned in his comments, but she really has a question for the city council, and that is how many of them have been out to her neighborhood and observed these conditions that they've been telling the city about for two year. She doesn't know if they've been out on a summer night when Neilsen's is overflowing with cars, and cars are lining the streets parked, and people are coming out of the commercial area; it really is a concern. She knows they have heard these comments over and over, but she wanted to make sure they had been observed because they observe them every single day as residents. They deal with this traffic and they see when cars are lining the streets, and other cars are swerving around them trying to go faster because they are annoyed by the backed up cars, only to slam on their brakes as little kids are darting to their cars from the park and it really is a danger. She feels that the number one priority of the city should be the safety and concern of their residents. She appreciates the council for observing the situation, and she recommended they do so until they make their final decision.

Jill Lash (Resident) has five young children, so she was unable to be here tonight in person. She agrees wholeheartedly with Jason Butterfield and she guesses she is also contributing to that increasing problem of procreating many children that Peterson Development mentioned. She is trying to raise her family here in South Jordan, they moved here over six years ago, built a home here and established it as a hopefully long term place to raise their five children. In the last six months they have had six to seven single family home residents sell and move out of their neighborhood; a huge contributing factor to that she believes has been the increased traffic, both along 10400 South and Harvest Point. Since this all began two plus years ago there have been several more single family homes developed and built in the area, not just in Rushton Meadows. She agrees 1000% with everything everyone has said, they are not going to give up on this. They know Peterson wants to develop the land, they don't want to lose money on it, but it's not the right decision to increase traffic and safety concerns for the residents who have chosen to put roots down in this area. She believes she is correct in stating that neither partners in Peterson Development live in this community, so frankly to them it's not as big of a concern. They used to frequent the park a ton when they moved in, and they frequent it less now due to the growing concerns with traffic. She doesn't feel comfortable with her older children going there alone on bikes and they are ages nine and eleven. She doesn't feel comfortable sending anybody alone across that street, and that concern only will

increase with residential development in that area. She also has concerns about that walkway that joins the commercial area near VASA to their neighborhood. Like the previous commenter said, the commercial business doesn't have overflow into their neighborhood after business hours. She is personally concerned about, even though there are four parking spots per unit, people not using their garage spaces and then overflowing when they have guests into their neighborhood and having parking along that walkway. That walkway is frequented to get to UPS and VASA and other things, if there are cars parked along there and backing out, that will increase the danger significantly as well. Finally, they have also been patrons of the Puddle Jumper preschool, it has been a huge successful place for many residents in not only Rushton Meadows but in the South Jordan community and she knows their pick up and drop off would be significantly affected by a residential area such as this.

Mayor Pro Tempore closed the public hearing.

Director Schaefermeyer noted there were three emails from the public received before the meeting in regards to this issue (Attachments C, D and E).

H.3. Public Hearing Zoning Ordinance 2022-01-Z.

Mayor Pro Tempore opened the comments portion of the public hearing.

Jeff Mathers (Resident) asked Peterson Development if there was any possibility they would entertain putting something else in that spot, such as a coffee shop, an ACE Hardware Store, a dry cleaner; something their community would appreciate and could partner with them on.

Mark Nelson (Resident) a lot of people have said that this piece of land has been left as pretty much a theoretical donut hole in our community. Eight years ago Rushton Meadows was approved, they had the park approved, Neilsen's Frozen Custard was approved, the AutoZone went in; there were multiple opportunities years ago to change this to something else and give the residents living there the opportunity to look somewhere else. That's the feeling people are getting, that they have this donut hole of land and the chances have kind of passed to change it in everyone's opinion and they'd like it to stay what it is now because of all the development that's happening with it.

