

SOUTH JORDAN CITY
CITY COUNCIL MEETING

June 6, 2023

Present: Council Member Patrick Harris, Council Member Tamara Zander, Council Member Brad Marlor, Council Member Jason McGuire, City Manager Gary Whatcott, Deputy City Manager Dustin Lewis, City Attorney Ryan Loose, Director of Recreation Janell Payne, Communications Manager Rachael Van Cleave, CFO Sunil Naidu, Director of Strategy & Budget Don Tingey, Director of Commerce Brian Preece, Director of Public Works Jason Rasmussen, Director of Administrative Services Melinda Seager, GIS Coordinator Matt Jarman, Senior IS Tech Phill Brown, Director of Planning Steven Schaefermeyer, City Engineer Brad Klavano, Fire Chief Chris Dawson, Police Chief Jeff Carr, City Recorder Anna Crookston, Meeting Transcriptionist Diana Baun, IS Technician Mike Erickson, Planning Commissioner Laurel Bevans

Absent: Mayor Dawn Ramsey

Others: Bob Paxton, Colleen Santos, Amber Bangerter, Jeff Bosch, Mike Oaks, Chuck Newton, Karly Short, Geoff Short, Frank Hanson, Carol Ragshaw, Lee Brown, Carolyn Sorensen, Rhonda Williams, Gwen Symes, Judy Ward, Steve Ward, Tom Humeniuk, Julie Humeniuk, Heather Thomas, Lynette Hansen, Marcia Todd, Tom Todd, Austin Bentley, Barry McGee, Brent & Trish Gray, Stacie Williams, Lindsey Ballard, David Nicol, Amanda Johanson, Rob Oaks, Mike Oaks, Robert Pico, Tom Reed, Chris Rawlins

6:33 P.M.
REGULAR MEETING

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

Council Member Shelton nominated Council Member Brad Marlor as Mayor Pro Tempore for tonight's meeting. Council Member Harris seconded the motion; vote was unanimous in favor.

Mayor Pro Tempore Marlor welcomed everyone and introduced the meeting. He excused Mayor Ramsey who was away representing the city.

B. Invocation— By Resident Lindsey Ballard

C. Pledge of Allegiance – By Council Member Don Shelton

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

D. Minute Approval

D.1. May 16, 2023 City Council Study Meeting Minutes

D.2. May 16, 2023 City Council Meeting Minutes

Council Member McGuire motioned to approve the May 16, 2023 City Council Study Meeting Minutes and the May 16, 2023 City Council Meeting Minutes as published. Council Member Zander seconded the motion; vote was unanimous in favor.

E. Mayor and Council Reports

Council Member Don Shelton attended Summerfest with his family. He went to the Dancing Moose Montessori School with Deputy City Manager Dustin Lewis, where they listened to the second graders pitch a proposal for a community garden. He attended the Memorial Day Program which is always a great tradition. There was a Corporate Citizen Award lunch, where Doug Young and his associates were presented the award for the work they've done in our city. He attended the parade preview and a Jordan River Commission meeting where they established the Jordan River Watershed Council. He had a great time at Summerfest and really appreciates the work everyone did to make that happen.

Council Member Patrick Harris also attended Summerfest, our staff does a great job and it gets better every year. The parade went well, the carnival was great as well. He had the opportunity to be a judge in the chalk art festival and the art is amazing. The vendors as well were really good with lots of people interested. He attended the Memorial Day Program, and he had the opportunity to speak there in the mayor's absence. The most fascinating part of that program for him is when they read off all of the names of those who have served our country. He also attended the Corporate Citizen Award Event and the South Valley Sewer District Board Meeting, where everything is going well.

Mayor Pro Tempore Brad Marlor attended Summerfest as well and participated in the 5K ruck race as well as the parade. He discussed his cul-de-sac's efforts to "flip the strip," and shared pictures of that work. His family gained a new member, a new grandbaby. He had a great time participating in Summerfest with his family and like the other council members attended the Memorial Day Event, where he also enjoyed hearing all the names of those who served, especially those he knows. He attended the Corporate Citizen Award Luncheon, Doug Young has done a wonderful job in this city and he is grateful for all his work with the city.

Council Member Tamara Zander shared a letter from a resident, regarding Summerfest:

"Our Family had so much fun at the Summerfest this weekend. We went on Friday night and had such a great time we came back on Saturday. We spent quite a bit of money because we did the wristbands, carnival, face painting, and bought some things. But. I loved that we could have spent hours without spending any money at all. Our kids enjoyed the climbing wall, the bounce houses, the princesses, the parade, and the whole

family loved BMX, the pogo sticks, the reptiles, the butterflies, the chalk art, the Michael Jackson experience and the fireworks, all at no cost.”

Council Member Zander loved that we did that. She has heard from many families that they could have spent two days at the Summerfest and not have expended any of their budget. She loves that we as a city have prioritized by offering things that have no cost, along with things people can invest and spend money in. This has been a priority as a city, to offer things that have no price tag, and she thanked staff for making that a priority. She loved the parade, the t-shirts were a fun addition. On Tuesday, prior to Summerfest, the city held a parade preview night before Summerfest on the west side of the city. She shared pictures of some of the activities she participated in throughout Summerfest, and expressed her gratitude for staff’s patience and hard work throughout the whole weekend. She especially enjoyed the kite flying and visit from Mary Poppins at the Tuesday night event, and would love to see her back again. She has also had quite a few people reach out to her, asking about the tunnels in Daybreak and the chalk art being done on the walls. She asked staff which tunnels were under the city’s jurisdiction versus the Daybreak HOA, and asked to discuss that later.

