

Memo

TO: South Jordan City Council
CC: File
FROM: Steven Schaefermeyer,
Director of Planning

DATE: September 20, 2022
SUBJECT: Harvest Pointe West
(3773 W. South Jordan Parkway)
Rezone & Land Use Amendment
Application #PLZBA202000247

BACKGROUND:

The City Council held a public hearing for this application during its meeting on May 17, 2022. After the public hearing, the City Council expressed concerns about the concept plan and asked that the Applicant, Peterson Development, work with City staff to revise the concept plan. After the City Council meeting, the Applicant and City staff met and communicated multiple times to discuss possible changes to the concept plan and to review those changes.

On September 6, 2022, the Applicant presented a new concept plan to the City Council during its study meeting. That concept plan reflected conversations between City staff and the Applicant and City staff believed it addressed the City Council's concerns. After that meeting, City staff revised the proposed development agreement and the Applicant made a few additional changes to the concept plan, which it is presenting to the City Council tonight for its approval.

Rather than provide a summary of the lengthy history of this project and the multiple iterations of the concept plan and development agreement, on the second page of this memo is a list of attachments that provides a history of the Application.

STAFF RECOMMENDATION (MOTION READY):

Development Agreement:

Based on the City Council's discussion and all the information presented to the City Council, including the most recent and updated concept plan and development agreement, I move that the City Council approve **Resolution R2022-03**, authorizing the Mayor to sign the Harvest Pointe West Development Agreement.

Land Use Amendment:

Based on the City Council's discussion and all the information presented to the City Council, including the most recent and updated concept plan and development agreement, I move that the City Council approve **Resolution R2022-04**, changing the land use designation of property located at approximately 3773 W. South Jordan Parkway from Economic Center to Mixed Use.

Rezone:

Based on the City Council's discussion and all the information presented to the City Council, including the most recent and updated concept plan and development agreement, I move that the City Council approve **Ordinance 2022-01-Z**, changing the zoning of property located at approximately 3773 W. South Jordan Parkway from C-C to C-C-PD.

ANALYSIS:

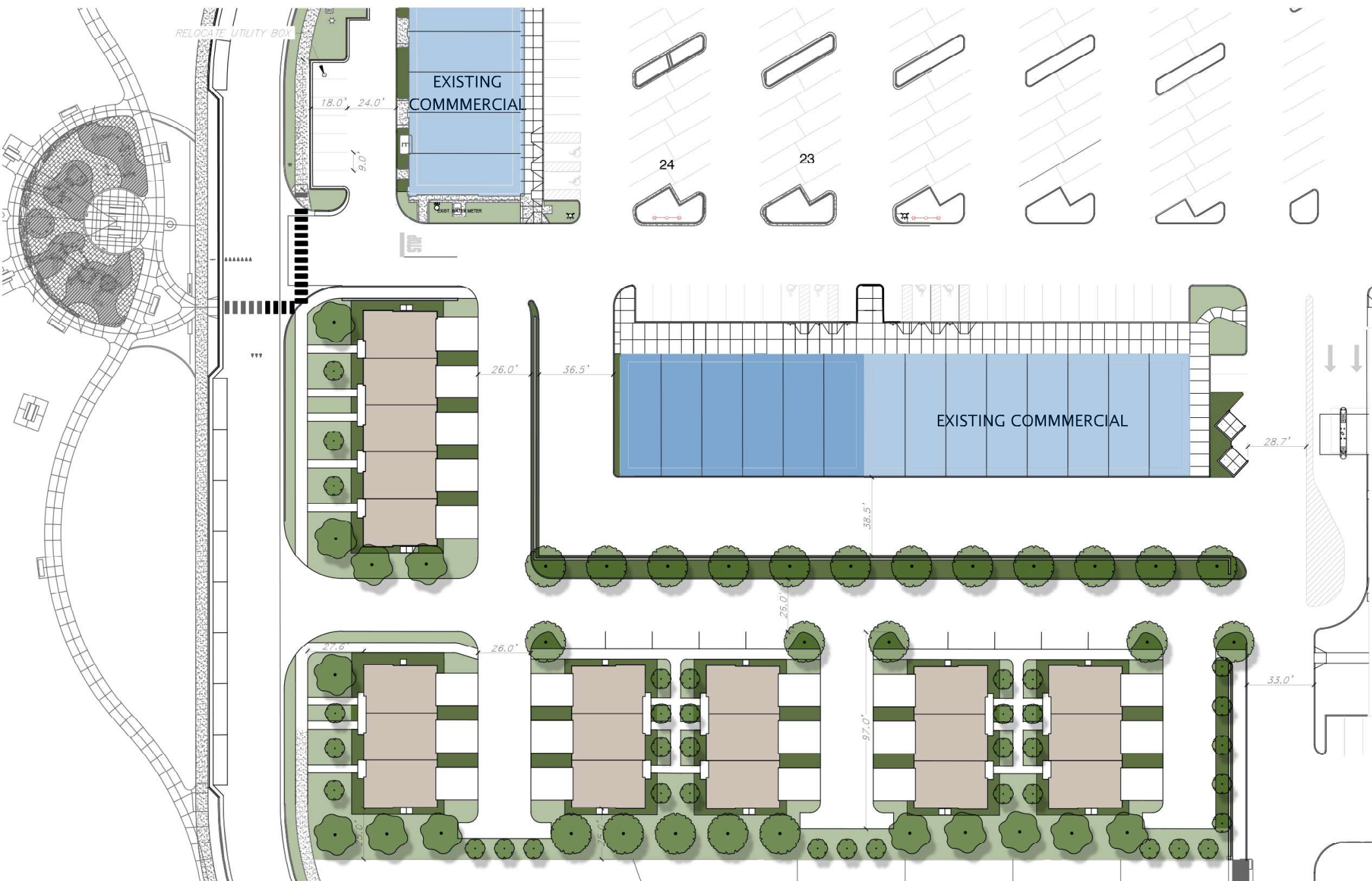
After many iterations and years of discussion, City staff recommends approval because the Applicant has responded to the City Council's direction and City staff's suggestions by proposing a project that:

1. includes an additional commercial building that will compliment and strengthen the existing commercial center;
2. provides a better buffer and transition between the commercial center and the new townhomes;
3. provides a residential development that is sensitive to surrounding land uses and is at a density that is in line with other projects approved throughout the City in similar contexts;
4. adds housing in an area that is near a major transportation corridor (Bangerter Highway);
5. includes public improvements to address issues related to parking, safety and traffic along Harvest Pointe Drive that residents in the area are concerned about; and
6. includes a development agreement that is consistent with the purpose of the Planned Development Floating Zone (*see*, City Code § 17.130.050.010), and will provide more certainty for property that has remained vacant for many years as surrounding properties have developed.

ATTACHMENTS:

1. Proposed Concept Plan
2. DRAFT Minutes of the September 6, 2022 City Council Study Meeting
3. Minutes of the May 17, 2022 City Council Meeting
4. May 11, 2022 Memo to the City Council
 - a. Original City Council Staff Report (prepared for the February 1, 2022 meeting)
 - i. Location Map
 - ii. Zoning Map
 - iii. Land Use Map
 - iv. Staff letter to Applicant with original concept plan
 - v. Applicant letter to Staff with revised concept plan
 - vi. Minutes from 10/26/21 Planning Commission Meeting
 - vii. Resolution R2022-03
 - viii. Resolution R2022-04
 - ix. Ordinance 2022-01b.
 - b. Fiscal Analysis
5. Resolution R2022-03, which includes the proposed Harvest Pointe West Development Agreement (see pages two through five of the agreement to review the obligations of the parties)
6. Resolution R2022-04 (Land Use Amendment)
7. Ordinance 2022-01-Z (Rezone)

Attachment 1



Attachment 2

Mr. Haller said they have already done Davis County and Discover Davis, American Fork and the Harrington Center for the Performing Arts, Orem, Provo and Spanish Fork. Currently signed up and waiting to be done are Payson, Herriman, Beaver and Tooele.

F.3. Peterson Development at Rushton Meadows (*By Peterson Development*).

Jeff Seaman gave a brief history of this project's proposals to the council, and then reviewed his prepared presentation (Attachment D). He added this would tie into the commercial center with commercial parking right in front of the existing and new proposed commercial space, as opposed to having it in a different location behind the Mountain Mike's Pizza. There were also concerns about delineating the residential from the commercial, and he noted there will be a masonry fence separating the spaces. Their planners have told them the space is large enough for a semi truck to pull all the way through, so there is no backing up. Even if there is backing up, the masonry fence is there for safety. He discussed options for traffic flow with the council, expressing the plan for a one way street and a possible masonry wall to block traffic from going through a certain area if desired.

Council Member McGuire asked about the height of the proposed townhomes.

Mr. Seaman said they are the same as was presented previously, three stories.

Council Member McGuire asked if the two access points to Harvest Pointe were necessary, or if all residents could be funneled to the northern access point. He also asked if they are maintaining the same setbacks from the property lines.

Mr. Seaman said they need fire access or turnaround there, so the second access satisfies that. Also, from the fence line to the homes is 25 feet, which is consistent with that neighborhood to the south.

Council Member Zander asked if the landscaping would be in some kind of contract, requiring there be trees.

Mr. Seaman said that would be in the development agreement, and would be water wise.

Council Member Zander noted that she loved the tree line there and she would want that in the development agreement that there are certain required trees, so the coverage isn't sparse.

Director Schaefermeyer said they have discussed specific types of trees in previous iterations, and they can certainly address that. He will have to pull up the agreement to see what was agreed upon last time, and they will discuss that.

Mr. Seaman said they are open to working with the city on the tree types.

Director Schaefermeyer said that unless the development agreement for this zone modifies underlying ordinances, they fall back on whatever the underlying ordinance is. However, for things like that, they would expect more details in the agreement.

Mr. Seaman said they would work with staff and neighbors to make sure the trees are thoughtfully placed.

Scott Howell added that they are planning to be very water-wise, as there will be more from the legislation coming down this year in regards to that, and that's what they want to promote is a conservative plan.

Council Member Zander asked if the green areas on the concept plan are going to be grass.

Mr. Howell said that will be depend on what the city and state decide, as grass might be a thing of the past.

Director Schaefermeyer said that the city ordinance doesn't allow grass unless it's "usable," so a grassy area with trees isn't considered usable. That means that if they are putting trees along the property line in that area, the city ordinance already would not allow grass there, unless there is roughly an 8x8 area that is "usable."

Council Member Zander said it would make sense between the driveways to not waste water on grass. However, she would like to see if the frontage of the townhomes that face the road could have some green for people to see driving by. Also, everyone has a dog, and the dogs need somewhere to go to the bathroom. If they don't have some grass somewhere, and there's too much water wise stuff, everyone will take their dogs across the street to the city park and no one wants that. She'd like to see the units facing the street with grass in the front.

Council Member Marlор asked about density, and what's being used for that calculation.

Mr. Seaman said the whole parcel is 3.16 acres, but he doesn't know the acreage of just the residential area.

Director Schaefermeyer said it is eight units per acre, and there is roughly 2.5 acres of dirt that hasn't been developed. If they included the entire parcel the density would be less, and the eight units per acre does include the new proposed commercial area.

Council Member Zander loves how this has developed.

Mr. Seaman attributed this new plan to their working with staff.

Director Schaefermeyer added that Peterson was responsive to everything staff brought to them. There are always things to change, but at some point we have to realize this is a small parcel, and if we are going to build housing on it we need to decide what that will look like and how it will function. Adding the commercial and bringing the density down, along with eliminating some of

the conflict between the commercial and proposed residential areas were the three biggest things staff heard from the city council.

Council Member Zander loves the safety measures added behind the commercial building.

Council Member Harris thanked Peterson for working with staff, and it sounds like Director Schaefermeyer recommends the plan; Council Member Harris can support it as well.

Council Member Marlors said he is fine with this new proposal.

Council Member McGuire appreciates Peterson working with staff, and getting things to this point where we have a solution that keeps the commercial traffic separated from the residential and grateful we will continue to maintain the street presence with the townhomes facing the street. He thinks that overall, this is the best proposal he has seen.

Director Schaefermeyer said the public hearing closed on May 17, but there have been some internal discussions about the next meeting. This is currently scheduled for the September 20th City Council meeting.

Council Member Marlors asked if they will reopen the public hearing, as this is a totally different plan.

Director Schaefermeyer noted that in the past, whether required or not, the mayor has opened up public hearings if people attend.

Mr. Seaman said that Peterson is fine with the public hearing being reopened, and acknowledged that there were some residents participating in this meeting via Zoom.

Attorney Loose noted that whether or not they have a specific public hearing, those residents would just come and talk during the public comment period.

Council Member Zander asked if the public will be notified that this will be on the agenda that night.

Attorney Loose said that if this is noticed as a public hearing, then yes, those notices would be sent out.

Director Schaefermeyer said that when an item is tabled they don't always send out the new notices since it's not legally required, but that depends on direction from staff.