Brooke Shaver (Resident) noted that she has lived here for almost seven years and has seen different community things going on in our neighborhood with the expansion of Bangerter, they have parking permits in a non-HOA community, and now this Peterson Development. She would feel terrible not expressing her opposition of this project. She just wants to be with her community members in Rushton Meadows and she appreciates those from Sage Vista the townhomes, and others. The thing she wanted to point out is that when the Rushton Meadows was first proposed to be developed, it was told to them by staff that they wanted it to be all townhomes and all apartments; that was denied because of a density issue back in 2013 or 2014. In 2022, density is still an issue today. She can't imagine having the city council or planning commission say that to solve the density that was opposed in those years is now approved. She was also reading the planning commission's response, and they stated that they believed adding housing to shopping centers should be a part of a larger redevelopment strategy, rather than just

adding housing to a vacant parcel or empty space within shopping centers; she agrees with the planning staff who stated that they agree something needs to be put here, but not this high density problem that is going to add to the problem. She loved reading the vision statement today by South Jordan City posted on their website, “we are a family oriented community” and she hopes today that the council hears the voices of this family oriented community in keeping this community safe and at a density that is safe.

Mayor Pro Tempore Marlor closed the public hearing. He noted they have heard loud and clear that there is a lot of angst and concern about traffic and congestion. He asked staff what they can do about traffic and congestion, and does this particular proposed development contribute to that problem.

Director of Engineering Brad Klavano said that traffic is a tricky thing. Obviously, most commercial items that would go in here would generate more traffic than these townhomes overall. The townhomes are projected to generate about 208 trips a day, which means about 20 in the peak hour. It is really not a significant amount of traffic when you think about the existing 1500 cars on there now. Council Member Shelton had asked previously about the level of service for that road, and if you look at it north of the townhomes as a residential street, it is a level of service D and it would continue at that, even with these townhomes. If you look at the section more as a collector, as there are no homes on it with a few business accesses, then it would be a fairly good level of service; it just depends on how you look at it. Over the years they have heard concerns about the park and the parking in front of the park, that’s why a year ago the traffic committee recommended they “no park” the east side of that road which does give more room for cars to get through there. They have looked at options of moving the curb a little bit west to provide some pocket parking, to create a little bit wider road through there, and that’s one of the options that Peterson had proposed they would pay for. Traffic is a concern there, and at times Neilsen’s can be a problem, but it’s like everything else where there are times where it is an issue and times where it flows well. There have been some issues there over the last two years obviously with the construction of the interchange at Bangerter; that is wrapping up and they should be taking down the construction signs soon. The existing land use would, in theory, generate more traffic than these townhomes on a daily basis. However, as stated, they generate differently depending on what the commercial use is.

Mayor Pro Tempore Marlor asked if it was a restaurant, would that be better or worse; he thinks some of the restaurants that were mentioned would be open well into the evening.

Director Klavano said they would generate worse traffic, especially in the P.M. peak hour depending on what type of restaurant it is. It is hard to say with commercial because there are so many types of uses that could go in there.

Council Member Tamara Zander noted the east side of the road is where the no parking is, and asked if the east side is staying as no parking does that mean they’re talking about opening up additional parking on the west side.

Director Klavano said the idea was to push that curb further west and create pocket parking which would widen the road, but that would also increase the speeds along the road.

Council Member Zander brought up the traffic at Neilsen's, and asked if there is anything in the proposal that was asked of the developer that would help these neighbors not feel that congestion from Neilsen's.

Director Klavano said that nothing they have proposed would change that. They are constantly talking to Neilsen's to try and do things differently, and he thinks they have made some changes to make it better over the last year or two, but there are certain times where it creates a little bit of an issue.

Council Member Zander noted that during the study session they discussed the two lanes coming out of Harvest Point that go north, one with a left turn option, and the other is a straight or right turn option. It was said that staff didn't feel another right turn option would be that beneficial, yet some of the residents here tonight said they can be backed up as far as 12 cars to try and turn right; maybe that is something that would be more beneficial than what they discussed.

Director Klavano said that it wouldn't hurt to do it. When they did their study, they sat out there during both the morning and afternoon peak, to determine how many cars are going which direction. For example, they observed in the morning peak 65 cars going left, 11 went through and 94 went right; eleven in an hour is not really too significant. If you happen to hit the light when the one car is wanting to go straight it might back up momentarily. During the afternoon peak, it was 109 going left, only one went through, and 85 went right. The right turn pocket would be a very significant proposition because of the pond, the utilities, the signal poles; it is not a cheap solution to do that, and he doesn't think it's a significant benefit for the cost.

Council Member Patrick Harris asked what the staff's recommendation was for this project.

Director Schaefermeyer said that the staff's recommendation was in-line with the planning commission to reject the proposal. There are now three options being proposed, however when he looks at those three options he doesn't believe they change staff's recommendation.

