

SOUTH JORDAN CITY
CITY COUNCIL MEETING

December 3, 2024

Present: Council Member Patrick Harris, Council Member Tamara Zander, Council Member Don Shelton, Council Member Kathie Johnson, Council Member Jason McGuire, City Manager Dustin Lewis, Assistant City Manager Jason Rasmussen, City Attorney Ryan Loose, Director of Strategy & Budget Don Tingey, Director of Planning Steven Schaefermeyer, Director of City Commerce Brian Preece, Director of Public Works Raymond Garrison, CFO Sunil Naidu, City Engineer Brad Klavano, Deputy City Engineer Jeremy Nielson, Director of Administrative Services Melinda Seager, Deputy Police Chief Robert Hansen, Deputy Fire Chief Ryan Lessner, Director of Recreation Janell Payne, Communications Manager Rachael Van Cleave, IS Senior System Administrator Phill Brown, GIS Coordinator Matt Jarman, City Recorder Anna Crookston, Meeting Transcriptionist Diana Baun

Absent: Mayor Dawn R. Ramsey

Others: Noni Evans, Owner's iPad (OGaOcO2), Angela Law #11917, Ivan Klotovich, Bridgette Desppan, Aaron Smith, Cheryl Diener, Bryan Gutierrez, Eddy Gutierrez, Maya Guteierrez, Lily Gutierrez, Dan Milar, Erin Padilla, Shawn Seager

6:40 P.M.
REGULAR MEETING

A. Welcome, Roll Call, and Introduction - *By Mayor Pro Tempore, Patrick Harris*

Mayor Pro-Tempore Harris welcomed everyone and introduced the meeting, noting that Mayor Ramsey was busy representing the city in another meeting and should be joining our meeting later.

B. Invocation – *By Director of Strategy & Budget, Don Tingey*

Director Tingey offered the invocation.

C. Pledge of Allegiance – *By Deputy Fire Chief, Ryan Lessner*

Chief Lessner led the audience in the Pledge of Allegiance.

D. Minute Approval

D.1. November 19, 2024 City Council Strategic Planning Study Meeting

D.2. November 19, 2024 City Council Meeting

Council Member Shelton noted the Altitude Development was discussed in the minutes, but that wasn't on the agenda last week. That was removed from the minutes before approved.

Council Member Harris motioned to approve the November 9, 2024 City Council Study Meeting and November 9, 2024 City Council Meeting minutes as published. Council Member Zander seconded the motion; vote was 5-0, unanimous in favor.

E. Mayor and Council Reports

Council Member Jason McGuire

- Attended Scheel's Community Appreciation Breakfast, thanking them for their contribution to local baseball programs in the city.

Council Member Kathie Johnson - None

Council Member Patrick Harris

- Jordan Basin Board Meeting and Regular Meeting, everything going well.
- Spoke with multiple residents on potential future agenda items.

Council Member Tamara Zander - None

Council Member Don Shelton

- Senior Advisory Committee Meeting.
- Jordan River Commission trip with Executive Director to visit with representative Celeste Malloy's local staff. In addition participated in their review for the executive director.

F. Public Comment

Mayor Pro-Tempore Harris opened the public comment portion of the meeting.

Erin Padilla (Resident) - I have been a resident for 23 years, in Sunstone Village, I have consistently walked the sidewalk between Summerstone Drive and Goldstone Drive for what we all thought was a public sidewalk. Two weeks ago, that sidewalk became fenced, everyone in the neighborhood was shocked, surprised and obviously upset. The sidewalk has been used for safety reasons such as kids walking to school, going to various bus stops, easier access to further points in the neighborhood as it cuts about a mile off in our neighborhood, access to Daybreak walking trails, etc. In addition, children and individuals with disabilities in the neighborhood have had easier access to get around the neighborhood, one of which was my late son that was confined to a wheelchair and could not get around easily. That sidewalk is so much more than a sidewalk, it has been a permanent fixture of our neighborhood. We are asking the city for their help to either buy this piece of property because it is privately owned, unbeknownst to us, or to condemn it by eminent domain. This sidewalk also qualifies for a prescriptive easement because it has been in public use for more than 20 years and that is one of the stipulations. Time is of the essence as it is rumored they are building a shed on this sidewalk. Please, I plead with you on behalf of more than 300 residents of Sunstone Village to please give us back our landmark and take over the sidewalk.

Brian Gutierrez (Taylorsville Resident) – I am here representing my brother, as you heard last time the police shot him to death. We celebrated his 32nd birthday two weeks ago. Deputy Police

Chief we should thank you that my family and I are here today, you and your team shot and killed my brother, to death, and he bled in your parks. The police won't talk to us, there is a pending investigation, and when I called council members, he didn't even know he died in your district, shame on you. You pretend to care about the city, you pretend to care about the people here, where is your care for my brother who is dead and underground. Deputy Police Chief turn your badge in and resign, your team failed to save my brother's life. He has Schizophrenia, and he is dead now thanks to you. My parents in the back cry themselves to sleep every night, and you guys are going to hear from me every time you have this public hearing because he is dead. When I called council members they refused to talk, deflected, and refused to help me. I thought you guys were here to help, you guys scrubbed your website of phone and emails hours after I called you, and then when I talked to reporters they confirmed it, your directory was down. When they called you someone said it was being updated. I launch websites for a living, you don't just take down a site or page and then fix it later. Last time I was here, a council member prayed, and it was a lovely prayer, would you pray for my dead brother please. He is dead because of that man right there and his team. I emailed you by the way, you never emailed me back. Council members said they would call me back, they didn't. Do you pretend to care, are you politicians, you said you would call me back but deflected and refused to help. I told you the police can't talk to me because the investigation is undergoing, yet you continue to refer me to the police, shame on you. Stop pretending like you care. My brother would have been 32 years old, and he is dead now, shot and bled to death. I hope you all go to Skye Park and go see the bullet holes, nine and ten feet in the air.