Council Member McGuire lives on the western side of the city as well and he had more neighbors than before reaching out to tell him how fun Summerfest was, so he agrees that they are starting to cover more of the city. People loved the parade preview night, and his family loved flying the kites there. He loved having the butterflies back, and seeing the acrobatics. The X-Pogo stick performers were amazing and he echoed the fact that people loved having the t-shirt addition at the parade. He thanked everyone who showed up to help carry the Major Brent Taylor Foundation Flag, and for the pride felt seeing that large flag. Along those lines, he also mentioned today’s anniversary of the Normandy Invasion and encouraged everyone to remember that sacrifice made so long ago, which was the turning point for freedoms, both here and abroad.

Deputy City Manager Dustin Lewis filled in for Mayor Ramsey, who is in Detroit at the National Association of Regional Councils’ Annual Conference, where yesterday she presented to the entire conference on the HTRZ project occurring here in the city. During his phone call with her, she noted that there were a lot of questions from people who were very impressed with what was happening here in the city and who wanted more information on how to replicate that kind of success. He shared the mayor’s pictures from the parade, she said it was one of the best parades the city has ever had and wanted to thank everyone involved, both as participants and spectators. In the past couple weeks, she has attended a press conference with the Governor’s Staff, as many of the local high school graduations as she could, the Corporate Citizen Award luncheon, Summerfest, the Economic Development Conference, the conference on housing, and the Chamber of Commerce Conference. In her role with the Wasatch Front Regional Council, she was able to be a part of them passing the Regional Transportation Plan for the 2023-2050 period, which contains over 1000 transportation, transit and trail projects across the entire Wasatch Front; this was a very big deal, as several of those projects are important to our community specifically. He shared more pictures she sent, including her with some other mayors, her with Mayor Walker and Jay Francis from the Chamber of Commerce, one from the Governor’s Press Conference, at the Economic Development Conference with other city leaders from around the

valley, at the DARE Conference, with Mr. Gruber and Millcreek Mayor Jeff Silvestrini at the conference they attended, at Highland Park last Tuesday night for the parade preview activities, at the Meet the Artist Event at Summerfest, and while back in Washington, D.C. at the chamber conference. At the D.C. conference she had a chance to meet with many of our Utah Congressional Delegates and had some great conversations with them while there. He also shared pictures of her attending some of the local high school graduations.

Mayor Pro Tem Marlor thanked staff again for all their hard work on Summerfest, specifically Colby Hill who he caught walking around picking up trash off the ground. He also echoed Council Member McGuire's comments on Normandy, and mentioned the war memorial there. It is unbelievable and one of the more impactful moments in his life. He has been there several times and encouraged those who ever have a chance to visit to take advantage of that opportunity.

F. Public Comment

Mayor Pro Tem Marlor opened the public comment portion of the meeting. There were no comments and public comments were closed.

G. SJC Townhomes Land Use Items

G.1. Presentation on Resolution R2023-25 and Zoning Ordinance 2023-03-Z, all related to SJC Townhomes proposed development; Brian Adams on behalf of J.L. Salt Construction, Inc. DBA Dream Home Builders (Applicant). *(By Director of Planning Steven Schaefermeyer)*

Planning Director Steven Schaefermeyer reviewed background information from the Staff Report and his prepared presentation (Attachment A).

Brian Adams (Civil Science) Civil Science is the civil engineer and surveying company on the project.

Jerry Salt (Applicant) is the developer and builder of this project.

Mr. Salt shared they have been through a lot of meetings, thinks the project benefits everybody and that there will always be something that works for some but not others despite the overall benefits. They are still at 8.1 units per acre, and their ALTA Survey is around 2.52. Even though they have increased by one unit, they are still at the same density.

Mr. Adams added that the newest change is the new unit.

Mr. Salt said that parking wise, they should be over-parked with all units having two car garages and driveways, along with the off-street parking to be shared with the commercial businesses.

G.2. Resolution R2023-25 public hearing.

Mayor Pro Tem Marlor opened the hearing for public comment.

Tom Humeniuk (Resident) – My concern with this process is the existing family homes existing north of the proposed development, south of the proposed development, and east of the proposed development. Why is this a concern? One, I feel that my concern with this plan is that the neighboring single-family homes will go down in value against these development type homes. When mentioning the 35 foot height, they also mentioned there are add-ons there which I think make it higher, maybe closer to 38 or 39 feet in height. Not really happy to see the townhomes that border Beckstead Lane, because of the height of those homes taking away the view and are an obstruction. I know they talk about parking, they have sufficient parking, but that's remaining to be seen how that turns out and how many people visit. If there are rentals in there, there are more vehicles they can put at the house and in the driveway. I think they laid out a good plan, but I just don't think for the neighborhood it's the type of housing that is going to benefit the rest of us.