Council Member Harris said that in the work session, it sounded like the developer's interactions with staff were less than what they would usually see or prefer. He asked what staff's recommendations would be on what is being proposed to make it a better project.

Director Schaefermeyer struggles with the idea of adding housing to an existing commercial development without re-thinking the commercial development. We have heard it from many developers that commercial is just hard to do. We have some examples, one right by City Hall, of a successful commercial development that has been able to fill up. Regarding other areas, they've talked about Smith's, and also the neighborhood Walmart, which is an example of having at least two different groups that he is aware of proposing to buy the building but not needing all the parking and asking if they can throw up townhomes. Once you get residential, you don't get the commercial back, so he thinks we need to be really thoughtful about it. We tried to be thoughtful early on with some of the comments for this project, and to the developer's credit they have made some changes to make the housing portion more palatable. Obviously, as density goes down, there is more that can be done with stepping down units and some of that had been discussed in the past. There is still some concern about the conflict between the existing

commercial uses and the townhome project.

Council Member Harris asked what staff would consider the density on this project to be.

Director Schaefermeyer would base it off the developable property, which is the 2.5 acres, and equates to near 11 units per acre. Where the city has included commercial pieces of property in the past, it was because something was happening on that commercial piece of property. This is an oddly shaped parcel, so the density question is difficult regarding how it is calculated; but, in the end it is just numbers, and he would love to get to design, but he doesn't think they're there yet. Traditionally, they do not include the parking lot as having any relation to what's being developed, whether included with the HOA in the future or not.

Mayor Pro Tempore Marlor asked, if there is deeded property and it is outside of the developed area, but part of the development, would staff agree that it's part of the development.

Director Schaefermeyer said that sure, in the traditional sense they take a very simple calculation of whatever property is included and add it there.

Mayor Pro Tempore Marlor asked what that density would be.

Director Schaefermeyer said that is about 8.8 units per acre.

Mayor Pro Tempore Marlor asked if this parcel was developed as residential, what would the developer have to change to get staff's approval.

Director Schaefermeyer said there were comments provided early on, and it is really difficult after providing comments and not having much interaction to design on the spot. He thinks staff provided some pretty good comments about looking at the benefit of the PD zone, and he was the one that brought up the condo idea because the parcel is small and they are limited; there is only so much that can be done given the density and the shape of the parcel along with the relationship to the commercial piece. That is also why part of the recommendation is that the land use shouldn't change from commercial to residential. If it does, he was the one to suggest looking at a different product pieces where they could have more flexibility; buildings could be stepped, parking could be arranged differently. Peterson brought that as an option, but it really wasn't ever a valid option. To be able to address these issues, it requires a dialogue that just hasn't occurred.

Council Member McGuire noted that a resident had a question about whether Peterson Development would entertain any other ideas for this parcel.

Mr. Seaman said yes, Peterson Development has brought in commercial to this area. They brought in Costco, a lot of the in-line retail; they have contacts in the commercial world, and uses they have tried to find for this location. What they are hearing from those contacts is that because of this location, how it sits away from 10400 South and doesn't have the street presence, it has more of a residential feel to those commercial uses. It's not that they're anti-commercial, if it was up to them it would have been developed as commercial a long time ago. Part of the

reason it's coming before us now is because the pad on the east side of the VASA was also a junior anchor pad, and that would have created a synergy for the center that drew people there. That got taken out with the Bangerter expansion, and that was one of the catalysts for applying right now for this change.

Council Member McGuire asked about the junior anchors on the east side, why couldn't those have been relocated to the Harvest Point side.

Mr. Seaman said it is the same reason as before, when commercial tenants knew that Bangerter was going to expand they were hesitant, they didn't want to move in and invest in that location. Losing that synergy, another draw to the center, essentially wiped this other pad out.

Council Member McGuire noted that Peterson was willing to front the workforce housing, and he asked to what percent they are looking at.

Mr. Seaman said it depends on the density and the overall project. Essentially they are saying that they would go up to \$400,000 and the city can decide how to spend that, whether it be infrastructure to help the existing neighbors with traffic calming measures, creating a right turn lane out of Harvest Point on to 10400 South, or using those funds for workforce housing; they are open to any of those ideas.