The council agreed that this should be noticed as a public hearing.

Council Member McGuire asked if Peterson was going to help put in the parking shown on the concept plan on the street near the park, or if that was leftover from a previous site plan.

Mr. Seaman said it was leftover from a previous site plan, but that is something that can be looked at and discussed internally. They are going to do the flashing crosswalk, but they will get back to the city regarding the parking spots since the dynamic has changed and they had to lower their number of units.

Mayor Ramsey thanked Peterson for their great work. The council and staff agreed with the efforts and support this idea.

Council Member Harris suggested discussing the Dowdle puzzle opportunity.

Mayor Ramsey said she and Gary had a great meeting with the Dowdle company, and the city has been looking for a mural piece to be a photo spot for a long time. She likes this idea, and she has only spoken to a few other places that did this in the state and they all made their money back very quickly, plus a profit.

Council Member Marlor asked if they could sell them at Summerfest?

Council Member Zander noted that they would have to book June now if they wanted to sell these at Summerfest.

Council Member Shelton wants to see the math on this, as they did just raised taxes,

Mayor Ramsey said that she and Gary were comfortable doing this, because there would be a return on the investment.

Manager Whatcott said that they have proven not one city doing this has lost money. His recommendation, because of the higher amount, was to discuss this during their budget/strategic planning process.

Council Member Zander noted that if they are doing it, they should be intentional about it and possibly wait.

Manager Whatcott said that if they wait a year they won't be in the 250 year anniversary. He is not overly worried about finding the funds, and it could be a great art project from the city's standpoint with the big mural.

Council Member Zander said that if they allow businesses to sponsor this, they could pay to be in the puzzle and cover some of the costs.

Manager Whatcott said they do have some advertising dollars in the RDA fund, and some of that could be used to help with this. There is also an a la carte menu for items, so they can look through everything and see what they really want.

Mayor Ramsey said people who live in the west section of South Jordan love the history, and those in Daybreak love where they are.

Attachment 3

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 a substitute motion 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 Marlor 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 Marlor 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 Marlor 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.

Attachment 4

Memo

TO: South Jordan City Council **DATE:** May 11, 2022
CC: File **SUBJECT:** Harvest Pointe West Rezone/LUA
FROM: David Mann, Long Range Planning Analyst

BACKGROUND:

A public hearing for this application was scheduled for the City Council meeting on February 1, 2022, but the Applicant decided to instead meet with the Council at its February 15, 2022 work session meeting. During that meeting the Applicant did not present changes to the application and the City Council did not make any decisions on the application. The Planning Department has not received further communications from the Applicant, and its opinion has not changed and is based on the information and plans included in the application.

ATTACHMENTS:

1. Original City Council Staff Report (prepared for the February 1, 2022 meeting)
2. Fiscal Analysis (prepared by Finance Department)

SOUTH JORDAN CITY CITY COUNCIL REPORT

Meeting Date: 2/1/22

Application: HARVEST POINTE WEST LAND USE AMENDMENT AND REZONE
Amending the land use designation from Economic Center to Mixed Use and
rezoning from Commercial Community (C-C) to Multiple Family Residential
Planned Development (R-M-PD).

Address: 3773 W South Jordan Parkway

File No: PLZBA202000247

Applicant: Peterson Development

Submitted By: David Mann, Planner II
Jared Francis, Senior Engineer

Staff Recommendation: deny the proposed development agreement, land use amendment and rezone.

Alternative to Approve (motion ready):

Based on the information the Applicant presented to the City Council during the public hearing, I move that the City Council **approve** the proposed **development agreement**.

Based on the information the Applicant presented to the City Council during the public hearing, I move that the City Council **approve** the proposed **land use amendment from Economic Center to Mixed Use**.

Based on the information the Applicant presented to the City Council during the public hearing, I move that the City Council **approve** the proposed **rezone from C-C to R-M-PD**.

STANDARD OF APPROVAL

Land Use Amendment: Upon satisfactory submittal of an application for a land use amendment, the Planning Department shall schedule a public hearing before the Planning Commission regarding the proposed land use amendment. Notice of the public hearing shall be provided in accordance with [S]ection 17.04.060 of [the City Code]. The Planning Commission shall receive public comment at the public hearing regarding the proposed land use amendment and make a recommendation on the amendment to the City Council.

(City Code § 17.12.050)

Planned Development Floating Zone Purpose: The purpose of the Planned Development Floating Zone (PD) is to allow for flexibility in the application of zoning regulations and development provisions of this title to advance a public interest through prescriptive

requirements of a development plan and development agreement approved by the City Council. The PD may be applied to specific geographical areas ("districts") in circumstances that address a unique situation, confer a substantial benefit to the City, or incorporate design elements or a mixture of uses that represent a significant improvement in quality over what could otherwise be accomplished by standard zoning and development provisions. Such circumstances may include, but are not limited to: improvements in open space and amenities, environmental and resource preservation, tree and vegetation protection, slope accommodations, improved infrastructure efficiency, exceptional and innovative site or building design, increased public benefits, and complementary integrated land uses. The City Council shall consider the purpose of the base zone and the impacts on and from surrounding properties when approving a PD District.

(City Code § 17.130.050.010)

Rezone Application: The rezoning of property may not be considered if the proposed zoning does not conform to the [G]eneral [P]lan. The following guidelines shall be considered in the rezoning of parcels:

- A. The parcel to be rezoned meets the minimum area requirements of the proposed zone or if the parcel, when rezoned, will contribute to a zone area which meets the minimum area requirements of the zone.
- B. The parcel to be rezoned can accommodate the requirements of the proposed zone.
- C. The rezoning will not impair the development potential of the parcel or neighboring properties.

(City Code § 17.22.020)

BACKGROUND:

A description of the Property is as follows:

ACREAGE:	Approximately 3.16 acres
CURRENT ZONE:	C-C
CURRENT USE:	Vacant
FUTURE LAND USE PLAN:	Economic Center

NEIGHBORING LAND USE DESIGNATIONS, ZONING, EXISTING USES:

North—Economic Center, Commercial-Community (C-C), Commercial Retail
South—Stable Neighborhood, Residential-Multiple 8 units/acre (R-M-8), Rushton Meadows
East—Economic Center, Commercial-Community (C-C), Commercial Retail
West—Open Space, Open Space-Park (OS-P), Rushton Meadows City Park

Peterson Development submitted an application to create a planned development floating zone. The Applicant initially proposed the construction of an office condominium on the north portion of the subject property and 28 townhouses on the south portion. The subject property

is part of a commercial subdivision that was originally anchored by an Albertsons grocery store. The businesses in this development have changed over the years and the subject property has never been developed. The Applicant has expressed to Staff the challenges they have experienced in attracting a commercial business to locate on the subject property due to poor street frontage. Staff presented the Applicant's concepts, which included a townhouse option and a residential condominium option, to the City Council on September 15, 2020 during a work session to get initial feedback and direction from the Council. Staff sent the Applicant a letter outlining the items that needed to be addressed before any public hearings would be scheduled. The Applicant has also conducted several neighborhood meetings to discuss their concepts and listen to concerns made by the surrounding property owners.

On May 11, 2021, the Planning Commission reviewed the subject application during a public hearing. At that time, Staff asserted that the proposed concept was not in line with directions received from the City Council regarding similar projects. The Planning Commission evaluated potential issues with parking, traffic, and landscape design and voted to table the item in order to give the Applicant more time to improve the proposed concept. After a few discussions with Staff, the Applicant provided an updated concept plan that removed the office use and incorporated better design principles that would benefit the project and lessen potential impacts to existing residents and businesses. The Planning Commission held another public hearing on October 26, 2021 to review and make a recommendation on the proposal. The Commission voted 5-0 to recommend that the City Council deny this application.

ANALYSIS:

After meeting with the City Council Staff provided a letter to the Applicant that included topics such as density, traffic, parking, landscaping, and architecture. The Applicant's townhouse proposal would have a density close to 11 units per acre if calculated using only the undeveloped area of the parcel, or 8.8 units per acres if calculated using the entire parcel, which is denser than the six to eight units per acre density that the City Council has typically approved for similar projects. It would also be denser than the Rushton Meadows subdivision, which is approximately eight units per acre for all phases of that development (including single family and townhome phases).

The Applicant responded to Staff's concern by stating that in order to make the project viable and keep the prices down to qualify for workforce housing, the proposed density is necessary. The Applicant provided a traffic study in order to demonstrate the reduction of car trips based on their concept when compared to developing retail on the subject property. The Applicant also submitted a revised concept that was presented at the October 26 Planning Commission meeting that further addressed Staff's comments regarding the design of the site. Even though the overall layout of the buildings and parking areas were improved, the proposed number of units did not change and the surrounding residents are still opposed to the residential use at this location. The attached housing development located south of the Rushton Meadows single family subdivisions has created traffic and parking issues that residents have contended would only be compounded with the proposed project.

The development agreement that the Applicant has proposed includes, among others, the following terms:

- Overall density will not exceed 28 residential units.
- The developer will install a flashing crosswalk connecting Rushton Meadows Park with the project, and other reasonable traffic calming measures long the east side of the Harvest Pointe Drive abutting the project.
- The project will be developed according to the Concept Plan.
- The project's architecture will comply with residential architectural requirements that were once standard in the City Code, but that the City Council recently removed to comply with a change in state law.
- Privacy windows will be installed on the third floor, side elevation of units that abut the Rushton Meadows Subdivision.
- The developer will work with adjacent residents in the Rushton Meadows Subdivision to thoughtfully place landscaping between the subdivisions, with the goal of creating additional privacy.
- The project's CC&Rs will online parking standards and a parking enforcement plan.

STAFF FINDINGS, CONCLUSIONS & RECOMMENDATIONS:

Findings:

- The Planning Commission voted 5-0 to recommend that the City Council deny this application. Reasons commissioners voted to recommend denial included the number of units (density) and desire to keep density approvals throughout the City consistent, height of the buildings, changing the use, amending the General Plan, using the PD Floating Zone on a small parcel.
- Staff finds the proposal does not sufficiently address all of Staff's concerns or meet the intent of the PD Floating Zone (*See City Code § 17.130.050.010*).
- The subject parcel has been designated for a commercial land use for many years, and remained a commercial land use with the latest reiteration of the future land use map that the City Council recently adopted in 2021.
- Staff believes that adding housing to existing shopping centers should be part of a larger redevelopment strategy rather than just adding housing to vacant parcels or empty space within shopping centers.

Conclusion:

Based on the findings listed above, Staff concludes that the proposed rezone does not meet the purpose of the Planned Development Floating Zone and should remain a commercial use.

Recommendation:

Deny the application as presented.

ALTERNATIVES:

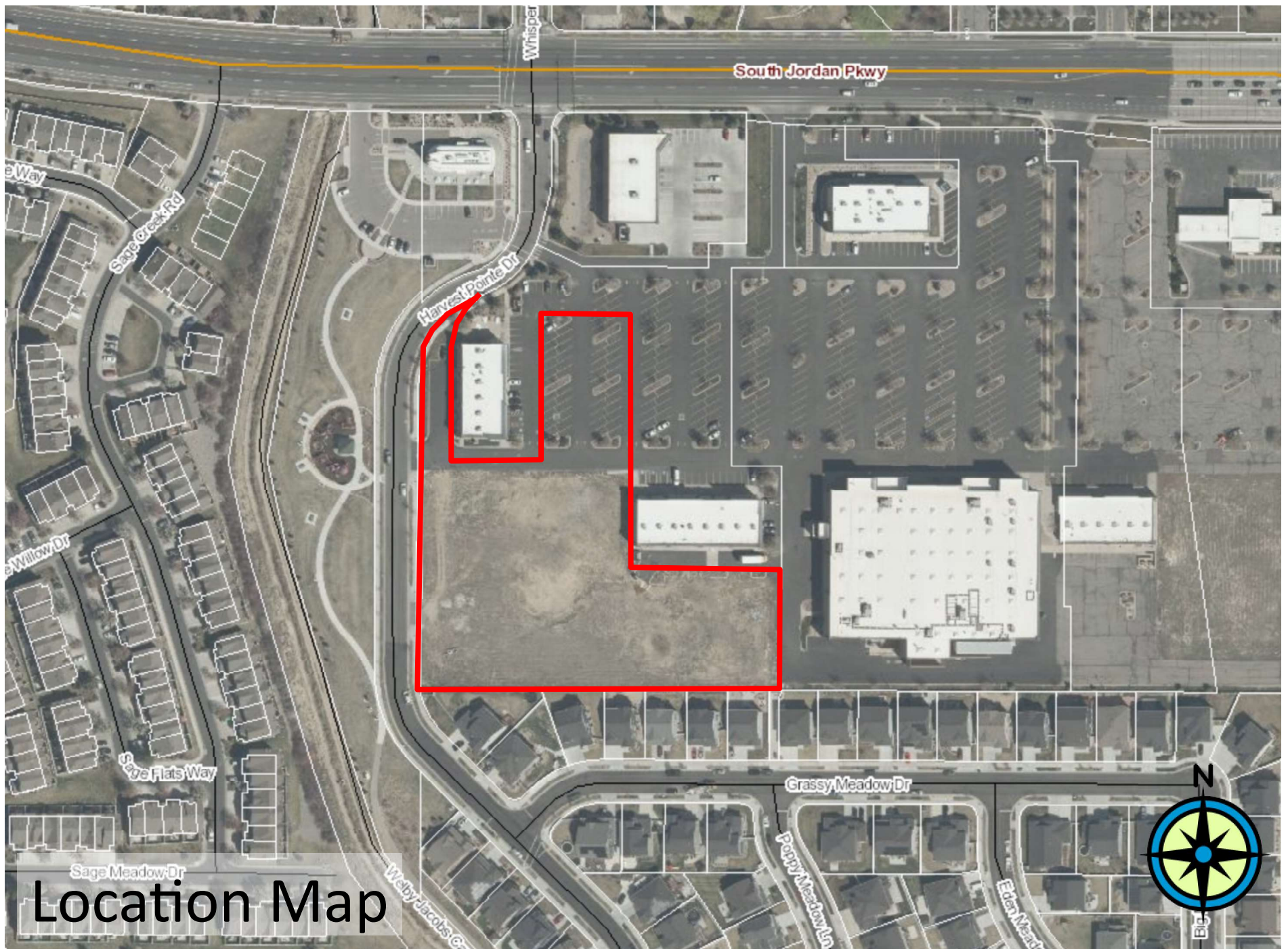
- Approve the application.
- Propose modification(s) to the application.
- Schedule the application for a decision at some future date.