David Nicol (Resident) – I sent a list of my concerns to Council Member Harris (Attachment B), and he forwarded them to each of you; thank you for that. I attended the planning and zoning meeting on May 9th, and note that two of the five members voted against this zoning; I felt that all five had varied concerns about this project. My greatest concern about this project is an attempt to jam too many structures into too small of a space with two businesses and twenty-one 39 foot high townhomes; that is too much for the limited area provided. Additional concerns are, one, two commercial buildings that are part of the project, with what looks like five or seven parking spaces per building. How can a business survive with so little parking? Twenty-one skyscraping townhouses, 39 feet high, with no street or visitor parking spaces included. Few or no sidewalks for residents within the project. The only recreation or greenery indicated on the map is a tot lot, with room for a swing or two for the kids. A through road from Redwood Road to Beckstead Lane, that passes between the two businesses, around the homes, and provides no additional parking; they did mention there will at least be a sidewalk there, thank you. I also see this as another shortcut for drivers traveling between Redwood Road and Beckstead Lane, we have several of those in that same area where people are always driving through. I will not dwell on the fact that a school is located immediately south of this project. Where will all these business employees, customers and townhouse visitors park? Beckstead Lane. Beckstead Lane is a beautiful road that has interior islands with trees and grass that abruptly ends where this project begins. From there south it will become another crowded road and parking lot for businesses and housing projects that are not required to provide their own necessary parking, and I ask that the council not approve this project as presented.

Tom Todd (Resident) – How would any of you, or would any of the builders, like to have a 35 foot structure in front of or behind your house; that's what most of the people are objecting to. It has been zoned for single housing, let's keep it single housing.

Amanda Johanson (Resident) – My two biggest concerns are the density, which is of course going to lead to the parking problems, and then the connection to Beckstead. As you guys highlighted tonight, the SoJo Fest is incredible, is wonderful, and I want it to continue. If you

drove down Beckstead Lane during SoJo Fest, you are going to experience exactly what is going to happen when these units are added. We have a safe street where kids can walk, they are constantly doing their scooters and riding their bikes, and this could potentially be a safety risk for them. Just with SoJo Fest, the speeding and things that came through, please consider the connection to Beckstead Lane, it is really going to impact our kids and our safety.

Frank Hanson (Resident) – What I'm going to say may not make sense in the beginning, but it will come full circle, so bear with me. In 2018 I asked South Jordan City Engineering Department to address the following city codes that were not being enforced: Title 10.24.202, Title 10.16 and Title 10.12.30. Several measures were taken by the engineering department, but in my opinion, and the people of the public purpose petition that I have put together, agree that what has been done just isn't adequate; I will get into that in just a sec. In 2021, a public purpose petition was again sent to South Jordan City Engineering Department with signatures of residents that reside from 11010 South, all the way down south to where the businesses pick up, the ATV shop. The petition included signatures from 51 residents to address the issue on Beckstead Lane, which is excessive speed. The city themselves have clocked speed in excess of 68 mph on that road. I myself took radar readings, which was 1400 readings, and passed that information to the city; they know from our perspective what we have done to try and figure out what's going on here with the speed. They did put in a stop sign at 11010 South, but the original request was to put in stop signs where Heatherwood entrance begins. Between 11010 South and 11400 South it is one mile long, and the road is currently double painted which makes people think this must be a highway, so high speeds are not uncommon. That is still a problem, and will continue to be a problem. I do have another meeting to represent the people of the PPP with the city again on June 17th, and we will go over it again to see if we can come up with some remedy to put in a stop sign. I know it's not a main throughput from Redwood Road, so there is an issue there that they are cutting us short saying we can't do that because it's not a main road; however, we are in disagreement. The only way to keep people from seeing that as a speed zone is to put in another stop sign halfway, at least that's our opinion. In effect, we have been working on this matter for six years, and still have no real resolution, so we are asking for something to be done. With the addition of this development we know it's going to increase traffic, congestion, and perhaps more issues with a dangerous road that is already dangerous but nothing has really been addressed on it yet.

Tom Reed (Resident) – I echo Frank's comments, and the back of my house borders Beckstead Lane. I see all the traffic that comes along Beckstead lane, and we are going to then add another neighborhood with a through street from Redwood Road to Beckstead Lane. I appreciate the developers and the planning commission putting a curve in there so you don't see a straight through from Redwood to Beckstead; however, you are going to increase traffic on Beckstead Lane, and increase parking on Beckstead Lane. As mentioned by a previous speaker, where are the employees that are going to work in those businesses, where are they going to park. Not only that, but the speeding on Beckstead Lane is becoming ridiculous; my backyard, and back windows see that. During rush hour traffic in the evening coming home you have people going west on 11400 South, they become very frustrated that the back-up starts at Redwood Road and 11400 S, going east clear down to possibly 1300 West, and they are frustrated. They get off there at Beckstead Lane and then they are speeding to go down to places like 11010 South to go over to Redwood Road; they are trying to short circuit rush hour traffic. There is a lot of speeding on

Beckstead Lane, then you have the ATV shop who are racing and testing out their motorcycles after being fixed. I have called the police department to see what they can do about speeding, and they are non-responsive, saying there really isn't much they can do about it, it is what it is. I am paraphrasing, but that's it. As a single family homeowner that borders Beckstead Lane, I am seeing a lot of traffic and this development is going to increase that. So far we have not had any accidents or fatalities on that road, but it's a real concern to me that we could see fatalities. There are kids in the neighborhoods that could be riding their bikes out in the road just at the wrong time, and there could be a fatality. I appreciate what the developers are wanting to do here, however it's a real concern to me.