Council Member McGuire asked Director of Commerce Brian Preece if this was going through the RDA with workforce housing, what percentage of AMI would they have to hit to calculate that number. Then he wanted to ask Peterson if those numbers work out for them to make it truly affordable housing.

Director of Commerce Brian Preece said that there are different rules with the RDA money. If it is within a project area, those rules are less strict than if it is outside of a project area where the money was generated; this is outside a project area, so it strictly has to meet 80% of the county annual moderate income (AMI) or less.

Mr. Seaman said that currently the AMI is \$92,000, which means about \$73,000 would be 80% for a family of four.

City Manager Gary Whatcott added that there is also a delta they are trying to meet. There is the market price of the house, and then what a person could qualify for at the 80% AMI; whatever that number is, versus the market rate, that is the gap we are trying to fill.

Mr. Seaman said they will be listed between \$525,000 and \$550,000, so they calculated the workforce housing sale price as between \$350,000 and \$375,000.

Director Preece said the last project we did was about \$325,000 and that was about a year ago.

Mr. Seaman said that's about \$200,000 per unit, and that's why they are suggesting two units with this density.

Director Preece noted that those percentages and numbers for AMI are set by HUD.

Mayor Pro Tempore Marlbor asked if that is in addition to the option 1 where they would cover list items #1, 2 and 4.

Mr. Seaman said this is a separate option, it is not in addition to those items.

Mayor Pro Tempore Marlbor clarified that they are saying they are offering \$400,000 total, regardless of the option.

Mr. Seaman said that once they pass that amount, it's no longer a viable product.

Council Member Zander asked staff what that \$400,000 budget would do for the traffic calming, parking, etc.

Director Klavano noted that taking out the waterway/valley gutter and redoing that intersection already has money budgeted towards it, they are already out to bid on it right now for later this summer. His preference would be to take the money, use that to help pay back that project, and then hopefully move the curb back and create some of that wider parking, see how far that goes.

Mr. Seaman referred to his presentation (Attachment A) with the estimates from the city, went over those amounts for the different traffic projects.

Council Member Zander said they talked about a crossing area, and lots of moms and families commented on children in the street; she asked if there was an option for a flashing crosswalk in his plan.

Mr. Seaman referred to Attachment A, it is proposed for the northwest corner of their project going into the park.

Council Member Zander asked if people from Rushton Meadows can walk past the east/west facing product, get to the corner there before they are into the commercial, cross over safely and get directly to Rushton Meadows. She also asked if the walkway would be raised, striped, etc.

Mr. Seaman said it was originally proposed to be raised, but they were given feedback that raised was out of the question because of snowplows; they are happy to do a raised if needed, but it would definitely be striped.

Director Klavano said it would be a rapid flasher, like others all over the city.

Council Member Zander asked about widening and creating parking, where would that happen in relation to this project.

Mr. Seaman pointed that out on his map from Attachment A.

Director Klavano said it wasn't done right in front of the park because they wanted to leave a gap

there. The additional parking would also be more than the four to five stalls that have been discussed.

Council Member McGuire noted that the widening could be a double edged sword by increasing the speed. There is already a speed issue, and he thinks about the streets in Daybreak where parking is common on the street and slows down traffic overall.

Director Klavano said that's correct. The parking does create some problems up in Daybreak, but unlike the rest of the city, they never get speeding complaints on the residential streets. When you widen this and move the parking over, it will create a bigger road. They thought about doing part of the striping to help calm some drivers, but that's the fear of widening the road.

Mr. Seaman said the townhomes facing the street are typically an effective traffic calming measure as well.

Director Klavano said that homes facing the street are also a traffic calming measure, which is a goal of just calming around 85% of the traffic; they will not be able to calm 100% of the cars.

Council Member Shelton noted that Peterson made a comment that VASA won't allow office, and he is intrigued by that comment, how does that work.

Mr. Seaman said when the group bought the VASA property, they inherited the superior owner rights that Albertson's required when they went in there. Peterson has to get their approval in order to do office, and they have indicated that the group owning the VASA building will not approve that.

Council Member Shelton agrees with Director Schaefermeyer's comment, that this is an awkward application of residential; it feels awkward and it has always felt that way to him. He asked how we can put residential in, behind some existing commercial, with the idea that there will be delivery trucks, including tractor trailers, going back in there delivering paint supplies and other things.