Bennion Gardner (Resident) – A year ago I was struck by a vehicle running a red light while crossing South Jordan Parkway at Mountain View Corridor. That incident, along with many other close calls I have had while out and about running or riding a bike in the neighborhood spurred me to think about the need for a safer way to get around our community. Then, after seeing a mother and child struck by a vehicle along Mountain View Corridor this fall again, I decided I wanted to take action and do something more to address this. I am here today to present a petition asking South Jordan City to work with UDOT and the Miller Companies to provide a safe crossing over Mountain View Corridor near the new stadium. I know we are all concerned about traffic, we get the traffic we build for and the best way to address that is to provide a balance in options. We need to give people the freedom to get around safely without having to get into their car all the time. That is something that has definitely been behind the design in Daybreak, especially with all the trails and paths, but it feels and seems like that design choice has broken down against the highway there. I appreciate the city manager arranging a meeting and bringing UDOT in, we have a traffic engineer in the city that listened to this issue and to the petition (Attachment A). After that meeting they almost had me convinced that the middle paths planned along the roads would be sufficient, but later on that week I went out on a run and got to Mountain View Corridor to find the pedestrian signal was pulverized into three pieces because it had been hit by a car, in the middle of that path. Bingham Creek has been mentioned as another option to come, I am excited for that trail and can't wait to have another way to get around, but that is over a mile from the stadium which means a 40 minute detour if you are walking and trying to get across. That doesn't seem like a real option. There are also lots of federal grant programs and sources of funding for a bridge like this, so I am here presenting this petition (Attachment A) and asking you to hear us out and make plans to provide a safe way to get around our community in that area.

Russ Storm (Resident) – I am a member of student government at Bingham High School, and recently I have noticed an issue at the intersection of 2200 W and 10400 S. It has become more and more clear that intersection is not safe for pedestrians and cars. I do not understand how lights and traffic signals work, however I have noticed going to and from school and events every day that there are numerous crashes and close calls. I believe the installation of the right hand turn signal going on to 2200 W could solve this issue and prevent more crashes in the future.

Maya Gutierrez (Taylorsville Resident) – I am one of Marcello's older sisters. I am up here on behalf of my family, especially my parents, because I lived with my brother. He lived with us, his body changed, his mind changed, he couldn't communicate and he had a journal for notes for when they couldn't converse with him. One of his notes he writes "I want my memory back." The schizophrenia altered his mind. We don't know what happened that morning, we understand there is an investigation, but I come here on behalf of my family because I go every month to where he last sat as he bled to death. I decorate it with different things. Upcoming will be Christmas, I am going to put a nativity scene, a cross, a picture so everyone who walks by can see and remember him. We want to turn it into a little memorial, we would like to put a bench there so everyone that comes with their family can sit there and remember him. That is what I have come up here to ask you to consider a memorial bench of where he last sat, where he laid on the ground bleeding, pleading for my father. My parents are immigrants, we are first generation here, they are law abiding. They always taught us about hard work, believing in God, following the law and obeying the law. My brother, before he got sick, was amazing, and I miss him. I know there is angels helping us but I ask you council members to listen to our request and thank you.

Eddy Gutierrez (Taylorsville Resident) – I am the father of Marcello, I have 10 kids, I came in 1988, a long time ago when I was 26 years old. With my wife, all my kids have grown up here. At that time I saw how Salt Lake City was a small town and I believed it was a good place to live with my family. I never asked for any money from the city or government, this is my family and kids, and I worked like 18 hours all the time until my youngest kid turned six and I quit one job and my wife helped me to work. Since that time I have taught my kids to never steal or do anything bad. We went to church, all my kids grew up in the church and I was a Cub Scout leader to many others. I was proud of my kids, I support them by myself. The time passed, kids grew, everyone was a good kid. Now the police department of South Jordan has killed my son, I don't know if it was because of race, ignorance, I don't want to say bad things, but I think the police department failed in the case of people with mental health problems. They killed someone in that circumstance, and I know you are not in my shoes but you are saying you can't do any more with the case. Why is everyone saying that, that they are sorry and can't do anything else. I read the newspaper weekly, these cities can decorate the policemen when they save dogs from the ducks from the road, or the cats from the trees, or when other animals are in the city. The police department calls animal control, which is a good thing. But what happens with a young man with schizophrenia walking and being killed. My son told them while he was dying to call my dad. My son was a very smart guy. I remember when the teachers gave us his grades. He changed his life when he went to the university, he never had a girlfriend and changed when he was 27 years old. At that time he went to the mountains and was walking, living in the forest, and he came back changed. He don't smoke, drugs or alcohol. I was thinking he was going to be

a leader in my family, but God has proven that he needed to retire when he was 65 and he took care of him, taking him many places. He wanted to go by himself, and I told him to go. When he went one time to Salt Lake he came home to share that the homeless had attacked him, he was scared. I said don't go back there. All my kids played baseball, if I brought all the people who knew Marcello and my family, they would tell you about us. I want to ask you to do something with the police department to ask why they don't handle things differently. The government says they have a lot of programs, but when I see homeless youth in the streets I understand better because it's not always drugs or alcohol, it's a mental problem. The doctors say they don't know why my son changed at 27 years old, it was a mystery. I think the police department needs to help the people, know when they need to shoot and kill people. If they need to do like the animals, because we are human beings, save them like they do animals. Why did they kill him, my son was sleeping, wanted them to turn off the Wi-Fi because he said it affected him, I did many things because I understood my son and what he needed. Now I understand people because the Wi-Fi affects people. The one morning my son work up and said he was okay, when the kids came to practice baseball he was sitting there watching them and maybe preparing to come back home. However, my son had a car in the parking lot with two trucks, he was maybe looking for the keys because he couldn't find them and he went around the car and a door that was open. One of the coaches called the police because he was suspicious watching the car. He didn't know it was his car and the police came and yelled at him, which was scary. When the people have problems with mental health you don't have to yell, but the police are always yelling no matter what, trying to make them obey right away. I think that's why they killed my son. He never ran, he was walking. At the time he was 460 pounds, he had a broken leg. The police didn't consider that, they just killed him. My son never attacked after they shot him, he was still walking and going back to sit in the road on a rock and when they killed him they waited for him to die until they called the 911 to come and attend him. When he was dead they still grabbed his hands and used handcuffs, roughed up all his skin from his arms, but he was dead. How are they going to put dead people in handcuffs and pull them, we don't have human being feelings. They waited until he was dead to call the paramedics, and after that they charged \$30,000 to the insurance. I don't know why, but I think you need to do something. My son is already dead, but still young people are walking around. The police need to be prepared or something to do better jobs in that area, not just with animals but with suspicious people. One time I was working in Cottonwood in apartments as maintenance with a lot of Indians from India whose fathers walked around in the morning. Someone called and said there were suspicious people walking. They grabbed the Indians who didn't speak English, they threw him on the floor and broke his back. They took him to the hospital and they said they couldn't understand him. I hope you can do something like the decorations for the police for animals, something more for those with mental health problems.