Stacie Williams (Resident) – My home backs the proposed property. We love living in South Jordan, my husband and I moved here three years ago, our children are wearing their parade shirt souvenirs to sleep tonight, and we just love living here. I share a lot of the same concerns that have been expressed tonight. One specifically that I would like to bring up is the road that runs into the proposed property; that would be directly behind the fence in my backyard. What you don't see on these proposed drawings are my children playing in the backyard, jumping on the tramp, swinging on the swings, etc. My concern is with the road right up against the fence with no sort of sidewalk or buffer, because this proposed sidewalk would be on the opposite side, I am concerned about safety there. I know that 21 units plus the commercial properties would have a significant amount of cars coming and going, so that's a big concern of mine. Is there any way we can add some sort of buffer between the road and my children, basically. Another thing that is concerning is the lack of sidewalks, just throughout the property. One of the things we love the most about living in South Jordan, especially in this area, is the walkability of things. We walk to the park, the library, we can walk to restaurants and grocery stores right here; my children's' favorite thing is to walk and get ice cream, and I want others to be able to experience that. I want everyone I know to live in South Jordan because we love it so much, but in order to do that we have to set up residents and future residents for success. I don't feel this property, as proposed, is setting up residents for success. I hope we can take those things into consideration.

Robert Pico (Resident) – Thank you Council Member Harris for responding to my email (Attachment C), I'm sure everybody has expressed some of the same things I have concerns about. I ask the council to consider the future, what do you want your name stamped on and how you want your community to look. If you go down Beckstead, a lot of people are turning their houses into rentals and things like that, so there is overflow parking on that street. My business is risk prevention, I am an insurance agent. Any time I see something like that I think we have kids getting hit. If we have high density at 21 homes, the average home has two cars which is 42 cars added to our community commute. We are going to have some more risk exposed as a community, and we have to ask ourselves, what do we want as a community, and how do we want our community to look. I think that Mr. Salt has done some amazing projects, I actually looked at one of his spaces and if I could have gotten it approved I wanted to be in the building to the south; I think it's a great building. I don't think that cramming a bunch of homes in this subdivision allows for us to have a safe community, a place where kids can walk and go to school, because that's the kind of home those are going to invite is people that either have kids or renting. In my business I see people buying these homes and then renting out each room, which is multiple cars with cars parked out on Beckstead. As far as making a curve in the street, if you see at the motorcycle shop they have a sign and people still cut through there, you can cut

through by the new car wash and Jiffy Lube to Beckstead. No matter whether or not you loop it, you will still have people that will figure out that road and say “I can cut through there.” I think there is better use of this land, better ideas that we could present to the council or to our community, that we might consider what it is you want your name on, stamped on, for this community in the future because it’s not just putting homes on dirt, it’s also building a community. The kind of community we want, the reason I bought my home in the community that I live in, is because of this type of community.

Lynette Hansen (Resident) – I echo the feelings of many who have expressed concern. Moving to South Jordan was a choice, we have lived in other areas of the Salt Lake Valley and we chose South Jordan. We chose to live in the area that we do because of the quality of the neighborhoods, and as others have mentioned, the walkability. It’s an area where people feel free to walk their pets, to go out and exercise. Including a property with that kind of density is going to really affect, as others have said, the value of our property as well as the value of lifestyle that we have chosen to have in our neighborhood. We would like to see the property developed in an appropriate way that reflects the values and the image that the residents would like to see. As I mentioned, we made choices, we choose to keep our property nice, we chose to have a neighborhood that is flourishing and beautiful, and there is great concern that this type of development will degrade that. We would like to ask for serious consideration about not approving the property for this kind of dense development.

Julie Humeniuk (Resident) shared some pictures (Attachment D) one home is a rental now, there are six cars that are here continually and there are some other pictures; we took them fortunately during the South Jordan carnival. I come from a building background, I had a father who was very astute in knowing what bring the property value up and what takes the property value down. This kind of community is going to take our property values down. I think it creates a transient environment, people aren’t looking to stay there. They are going to stay for a while, then start renting them out which I highly oppose. I just want that to be considered. I’m not opposed to development, but these communities, it feels like that’s all these developers are building now. Herriman is absolutely loaded with them. I understand that younger people want to buy a home, I get it, but I just think it’s not the right fit for our community.