Mr. Seaman noted that staff has discussed the awkwardness of this parcel, and that is true, but they are bound by what it is and what they can do with it. In the site plan, behind the Sherwin-Williams building it is 29 feet, which is the standard width of a normal road. It will be wider there after development than it is currently, and the trucks don't have a problem coming in there now. A semi-truck wouldn't be able to go through the residential to do that, currently they go in front of the building, along the side of VASA, and then they back in behind the building. The residential will be adjacent to where they are backing up, and he used the map from Attachment A to show where the trucks currently deliver, and where they will deliver after the townhomes are built.

Council Member Shelton asked Director Klavano if he believes a semi-truck could be in there and a vehicle could easily and safely get around it.

Director Klavano said that once they are parked, yes there is enough room to get around it. His

concern would be when they are backing up, if that is a safety issue.

Council Member Shelton agrees with Director Schaefermeyer on how to calculate the density, and he recognizes that it's an odd parcel and they want to do the best they can with it. What if, instead of 28 units they did 24 units, and the RDA kicks in money to do a few workforce housing projects. He thinks the RDA could cover the \$400,000 Peterson was discussing, essentially two units or perhaps more. The exact amount would have to be worked out between Peterson and city staff, Director Preece specifically. What if they cut down the density, the city adds RDA funds, and then Peterson uses funds to fix the road.

Mr. Seaman said they wouldn't be able to use the \$400,000 previously mentioned to do that, because of the delta changes.

Council Member Shelton noted that they are talking about taking out four units, which moves the cost down around 12% less.

Mr. Seaman said the math doesn't quite work that way. With the RDA, and supplementing that, from the developers standpoint they will break even on it and it covers their costs. They were proposing before that they would pick up the entire cost so they would be selling them below cost. He thinks they would be open to the conversation, but he would have to get numbers and come to some sort of agreement on that.

Council Member Shelton proposed arranging to put some single family homes along the backside of that, instead of all townhomes, and the RDA brings in some money. He is trying to figure out how to make this awkward residential application fit better, and he knows that traffic around there is a nightmare. He does think that the nightmare traffic is primarily related to Neilsen's and when it gets crazy there. He doesn't see 20 trips in the morning or evening completely crashing the place, it's already destroyed when Neilsen's gets busy. If there is a way to make this fit better, and do some workforce housing, then he could probably support it. However, it feels awkward to him, and it always has.

Mr. Seaman agreed that it is an awkward parcel, as it was part of a commercial center that has an awesome park right across the road from it that has sat vacant for 16 years; they wonder how much longer until they can do something, and they feel like there's a need for this exact type of housing.

Council Member Shelton knows there is a need for this, and he knows they will get a lot of grief from the legislature for not approving this.

Mr. Seaman said this is an infill project, and as a council they will be seeing a lot more of these, projects that are trying to fill this need and are awkward parcels.

Council Member Harris noted that the planning commission unanimously opposed this. Usually, when the planning commission unanimously opposes something, and the developer still wants to do the project, they get together with city staff and ask them to work with them to put something together that will be palatable to the city council that staff would recommend. They have heard

from the city staff that this didn't happen, and he is kind of curious why Peterson decided not to go down that path that is normally seen. It is rare where the planning commission unanimously says no, the city manager and assistant city manager say they are not in favor it, city staff is making a recommendation against it, and every single person during public comment was against it. Peterson had the opportunity to go work with city staff and ask what they can do to create something that is more palatable. Instead, it sounded like they targeted certain City Council members that they thought they could get to listen and ignored others. Meanwhile, they have city staff that could have worked with them to put something together. He asked why they chose to not go down that route and work together with city staff to come in with something that staff recommends approval of to the city council.

Mr. Seaman doesn't believe they targeted certain council members, he thinks they tried to reach out to all of them as much as they could. He thinks they tried to work on a project that they did see staff's comments on, and they revised and made modifications. He thinks there are some fundamental differences that they still have on how to calculate density, and they were just philosophically in two different places. Staff would rather calculate the density on the 2.5 acres, and Peterson is saying the whole parcel needs to be included. He thought Peterson communicated just fine, but maybe that's on him because he's still new to this. They have had multiple conversations with staff, and they have addressed every one of the concerns that was given to them; they totally re-envisioned the project and he thinks it's great. It's not perfect, there are some challenges and the parcel shape is a big part of it, but overall he thinks its change.