SUPPORT MATERIALS:

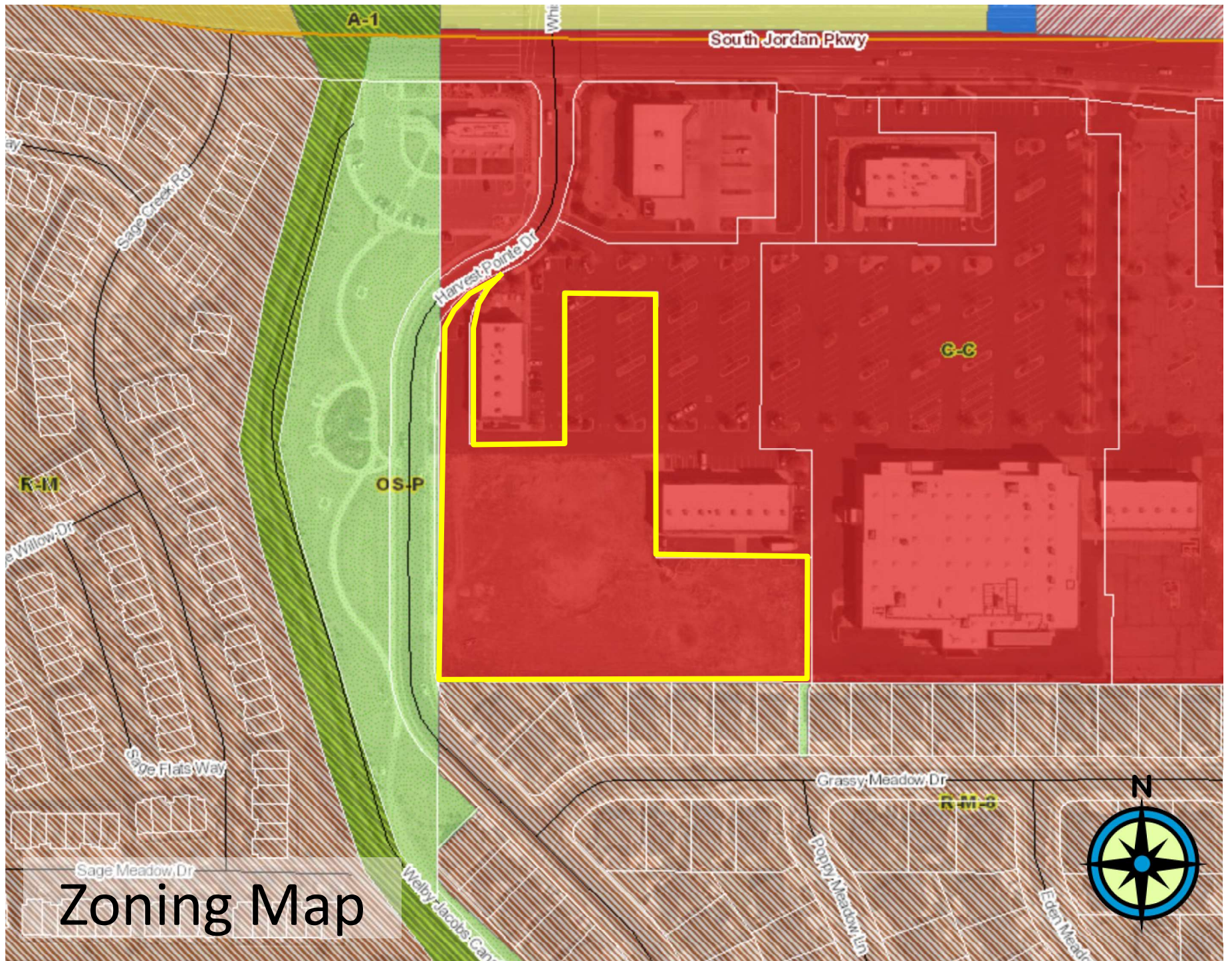
- Location Map
- Zoning Map
- Land Use Map
- Staff letter to Applicant with original concept plan
- Applicant letter to Staff with revised concept plan
- Minutes from 10/26/21 Planning Commission Meeting
- Resolution R2022-03
- Resolution R2022-04
- Ordinance 2022-01-Z

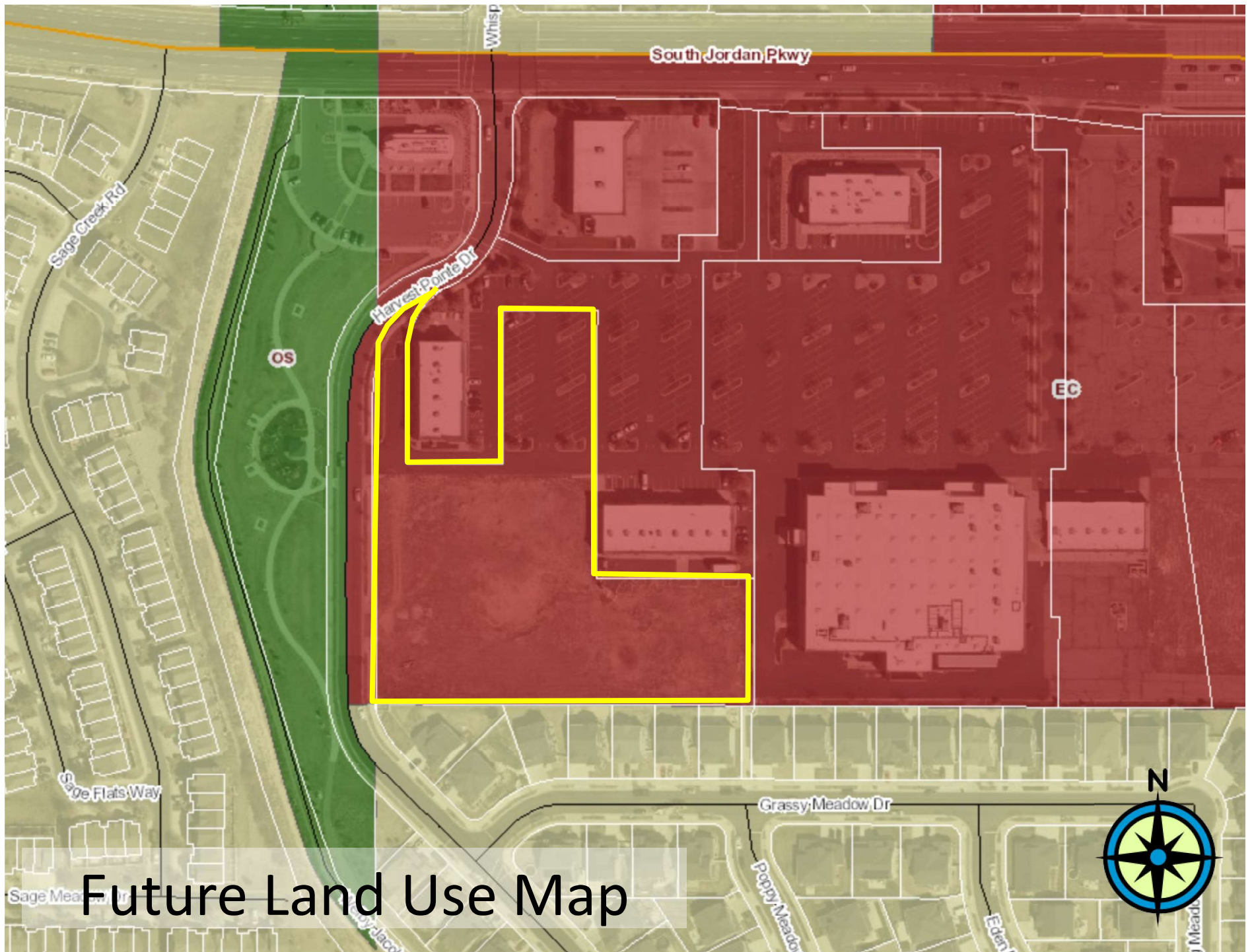
DEPARTMENT APPROVAL:

Steven Schaefermeyer
Director of Planning
Planning Department



Location Map





Future Land Use Map

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



PH: 801.446-HELP @SouthJordanUT

October 29, 2020

Attn:
Jeff Seaman
Harvest Pointe LLC
225 S 200 E #200
Salt Lake City, UT 84111

RE: South Jordan City Staff Comments on Harvest Pointe West Concept 3 (PLZBA202000247)

Dear Mr. Seaman:

This letter provides initial comments based on your latest submission (attached) and information from prior submissions. Because of the preliminary and conceptual nature of your submissions, City staff cannot provide a complete set of comments at this time. A complete set of comments will be necessary before drafting a development agreement. City staff will likely have additional comments as you respond to these initial comments with more information or develop your concept further.

We anticipate that you may have questions or concerns about some of these comments. Please do not hesitate to call so that we discuss these comments.

Planned Development (PD) Floating Zone: Approval of a PD project is justified if there are “circumstances that address a unique situation, confer a substantial benefit to the City, or incorporate design elements or a mixture of uses that represent a significant improvement in quality over what could otherwise be accomplished by standard zoning and development provisions.” (South Jordan City Municipal Code § 17.130.050.010.) In reviewing applications for PD projects, staff looks for specific justification in the application and plans that demonstrate that there are exceptional reasons to recommend approval of the project. These reasons include solving unique circumstances, superior designs that go beyond what is required by standard zoning regulations, community support and moderated impact on surrounding properties.

- Review the requirements of the PD Floating Zone and provide any additional narratives, plans or justifications that are missing in your current submission (some of those requirements are highlighted in these initial staff comments). If you believe you have already provided all that is required, please combine your various submissions into one document with the updated concept plan you wish to pursue.

- If approved, the base zone for the townhome portion of the project should be the RM Zone.
 - Review the requirements of the RM Zone (*see* City Code § 17.40) and identify specific requirements that you believe need to be modified by the development agreement. The default requirements of the RM Zone will be imposed at site plan approval unless specifically modified by the development agreement.

Density: This City Council has consistently directed staff that it will not approve residential projects with densities greater than six to eight units per acre.

- City staff calculated the density of the currently proposed 28-unit project as 8.86 units per acre if you include the entire 3.16 acre parcel, and 10.89 units per acre if you include only the portion of the property that is vacant and proposed for development (approximately 2.57 acres).
- We believe the second density calculation of 10.89 is the more accurate calculation because it excludes portions of the parcel not reasonably related to the townhome project.
 - Please reduce the number of units to be within the City Council's expected density OR provide justification why this project should be allowed a higher density than has been approved for other similar recent projects.
- Once the density issue is addressed we can begin discussing possible RDA housing dollars being used for the project and how many units will be deed restricted for workforce housing.

Layout:

- Current layout creates no street presence along Harvest Pointe Drive. Please consider turning the townhomes so they face east and west, with alleys that run north and south. Such a configuration could eliminate the southernmost entrance from Harvest Pointe Drive and provide a wider landscape buffer for neighbors by eliminating the south alley. City staff recognizes that although such changes may create their own unique set of design challenges, including circulation or fire access, the concept is worth exploring.
 - Label on the concept the width of the paseo between the townhomes along with a delineation of shared vs. private space.

Architecture:

- Provide elevations or renderings of the two-story townhomes.
- Provide a material board or some other explanation of the proposed materials and colors.
- Label the townhomes on the concept plan as two story or three story.
- Please identify any design elements, architectural features or materials that make the design of the townhomes and the commercial building superior to what is required by standard zoning requirements.