Rhonda Williams (Resident) The developer mentioned this is going to comply with the ordinance to have eight units per acre, but it isn’t, it’s 14 units per acre plus that doesn’t include the commercial that they are going to add. One of my big concerns is why is there a through street from Redwood Road to Beckstead, that doesn’t make a lot of sense. Everyone has mentioned that there will be a shortcut made through there, people will figure that out, whether that is a bend in the road or not. Also, the property value is going to deeply decrease when you have something like that. They want an extra four feet of variance on the top to do this, to put these patios on tops. One of the pictures showed the framework, in the very back it shows what they put and it is similar to what is on Redwood Road. It is a framework that they can then string lights on or do whatever they want on top of that extra four feet that they put up there. It is going to be a deterrent for people, especially if you live directly behind or to the north of them, this is just almost an invasion of privacy that people can now look down on your home and see you. I don’t understand the need for the through street, that should be cut off. When they say “they won’t use it,” they will use it because they are avoiding the three lights on Redwood Road to go

north or east. They are going to use that street and they do speed on it, like has been mentioned over 60 mph. Also, the visitor parking is not going to be sufficient with that many units and they start renting them out. The people that own it don't want to have the people renting park behind them, therefore they will park on the street and that's what happens. I really think that the parking, speed, through street and value of our homes are our concerns.

Geoff Short (Resident) The parking configuration for the commercial project is laughable, five or seven spots is ridiculous for business employees, visitors, customers, whatever. The businesses already in that area are using their own overflow parking in the church property east of those businesses. If that church finally says they're fed up with that and gate it off, they'll just continue parking on Beckstead Lane. If you've ever seen 10775 South, that's the development next to Beckstead Park, and across the street south of that is the Wyngate Townhome Development. So 10775 South becomes the overflow parking lot for that same development, I'm sure the snowplows love that road in the wintertime because all the cars are parked there since they can't park in their own development. I foresee the same situation happening with this proposed development, that parking is not sufficient. They are trying to put a lot of units in that small of a space, as opposed to thinking what makes more sense versus what makes more money.

Mike Oaks (Resident) Thank you City Council for hearing our concerns about the development on Beckstead Lane. The first concern of which is that the property will turn into a public nuisance. There aren't enough parking stalls, especially for the commercial properties. There are just a couple lots and where is the parking for the customers, for all of the employees. As you know Beckstead Lane is quite narrow and there just isn't room to have parking on both sides of that street. As a father of two youngsters, it's a safety hazard for the cars to be lining the street on either side because the cars can't see the pedestrians if they are walking between cars, particularly trucks. Another concern is the property values, as others have noted. The development does not comport with the nature or characteristics of our neighborhood or the surrounding neighborhoods. As you know, there are quite a few properties in these neighborhoods that are valued at around three-quarters of a million dollars, and this development would be surrounded by gated communities. Having a development of relatively affordable condos, 21 of which are 40 feet high, does not comport with any of the characteristics of the neighborhood. We noticed in the program that one of the items was to approve of the resolution for the development of the property, and we hope that that was just a typo because there shouldn't be any preconceived approval of this property, and we trusted that is the case and we trusted this meeting is not a mere formality and that the will of this entire community of people will not be overturned by the interests of one developer. Finally, there is a concern about privacy with 40 foot high developments, the individuals living there will be able to see into our backyards, our homes and windows, and certainly there are places in Utah and South Jordan where you can find that, but that's not what we signed up for and that's not what this was zoned to be.

Colleen Santos (Resident) I want to thank the city council for taking this opportunity to listen to such a large portion of the community's concerns. I voice those same concerns, I live on Beckstead Lane and I have to navigate through this now six year old community where now seven rentals are on this street in just seven years. I am not against rentals, but I am against not being able to get into my driveway. Several times I come home, especially during the SoJo days,

where I have to knock on the window and ask them to leave or move their car so I could get in my driveway. When I go around the corner to leave to go out on Beckstead Lane it's not uncommon that I am locked in by cars that are trying to unload or load, and I can't get out of my driveway which is the normal egress to leave. The other thing I worry about in a community that has this kind of design is firetrucks, the modern firetrucks are not small, and if there is one unit the fire truck can't reach that's unacceptable to me. I hope you will take that into consideration that the firetruck does need to access every single one of these units to pass. The other thing that I have a struggle with, I have asked for it since I moved here, my backyard is a fishbowl for me so when trucks and cars go up and down that lane, the more commercial that is built, the more my house rattles. I am not terribly interested in having another group of home buyers and owners that think they are a freeway to get out to where they need to go, it's just another egress for them. I hope we can do better, consider what the city was proposed to be, not a place of a bunch of townhomes and high roof lines. We would like to see consistency and beauty. I think you have done a beautiful job with the streets, I think they are great, but my street feels like cobblestone. I come from 10600 South to go to 11400 South, where my house is, and I feel like I'm on one of the pioneer trails because it is such a bad road. Do you think that's going to improve with extra cars coming here and parking along the road, I think not. I think the other thing we have all addressed is that we are all concerned that we keep the integrity of a safe community. We are really breaching that line when we consider that we are going to add that many homes in under those terms. I am a real estate agent, I am all for housing, I love it if we do it responsibly. My thoughts join with the rest of the community thinking that this needs to be reconsidered in terms of sidewalks, parking, and reasonable height. I hope the builders and city can come up with something that works for that piece of ground.