H.4. Resolution R2022-03. Authorizing the Mayor to sign a Development Agreement pertaining to the development of property located at 3773 W. South Jordan Parkway in the City of South Jordan; applicant Peterson Development. RCV

Council Member Zander motioned to approve Resolution R2022-03, authorizing the mayor to sign a development agreement.

Council Member Shelton motioned to table Resolution R2022-03, authorizing the mayor to sign a development agreement. Council Member Zander seconded the motion.

Council Member Harris asked for the purpose of tabling the motion.

Council Member Shelton said it gives the applicant and staff the opportunity to try and create a proposal that is more palatable to his taste.

Council Member McGuire asked why Council Member Shelton thinks something will change at this point when they have been working on this for two years, they knew the planning commission denied it, and they didn't make any changes; why should they continue to table it.

Council Member Shelton said he is hopeful that they have heard the message that they should be working with our staff instead of the council members directly.

Council Member Zander feels like there is a lot of mixed feelings between our council members, and she respects all the comments. She thinks that in the study session prior to this meeting, and

even in this meeting, they moved the dial a little bit talking about workforce housing, reducing the density. Those are all things that they can't come up with an answer to tonight, so out of respect, and with hope, she doesn't think this is a bad project. It could improve, Peterson could come to the table and talk with Director Preece about RDA funds, Peterson could address the concern of children behind the commercial building with the UPS store. If they reduced a few units and Peterson put a masonry wall there she would feel comfortable as a mom living in that community; that wasn't even brought up until right before this meeting when Manager Whatcott mentioned that he was worried about trucks behind the building. Also, everyone has been concerned about traffic, and a lot of the residents' concerns are valid and fair; however, she doesn't think that is all Peterson's burden. She does think Neilsen's is a problem, and Harvest Point townhomes are a major problem as they have come to the council many times because they don't have driveways, parking, etc.; that has affected the Harvest Point Community. While it isn't fair to throw that on Peterson, there are concerns. She is going to support Council Member Shelton's move to table this because she would like to see this improve; she is not ready to vote no, and she would like to see this get better. She respectfully asked the developer to spend more time with Director Schaefermeyer and Director Preece, and see what they can do to modify things a little bit as she is not opposed to this project. Regarding the suggestions of other businesses that could be put in the shopping center, every time any infill project gets brought to the table to be developed there are people against it, and she gets that because change is hard. She represents a part of the city on 4000 West where they got a Swig and a dry cleaner and Texas Roadhouse and no one was happy. This townhome development, in her experience and from where she sits, is less of a pain in the neck than those businesses would actually be for the neighborhood. She thinks the potential here is a much softer transition, rather than putting in the suggested shops because those patrons will drive up and down the neighborhood streets recklessly.

Council Member Shelton feels much the same as Council Member Zander. If you put a Swig or Starbucks in there, he thinks they would regret that, other than being able to go there occasionally. It would have significantly more impact on the traffic than the townhomes would, and he is appreciative of all that Peterson Development has done in our city. He would like to see them work with staff directly and come up with a plan, and he thinks our staff has a pretty good understanding of where the council is and what their tolerance is. He is hopeful they will come back to work with staff to find something that is a better fit for the community, but if they decide they are done and want to move on that is okay too, he is not offended.

Council Member Harris said the council is giving Peterson the opportunity to work and get this thing right. He doesn't think it's right yet, and we have heard from many that this could be better. He asks that Peterson doesn't dig their heels in and come back with the same thing that they've had for a vote, because if that's the case, they should just vote tonight; but, if they are truly interested in getting something brought in that everyone can mutually support, he is for tabling this to allow the extra time.