Landscaping and Open Space:

- Provide a more detailed conceptual landscape plan or typical landscape detail for a smaller area of the project that will be used throughout the project.
- Provide the square footage of the central open space area.

- The trees between garages could be a great way to soften the alleys. Usually townhome projects, however, put air conditioning units between garages where the trees are currently shown.
 - Are the trees shown between garages realistic and what methods will be utilized to ensure they remain healthy? If the trees are not realistic, please remove them from the rendering.
 - Where will the air conditioning units be placed if not between garages?
- The current C-C Zone applied to the property requires a ten-foot landscape buffer between the commercial uses and adjacent residential. (*See City Code § 17.60.020. J.1.a.*)
 - Although the concept is for a residential use, please provide the same landscape buffer the neighbors would have gotten with a commercial use by increasing the landscape area to at least ten feet along the south side of the project OR provide sufficient justification why a smaller buffer is warranted.
 - If you believe a smaller buffer is warranted, provide what tree species will be planted to enhance privacy and how that species will remain healthy in the smaller area provided.

Parking and Circulation:

- Contrary to some comments made in your meeting with the residents, the City is willing to consider solutions to mitigate the concerns the residents have with traffic, safety and parking along Harvest Pointe Drive.
 - City staff is exploring possible solutions that we may be able to partner with you in solving the issues on Harvest Pointe Drive. Once we have determined the feasibility of these solutions we will update you.
 - Solutions include providing on-street parallel parking, striping a pedestrian cross walk across Harvest Pointe Drive together with a flashing pedestrian sign, and a right turn pocket at the intersection with South Jordan Parkway.
- Alleys must be a minimum of 24 feet wide to provide proper access for fire protection.
- Provide separate parking calculations for the commercial building and the townhomes and show on the concept plans the parking stalls dedicated to each use.
- Please show on the concept plan any specific circulation plans including delineation of any one-way traffic, stop signs, cross walks and any proposed striping.

Sincerely,

South Jordan City Staff

Harvest Pointe Townhomes



October 14, 2020



RE: Harvest Pointe - West Rushton Meadows Trip Memo – South Jordan, UT

The following is a trip generation memo comparing various land use options for the Harvest Pointe West Rushton Meadows area of South Jordan, UT. UDOT is building an interchange at 10400 South (South Jordan Parkway) / Bangerter Highway which will impact the available land use possible. This memo evaluates three options. The original land use zoning and two possible alternative land uses.

Option #1: 20,000 sf of retail

Option #2: 28 townhomes and 6,000 sf of office condos

Option #3: 39 condos and 0 sf office

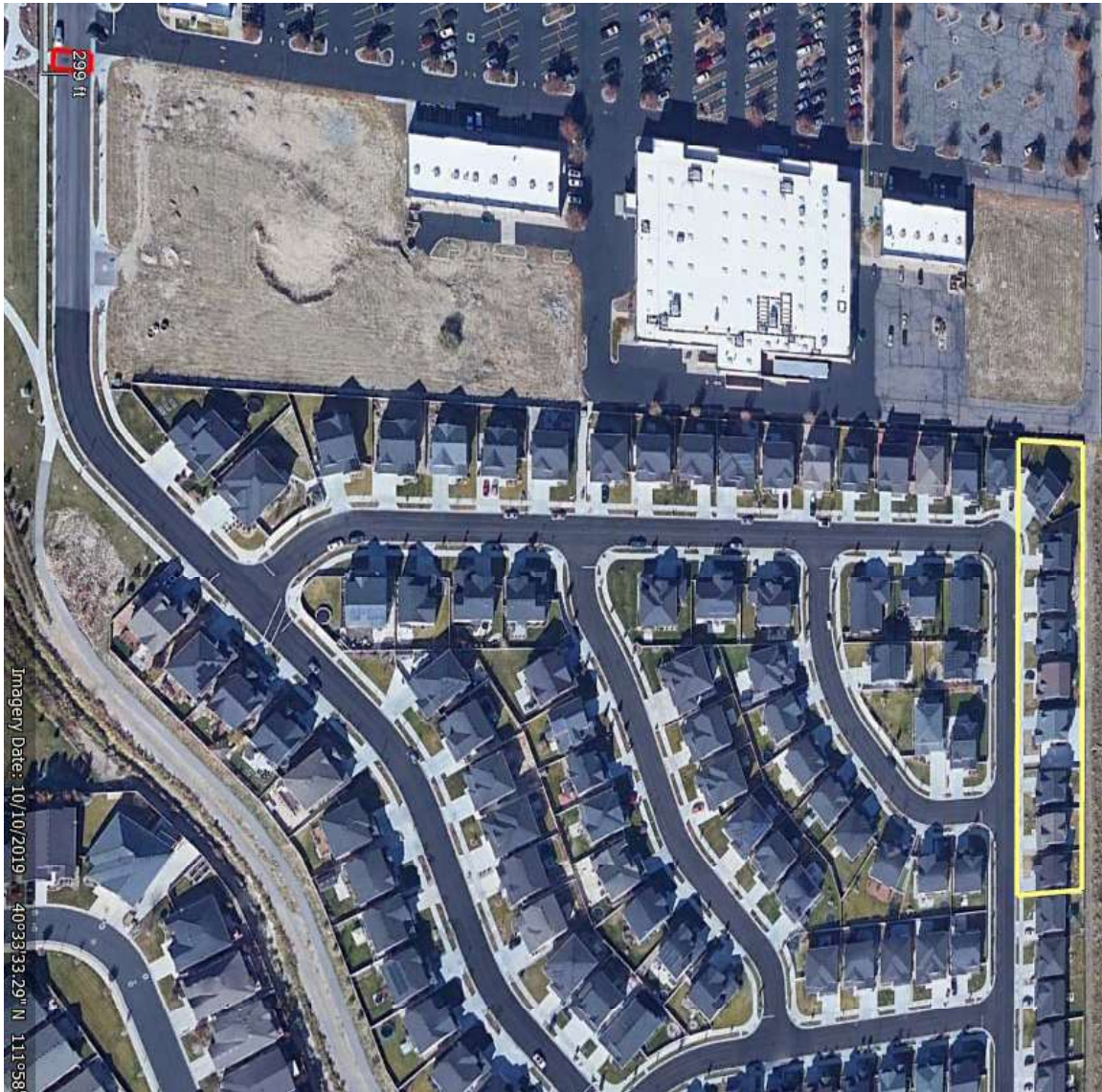
Because of the interchange, 9 single family homes will be eliminated as traffic from the area. Those trip numbers are also identified in the trip generation to quantify the net traffic change to the area.

Figure 1 identifies the site location. Figure 2 shows the 9 homes to be eliminated and the developable land.

Figure 1: Site Location



Figure 2: Proposed Site Area and 9 Homes to be Eliminated



Trip Generation

Trip generation for the site was done using the Institute of Transportation Engineers (ITE) 10th Edition *Trip Generation* handbook. Based on the land use assumptions and size of the building, the projected traffic generated by the site is determined.

The 3 options for various land uses produce the trip generation is shown in Table 1.

Table 1: Site Trip Generation

ITE 10th Ed	Size	Land Use	Trip Rate			Trips		
			AM	PM	Daily	AM	PM	Daily
Option 1								
Retail	20.000	820	0.94	3.81	37.75	19	76	755
Total						19	76	755
Option 2								
28 Townhomes	28	220	0.46	0.56	7.32	13	16	205
Office	6.000	710	1.16	1.15	9.74	7	7	58
Total						20	23	263
% of Option 1						106%	30%	35%
Option 3								
39 Townhomes	39	220	0.46	0.56	7.32	18	22	285
Total						18	22	285
% of Option 1						95%	29%	38%
9 Existing Homes	9.000	210	0.74	0.99	9.44	7	9	85
% of Option 1						35%	12%	11%

What this indicates is that the original entitled retail / commercial land use for the area could generate an estimated 755 daily trips with 19 projected AM peak and 76 PM peak trips. If the land use changes to townhomes and office (Option 2), then the daily and peak hours trips are estimated to be less than Option 1 trips (20 AM Peak, 23 PM peak and 263 daily trips). If the land use becomes residential only (Option 3), then the trips are 18 AM, 22 PM and 285 daily trips. Since residential and office space generate less traffic than retail traffic, the change in land use to less retail, residential or office from retail has a substantial reduction in traffic generation.

Note that the existing 9 residential homes being eliminated would generate 7 AM (35%), 9 PM (12%) and 85 daily (11%) of the Option 1 trips and would be eliminated from the current traffic situation.

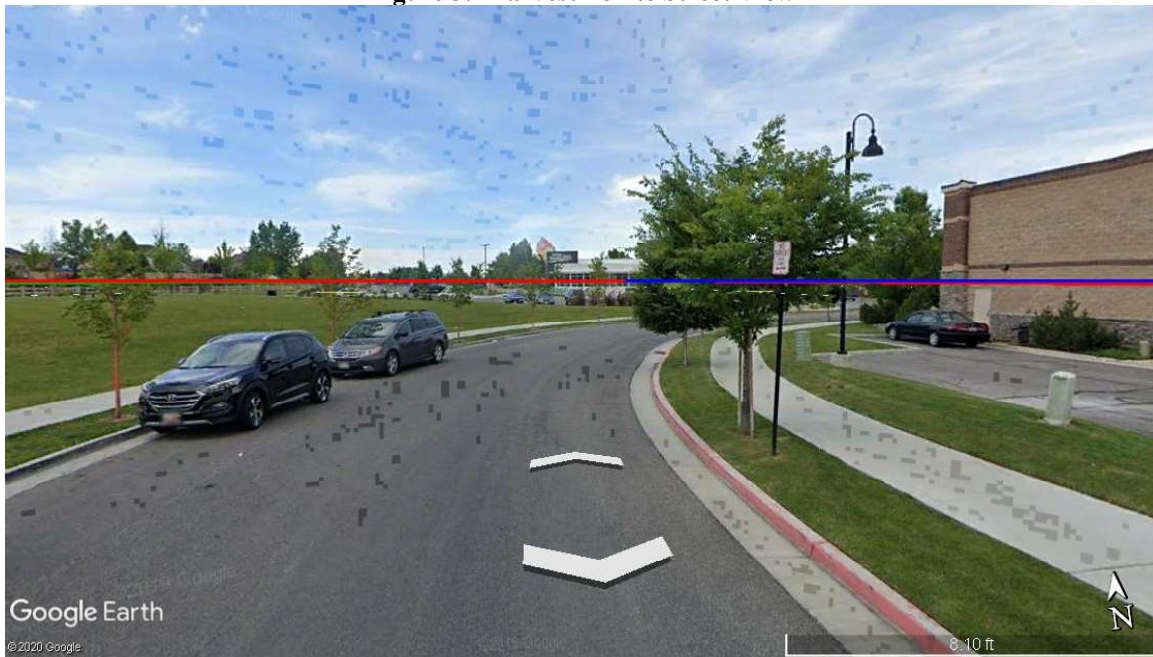
Harvest Pointe Drive is a collector street that leads to 10400 South and a signalized intersection. The street is a two lane road with approximately 28 feet of asphalt width and posted at 25 MPH. Parking is allowed on the park side but no parking on the commercial side of the street. A two-lane collector has a daily capacity of approximately 13,500 daily trips. Depending on what option is selected will determine the capacity utilized by the proposed development.

Option 1 – 5.6% (755/13,500) of the roadway capacity

Option 2 – 1.9% (263/13,500) of the roadway capacity

Option 3 – 2.1% (285/13,500) of the roadway capacity

Figure 3: Harvest Pointe Street View



Please let me know if you have any questions.

Sincerely,
A-Trans Engineering

A handwritten signature in black ink that reads 'Joseph Perrin, Jr.'.

Joseph Perrin, PhD, PE, PTOE
Principal

South Jordan City
Attention: Steven Schaefermeyer
1600 West Towne Center Drive
South Jordan, UT 84095

RE: Response to Harvest Pointe West Concept 3 (PLZBA202000247)

Dear Mr. Schaefermeyer:

Thank you for your time in reviewing the Harvest Pointe West submittals and providing feedback which has helped refine the concept. Peterson Development (Peterson) is proposing a 28-unit townhome project and 6,000 sq ft of office condo/warehouse space called Harvest Pointe West (HPW), attached as Exhibit A. We have spent a considerable amount of time and money exploring different options for this property and appreciate the City's willingness to make it worthy of being part of South Jordan. Below are answers to the comments you provided.

Planned Development (PD) Floating Zone: As stated, South Jordan City Municipal Code §17.130.050.010 requires the "solving of unique circumstances, superior design that go beyond what is required by standard zoning regulations, community support and moderated impact on surrounding properties." This property is currently part of the Harvest Pointe Shopping Center, and with the condemnation of other junior tenant building pads because of the expansion of Bangerter Highway, it is the last remaining mid-sized commercial pad in the subdivision. Peterson has actively marketed this property for retail tenants for more than 20 years without success, because without the synergy that the other mid-sized commercial lot would have created, retailers are reluctant to invest in this property.