Bob Paxton (Resident) Today I think the city council, which is the political voice the residents can speak to, of South Jordan has heard the residents of this area. I think that people are concerned about what kind of a community we are developing. On the western side of the city we have more low density, the eastern side we have typically much, much higher density, and lately we've had some big changes. The thing that I don't like as much is where we go from something of very low density with the zoning and change it to something of exceptionally high density, for all the reasons that everyone has spoken and I concur with the remarks of the people so far. We have heard from the people, and we haven't heard one person in favor of it other than the owner and developer and engineer. The residents are not in favor of this. What scares me is that it makes it so the residents can't rely on a plan for our future. Next door to us, will we at some point in time have a third acre lot and rentable townhouses or apartments because the plans change so rapidly and with such magnitude. The last thing I have is that I think the city council knows I am a person on water, do water rights come with all of this so it's not an additional water burden.

Mayor Pro Tem Marlor closed the public hearing.

G.3. Zoning Ordinance 2023-03-Z public hearing.

Mayor Pro Tem Marlor opened the hearing regarding the zoning ordinance for public comments. There were no additional comments, and the hearing was closed.

G.4. Resolution R2023-25, Authorizing the City and the Developer to enter into a Development Agreement pertaining to the development of the property located at 11147 S. Redwood Road.

Council Member Zander noted that something that became apparent while listening to public comment tonight was that many of those who spoke live on Heathergrove Lane, and after consulting Google Maps she was able to see that is the development to the east, where many of their backyards back up to Beckstead Lane. She asked to confirm that it was a gated community, that was confirmed. She asked who in the chamber actually lives on Becksbend Lane, and noted those who raised their hand. She noted that confirmed 98% of everyone here is part of the Heathergrove Community to the East. As a mom who has raised kids, she appreciated some of the pictures showing the traffic in the area was during the Summerfest, which is atypical. However, the resident's point was whether their street will start to look like that consistently, and that is a concern she heard loud and clear. It resonated with her when Stacie mentioned that her backyard is that wall, and she wanted to qualify what kind of wall that is, on the north side of the development.

Director Schaefermeyer responded that it's a masonry wall, but he was unsure as to whether it was composite or solid.

According to the resident in the audience, it is composite.

Council Member Zander asked if that is something that we as a city dictate, or if that something the developer gets to choose.

Director Schaefermeyer responded that at the time of development the code and the way it has been interpreted for years has been that, where it says "decorative masonry wall or something similar," that can be a composite wall.

Council Member Zander asked how safe that is, if a car were to bump into that wall, what would happen with no easement there. She also asked how many feet with only the curb and gutter there would be between the road and the wall as proposed, and if this will change at all with the new development.

Director Schaefermeyer said they haven't gone too deep into the engineering on this yet, but as proposed there wouldn't be a gap until you get next to Beckstead, and then there is more of a gap. Even with single family development, any gap between the fence and the road would require the developer to cement between the back of curb and the fence so there is nothing there.

Council Member Zander asked if Director Schaefermeyer would agree that an easement, or just some space there would be conducive to better safety.

Director Schaefermeyer responded that in prior conversations he has been asked if anything could improve, and this road could improve; however, something has to give in order for it to improve. The reason the developer put in the sidewalk on the south side is for pedestrian connectivity. He doesn't know what a sidewalk would do in terms of safety to have a sidewalk

there next to the road. The road could be narrowed and create more of a buffer, but then they are losing opportunity for parking on that road, along with a fire access issue.

Council Member Zander said she wasn't proposing narrowing the road, that would be contrary to what they are trying to accomplish. They talked about parking on that road, and as it stands right now, would the city allow curb side parking on the south side by that sidewalk.

Director of Engineering Brad Klavano responded that they have looked at it, and they believe parking could be allowed on one side. Where that would be, they haven't determined yet as this is just a zoning application. Once they come in with their site plan they will work with Fire and Public Works to determine whether it's best to allow parking on the south or north side.

Council Member Zander asked to clarify that in their decision making tonight, if she was specifically uncomfortable with this road, would now be the time to bring that up so there could be some changes made.

Director Schaefermeyer responded yes, for example, if they wanted to ensure that parking is on that road that could be part of the motion. He is not entirely sure what they are looking for in terms of a buffer between the road and fence, as speeds are pretty low on a road like this. A wall, whether composite or not, if hit by a car at great enough speeds will crack and break. He doesn't know what the speeds would be like on a road like this that would really cause a car to go through a fence like that.

Council Member Zander added that it is a straightaway, and there is a curve further down, so staff's responses answered her question. She next noted that they discussed the height of the building, and asked staff how high the Sego units are that border Redwood Road.

Director Schaefermeyer responded the Sego Townhomes with the pergolas on top actually created an issue with one of the units because they have to be built with the idea that they are going to put the pergola on top. They can't just build the building and add a pergola, because it would be blown off by the wind and would be unsecure. Those pergolas were planned as part of that construction. The Sego units are 34 feet to the parapet, which is the lowest roofline, and then 36 feet to the top of the railing for the rooftop decks which have railings and a wall. The dividing walls between the rooftop decks go up to 39 feet, and the top of the pergola is 41 feet 7 inches.

Council Member Zander asked if the difference is that the pergolas on the Sego units have a view through the pergola, whereas on these proposed units you have an enclosed boxy staircase piece.