Scott Howell (Peterson Development) said that out of the 10-12 suggestions made by staff, they addressed seven or eight of them; it wasn't like there wasn't any collaboration on this project. They know the reality of what's happening with the neighbors and they respect that, change is hard. One of the neighbors said that in 2007 the master plan indicated this would be

something specific, but as was mentioned, if something like Cane's Chicken came in here the neighborhood would go crazy. The problem in commercial real estate is that they have been out there, they won't come because it's not a frontage, and that's just the reality of commercial real estate; if they could put it in the front, they would all come. He thinks that for Peterson, the council has answered many questions. The question we have is where our children are going to live. They have people right now saying they have heard these townhomes are going in, young and small families, who have saved enough money for a down payments for a starter home that is \$525,000. The way Mr. Mather's read his petition, he himself would have signed it honestly, mentioning apartment buildings and everything else; none of that was true, these are homes. His first home was a townhome, that's what he and his wife started in and he doesn't think they are reprobates; he also doesn't think they increased the traffic. What they did is they added a couple that had a child, and then another child to that community; they were the ones that started there. We are in a crisis in this state, the legislature is watching everyone in regards to these things, and they aren't being nice. He thinks they are wrong when they talk about local control, they forget that those in attendance are local. For Peterson, this is a project that will bring vitality that will bring new individuals into a community that will help drive sales tax for the citizens and the city of South Jordan. When you talk about the number of units this ends up with, that's Costco revenue, sales tax revenue that goes directly to the city; commercial doesn't do that. They didn't put commercial out of business, the consumer put commercial out of business. His wife shops at Target and it comes in boxes to the house, she never leaves the house; they get Amazon packages every day. When he asks her why, she responds that she doesn't want to jump in the car, pollute the air, use gas at \$5 a gallon and drive to these places; it's just a different world we are living in today. They appreciate the City Council, the offer and the council can be assured that as soon as they can they will be in staff's offices to sit down and go through every single item. He does not want this council to think that Peterson did not participate, it's wrong to make that assumption as they have talked with staff, shown by the work on the heights. They talked about putting up a masonry fence, they have children as well and they want them safe; they are not trying to have some kind of community that wouldn't recognize the safety of the families. They have been out there, he has pictures of that community, and he can't believe there has not been a pedestrian right of way with flashing lights; they have committed to do that and want to do that because they want a safe community. On the parking strip expansion idea, they actually started with about 14 stalls.

Council Member Zander noted that Mr. Howell mentioned a lot of good things and she was happy to hear them. One thing that was not mentioned was the RDA funds, she would like to know that they are committing to meet with Director Preece and talk about getting workforce housing and how they can make that work.

Director Preece added that he can't answer how many units the council would like, he can only answer how they will get there; he needs to know what the acceptable amounts are for the council members.

Mr. Seaman said that depends on what density they are able to get. If they are looking at 24 units they could probably go back to the table and be looking at around two, maybe three units, but that does change the delta.

Mayor Pro Tempore Marlbor said that one of the things that is remarkable about the public comment tonight is that there is some serious concern about traffic, parking, congestion, etc. He is not sure he has seen a great connection between the concerns of the public and leaving it as a commercial development. In fact, he has heard from multiple members of staff that if it goes to a commercial development it will probably exacerbate the problem and not fix it; he doesn't think the developer will be able to fix that problem either. The traffic is unfortunately probably going to increase, as this city is going to continue to grow, and he is hopeful that with the completion of 10400 South and Bangerter right there, maybe that will subside a bit. His opinion is that, unless we do some other things, regardless of the development that goes in, there is still going to be some major traffic issues. He feels like the best thing to do is see if they can't make a better development out of this. There is a substitute motion that has been seconded, and he feels like some more meetings with staff might lead us to a better solution of the problem with the current proposal.

Council Member McGuire addressed the reality of infill, it is going to happen and we know that. He does feel it has to be done in harmony with the existing neighborhood and he doesn't feel like the project presented is in harmony with the existing neighborhood. He pointed out that South Jordan is not afraid of high density, we already have areas in our city that are 15-20 units per acre, and as the Downtown Daybreak area develops those densities are going to be even higher. There is also another misconception out there with density and the housing crisis, density doesn't equal affordability; if that was the case, homes in Daybreak would be a lot more affordable. He knows that isn't a popular opinion, but he has yet to see where density really drives down the price. What he can see happening, as the valley and state legislature continues to push more high density housing, is the price of single family homes continuing to skyrocket because you are lowering the inventory of single family homes, and people do want those. It's a weird balancing act, but at the end of the day he doesn't feel like this project is in harmony with the existing neighborhood. He has told Peterson before that overall he really doesn't mind the project, if it was located in a different area and they truly had 3.6 acres to develop; however, they already chose to develop part of that property into a parking lot. He's sure that parking lot was needed with the initial development, but that only left 2.5 acres to develop and that's how he feels the density should be calculated. He thanked the residents that came out, he hopes they feel like they have been heard. He remembers sitting in their seats and being frustrated with the city council and previous mayor, that's why he got involved.