Mayor Pro-Tempore Harris closed the public comment portion of the meeting.

Attorney Loose noted that the investigation has been turned over to the District Attorney's (DA) office, and the city respects the wishes of the DA to not release the details until the case is closed. The city would love to release all the information for those involved to analyze and the city feels this could be released quickly if the DA's office was willing to do so. The mayor and council, and city staff don't know the details of the investigation. They only know what has been released to the public.

G. Presentation Item

G.1. Thank you & welcoming for elected officials. *(By Mayor Pro-Tem, Patrick Harris)*

Mayor Pro-Tempore Harris presented Susan Pulsipher with a plaque commemorating her service to the community.

Susan Pulsipher thanked the city for being so respectful and easy to work with, it was such a huge help and education as she worked on bills and other issues.

James J. Cobb was unable to attend the meeting; however, Mayor Pro-Tempore acknowledged his absence and noted that a plaque commemorating his service will be sent to him.

Mayor Pro-Tempore recognized Jordan Teuscher, who has been recently re-elected, and thanked him for his continued service.

Jordan Teuscher thanked Representative Pulsipher for her mentorship and expressed his excitement about serving alongside the new representatives, including Representative Miller and Representative Fiefia. He noted that there is a strong team representing South Jordan and this part of the county, which is essential given the growth and infrastructure challenges being faced. He expressed confidence that the current team will be able to address these issues and mentioned his commitment to working with every council member. He also emphasized the importance of maintaining a strong communication channel among them.

Mayor Pro-Tempore expressed excitement about having Traci Miller, noting that she is newly elected to House District 45. He mentioned that Ms. Miller is already familiar to the council, as she currently serves as the President of the Jordan School District Board of Education, where she has done a wonderful job.

Traci Miller thanked the council, expressing it has been a pleasure to represent South Jordan City and work with the city over the past eight years as a member of the Jordan School District Board of Education. She highlighted the strong relationship with South Jordan City and appreciated the support for local schools and collaborative efforts to address issues such as parking and walking routes. Ms. Miller then transitioned to her new role as a Representative-elect, expressing her excitement to continue working with the city and maintaining open communication channels as she represents South Jordan at the Utah House of Representatives. She concluded by expressing gratitude for the opportunity and her eagerness to continue the partnership.

Mayor Pro-Tempore Harris noted that Senator Lincoln Fillmore, although not present, was re-elected, along with Steve Eliason. He also mentioned the newly elected Doug Fiefia and extended congratulations to all of them.

H. Wheadon Acres Land Use Public Hearing Items

H.1. Presentation on Resolution R2024-42 and Zoning Ordinance 2024-08-Z, all related to the Wheadon Acres Land Use Development. Applicant, Gordon Milar Construction, LLC. *(By Director of Planning, Steven Schaefermeyer)*

Director of Planning Steven Schaefermeyer reviewed Attachment B and provided an update on the item that was previously discussed in October, explaining that it was tabled due to questions regarding accessory dwelling units. The applicant has agreed to prohibit detached accessory dwelling units through a development agreement, but internal accessory dwelling units will not be restricted. Director Schaefermeyer outlined the history of the floating zone and the need for it to subdivide the two lots on 3010 West, as they are not twice the size of the average lot in the subdivision. He presented a concept plan for two additional lots and explained that the development agreement includes restrictions on home placement and fencing requirements. The Planning Commission had recommended approval of the rezone on September 24, and the only change since then is the addition of the restriction on detached accessory dwelling units. The applicant was present to answer questions, and he will respond to questions after the public hearing.

Dan Milar (Applicant) began by apologizing for his absence at the October meeting, explaining that he had family matters to attend to. He provided context about his work, stating that he works with his father at Gordon Milar Construction in real estate development, but emphasized that the properties in question were acquired personally, not as part of his business. Mr. Milar shared that the motivation behind acquiring the properties was personal, as he has six children. He expressed a desire to provide housing for his children in a safe, close-knit community as they move through different stages of life, such as marriage or college. He clarified that the decisions made regarding the properties were not driven by a profit motive but by the goal of creating a space where his children and other family members could live. He shared that his family has hosted several relatives and friends in their current home, and they have seen the benefits of offering housing and support. He concluded by expressing his willingness to answer any further questions or share more details, though he believed much of the background had already been addressed.

H.2. Resolution R2024-42 Public Hearing.

H.3. Zoning Ordinance 2024-08-Z Public Hearing.

Mayor Pro-Tempore Harris opened the public hearings for Resolution R2024-42 and Zoning Ordinance 2024-08-Z.

Ivan Klotovich (Resident) expressed concern about the proposed development, particularly the impact it could have on the older residents in the area. They worried that if the development sets a precedent, it could lead to the need for new roads or road widening in the future, which would disrupt the neighborhood. He has lived in the area for 58 years, and urged the council to consider the situation from the perspective of long-time residents. They acknowledged the financial motivations behind the development but felt that the residents were being pushed out and unfairly pressured. He emphasized the stress the situation was causing, especially for older individuals, and expressed a strong desire for the proposal to be reconsidered. He concluded by thanking the council for their time.

Cheryl Diener (Resident) shared concerns about the proposed development, echoing the sentiments of many older residents in the area. She mentioned that some residents, like her neighbor Mr. Klotovich, who has been deeply affected by the proposal, even losing sleep over the issue. She expressed frustration with a comment made at the previous meeting about the lack of space in Salt Lake County and the need for more development. She questioned why the development had to take place in their neighborhood, where many residents had purchased property for its space, horses, and privacy. While acknowledging the potential for future development, she emphasized the importance of considering the long-time residents and their needs, like her neighbor Mr. Klotovich, who has lived in the area for many years. She concluded by asking the council to keep these residents in mind when making decisions.