Director Schaefermeyer said that's correct. If you look at a Google view or drive out there, the Sego units have exposed stairwells that go up on the outside. He was unsure how all of them function, but that's how you get to the top. What's being proposed here is an enclosed stairwell that is only for the interior units. There are more rooftop decks on the Sego project units.

Council Member Zander asked, if these were approved, would a resident be able to go up and build a pergola on top.

Director Schaefermeyer noted that with the Sego units that had to be planned ahead of time, because if you forget to put that structurally in you would have to cut into the roof but then face problems with leaking. It is inadvisable, and is something that would have to be approved by the city. Since this current proposal doesn't show pergolas being put on top there, structurally changing the building, they would need a permit from the city and it would have to be structurally sound. He added that the concept plan was all that was shown to the council previously. There were pictures of other developments during the study sessions, but this is the first time the council is seeing the elevations or renderings. With these kinds of projects, staff is asking for a lot of detail up front without giving any approval, so the discussions during the study session were not approval, even after the developer felt good after the discussion in November and decided to get some of those renderings; there was no approval taken at the meeting. This is why the elevations and renderings came after the overall site plan, density and use issues were discussed.

Council Member Zander asked to see the stairwells from the renderings again and asked to clarify that there were stairwells on the end units, but not every unit.

Director Schaefermeyer said they are next to some of the end units, but they are actually for the interior units. The elevations are hard to see on the screens, but there aren't any decks on the third story next to the adjoining 5.5 acre property. However the end units have balconies on the second floor and you can see the railings at the top which means there is a rooftop deck on those units. It also looks like there may be some kind of pass-through on both sides for those; however, one side is much smaller than the other. The ones on Beckstead, which are the ones most people here are concerned about, the majority of those rooftop decks face east, not west.

Council Member Zander asked to confirm that the 35 foot height was at the top of the railing, or the roofline.

Director Schaefermeyer responded that it is at the top of the parapet, and it would go up from there for the two stairwells. The stairwells are really what the exception is for. There could be options for lowering those he supposes, but he doesn't know what that does in terms of the usable space within. The end units also have a sort of patio, but it's not the rooftop deck and is lower than the other rooftop deck units. The rooftop decks are only for the interior units, meaning there would be two rooftops decks looking towards Beckstead Lane, and then each of the other buildings, with the exception of one building that only has one.

Council Member Zander then asked to speak with the applicant about parking, noting that several residents tonight have talked about parking concerns. The commercial buildings are both nicely designed, and she asked how many employees will be projected in each building and how many visitors/patrons are expected at each place. She also has concerns about the shared parking, if his employees and patrons are filling those spots they are obviously not available to the residents.

Mr. Salt responded that he will occupy the building to the north with one of his companies. That company has only two employees, with no will-call; everything that comes out is delivered by

those employees to the locations needed. They will have trucks that deliver maybe once or twice a month, to unload inventory. His goal within the next 5 years is to occupy both buildings. The building to the south would only be a warehouse, there would be no employees there other than adding one more employee to that entire company that goes back and forth. For the first few years it will probably be someone they rent to, and since he owns the buildings he can be very particular about who is there and what they are going to do. He likes all his stuff nice and kept nice, as everyone knows from the medical building on Redwood Road. He is not going to let somebody who is not the right person rent from him just for the money; it will have to be right for the property and building. Him being part of the subdivision means he still has a lot of control, even over the homeowners, because he will be in charge of the HOA. He will still be there, even though he is the builder and developer, and everything is built and sold; he still owns the buildings and is still within the property.

Director Schaefermeyer said staff asked the same questions, but then the follow-up was what if he sells those buildings or moves at some point. In the development agreement under 5.1 they talk about uses, and it's based on the Community-Commercial Zone. One of the restrictions is that "All uses, whether permitted or conditional in the Community-Commercial Zone, may only be established if the developer can demonstrate that the available parking is sufficient, based on the parking ratios of city code 16.26." Even after this is all developed, those obligations would pass to future owners. The uses would change either during a tenant finish, which would require a building permit and at that point they would look at the use and/or a business license. At that point they would also have the opportunity to question what the use is and whether the parking is sufficient.

Council Member Zander asked staff if the commercial building were to become a storefront, something like Hobby Lobby, could the city stop that from happening because the parking isn't sufficient for retail.

Director Schaefermeyer said one of the uses allowed is wholesale with customers onsite, so just like a flex building they could keep inventory and allow pick-ups, but it wouldn't become a store where people are browsing. Specifically, the CC Zone is more restrictive than other industrial zones, where those kinds of retail buildings might be located.

Council Member Zander asked to clarify that as things are stated in 5.1, Commercial-Community Zone, this could be warehouse and someone could potentially come purchase from the location and drive away.

Director Schaefermeyer responded yes, the uses added to the CC Zone by the development agreement are business support, office warehouse flexible space, wholesale and warehouse.

Council Member McGuire asked staff to clarify the density, as he thought he heard conflicting numbers.

Director Schaefermeyer noted that based on the concept plan, it is showing 2.47 acres with 21 units and the commercial area, which works out to a density of 8.502 units per acre. When dealing with a parcel this size, 0.1 acres makes a big difference in terms of the calculation.