Furthermore, many people, from the Mayor to the City Council and neighbors, have concerns about the traffic congestion at the intersection of Harvest Pointe Drive and South Jordan Parkway (10400 South). According to an October 2020 trip generation memo by A-Trans Engineering, a 20,000 sq ft retail building (which currently the property is already zoned and entitled for) would increase traffic to this already congested area by 755 daily trips, including 95 during peak hours. Peterson's proposal reduces this trip count by 65% for an estimate of 263 daily trips. A copy of the complete memo is attached as Exhibit B. By 'down zoning' to a much less intense use, the impact on the surrounding property is minimized.

Density: Throughout the submittal process and with multiple iterations density has been a balancing act. Peterson has submitted concepts with up to 39 units which the City Council viewed favorably. The latest proposal has 28 units which puts density at either 8.86 or 10.89 units to the acre. We tend to agree with what Council Members have stated, that the number of units per acre is not what is alarming in a development but how it lays on the land and the effect on the neighborhood. Great care has been taken to minimize the effect on the neighbors.

Additionally, current infrastructure and construction costs make the project prohibitively expensive without the proposed 28-units. To qualify as a 'workforce housing' project and maintain a price point for the high \$300ks to the mid \$400ks the unit count is vital.

Layout: Peterson has produced multiple layouts of the concept including a street presence along Harvest Pointe Drive and an apartment building with podium parking. Each of these layouts presented

their own challenges in one form or another and were not suitable for the space. We feel the layout as presented is the highest and best use for the property considering the numerous constraints.

Architecture: Harvest Pointe West provides a clean look that transitions from the commercial center to the existing single-family homes south of the project. With a modern pitched-roof, board and batten hardie board, and classic stone exterior, these units go above and beyond the current zoning requirements. Elevations for both the two-story and three-story units are attached as Exhibit C.

Landscaping and Open Space: As presented, this layout contains more than 17,000 sq ft of central open space and approximately 24,000 sq ft of total open space. A preliminary landscape plan is attached as Exhibit D showing the typical planting around the townhomes and open spaces. The landscape buffer between the existing neighbors to the south will have dense Musashino Zelkova trees, planted and maintained by the HPW homeowner's association. A spec sheet of this tree is attached as Exhibit E. Because of the measures taken to minimize impact on the neighbors, such as two-story units on the southern side of the project and the proposed landscaping, the suggested 10' buffer is not warranted.

Parking and Circulation: Peterson is happy to work with the City to mitigate resident's concerns about the traffic, safety, and parking along Harvest Pointe Drive. Our revised concept takes a holistic view of what the area could look like with 16 additional 'pocket parking' stalls adjacent to the park and a flashing crosswalk across Harvest Pointe Drive. Pursuant to Municipal Code §16.26.040, multi-family dwelling units must provide 2.5 parking stalls per 3 or more bedroom unit. HPW provides 87 residential parking stalls for a 3.10 ratio, well above the City's requirement. The office condo portion of the project includes an additional 61 stalls, which is way more than is sufficient.

As detailed above, HPW complies with the PD Floating Zone by "solving of unique circumstances, superior design that go beyond what is required by standard zoning regulations, community support and moderated impact on surrounding properties." We look forward to the approval process and are anxious to get started.

Sincerely,

Barrett Peterson, President
Peterson Development Company

Location: 10738 South Beckstead Ln.
File No: PLPA202100190
Applicant: Nate Reiner, CIR Engineering

Planner Damir Drozdek reviewed background information from the Staff Report.

Kirby Kirkman (Applicant) is the architect on the project. He thanked the commission for their consideration on the project. The building footprint increased a little bit, but the height was taken down to a one story. Parking still is well within all the ratios and it looks like its brothers on the site.

Commissioner Nathan Gedge opened the hearing for public comment. There were no comments, public comments were closed.

Commissioner Gedge motioned to approve File No. PLPA202100190, Site Plan Amendment, as presented to the Planning Commission. Commissioner Catmull seconded the motion. Roll Call vote was 5-0, unanimous in favor; Chair Hollist was absent from the vote.

VIII. LEGISLATIVE PUBLIC HEARINGS –

A. HARVEST POINTE WEST LAND USE AMENDMENT AND REZONE

Amending the land use designation from Economic Center to Mixed Use and rezoning from Commercial Community (C-C) to Commercial Community Planned Development (C-C-PD).

Location: 3773 W South Jordan Parkway
File No: PLZBA202000247
Applicant: Peterson Development

Commissioner Gedge motioned to take a five minute recess. Commissioner Darby seconded the motion. Vote was unanimous in favor, Chair Hollist was absent from the vote.

Planner David Mann reviewed background information from the Staff Report.

Jeff Siemen (Applicant) said it's good to be back. They preferred to do this about a month ago, but this gave them a chance to have another neighborhood meeting with some of the residents. They had two people attend, they were able to answer some questions and concerns they might have and it was beneficial for them to see what their revision is. As you can tell, from the old to the new concept, this is a much better flow and addresses more of the concerns of the residents as far as privacy, safety and a number of other things. By doing this refresh, they were able to shift the entrance of these townhomes further to the north, away from the residents and helping to alleviate some of their traffic concerns. Having the frontage and facade along Harvest Pointe Drive, in talking to Jeremy Nielsen, typically adds presence which helped drivers slow down which was big concern of the neighbors to the south. They have been cognizant of what the neighbors want and tried to address it in the concepts. The elevations are three stories, they are

about 30 feet which is about the same size as the existing residents there who have pitched roofs; these townhomes will have flat roofs. To be aware and address their concerns on privacy, on the third level they have taken the windows that face the residents and shifted those windows up, so no one will be looking out those windows into somebody's backyard. It fits well, the setbacks are exactly what the existing residents have at 25 feet from fence line to the back of the building. By turning the buildings perpendicular to where they were, they will see the side of a building as opposed to a garage which adds another benefit to them as a neighborhood. Getting rid of the commercial also allowed them to put driveways in there; in addition to two car garages there are two car driveways. The required parking for multi-family for the city in the code is 2.5, immediately off the bat they will exceed that with four reserved spaces per unit, along with additional parking spread throughout for a total of 188 total parking spaces with overflow. In the overall concept, the funky nature of this parcel is such that you see the 24 and 23 spaces are part of this project. They hope the commission can see they have taken the residents' concerns seriously, and with their help this project is much better.

Commissioner Nathan Gedge opened the hearing for public comment. He reminded everyone that due to the number of potential comments they will be sticking to the three minute rule for each person. Also, the commission members have the minutes from the last time this was heard in May and most of them were in attendance at that time and familiar with this.

Jeffrey Mathers (Resident) owns two condos near here. He has two objections, one is the density this is bringing to the community. The traffic there is almost overwhelming now. He bought these properties back in 2005, he has seen a lot of growth in the area. He paid a premium for the view of the mountains and the valley, which is slowly eroding away. Along with the density and congestion, his biggest objection is the height of the buildings and how it restricts his view of the valley and mountains. As he looked at the elevation, it is 30 feet high; to him, that seems to be the highest project in the whole area at eight to ten feet higher than everything else around there. He is here on behalf of everyone who lives along that creek that faces the mountain they paid considerable premiums for, and now are being jipped.

Rachel Rasmussen (Resident) said she was sorry she missed the developer's meeting, they were given two days' notice and it was at 5:00pm on a weeknight which is difficult to make. She appreciates this opportunity to discuss some of the concerns about this development with everyone here. She also appreciates the efforts that they have made to improve this proposed rezone. That said, she keeps asking herself "why are we trying to do something better that we maybe shouldn't be doing at all." She thinks this property zoned as commercial needs to stay zoned as commercial. She appreciates the parking stalls that have been added and all the efforts, but there is no guaranteeing conversion of this to a residential area won't have parking and traffic overflow in to their already busy and congested neighborhood. As has been stated before, there has been all kinds of news stories about traffic problems in their neighborhood. Any sort of additional parking on their neighborhood will be detrimental. She has five young kids, her neighbor has five young kids, her other neighbor has two young kids, across the street has two young kids, and they live right where the walkway is. Her fear is they will have to deal with parking permits which changes the whole value and function of her home. If this is a commercial development, someone visiting a business will access it from the main road where they see the sign, and even if they have to park a few stalls back they are going to park in the parking lot. If

turned into a residential, all of a sudden those townhouse that are right by the walkway don't want their friends having to walk a long way so they'll tell them to park on their street and come in closer. That is her concern, regardless of how many parking spots there are here, turning this into residential is going to create additional parking problems on their already dangerous streets.

Mark Nelson (Resident) is speaking on behalf of many of his neighbors, he has been asked to speak to the fact that they want this to stay commercial. When they moved here they knew it would be commercial, they knew there would be high density at the south end, they knew what they were getting to. Those that live on the north end are OK with the commercial, they like the commercial, they walk to the commercial. They also know that commercial has set hours, patterns that coincide with their lives; at night there is no street parking. Nielsen's Frozen Custard is busy, but at night it is closed and not a big deal; they love it and they go there. One thing they've all assumed, this piece has sat there for so long waiting for the 10400 S construction to be completed. They thought that is smart to wait until that is done because once they have this beautiful new intersection and everything is revitalized, it will be a main point of the city just like 11400 S is. People will want to flock to this area in his opinion and they would like to see commercial stay there. As far as the housing goes, the density still seems too high and they would love to know garage sizes, how they will do street parking on Harvest Pointe as there is 15-20 cars at the park at all times. The east of that road is red zoned at this point, that means if this is built they will have red zones right in front of their own properties and won't be parking right in front of their buildings; there is no way to get a third car through there. The walkway as it sits now will have five units on the other side of it, the walkway is for them as residents at this point and they like it and want it; this turns it around on them and it becomes the walkway to park cars in front of their homes. They also feel that this boxes them in on both ends with high density and feels like a third strike. They had the high density that turned into permit parking at the south, then 11 homes being torn down in the community for reconstruction of Bangerter, now they're looking at this. They have a lot of people looking to move and he really doesn't like that. Where is CCPD in the code, where can they reference that. They appreciate all the work that has been put into this and they would love everyone's feedback.

Brittany Coleman (Resident) said her backyard is against VASA. Like Rachel and Mark, some of her concerns are with parking, especially with that five strip on the east side that Mark just referenced. She thinks that will encourage people to come and park down on Grassy and Poppy Meadow via the walkway. She is not sure that parking signs will help, they have that on the south end of the neighborhood by the townhomes and it's not patrolled, people are still parking in those areas. She sees people walk to VASA and the Puddle Jumpers Preschool through that walkway every day, she doesn't want to see it closed off, she is hoping that maybe those parking stalls can be removed. They are counting 47 stalls in that commercial property that are already there. She goes to the Puddle Jumpers three times a week and that parking area is always at least halfway full with people going to the dental, Puddle Jumpers, and all the other buildings in there. She feels like they can only count those stalls between 5:00pm-8:00am, she doesn't think those should be allowed to count. Parking on Grassy, with their homes being as close together as they are, is already pretty tight. She has received two messages from her mail lady because they had a guest park on the street for two days and was made to go down to the post office to pick up mail. They have received other nasty letters from her that they can't park there ever and there is no

parking on the street, usually they don't even have a car there. She is very concerned with the parking and how it will influence the neighborhood.

Brad Neves (Resident) echoed some of the comments we've already heard. They have people parking in front of his mailbox as well and they don't have teen drivers or anyone from their own home parking there. Parking is an issue. Similar to Mark Nelson's argument, he'd like to go back a step; there are a lot of objections he has to the proposal itself. If we look at the South Jordan City Code 17.22.030, the rezoning application, it reads that a rezone not initiated by the city may not be reinitiated for a parcel of property for which rezoning has been considered within the last year. This has already been considered within the last year and this should not be happening tonight under code 17.22.030 without the city council's approval for a second application within the same year. The purpose of rezoning should be to improve the community. As most of the neighbors have already stated, they would suggest that commercial is a better use for that property. He understands as an entrepreneur and small business owner the need to try and make businesses profitable, he doesn't fault Peterson for that; however, if they reference another company that the same people own, the Nielsen's Custard is owned by the very same people trying to push this through. They have created a parking issue, drive through issues, traffic issues that back up onto South Jordan Parkway because their customers are trying to enter from Harvest Pointe. They have been a bit better this year, but he doesn't know if that's to any credit of Peterson or Nielsen's Frozen Custard. He would suggest still that the parking and traffic is not their concern because they don't live in our community, they live in some of the nicest areas of the valley in homes that are tucked away and not part of these high density areas. He doesn't believe they related to the pain that we feel in this community. We like our community and he's just asking that the commission vote to deny this once more and not keep wasting everyone's time to guide them into an approval. The city council, the planning commission, you are all working with and for them as taxpayers in their city, not for this developer, so please consider their opinions a little bit stronger than this application. He cannot find anything for CCPD. He can find planned development stuff, the CC stuff, but the density is an issue. The minimum size for a CC rezoning should be five acres, this is too small for a CCPD. He believes they are trying to get this in as mixed use or something that they aren't being forthcoming about to get more flexibility in the zoning requirements. We need them to start over with a little more forthcoming clarity. The documents that were posted tonight are different than they were this afternoon and than they were last month, they are not seeing a consistent set of supporting documents and he feels like they need more clarity before a motion is really considered there.