Mayor Pro-Tempore Harris closed the public hearing.

Council Member Zander asked Director Schaefermeyer to explain the density and the overly flag lot issue.

Director Schaefermeyer explained that subdivisions today must meet both density and minimum lot size requirements based on their zoning. For example, in an R1-8 zone, the density is 1.8 units per acre, meaning developers cannot exceed that limit but can have fewer units. They must also ensure that newly created lots meet the minimum size, which accounts for things like roads and sidewalks. He provided a specific example of the current subdivision, which covers about 34.27 acres and has 53 lots. Due to road expansions by UDOT, some original lots have been modified. Hypothetically, it would be possible to add eight more lots to the subdivision, as long as the density requirements are met and the new lots meet the minimum size. The two proposed lots are part of this potential, with six more possible along 3010 West. He noted that the only way to create additional lots under the current configuration is through the flag lot overlay zone, as no other lots in the area can meet the necessary requirements without this process. He mentioned that in some areas, like Chatel Estates, lots were subdivided without using flag lots, but that was due to their shape and frontage along roads. In this case, however, the flag lot process is necessary to create the additional lots.

Council Member Zander clarified with Director Schaefermeyer, restating the proposal and asking for confirmation. She summarized that the two subject properties in question would allow for the creation of two additional lots behind the existing ones. Director Schaefermeyer confirmed that, if the proposal were approved, there would be allowable density for six more lots in the area.

Council Member Zander then asked whether the largest lots along 3010 West could potentially follow a similar approach, either by grouping together multiple lots or using a single lot with a flag lot configuration. Director Schaefermeyer confirmed that this could be the case.

Director Schaefermeyer explained that it's difficult to predict exactly what will happen in the future, as there has been interest from others along the street. He noted that the feasibility of adding more flag lots depends on the placement of existing homes and ensuring there is enough space for a fire access driveway on one side of the home without causing issues. Typically, homes are centered on the lot to make this easier, but in the case of the two subject properties, the driveway can be shared between the two lots, which reduces the burden of meeting the

driveway requirements. If only one lot were involved, the width of the driveway would need to be carefully considered, and staff would ensure it met the necessary requirements before it reached the council.

Council Member Zander expressed support for the idea of joining two lots to create a shared driveway, as it makes adding more dwelling units less burdensome and more appealing. Acknowledging the housing shortage, she anticipated that others along the road might request similar developments in the future. She asked if it would be possible for the council to create a restriction that would require any future flag lots on this road to follow the shared driveway approach, where two lots would combine to share one driveway, rather than individual lots with separate driveways. She sought confirmation on whether the council could implement such a restriction, should there be agreement among the council members.

Director Schaefermeyer explained that while the current council cannot bind future councils, there are ways to address the shared driveway concept. Since the current request comes with a rezone and development agreement, if a future application for a similar situation came forward, the council's intent could be communicated to the applicant. For instance, if an applicant only had one lot, and the council clearly expressed its preference not to approve a single lot with one driveway, the applicant would have the option to either adjust their proposal or proceed despite the council's stance. Additionally, he noted that an ordinance change could be made, and a pending ordinance could address this issue. If the council agreed, such an ordinance could require that future developments in this area with flag lots would only be allowed if they involved two lots with a shared driveway. However, he cautioned that future councils could amend or change the ordinance, but it would still provide clear guidelines moving forward.

Council Member Zander asked whether it would be possible to create a restriction specifically within the Wheadon subdivision, requiring a shared driveway for any future flag lots. She clarified that such a restriction could apply only to this subdivision, where there is potential for six more flag lots, and would not need to apply citywide. She inquired if this restriction could be implemented for this specific area.

Director Schaefermeyer explained that it is not typical to create restrictions for specific subdivisions within the zoning ordinance. While the council could express a preference for a shared driveway in this case, enforcing such a restriction for only one subdivision would be challenging for staff in the future. He emphasized that the flag lot process is already burdensome for both applicants and staff due to the complexity of the requirements. He suggested that any desired restrictions or guidance should be applicable citywide, as the Planning Commission is seeking broader direction. He recommended creating rules that are consistent and broadly applicable, so that all applicants understand the requirements from the outset, rather than applying different standards to individual neighborhoods.

Mayor Pro-Tempore asked City Manager Dustin Lewis to confirm that, in an upcoming meeting, they would be discussing these issues more broadly. The intent was to address concerns and potential changes in zoning or other related matters in a more comprehensive manner during that meeting.

City Manager Lewis said yes, because you have put a pause on the ordinance, then you can come back and discuss all of these types of options and things. If you so desire to change that. You can leave it how it is now, or you could change it to incorporate these things. We intend to bring that back in a work session for you to discuss.

Director Schaefermeyer suggested that the council address the situation before them tonight through the development agreement. He explained that if the council approves it based on the current development agreement, any changes would need to be discussed with the applicant, Mr. Milar, as he would need to agree to those changes. While future discussions about similar applications can take place, there is currently only one other pending application from a property owner who has vested rights to submit their request before the pending ordinance was in place. If another property owner on 3010 West submits an application, he would consult with Legal for further guidance.

Attorney Loose clarified that if the ordinance is changed, any application submitted during the pause period would have to be amended to comply with the new requirements, as applicants are on notice that the rules could change. He emphasized that the council has broad discretion when reviewing applications, meaning they are not obligated to accept the terms proposed by the developer or reject an application based on neighbor opposition. Zoning is a legislative process, and the council has the power to create and apply laws to specific properties. While staff may prefer simple, broadly applicable rules, the purpose of the development agreement process is to allow for neighborhood-specific exceptions or modifications, enabling the council to apply tailored solutions for individual areas.

Mayor Pro-Tempore Harris asked what has changed in the development agreement from the last meeting to now.