Mayor Pro Tempore Marlbor said he had a previous conversation with Director Preece, his recommendation is a maximum of 10%-15%, maybe even 10%-12% and he thinks three units would fulfill that percentage, so that would be his suggestion to the council and to the developers. We have enough RDA money that the delta between the market value and affordable housing amount can be picked up by and with those funds, which means he would like to see the additional money from Peterson actually applied to some of the parking, traffic and congestion issues if that is possible.

Council Member Zander mentioned that when they looked at the map on the south side of the commercial building with Puddle Jumpers and UPS there are two units. If those were removed, and the density was lowered to the 24 units, they could do a masonry wall and trucks could pull in with no chance that people will get in the way of a commercial truck. That little area is so

awkward, and if they could get a wall there that separates commercial from residential that would really make her happy.

Roll Call vote on the substitute motion to table Resolution R2022-03 was 4-1, with a yes majority vote; Council Member McGuire voted no to the motion.

H.5. Resolution R2022-04, Amending the Future Land Use Plan Map of the General Plan of the City of South Jordan from the Economic (EC) to the Mixed Use (MU) designation of property located at 3773 W. South Jordan Parkway in the City of South Jordan; applicant Peterson Development. RCV

Council Member Shelton motioned to table Resolution R2022-04, amending the Future Land Use Map. Council Member Harris seconded the motion. Roll Call Vote 5-0, unanimous in favor.

H.6. Zoning Ordinance 2022-01-Z, Rezoning property located at 3773 W. South Jordan Parkway from Commercial Community (C-C) Zone to Multiple Family Residential Planned Development (R-M-PD) Zone; applicant Peterson Development. RCV

Council Member Shelton motioned to table Zoning Ordinance 2022-01-Z, Council Member Zander seconded the motion. Roll Call Vote 5-0, unanimous in favor.

I. Public Hearing Item

I.1. Resolution R2022-26, Adopting the City of South Jordan Annexation Policy Plan. RCV *(By Director of Planning Steven Schaefermeyer)*

Director of Planning Steven Schaefermeyer reviewed his prepared presentation (Attachment F) and information from the Staff Report. The affected entities were noticed, he received a call from West Jordan with some questions. He explained the differences to them and that this was basically the same map from 2007. Nothing in this plan forces anybody to annex into South Jordan, nothing in this plan obligates the current or future city councils to accept any petition; this plan is required before a petition is made, and why this is being done. The only substantive comments staff received were from Rio Tinto/Kennecott and they responded and made some changes to the wording in the plan so it was clear that mining is still their business, and there isn't an expectation of access to their property.

Mayor Pro Tempore Marlbor opened the hearing for public comments. There were no comments, and the hearing was closed.

Council Member Zander asked for clarification on a portion of the map in Attachment F, it was explained that Olympia Hills was the piece recently shown annexed into Herriman city; she was satisfied with the answer.

Council Member Shelton asked if the population projections for our city includes all of the

possible annexed area when developed.

Director Schaefermeyer said it is difficult without getting into what is actually developable, as there is quite a bit of elevation change throughout the area. The projections were a simple calculation based on our current growth rate and density throughout the city, and they do incorporate the entire area, but to the extent that it won't all be developed. They could have done a 2050 population without the annexation included, but that didn't seem to make a lot of sense.

Council Member McGuire motioned to approve Resolution R2022-26, adopting the City of South Jordan Annexation Policy Plan. Council Member Zander seconded the motion. Roll Call Vote 5-0, unanimous in favor.

J. Staff Reports and Calendaring Items - *None*

Council Member Zander motioned to adjourn the City Council meeting. Council Member Harris seconded the motion; vote was unanimous in favor.

ADJOURNMENT

The May 17, 2022 City Council meeting adjourned at 9:49 p.m.