Jill Lash (Resident) agrees with everything everyone has said. She sent a very lengthy email on September 28 that she was assured would be included in the meeting minutes for the last meeting that was supposed to be scheduled and got delayed, so she isn't going to go through all of her concerns because she hopes that email is included. Peterson's website claims "when you choose Peterson you choose peace of mind," and she has seen throughout this entire project development that that is completely opposite. There is no peace of mind with this development. She does appreciate the updates and how they have claimed to be listening to the concerns of the residents, but she doesn't feel like any of the changes that have been made truly address the safety concerns they have for their children, those driving through their neighborhood, as well as the traffic increase. She also wanted to mention the intersection at Harvest Pointe and South Jordan Parkway, if this does not remain as a commercial development and becomes residential,

she feels that intersection will have to be changed or widened in the future as there is only one left turn lane for residents to turn left heading south into their neighborhood. She doesn't feel like one lane during rush hour traffic is going to handle that amount of increased traffic coming into their neighborhood. Also, as you turn left and get along that road where Nielsen's Frozen Custard is, if you have all these townhome residents also trying to turn left off of Harvest Pointe into their residential area that's going to create a backup clear up to that intersection and then impatient cars will try to swerve around those cars waiting to turn left into the townhomes and residents like her who are trying to get through to the neighborhood. It is already a very congested road with really only one lane of traffic on both sides, there are not multiple lanes or a left turn lane, and she feels like those issues would have to be updated.

Danny Wehungue (Resident) has shared some of his concerns before, but given where his house is in the neighborhood he has a firsthand view of the intersection. Traffic is an issue, everyone has referenced that, he just wanted to give his personal experience. They had both of their cars destroyed the first night they moved into the neighborhood when a driver crossed the intersection, both of their cars were totaled. They filed a police report and the driver was never found. It's an issue, they have been personally and financially impacted by it already. He walks his daughter to the bus stop every morning on Grassy Meadow, just this morning his three year old son was with him. He was holding his hand to cross the street walking back and someone blew through the stop sign, followed by four more people as they just waited for the people to cross. It's only a matter of time until something that can't be fixed happens on this road. It's a little scary, regardless of whether this is approved or not as it is already a problem, he just wanted to share his firsthand experience. Another thing that hasn't been brought up yet is there are a lot of kids in the neighborhood, multiple bus stops and busses that come through the neighborhood morning and afternoon. He watches the bus 1455 come around the corner every day and it just narrowly makes it through the cars that are already parked there, adding more cars is definitely a risk and safety issue. He hopes we can do as much as they can now to prevent any further problems or disasters from happening.

Tricia Martindale (Resident) thinks part of the traffic issue is going along Harvest Pointe. When they gets residents into those townhomes, if they are wanting to avoid the busy intersection on 10400 S, many of them will be using Harvest Pointe Drive to cut through their neighborhood and get over to 4000 W if they are heading south. That will increase the traffic flow a ton on that road, which is already super busy as mentioned.

Lexi McCarty (Resident) shared an experience she had last week that illustrates being on Harvest Pointe. She was going to pick up carpool with some of her junior high kids and she rounded the corner on Harvest Pointe, was the only one on there, and she looked out and there was a little three year old boy standing in the middle of Harvest Pointe, holding his mom's keys and standing next to the van. There was no one coming, she pulled over and took up part of the lane so no one could go around and she yelled at that mom to come and get the little boy. As the mom came to get the little boy there were four people on either side of her van; if she had not been there, that little boy would have gotten hit. If they add any more people and have the park, and Nielsen's and another development, she thinks they are just asking for a lot of things happening to kids with having the park, Nielsen's, their neighborhood and the townhomes behind them, and then putting townhomes in front of them the density is just so high. It's a safety

issue. At one point, she turned around and saw her little boy heading in that direction. She can't say how many times she has been at that park and seen that. She just thinks having those townhomes right next to the park and Nielsen's would be too much.

Jordan Wouden (Resident) came to speak to the traffic on Harvest Pointe. When you come through the park, the added parking stalls have made it near impossible to see coming around the stop sign. She goes to Puddle Jumpers in the morning, and when she comes out there are people flying through because they are trying to go around the cars. Further south on Harvest Pointe in front of her house, cars come through frustrated, stop at the stop sign and then zoom. She and her three young children hardly ever play in the front yard because cars zoom by and she has tried to motion people to slow down, but they just slow down and wave. When she goes on walks she can see people are frustrated by Nielsen's, frustrated by the park and people coming out of the gym and Puddle Jumpers parking lot, then a stop sign, and it's just a free for all and usually they just blow through the next stop sign. She doesn't remember who said it, but someone mentioned the increased traffic with construction, and if people are trying to avoid it they are going to use her street and they are going to use it to cut through to 4000 W; it just increases the traffic on her street. She sent a pretty lengthy email, but they were the three story townhomes in a previous neighborhood in Riverton and they claimed parking stalls based on the garage and the driveway, so they had four parking spots. They failed to require parking in those spots. Eventually they had to have board meetings and HOA meetings and complaints to change it where you had to park in your garage, there was no storage. For them as a young couple, they were there temporarily, they didn't want to be there forever and they didn't have a lot so they could park in their garage. Many, many families had to move because once they said nothing in the garage it became an issue, they couldn't get in there because they just didn't have enough room. If this were to be approved, they would propose that there be some sort of HOA mandate that they have to use their garage as those two designated parking spots.

Tina Falk (Resident) said her property is just to the south of the property line, next to the walkway. She voiced that she is in alignment with everyone else in her neighborhood that's spoken. The residential is just a different stressor. There will be residents here that will use that pedestrian crosswalk more than if it was commercial, there will be more foot traffic crossing this already really confusing space with a park, it just doesn't make sense. It's scary as a driver going through there, let alone being on foot and being an adult and going for a walk. If this was to get passed, this is exhausting. The thought of this turning residential is beyond frustrating for them because that's not why they purchased this property here on Grassy Meadow as they knew it was going to be commercial. The three story units, the last time this plan was proposed they were two story, now they are three story and it looks like they have bumped it back a foot further away from her fence. A three story unit overlooking two story houses along the fence line is concerning, it's a wall that they get to look out their bedroom windows at. You can't put trees in there that will give them any sense of privacy. She understands that there are trees they want to put there to protect their backyards, but what about her bedroom, does she have to live with her blinds closed. This changes their way of living in her neighborhood and she is just not a fan. She thinks it is so fitting that on their plan the blue line designs logo is how she feels, very blue about this whole experience. She hopes that everybody survives Halloween and the safety of all of this and they can come up with a better idea, there has to be something better.

Mindi Butterfield (Resident) wanted to make it perfectly clear that the traffic along Harvest Pointe isn't just for their neighborhood. The neighborhoods to the south of them, going all the way down to 11400 S, people are cutting through and going through Harvest, they are not taking 4000 W.

Commissioner Gedge closed the public comment portion of the hearing.

Mr. Siemen discussed the height of the buildings, they are not 38 feet tall, they are 30 feet tall with the architectural element that adds a few feet. Garage sizes depend on the unit, corner units are 20 feet wide and interior units are between 16 and 18 feet wide, all have a depth of 22 feet; this fits within the city code. Regarding parking, the city code is 2.5 per unit and they are providing above and beyond that, not with just the four spaces that each individual unit has, but also the additional parking around it; this isn't counting the 47 spaces that are already there as part of the commercial. Those commercial spots are being counted because they are part of the parcel. If the complaint is that there isn't enough parking, but then parking is supplied, those two things cross and they definitely provided more than enough parking. We have designed this to be an integral part of the community. There is the beautiful park, and to have a commercial building across from the park doesn't make as much sense as having residential where families can be close and enjoy the park. They have committed to the flashing crosswalk, as well as spoken with Traffic Engineer Jeremy Nielsen about traffic calming measures as part of this. Some of them would be covered by the city, because they don't own that side of the road. Some things Peterson can do are shifting the crosswalk to the south a little more, and then building out the curb and gutter to narrow the road at that point, it indicates for drivers that you're entering a residential area. Regarding the traffic trip generation memo, the methodology behind that is studies going back 40-50 years that show a typical commercial building generates a certain amount of traffic, a typical residential generates a certain amount of traffic. For a 20,000 square foot commercial retail building, which they are already entitled to build on this piece of land, that would generate 755 traffic trips per day. Per city staff, Harvest Pointe Drive can handle that capacity as it is right now. The residents may not agree, but they are trying to help that since residential is a less intense use with only 205 trips.

Commissioner Sean Morrissey asked, if this is a safer plan, why did they wait until now to propose it.

Mr. Siemen said they were not the original developers of this property. The grocery store was lost and the Bangerter expansion took out part of the shopping center as well, those things have decimated that commercial center. You need an anchor tenant to support the junior anchors. We are in the middle of a housing crisis and we need more places to live.

Commissioner Morrissey said we're also in the middle of a construction crisis, Daybreak is going to build 20,000 more homes. The houses are going to come, it's a matter of mixed use and more density. That's the issue right here with this area. He lives next to this area and went through the first buildout that all these residents described, those were the scenarios that went through his mind before it was built; those concerns have come to fruition, that it would be even worse because originally there were no houses. That was originally going to be apartments and townhomes, the whole area. That was stopped, there was compromise, but we are hearing about

safety issues and he can see a lot of the testimony foreseeing those safety issues escalating to potential hazards, kids being hit by cars, etc. He has gone through this area on his way to the UPS Store, which is a great tenant in that area because it has been there for a long time. He usually goes around to get back, but it's an easy drive from his house to that area. Going through that area they've added multiple stop signs because of the issues, there used to be none. He's glad they're talking about a potential flashing crosswalk and there should be more of those in that area based on what he's heard tonight. Even if this doesn't go through, the city should be looking into that right now and adding one or two so we reduce the safety issues there. Looking at this as a potential fix to the situation of a "housing crisis" doesn't feel like a solution. This development isn't going to solve that crisis as again, Daybreak is building 20,000 units, half will be mixed use and townhouse style like this one which comes with huge density issues out there as well. Why add it to this particular parcel at this time. The Bangerter expansion did remove a key lot where Cypress Credit Union and a vacant pad were. He asked how many commercial or office buildings are being built right now in the city. Peterson claims they can't fill this space, because there isn't opportunity or it isn't the right opportunity, but there is retail and office space being built here in South Jordan because those applicants are coming to the planning commission.

Mr. Siemen said commercial and retail space is overbuilt in the southwest side of the valley by over a million square feet. This site has been marked for quite a while, and it sat vacant. Because of the synergy that was lost with the expansion of Bangerter on that other pad they haven't found anyone willing to fill this space.

Commissioner Morrissey said it comes down to economic opportunity. Peterson says it would be great to have townhouses across the street from the park, but residents testify that it wouldn't because it's going to create more density issues. When he drives by the park, it is already filled up by residents which is great. These townhouses are not going to fill that need right now, because it is already being filled. Peterson is asking the commission to make this change in land use designation, as well as zoning, to allow them to move forward with this project and that is an uphill discussion for them to prove to the commission. He is trying to figure out what the new development is providing, if those changes are made, that isn't already there.

Mr. Siemen said that's probably something for the 28 people who would move in there to respond to. They would have great access with a park across the street, right there by commercial with walkability. It helps the commercial sustain themselves with the current tenants who are part of the tax base.

Commissioner Morrissey asked if there is concern about the commercial base in those pads right now. There is Sherman-Williams, but he doesn't see those 28 residents going there very often.

Mr. Siemen said no, there are no concerns. While they might not be the customer base for Sherman Williams, they could be for Mountain Mike's, Roxberry, Dominoes, Puddle Jumpers and VASA.

Commissioner Morrissey said they have a huge base here that is opposing it that probably uses all those facilities too.

Commissioner Mike Peirce said he has a bigger concern with the density issue, the city council will not approve it with this kind of density.

Mr. Siemen said density is a key factor, but he has been told that they need to look at the whole project, how it fits on the land. This is a change and different from what's there now, and he accepts that the neighbors don't like that, but this gives every concession to fitting on the project. If they cut down on four or five units to add parking, excess parking, when there is already adequate parking provided, it doesn't make sense.