Director Schaefermeyer said the change to the development agreement, as of today, is the addition of a restriction on detached accessory dwelling units (ADUs). Based on Mr. Milar's letter, the applicant has agreed to prohibit detached ADUs, which are essentially guest houses or separate buildings used as living quarters. However, the applicant did not agree to a complete prohibition of ADUs. Therefore, internal accessory dwelling units (within the main home) would still be allowed under the development agreement.

Council Member Shelton asked the required width for a flag lot's driveway for fire access.

Director of Engineering/City Engineer Brad Klavano said that it should be at least 20 feet wide.

Council Member Shelton asked the different LLCs mentioned in the application documents, including Gordon Milar Construction LLC, Mulberry Cottage LLC, and WHTMR LLC.

Director Schaefermeyer clarified that all the LLCs belong to Mr. Dan Milar, with Gordon Milar being his father, who is involved in real estate development in the city. The development agreement is with Dan Milar's various LLCs.

Council Member McGuire asked the applicant, Dan Milar, whether he planned to keep the existing homes on the property or tear them down.

Mr. Milar confirmed that for the time being, he plans to keep the homes.

Council Member McGuire inquired about the timeline, given that it was mentioned the project was for his family, with his oldest child being 16.

Mr. Milar shared that his plans are to proceed with the project gradually, as he currently doesn't have enough funds to move forward with a large-scale development. His immediate goal is to have the lots ready, and in the near term, he hopes to build a personal home on the southeast lot, which he made larger with that intention. He envisions this project progressing over the next five to seven years, with the possibility of developing the other lots later on.

Council Member McGuire expressed concern that the proposed project could potentially result in eight rental units, with four homes having additional accessory dwelling units (ADUs). This raised the issue of whether the development would create more of a rental community rather than a neighborhood intended for family use, as initially described. The concern stems from the possibility that ADUs could lead to more rental units than originally anticipated.

Mr. Milar responded to the concern by acknowledging that while some homes in the area are already being rented, his intention is not to create a rental community. He explained that while it is possible for the entire street to build separate units and rent them out, that is not his goal. He added that the idea of ADUs is to allow for multiple families, but he stated that he would pursue other options for rental properties in more suitable areas, given the expense of the land in South Jordan. He admitted that the concern raised about potential rentals is valid, but reiterated that it's not his intent.

Council Member Johnson asked if Mr. Milar could build ADUs on both properties without going through the current process.

Director Schaefermeyer said he could build on both of these properties a detached ADU.

Council Member Johnson asked if they would look just like what is being proposed.

Director Schaefermeyer responded no, there are restrictions on detached ADUs that differ from internal ADUs. While internal ADUs (converted areas within the main home) have no size restrictions, detached ADUs are subject to specific rules and must be approved through the appropriate processes. Furthermore, even if the homes had separate living spaces with entrances, if the intent is for family members to live there, it would not be considered an ADU under the law. Family members living in separate units or spaces are exempt from ADU regulations, which focus on rental units. If the goal is to rent out the spaces to non-family members, then the spaces would need to be designated as legal ADUs, which would also require meeting certain standards and regulations. He clarified that without the required zoning changes or approval of a development agreement, Mr. Milar could not build detached ADUs on the properties in the manner he's proposing. This process ensures that the new construction meets zoning and density requirements and addresses other considerations for the development. The city would require the

development agreement and zoning modifications to proceed with this type of construction, ensuring compliance with necessary regulations.

Attorney Loose clarified that it is not considered an accessory dwelling unit (ADU) if family members are living in the separate space, even if it has a separate entrance and appears as an independent living area. Legally, family members are allowed to live in the home, regardless of the layout, and this does not require an ADU designation. If the intent is for the space to be rented to non-family members, then it must meet the legal requirements for an ADU. Thus, the distinction between family living spaces and rental units is crucial in determining whether a structure qualifies as an ADU.

Director Schaefermeyer explained that in the city's zoning regulations, an accessory dwelling unit (ADU) is not considered a rental unit if the property is owner-occupied. If you own a home in a neighborhood where ADUs are allowed, you can either have an internal or detached ADU, provided your lot is large enough. However, you can only rent out the ADU if you live on the property and sign an affidavit affirming your residency. This helps avoid ambiguity, though challenges may arise, especially with LLC-owned properties, but that's a separate issue.

Mayor Pro-Tempore Harris said the development agreement currently in place allows for internal ADUs but prohibits the future construction of external, or detached, ADUs on the property. This is part of the conditions the applicant has agreed to in the development agreement.

Director Schaefermeyer clarified that unless the development agreement is modified, if the applicant were to later request a permit to build an accessory dwelling unit (ADU), the city could deny it. This is because the current agreement specifically prohibits detached ADUs. The city regulates ADUs based on their physical characteristics (such as having a kitchen, bedroom, and bathroom) rather than the stated intent. Under the existing development agreement, the applicant cannot build a detached ADU, but if the agreement were changed in the future, they could potentially apply for one.

Mayor Pro-Tempore Harris stated a future council could approve an external ADU.

Council Member Shelton expressed empathy for the residents of the area and acknowledged the discomfort that change can bring, having experienced similar challenges himself. He noted that most of the city is indifferent to the council's decisions unless those decisions impact taxes or subdivisions directly. He emphasized his concern for housing affordability, citing an example of a young person paying \$450,000 for a small condo, highlighting the difficulty of finding affordable housing. He then discussed the importance of allowing more housing options in the city, acknowledging that while change will inevitably impact current residents, it is crucial to minimize those effects. He supported the current agreement with Mr. Milar, particularly the restriction on detached ADUs (guest houses), as a way to allow more housing while reducing potential negative impacts. He recognized that future councils could modify the rules as needed, but believed the current approach would balance additional housing needs with minimizing disruption to existing residents. With this reasoning, he expressed his support for the application.

Council Member Zander agreed with Council Member Shelton's points, emphasizing the challenge of making decisions that impact families, as some may not want more homes on their street, while others desperately need more housing. She acknowledged the difficulty of satisfying everyone, which is part of the challenge of her role. She expressed compassion for all parties involved, highlighting the importance of being good stewards of the land, given the limited availability of land in the city. She appreciated Mr. Milar's decision to exclude detached ADUs and echoed Mr. Shelton's belief that accessory dwelling units (ADUs) will likely become more common in the future. She shared a personal example of a tiny house built in Salt Lake Valley, emphasizing the need for more affordable housing options. While recognizing that the proposed homes are not affordable housing, she acknowledged the broader housing challenges. She concluded by agreeing with Director Schaefermeyer's assessment that combining the two lots would be less burdensome for the street and the community. She felt that this proposal represented a good balance of adding housing without significantly impacting the neighborhood and expressed her support for the application.

Council Member Johnson expressed her concern about the flag lot solution, stating that she feels it may not be the best long-term development approach for the neighborhood. She added that the flag lot setup, which involves older homes in the front and new homes coming in from the back without proper frontage, creates a disjointed and incoherent development. She believes that assembling parcels for a more cohesive development would be a better approach for redevelopment in the area. As a result, she stated that she would not support this proposal.

Council Member McGuire shared his struggle with flag lots, explaining that he doesn't believe they contribute to building and strengthening community because they often result in residents being "hidden behind" other properties. While he sympathized with the housing crisis and concerns about future affordability for his own children, he expressed a sense of responsibility to honor the original subdivisions where families have long lived and raised children. He noted that the area was designed for larger lots with animal rights, and some people still seek out such properties. While recognizing the city's efforts in addressing the housing crisis, particularly with higher-density developments like downtown Daybreak and annexation areas, he emphasized the importance of preserving the character of older subdivisions.

Mayor Pro-Tempore Harris expressed his concern about using a development agreement to regulate accessory dwelling units (ADUs), noting that this was the first time he could recall such an approach being used in a rezone. He emphasized that ADUs should either meet the requirements or not, without needing to be restricted by a development agreement. While recognizing that a future council could modify the agreement, he stated that he didn't agree with this approach and, therefore, could not support the development agreement in its current form.

H.4. Resolution R2024-42, Authorizing the Mayor of the City of South Jordan to enter into a Development Agreement with Mulberry Cottage, LLC and WHDTMR, LLC pertaining to property located at 10537 S. 3010 W. and 10555 S. 3010 W. (By *Director of Planning, Steven Schaefermeyer*)

Council Member Zander motioned to approve Resolution R2024-42, Authorizing the Mayor of the City of South Jordan to enter into a Development Agreement with Mulberry

Cottage, LLC and WHDTMR, LLC pertaining to property located at 10537 S. 3010 W. and 10555 S. 3010 W. Council Member Shelton seconded the motion.

Mayor Pro-Tempore Harris said if we're really trying to find ways for affordable housing, by putting this ADU restriction in there, we prohibit additional homes from being built on the property. I don't know if that necessarily accomplishes the best use for more houses.

Roll Call Vote

Council Member Zander - Yes

Council Member Shelton - Yes

Council Member McGuire - No

Council Member Johnson - No

Council Member Harris - No

The motion was denied with a vote of 2-3.

H.5. Zoning Ordinance 2024-08-Z, Rezoning property located at 10537 S. 3010 W. and 10555 S. 3010 W. from R-1.8 (Single Family Residential) Zone to R-1.8 with the Flag Lot (FL) Overlay Zone. Gordon Milar Construction, LLC (applicant). *(By Director of Planning, Steven Schaefermeyer)*

Council Member Shelton motioned to approve Zoning Ordinance 2024-08-Z, Rezoning property located at 10537 S. 3010 W. and 10555 S. 3010 W. from R-1.8 (Single Family Residential) Zone to R-1.8 with the Flag Lot (FL) Overlay Zone. Gordon Milar Construction, LLC (applicant). Council Member Zander seconded the motion.

Mayor Pro-Tempore asked if the development agreement was not approved, and then this was approved, what happens.

Attorney Loose explained as the zone requires a development agreement, the applicant would need to go back and obtain a development agreement, which the council would approve, prior to processing any applications. The zone would apply, but it wouldn't be effective until there was a development agreement agreed upon by both parties.

Mayor Pro-Tempore asked if the council does not approve this what the applicant's options are.

Attorney Loose said the ordinance states that the applicant cannot apply for a similar rezone within a year, unless the council grants a second application within that time. Essentially, there is a one-year waiting period on a rezone for this same property, unless the council approves a shorter time frame. If such a request is made, we will bring it to you. Otherwise, the applicant could build on the property as it currently exists, including possibly adding an accessory dwelling unit on each of the two properties, or rebuild the houses. The applicant could pursue any options allowed under the current zone.

Roll Call Vote

Council Member Shelton - Yes

Council Member Zander - Yes

Council Member McGuire - No
Council Member Johnson - No
Council Member Harris - Yes
The motion passed with a vote of 3-2 in favor.

Attorney Loose clarified, the staff's understanding is that, by this vote, you're directing staff to go back and negotiate a different development agreement. From what I understand from the comments, Mayor Pro Tempore Harris, your concern was with the restrictions in the development agreement regarding ADUs.

Mayor Pro Temp Harris responded, yes, that's correct.

Attorney Loose continued they'd still have to have a development agreement, but it would reflect those changes. He asked Director Schaefermeyer, if he has enough direction to go back and discuss a new development agreement with the applicant.

Director Schaefermeyer replied, if the issue is with the ADUs, if we went back to the original development agreement, which didn't have restrictions on external ADUs, we could come back with that. I'm not sure what else to put. The original development agreement did not have restrictions on the external ADUs, and from the comments, it seems like that was one of the biggest questions. We can bring that back.

Attorney Loose noted that they can make the changes and circulate it to the council before bringing it back.

Council Member McGuire inquired whether the hold on flag lots now applies, given that the issue originally involved flag lots, which were subsequently put on hold and denied under the resolution.

Attorney Loose clarified that the application remains vested because it has not failed for a vote. If the application had failed, meaning the rezone was not granted, then the hold on flag lots would apply. However, since the rezone was approved, the focus now shifts to the development agreement, which was deemed unacceptable, requiring further discussion.