Barrett Peterson (Applicant) said there are a lot of opposing viewpoints here, it needs to be recognized that there is a developer on one side, and neighbors on the other side. They hope to get some sort of recommendation this evening, but they know it is an uphill battle. He is not here to litigate it or go back and forth. The commission knows the history. They have been out here a long time, developed the Albertson's Center which is now a VASA Center. He has owned this piece of property longer than a lot of the neighbors. He has his property rights, the neighbors have their property rights. Regarding safety, they have the right to build something right now that would bring more traffic than what they are proposing, he doesn't want to lose sight of that. The neighbors might debate them on that, but Mr. Siemen cited traffic studies going back many years to support that. He thinks neighbors generally just don't want change and they are concerned about busses, cars, and kids getting hit which is a real thing. Something will get built here, they are making the decision to petition the city council to build housing. It may not solve the housing crisis, but little by little we need to add more housing. Daybreak was mentioned, but this is a statewide problem. Where are kids and grandkids going to live, that's where they are taking a principled stand saying eight units to an acre shouldn't be the limit. They want to build a quality product on the site with slightly more density than that, along with offering workforce housing. They would offer three units of workforce housing like Bingham Court. Commercial has changed so much in the last 20 years that sometimes you need to ask for a change and housing has flipped since 2008. We go through these patterns in our societies and communities that have to be adjusted to. They have been patient with this property, but they are taking the approach that they have the right to petition the council for this and they know it's an uphill battle. They understand the neighbors aren't happy, but they have certainly solicited input over the last year and a half and they are happy to hold more community meetings. In the end, they may not see entirely eye to eye. They think this is a quality product, it is something that is needed in the area. He appreciates the tough decision for the planning commission.

Commissioner Morrissey asked about the density currently.

Mr. Peterson said they are asking for 28 units, he believes 25 would put it closer to a number they'd be comfortable with. He thinks the neighbors don't want to see even one unit there. Maybe if they get to the city council they can talk about that and see how close they can get. It's not a huge gap to get to the eight number.

Planner Mann discussed boundary lines and current parking potentially being included in calculating density. It will ultimately be up to the city council with their approval, they will decide what the density technically is based on what's developed and the parking. Using just the

potentially developed property the density is 10 to 11 units per acre, if they include the entire property as shown on the visuals that's where they get closer to the eight units per acre numbers.

Commissioner Peirce said they are still over the numbers that city council will approve, regardless of how it's calculated. If worst case they are at 10.89 units per acre and best case they are at 8.8 units per acre they are still over the limit.

Mr. Peterson said they are taking the principled stand saying eight seems very arbitrary, they are saying this is what fits on the parcel and it's a nice product. They've turned the units sideways so there are only four units backing those neighbors to the side, they've increased the setbacks. If they decrease the density do they just make more parking, they already have over 100 stalls. This is an infill piece, it's a little unusual, but that's going to be up to the city council. They want to take this to them, they also want to show that they are providing three units as workforce housing. If the council comes back and says the density needs to be lower, they may not be able to do that workforce housing.

Commissioner Gedge asked questions to staff regarding noticing and whether or not it has all been done correctly.

Assistant City Attorney Greg Simonsen discussed an email from Brad Neves (Attachment A) who questioned whether noticing complies with applicable statutes. His concern was that the notice does not comply with the city notice statute 17.04.60; he has reviewed that and he believes the notice is fully in compliance with every requirement. Mr. Neves had a concern that the address in the notice for the property is not accurate because it should have been changed as access is from Harvest Pointe, rather than South Jordan Parkway. In his own email, he notes that the address given is what you would find if you went to the county. The law is that the notice needs to be reasonably calculated to give notice of the property under consideration. If you look up the address and go to the county records, it will point to this exact property; this gives reasonable notice in his opinion. The address has not changed, so the address used is accurate.

Commissioner Gedge asked about the concern raised by Mr. Neves about hearing this item again. He knows there was no action made in May, the item was tabled and a recommendation was not forwarded of any type to the city council. In turn, the city council has not made any action.

Attorney Simonsen said he is correct. We need to keep in mind, this is just a recommending body, this has not made it to the city council yet who is the actual decision maker.

Commissioner Gedge said a few residents mentioned the Commercial Community Planned Development (CCPD) zone and asked for a reference to the location in code for this.

City Planner Greg Schindler said the CCPD is not a zone listed in the code. The CC part identifies it as being Community Commercial, which is the underlying zone that it currently is. PD is the Planned Development overlay zone that is listed in Title 17.130 and explains the process of obtaining a PD overlay zone. In this case, they have applied for the overlay zone to have residential over the CC zone since generally residential uses are not allowed in the CC

zone. This section of the code was set up to give opportunity at some point to have residential in certain areas where it is not specifically zoned for it. It is still up to the city council to approve what the density is, what it will look like, the type of units, etc. There is a development agreement that goes along with the PD zone, which becomes the actual language of the zone. If the council decides to approve it, they would then approve a development agreement that will list what the density actually is, the number of units, how tall the units are, etc.

Commissioner Gedge encouraged staff to look at traffic enforcement and calming measures, safety issues, even if the project isn't approved to hopefully prevent items in the future. If the city council were to deny this, he asked what the possibilities in the future could look like with this currently being a commercial zone. What types of commercial could this be, other types of uses that could fall under this zone.

Planner Schindler said it's whatever is allowed in the CC zone, and it's quite a list. This includes what's already in the shopping center, along with many other things that are not currently there.

Commissioner Catmull asked if residents can call the Planning Department if they are unable to find information they are looking for, like the CCPD issue tonight.

Planner Schindler said they can call the Planning Department in the future, or if it's for a specific project they can call the planner that's handling that project. There haven't been a lot of things like this, but they are happy to explain where to find the specific parts in the code and list the process of what each applicant would have to go through to get that approval.

Attorney Simonsen discussed what should be considered as evidentiary considerations. This is a legislative matter, the earlier items on this agenda were administrative. The evidentiary standard in administrative matters is substantial evidence, you must have substantial evidence to rely on when making your decision. A legislative standard is the reasonably debatable standard, which is a much more flexible standard, for you to be able to consider everything even if it wasn't backed by scientific studies. He believes those that drafted the code for a planning commission were looking for the commission to give their honest, own personal judgment on a matter and make that recommendation as you are focused on planning. It is somewhat a red herring to speculate on what the city council will or will not do; what they want is this commission's professional opinion after sitting here and hearing all the testimony. He believes whether Peterson gets a negative or positive recommendation they're going to take it to the next step, to the city council.

Commissioner Trevor Darby asked the difference between a residential development and a commercial development in terms of tax base. To him, it seems like the commercial would generate more tax revenue.

Planner Schindler said generally residential, especially single family, doesn't pay for itself through property taxes. Multi-family is better when it comes to tax generation because the property values will be higher with the number of units. However, the commercial is generally higher as it brings in property tax as well as sales tax. They also have to look at what the city provides for residential, like police and fire protection, same with commercial. Residential usually requires more city services in regards to those things mentioned, but they haven't done

research on this in a long time and this is just based on what he has read from different sources. Either one would be of some tax benefit to the city, either multi-family residential or commercial.

Commissioner Darby said he lives in a place where his view was disrupted when they built out beyond his house and it was disappointing to him as well. He learned at that time that the city doesn't typically, and can't, protect views. It's frustrating when you buy or build a property and then your views are obstructed. He wanted to bring that up so that concern was answered, because it is a real concern but unfortunately they can't make their decision based on views.

Commissioner Catmull asked if Daybreak has workforce housing currently.

Planner Mann said he doesn't believe there is anything designated at this time.

Commissioner Catmull asked if a property is difficult to develop or undevelopable, is a redevelopment agency (RDA) an option.

Planner Mann said it could be, but that would be more of a question for the economic development department. They have worked in partnership with other projects, but ultimately it's their decision.

Planner Schindler doesn't believe an RDA would apply here since there isn't a "blight" impeding their development, just a lot that hasn't been developed.

Commissioner Catmull said they've heard a lot of comments about the traffic going through the neighborhood to get to various locations. There are estimates of what that traffic should look like, is there a way to do a study to compare the actuals in that interior neighborhood versus the expected; if that were to be done, who would fund that.

Engineer Nielsen addressed validating trip generation numbers. He doesn't know who would pay for that, presumably the city if we are questioning the validity of our numbers. They have done some tests over the years and they have always come in pretty accurate, with single family homes in particular around 10 trips per day is pretty accurate. For townhomes it's a little bit less than that, and that's what they used in their study. They have not done a formal study to validate that those numbers are exactly correct.

Commissioner Catmull said he was referring to this specific area because of the comments of neighbors today, such that if those numbers were higher than expected and they changed the current estimates, how might that impact where they are today.

Engineer Nielsen said they have counts from 2019 on Harvest Pointe Drive, during the peak hour they saw about three vehicles per minute; it is a residential collector street that is constantly used. On a daily basis it's about 1900 vehicles, and that has probably gone up a little bit as there have been a few more homes built to the south since this study was done.

Commissioner Catmull said Bangerter is not complete on 10400 South. He asked the applicant if he thinks anything will change with new traffic patterns and their ability to develop.

Mr. Peterson said his answer is given through their actions. The center was designed with Albertsons as anchor, which went out and is now VASA, and then two junior anchors. Junior anchors within the industry have become less and less because of Amazon. When the junior anchor got taken out with Bangerter, usually you have two to accompany the one main anchor. That caused them to rethink this, they've been waiting on this for 15 or so years, and they have tried many different approaches on this. This is a different tact, to rezone it to residential, but it has a lot to do with the fact that Bangerter came in and wiped out one pad which they had been in limbo with for a number of years knowing that Bangerter was coming in. They weren't going to build a building there, get a tenant and a lease, knowing there was going to be a freeway there. They don't have a way to know exactly what will happen after Bangerter is completed, but he does think something will develop there eventually. He doesn't think it's "blighted" and appreciates the questions about the RDA, but they think that a higher and better use is residential and that's not a popular opinion. They are developing the 55+ community, the Villas, south of Costco. At one point in time they did a study looking at the space being developed as office versus residential. It was surprising to them that residential developed over a shorter period than office, which would take longer to absorb as 25-30 acres of office, the tax impact was more favorable to the city with the residential; maybe they need to look at a study like that for this project.

Commissioner Catmull asked if they can sell the parcel undeveloped.

Mr. Peterson they have marketed it in a number of different ways over the years. Yes, they could sell it, but there is a higher and better if they develop themselves. They'd like to control what's going in there because it needs to fit with the rest of their center. They are either looking for the right group to buy it or the long-term lease, it just depends who comes along; they haven't put a sign up and prefer to take a more patient approach.

Commissioner Catmull asked to confirm the taxable value at about \$2 million.

Mr. Peterson said that sounds about right, but he doesn't know off the top of his head.

Commissioner Catmull asked if there was an opportunity they passed by in the last 20 years to either sell part of the land or get a tenant in.

Mr. Peterson said to be honest, there aren't a lot of people that call on junior anchor space. They put a lot of money into that center over the years because it went through a pretty rough period when Albertson's went out. There could have been a blight there, but they kept things going and it's standing tall today. In full disclosure, they do not own the VASA nor the pads out front; they own the surrounding retail, are part owners in the Nielsen's Custard and Mountain Mike's. Having this open space is not from lack of trying, he is sincere when he says that Amazon has changed things. They're grateful they didn't have to sell the space, they were able to hold it long-term and look for the highest and best use.

Commissioner Gedge reminded the commission there are two motions they are considering tonight. He reminded the public in attendance that they are only a recommending body who will be making a recommendation to the city council; no matter which way they vote this evening, there is still another phase to this process and he encouraged the residents to reach out to their elected representative for their district and attend the city council meeting when this is up for a vote. Also, if the recommendation in the motion is to deny, the commission should remember they are voting on whether or not they agree with the denial. He feels that the applicant is close to the desired density, but still a little higher than what the council used to consider. He believes it's close enough that they might be able to do some changing to make it work, possibly reconsider the amount of units in each building or the height as that seems to be a point of contention with neighbors. He also feels like this space can't be empty forever, something will go in and at least this will be a smaller number of homes for this area. A future council could end up approving high density in this area, which is what was originally planned. He is in favor of the development, just not the number of units and type of design with three stories, but he feels they are close. He is torn between a positive and negative recommendation based on the total number of units, also it depends on the acreage they are using for the calculations; the parking lot isn't really part of the actual homes on the northern piece of the property. He thinks he would lean towards a negative recommendation, but he believes if they work with the council this could become a project that could work for the community.

Commissioner Catmull thanked the applicant for patiently answering all his questions. He spent a considerable amount of time evaluating definitions of the future uses and zones, as well as their purposes. He went through each of the LIVE goals in the general plan and marked each one that he thought was relevant. He listened to the comments today, and he is leaning towards a recommendation to deny. He feels the applicant has other options still that they can pursue, and that the overall benefit to the city isn't compelling enough to justify altering both a future use map and a rezone of this area for a planned development overlay zone. He feels altering the future use map is a huge deal as a planning commissioner, especially the signal that developers and people that move in use in that designation. He also struggled with a rezone for this 3.1 acre property for a planned development overlay zone based on his research.