I. Public Hearing Items

I.1. Resolution R2024-43, Adopting the South Jordan Trax Station Area Plan. (By Director of Planning, Steven Schaefermeyer)

Director Schaefermeyer provided an overview of the station area planning process. He explained that the City had previously received approval for the 4800 West TRAX station in West Jordan, where a resolution of impracticability was passed, determining that a station area plan was not feasible due to existing single-family residences and the challenges of working with individual homeowners. In contrast, Daybreak presented a unique challenge due to existing entitlements, which serve as a model for transit-oriented development around transit stations. He added the City initially considered utilizing prior actions, such as existing plans, to comply with the statute.

However, after discussions with UTA and the Wasatch Front Regional Council (WFRC), it was concluded that a formal station area plan was necessary. The City received a grant from WFRC to develop a station area plan covering all Daybreak stations, including the FrontRunner station. The plan incorporates previous actions, including zoning changes like the HTRZ and other developments that align with the requirements for station area planning. The plan includes recommendations for further development to strengthen the area in line with transit-oriented principles. Staff sought approval to forward the plan to WFRC for their review. If approved, the plan would be submitted to the WFRC board for further consideration. Additionally, the future Daybreak TRAX station near the ballpark cannot open without either an adopted station area plan, a resolution of impracticability, or prior action. Timing is critical, and any changes or questions may necessitate revisiting the plan at the first meeting in January to stay on schedule. If approved, the next phase will focus on the FrontRunner station, which will involve a different process and plan.

Shawn Seager from Wall Consultant Group (WCG) thanked the council for the opportunity to present. He started his prepared presentation (Attachment C) and highlighted a quote from Mayor Ramsey, included in the HTRZ document, which effectively summarizes the intent of the station area plan. Mr. Seager emphasized that, even before the formal requirement for a station area plan, the City had been engaged in activities that align with such a plan, such as collaborating with long-term developers to provide housing, transportation choices, and opportunities, which is the goal outlined by the legislature. He briefly presented an overview of the project, noting the ongoing construction of a ballpark and the importance of collaboration. He explained that the requirement for a station area plan was introduced with House Bill 462 in 2022, which also included funding for MPOs such as the Wasatch Front Regional Council (WFRC). WCG has been working with the City on a grant to develop the station area plan. He provided a map (Attachment C) showing the status of station area plans in various regions, with green indicating adopted plans and yellow representing those currently in process. He noted that three of Daybreak's four TRAX stations are open, with a new one expected to open by April 2025. The FrontRunner station at I-15 and 10600 South will also be addressed, though with less urgency. The study area for the plan was outlined, and Mr. Seager discussed the rubric from WFRC that guides the content of the station area plan. WCG has tailored the plan to meet these specific requirements. Key stakeholders include the University of Utah, UTA, UDOT, Larry H. Miller, West Jordan City, and WFRC. He praised the City for its efforts in compiling 20 years of development agreements into a public-facing web portal, which provided a valuable resource for the consultant team. The 60-page document, included in the council's package, outlines the four main goals of the station area plan: access to opportunity, increased housing availability, environmental improvements, and expanded transportation options. It also contains an implementation plan with suggestions for the city. He summarized the past three months of work, noting that much of the material had already been approved over the years, and now it has been compiled into one document that meets the requirements set by WFRC. He invited questions from the group.

Mayor Pro-Tempore Harris opened the public hearing for Resolution R2024-43.

Chuck Newton (Resident) shared his thoughts on the transportation plan and related development efforts, expressing concerns about the plan's potential impact. He suggested that the plan might

create more issues at the legislative level than it would solve and critiqued its vagueness, noting that it was general enough to allow a wide range of interpretations. While acknowledging that the plan offered flexibility, he emphasized the importance of ensuring it provides clear guidance for developers to achieve desired outcomes. He highlighted the development of the FrontRunner station and the \$300,000 study associated with it, which had stirred controversy, particularly regarding the potential development of townhouses and apartments in the Jordan River area and Mulligan's Golf Course. Despite the concerns raised by the study, he noted that the Jordan Station project had been successful, especially in addressing the parking needs of the area. He pointed out that a 10-acre lot just south of the Jordan Station, originally planned for office space, had not been developed as anticipated. However, the area had since become a prime location for other projects. He added the importance of underground parking in transit-oriented developments (TOD), citing the success of the Jordan Station project, where underground parking spaces were fully occupied even before the development had officially opened. He recommended that the city consider requiring underground parking in future TOD projects, as it maximized land use and added significant value to the developments. He also encouraged the City Council to hold a session with staff to discuss the transportation plan in more detail. He expressed that the plan, as currently presented, might not achieve the desired outcomes without more specific direction and guidance for developers. The success of the TOD areas on the east side of the city, noting that other cities had come to South Jordan to learn from the development. He suggested the council explore TOD projects in cities like Denver and Texas to gain valuable insights for South Jordan's future growth. He shared his frustration with the ongoing debate over flag lots, an issue he had dealt with extensively during his time on the City Council. While commending the council members for their thoughtful comments on the matter, he admitted that the recurring discussions on flag lots had become a painful experience.

Mayor Pro-Tempore Harris closed the public hearing.

Council Member Shelton asked about 4800 West being a major collector and 10200 South being a minor collector.

Engineer Klavano clarified that 10200 South is classified as a minor collector. He would need to double-check the classification of 4800 West but believes it is designated as a major collector due to the width of the road, which determines its classification.

Council Member McGuire acknowledged Mr. Newton's point about parking structures, noting that similar issues had been addressed in previous plans for that area. He thanked Mr. Seager for providing an in-depth market analysis in the document, particularly appreciating the historical context regarding economic challenges. He added how valuable this information was for future economic development opportunities.

Council Member Shelton motioned to approve Resolution R2024-43, Adopting the South Jordan Trax Station Area Plan. Council Member McGuire seconded the motion.

Roll Call Vote

Council Member Shelton - Yes

Council Member Johnson - Yes

Council Member Zander- Yes

Council Member McGuire - Yes

Council Member Harris - Yes

The motion was passed with a vote of 5-0 in favor.

I.2. Ordinance 2024-20, Amending City Code Section 5.12.020, 5.12.040, and 5.12.050 to create a South Jordan Package Agency License. (*By Director of Commerce, Brian Preece*)

Director of City Commerce Brian Preece, provided background on the proposed alcohol licensing plan. He thanked City Manager Lewis and City Attorney Loose for their thorough explanation in the pre-meeting, which clarified the proposal. The discussion centered on the opportunity for certain types of businesses, such as stadiums or hotels to obtain package licenses for alcohol distribution, including special areas like skyboxes. The licenses, however, are tightly regulated by the Division of Alcohol Beverage Services (ABS) and come with strict conditions.

One key aspect of these licenses is that the businesses must sign agreements that allow the ABS and local police to have unrestricted access to their facilities. This ensures that everything is being managed properly and in compliance with regulations. He shared that this kind of licensing is necessary for the stadium to operate effectively and for such events to function as intended.

Mayor Pro-Tempore Harris opened the public hearing for Ordinance 2024-20.

Chuck Newton (Resident) said that South Jordan's role in expanding alcohol licenses as the state grew, noting that the city took a proactive approach in advocating for more licenses, especially as the population increased. He mentioned that the previous council had voted against having a Division of Alcohol Beverage Control (DABC) store in the city, a decision he agreed with. However, the city did move forward with expanding alcohol licenses within certain areas. He noted that while he personally does not consume alcohol, the city needed to allow reasonable access to alcohol in accordance with the law and recognizing people have different preferences. He expressed his support for the proposal, emphasizing that the licensing process was tightly regulated, which made it a wise and controlled decision.

Mayor Pro-Tempore Harris closed the public hearing.

Council Member Shelton confirmed that this has nothing to do with the bar and restaurant licenses and this will be regulated by the state.

Director Preece said the new licensing category is separate from both, according to state law. The state limits the distribution of these licenses, with a cap based on the population of Utah residents (one license per 18,000 people). He clarified that the licenses would be regulated by both the state and the city, requiring both state approval and local consent. The businesses applying for these licenses would need to enter into an agreement with the state outlining their use, and the city would review and approve their local licenses, similar to other alcohol-related permits.

Council Member Zander raised a point about the distinction between bars and restaurants that serve alcohol in South Jordan. She said her understanding was that the city currently has two different categories currently. The difference between a bar and a restaurant that serves alcohol, is a restaurant must meet certain requirements, including a specific percentage of food sales, whereas a bar is more focused on alcohol service and allows customers to move around the room with their drinks. She asked with this category do they have to consume food.

Director Preece said no, they do not have to order food. He explained that the license discussed would allow alcohol to be served in a contained area, such as skyboxes or specific suites, within the stadium, but not throughout the entire venue. He clarified that this license is for hard liquor, and there will be a separate license for beer.

City Manager Lewis described that businesses can purchase alcohol in bulk, store it on-site, and distribute it as needed in specific areas, like suites or banquets. He added that alcohol purchased under this license cannot be consumed outside the designated area and must be stored and used within the same space. This license allows for the storage and controlled distribution of alcohol in specific locations, similar to practices at other venues like hotels and sports stadiums.

Mayor Pre-Tempore asked whether any other alcohol licenses for the stadium were coming before the council or if this was the only one and that the beer licenses were already in place for the stadium and that the council was not voting on authorizing alcohol sales but on allowing storage of alcohol for the specific suites.

Director Preece said that the alcohol licenses for beer sales at the stadium were already in place and that the discussion was specifically about the ability to store and use hard liquor in designated areas. He added that the city has the ability to issue these licenses under the existing ordinance and that the approval was more about regulating the storage and handling of alcohol, not expanding the sale of alcohol itself.

Council Member McGuire motioned to approve Ordinance 2024-20, Amending City Code Section 5.12.020, 5.12.040, and 5.12.050 to create a South Jordan Package Agency License. Council Member Johnson seconded the motion.

Roll Call Vote

Council Member McGuire - Yes

Council Member Johnson - Yes

Council Member Zander- Yes

Council Member Shelton - Yes

Council Member Harris - Yes

The motion was passed with a vote of 5-0 in favor.

J. Staff Reports and Calendaring Items

City Manager Lewis reminded council about Light the Night.

Engineer Klavano provided updates regarding the Bangerter Highway and 9800 South project, he shared that the planned east-west closures across Bangerter and the left turn restrictions are set to begin the weekend of December 21. These closures will last for approximately nine months. The pedestrian bridge at this location is now in place, and work is ongoing to complete the roof and pour the deck. It is anticipated that the pedestrian bridge will be operational around December 21 or 22, in time for students returning to school after the holiday break. However, vehicular traffic will be restricted to right-in and right-out movements only during this period. He reported that Union Pacific is planning to repair the railroad tracks at Jordan Gateway near 10800 South. As a result, Jordan Gateway will be closed at this railroad crossing December 10 and 11. During the closure, access will be maintained from South Jordan Parkway to Sterling Village Apartments and to local car dealerships, but the railroad crossing itself will be closed for two days. He added that the closure will affect local businesses, particularly Walmart and Sam's Club, due to the timing during the holiday shopping season. Emergency services have been informed and contingency plans are in place. The closure is expected to begin on the morning of December 10 and be completed by late afternoon on December 11. He noted that while the timing of the closure is inconvenient, it will only last for two days. He is working with city staff to ensure proper signage and public notifications are in place ahead of the closure.

City Manager Lewis said there is a vacancy on the Bingham Creek Regional Park Advisory Board, following the resignation of Wendy Thomas, who had been serving on the board since its inception. The city will begin the recruitment process to find a qualified and passionate individual to fill the position. He encouraged the Council to reach out if they know of anyone who might be a good fit for the role. The city will gather additional information to present a recommendation for appointment in the coming weeks. He took a moment to recognize Diana Baun, who was attending her last City Council meeting. Ms. Baun has been offered a position with another organization after several years of dedicated service to the city, assisting the City Recorder's office and serving as the meeting transcriptionist for the Planning Commission. He expressed the city's appreciation for her contributions and wished her the best in her new role.

Council Member McGuire motioned to adjourn the December 3, 2024 City Council Meeting. Council Member Zander seconded the motion; vote was 5-0, unanimous in favor.

ADJOURNMENT

The December 3, 2024 City Council Meeting adjourned at 9:16 p.m.