Commissioner Peirce is sympathetic to the residents and their concerns with what this may bring, but Mr. Peterson made a great point that sometimes people are afraid of change. We need to take into consideration that something is eventually going to go in this space. Looking at the trip generator that was run, it looks like if something commercial went in there it could very likely bring even more traffic. The residents need to take that into consideration too and realize that, unfortunately, something is going to go in there and it is going to bring more traffic. They may view it as trying to pick the lesser of two evils, and this might not be the more evil choice. His biggest concern is with the overall density everywhere in the city, and any time we start running up over those numbers that's concerning to him. If this could get down to where it was below or in that six to eight units per acre range he would be more comfortable with that. If they are using the actual functioning acreage, this gets up closer to 11 and that's his biggest concern. We are making a lot of speculation about when these people are going to come and go, where they will park, how fast they will drive; it's a lot of speculation that just isn't known. Anything going in there is going to bring some negative consequences, as well as positive, and they will have to deal with that.

Commissioner Darby thanked all the residents who have come tonight and expressed their views. There are some serious concerns about safety and he seconded what Commissioner Morrissey said earlier, that regardless of whether this development is approved or not, he would encourage the city to look more into those concerns and ways they can improve safety in this area. It seemed that the speed of the traffic was a real concern, with lots of bad experiences shared. He has six kids himself and you never want to hear about kids, or adults, in danger. He doesn't know that the developer particularly has that responsibility, especially right now because they don't have anything there; those events aren't necessarily because of something they've done. The other issue brought up was parking in the neighborhoods. He is a lazy person generally, if he has four parking spots in his home he's not going to park on another street and walk to his house, that doesn't seem logical; that argument does seem strange to him. His biggest concern is probably that historically the city doesn't approve a density above six to eight, so why are we looking at eight to 11; this is tough for him to approve because typically the city council hasn't approved that. His inclination is to deny, but he really likes the look of the project and it might be beneficial to have something there. He doesn't want to overrule what the city council has done in the past, he wants to leave that in their lap to decide.

Commissioner Peirce said he liked the comment about the speed. If we are looking at traffic studies, and they are saying that commercial is going to bring in more cars, that is a valid concern. However, if they are residents we may make the assumption that they are going to drive more slowly than if it's commercial, but we don't know that. He doesn't believe that is Peterson's responsibility, that is a city responsibility. The city needs to address the residents' concerns as far as safety and traffic, and Peterson's just needs to get something done with their lot of land.

Commissioner Catmull wonders, in regards to traffic, if it is commercial versus residential, how much of it comes in off of South Jordan Parkway versus Harvest Pointe.

Commissioner Morrissey is sympathetic to both the developer and the residents. However, he wonder if changing the future use of this land and rezoning it the best way to benefit the city in the long run. He is reluctant to make those changes at this point in time because of the density. Density has always been a concern of his and he has strongly opposed situations where people are trying to change the use of the zone to create more density; he is reluctant to vote for those changes at this time.

Commissioner Gedge motioned to recommend a decision to deny File No. PLZBA202000247, the proposed land use amendment from Economic Center to Mixed Use, based on the information from the Staff Report and other information that was presented during the public hearing. Commissioner Morrissey seconded the motion. Roll Call vote was 5-0, unanimous in favor; Chair Hollist was absent from the vote.

Commissioner Gedge motioned to recommend a denial of File No. PLZBA202000247, proposed rezone from CC to CCPD. Commissioner Peirce seconded the motion. Roll Call Vote was 5-0, unanimous in favor; Chair Hollist was absent from the vote.

IX. OTHER BUSINESS –

City Planner Greg Schindler said the first meeting in November has more items than tonight's agenda, however tomorrow planners will decide when they want to bring those items forward.

ADJOURNMENT

Commissioner Darby motioned to adjourn the October 26, 2021 Planning Commission meeting. Commissioner Morrissey seconded the motion, vote was unanimous in favor; Chair Hollist was absent from the vote.

The October 26, 2021 Planning Commission Meeting adjourned at 9:14 p.m.

Meeting minutes were prepared by Deputy Recorder Cindy Valdez

This is a true and correct copy of the October 26, 2021 Planning Commission minutes, which were approved on November 9, 2021.

**Cindy Valdez
Deputy Recorder**

10-26-21 PC Meeting Attachment A

Cindy Valdez

From: Greg Schindler
Sent: Wednesday, October 27, 2021 12:47 PM
To: Cindy Valdez
Subject: FW: 2nd Improper Notice Given to the Public for File PLZBA202000247

Cindy,

I couldn't get hold of David. He must be at lunch. I will try later. Below is the email that Mr. Neves sent yesterday.

Thanks,
Greg

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



From: Brad Neves <bradneves@gmail.com>
Sent: Tuesday, October 26, 2021 11:53 AM
To: Steven Schaefermeyer <sschaefermeyer@sjc.utah.gov>
Cc: Sean Morrissey <SMorrissey@sjc.utah.gov>; Michele Hollist <MHollist@sjc.utah.gov>; Nathan Gedge <NGedge@sjc.utah.gov>; Trevor Darby <TDarby@sjc.utah.gov>; Steven Catmull <SCatmull@sjc.utah.gov>; David Mann <DMann@sjc.utah.gov>; Jason McGuire <JMcGuire@sjc.utah.gov>; marknelson801@gmail.com; davecrasmussen@gmail.com; seanmccarty@gmail.com; cloudwalker1977@gmail.com; Jeremy Nielson <JNielson@sjc.utah.gov>; Greg Schindler <GSchindler@sjc.utah.gov>
Subject: 2nd Improper Notice Given to the Public for File PLZBA202000247

Hello again Mr. Schaefermeyer,

We had an email exchange last month on September 28, 2021, titled "Improper Notice Given to Public for September 28, 2021 (Peterson Development's Proposal)", in which you responded to my request to reschedule the discussion for the Peterson Development Proposal on Harvest Pointe Dr.

I am writing once again to request that the Planning Commission Meeting scheduled for tonight, October 26, 2021, remove the item for Peterson Development, File PLZBA202000247 (Salt Lake County parcel 27171760310000), that is scheduled on the agenda tonight, to discuss the rezoning of this parcel.

I am contesting that the notification of this hearing is once again improper under SJC Code 17.04.060 for the following reasons:

The notice states the property is located at 3773 South Jordan Parkway. While this is accurate according to the parcel information recorded at the county level, my argument is that the address is inaccurate in itself. If not, it is considered a landlocked parcel at this point with no street access, therefore, the applicant would have thereby falsified its intentions on the application and proposal, showing access from Harvest Pointe Dr, which thereby further supports my argument that the proposal/application does not properly notify the whole public.

If it is not considered landlocked, which I would argue it is not because of the access from Harvest Pointe Dr, then the address assigned to this parcel should have been changed when the land was last divided and Jordan Parkway access was removed, as it currently is, to assign it a Harvest Pointe Dr address. If the proposal suggests access to the parcel via Harvest Pointe Dr, then Harvest Pointe, LLC also would agree it needs to be changed.

While the applicant followed procedures to notify those of us within 300 ft of the property of discussion, it still didn't allow for proper notification to the public at large, which it is not excused from doing so. There are other citizens of South Jordan City that are concerned about this as well and they have the same right to proper notification, of which does not fall on the shoulders of any opposed to the application.

If the Planning Commission proceeds with the agenda as notified, they should do so with the understanding that either A) they believe the parcel to be properly addressed, meaning it is landlocked, or B) they are willingly proceeding knowing the address doesn't properly notify the public, therefore in violation of SJC Code 17.04.060 and the proper notification required thereunder, and will therefore be subject to the penalties of SJC Code 17.04.090.

To sum up my argument, in order to properly notify the public regarding anything required for this parcel, it must be properly assigned a new address on Harvest Pointe Dr before any notice would be able to be sent out. This item should be removed from the agenda and not placed on it again until a proper address can be established.

Please let me and the other people copied on this message know whether the Planning Commission will remove the item from the agenda or not.

Sincerely,

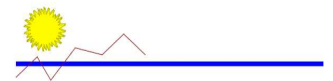
Brad Neves
10637 S Harvest Pointe Dr
South Jordan, UT 84009

Harvest Pointe West

3773 W South Jordan Parkway

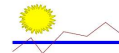


For Peterson Development by Econowest
February 2022



Harvest Pointe West

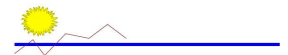
28 Three-story, 2100 Square Foot Residences



Harvest Pointe West

Exhibits Highest and Best Use

1. The Harvest Point West offers the current “highest and best use” for this property
2. Based on Utah’s continued job growth and in-migration, there will be strong demand in Utah for residential homes in the next two years
3. According one expert, waiting for Professional Office space to materialize would be a “train wreck” for a developer
4. South Jordan revenue (net present value) from 2022 to 2041 will be 70% higher for a **residential project** than **retail dollar store** or a **professional office space**
5. No net difference in costs to cities between residential, retail and commercial according to recent study in Utah Valley by Commerce CRG



Demand for Housing Should Continue in Short-term

	2021	2022
Utah Employment	1,611,000	1,656,000
New Jobs	72,000	45,000
Utah Households	1,083,000	1,109,000
New Households	26,000	26,000
In-migration	35,000	34,000
Utah New Dwelling Permits	40,200	36,000

Source: Kem C. Gardner Policy Institute, Econowest

Harvest Pointe's Present Value Revenues Exceeds Professional Office by 1.7 to 1

2022 – 2041 To South Jordan City	Present Value Revenue in 2022 \$
Harvest West - Residential & 2023-41	\$834,000
100% Professional Office Project, 2029-41	\$501,000
Retail Trade “Dollar Store”, 2023-41	\$479,000



Harvest Pointe's Present Value Revenues Exceed Professional Office and Retail Dollar Store Project by 1.7 to 1

Present Value Analysis													
		NPV Net Present Value	2022 1	2023 2	2024 3	2025 4	2026 5	2027 6	2028 7	2029 8	2030 9	2031 10	2032 11
Commercial - Professional Office Space										1	2	3	4
Revenue	NPV=>	500,801	48,194	-	-					25%	75%	85%	90%
Cap Rate - Class A	4.500%	342,629								84,277	38,347	44,764	48,819
Growth Rate	3.0%	Current Value	679,550							33,889	25,804	28,825	30,082
												44,764	
												47,490	
Retail - Dollar Store			Percent complete=>			90%	100%						
Project	NPV=>	478,536	-	59,229	27,377	28,198	29,044	29,916	30,813	32,046	33,328	34,661	36,047
Cap rate - Multifamily	4.000%	478,536		54,761	24,338	24,104	23,872	23,643	23,416	23,416	23,416	23,416	23,416
Growth Rate y1-y5	3.0%	Current Value	737,398										
Growth Rate y6-y17	4.0%												
Harvest West Residential			Percent complete=>		25%	90%	100%						
Project	NPV=>	833,996	284,094	29,683	32,982	33,971	34,990	36,040	37,121	38,606	40,150	41,756	43,426
Cap rate - Multifamily	3.625%	833,996	274,155	27,643	29,640	29,461	29,284	29,107	28,931	29,036	29,141	29,247	29,352
Growth Rate y1-y5	3.0%	Current Value	1,130,775										
Growth Rate y6-y17	4.0%												
Residential to Commercial			166.5%										
Residential to Retail			174.3%										
Ongoing Sales and Property Tax Revenue													
One-Time Impact Fees													



Harvest Pointe West

28 Three-story, 2100 Square Foot Residences



Impact Fees Higher for Residential Development

	One-time Tax Revenues to South Jordan City
Harvest West Residential Project (complete in 2023)	\$ 278,848
Professional Office Project (complete in 2030-32)	\$ 71,867
Retail Dollar Store Project	\$ 48,194



Professional Office Space Base Revenues Higher, But Later Start Lowers Office Net Present Value

	Ongoing Tax Revenues to South Jordan City Per Year
Harvest West Residential Project (complete in 2023)	\$ 32,982
Sales Tax	18,429
Property Tax	14,553
Professional Office Project (complete in 2030-32)	\$ 48,194
Sales Tax	11,250
Property Tax	36,944
Retail Dollar Store Project	\$ 27,377
Sales Tax	\$ 22,494
Property Tax	\$ 4,883



50/50 Population/Point of Sale Formula Drives More Sales Tax

Population

- New Residents = 28 homes x 3.3 = 92.3
- Increase share in states population =

$$92.3 / 3,271,616 = .0028\% \times \$784M \times 0.5\% = \$ 11,055$$

Point of Sale

$$92.3 \text{ people} \times \$15,984 \text{ per person} @ 0.5\% = \$ \underline{7,374}$$

$$\text{Total Sales Tax from Residential Project} = \$ \mathbf{18,429}$$



Harvest Pointe West's Costs to the City

1. Should be calculated on the basis of:

Marginal not Average

For example, will the addition of the Harvest Pointe's 92 residents and 28 homes “break the camel's back” in terms of adding new (FTE) employees?

Not Likely