Council Member McGuire just wants to make sure that they are treating developers equally and discussed the previously approved Peterson Development project and its similarities. He then asked if the front doors are with the driveway.

Mr. Salt responded that the main floor is on ground level and that has the garage and an entry, you have to go upstairs to get to the main floor. There is a front door opposite the garage door, but there is also another door on the side of the driveway for when guests park in the driveway.

Council Member McGuire asked if there will be a sidewalk between the driveway and road.

Mr. Salt responded no, the driveways are 20 feet deep and the roadway is 22 feet wide, which is more than enough for two cars to pass and people to walk down the sides.

Council Member McGuire asked staff about the alley lanes in Daybreak and the widths.

Director Klavano responded they are mostly 16 feet of concrete with 20 feet of right-of-way.

Council Member McGuire asked for the average main width of roads in Daybreak, curb to curb.

Director Klavano responded that all the residential roads in Daybreak are 26 feet of asphalt, making them 30 feet from curb face to curb face.

Council Member McGuire then asked about the widths where the bump outs are in Daybreak.

Director Klavano said those areas are 20 feet of asphalt with 24 feet of total road.

Council Member McGuire asked the applicant how the area will be lit.

Mr. Salt responded that they haven't gotten with engineering yet, but based on the renderings they know they will need a street light at the first corner as you come in. They have talked with the architect about adding some street lighting on the sides of the building, rather than putting in a post, that will light up the street as you go in. The commercial buildings will have wall packs that light up that entire area, the parking lots and to the east on both, as well as down the lanes. On the sides of those buildings they will have essentially the same thing as a commercial wall pack, which will work similarly but look more residential in design and match the building.

Council Member McGuire asked Fire Chief Chris Dawson about a development this size and getting emergency vehicles through, would he best recommend a road going all the way through like planned, or could it be divided.

Fire Chief Chris Dawson responded that certainly any time there is a through road that gives them better access to approach from different sides. From a purely emergency response standpoint, that is preferred. That said, there are many developments throughout the city that don't have that, so there are SOPs in place to adapt to it either way, but it is preferred.

Council Member McGuire addressed the residents in regards to Beckstead Lane, noting that he knows it's not a popular opinion, and those who don't live it don't usually like it, but one of the best traffic calming measures we have in our city is allowing on-street parking. People truly do slow down because they are afraid someone is going to come through, he knows because he lives with it daily.

Council Member Shelton asked staff about the Peterson Development, noting that he thought the density was calculated based on the area being occupied by the residential units only, and asked for confirmation.

Director Schaefermeyer responded that when Peterson first came to the city they showed a parcel that was 3.16 acres, which included approximately 2.5 acres of dirt and a bunch of existing parking that was in front of the businesses, with a sliver that went to the west of an existing building. After much back and forth, it was decided that the density was going to be calculated on the dirt, which was the 2.5 acres and ended up being approved for 20 townhomes, which are very similar to this project where you park on the first floor and have two upper floors for living. It also included an extension of the existing commercial strip mall. There was a dividing of the commercial and residential areas so the deliveries were not on the same road as the residents. The commercial was included in the final density count, as initially they had proposed more townhomes and no commercial.

Mayor Pro Tem Marlbor asked if the parking spaces included in the Peterson development were going to be conveyed to the buyer as part of the property.

Director Schaefermeyer responded that he thinks they're subdividing off the townhome portion, but he hasn't looked at the plans recently. The commercial they are building will have access to all of that parking that wasn't included in the calculation. He doesn't believe the HOA for Peterson's townhomes will have control over what happens in the commercial area.

Council Member Shelton asked if staff happened to check the height on any of the single family residences along Beckstead Lane prior to the meeting.

Director Schaefermeyer responded that most of the homes on Heatherwood are Ramblers, and they would have been subject to the same height requirements of 35 feet, even with a pitched roof if it's not a second story.

Council Member Shelton noted that he drove by there earlier today and it didn't appear that they were as tall as the townhomes being proposed.

Director Schaefermeyer agreed with that assumption. He believes many of the homes on Becksbend are two story, so those are going to be higher and they could have a home that gets close to the 35 feet, depending on how steep the pitch is. He referred to the townhomes along Redwood Road and noted that those were created based on a different ordinance, and based on number of stories not height, so they are not a good example for comparison on how tall something might be.

Council Member Shelton wanted to readdress the parking, and noted that in his drive along Beckstead Lane, part of that street had no parking signs on it, and part of it doesn't; he didn't understand the rationale behind that, even though he agrees that street parking is an effective traffic control device.

Director Klavano responded that he thinks most of the no parking areas are where they have the landscaped median islands, so the travel ways aren't as wide. South of those areas, there is no median so there is plenty of room for street parking with over 40 feet of road.

Council Member Shelton asked if the amount of parking being designated for the commercial buildings meets the city code.

Director Schaefermeyer responded that parking is based on use. The uses described, and most likely to go in these structures, can meet the parking requirements for those uses. If there is another use listed within that CC Zone with a higher parking requirement, they would need to justify the lesser amount based on their business plan, as the city has already done traffic studies on those businesses. Again, the development agreement requires future uses to demonstrate that they can comply with the associated parking ratio.

Council Member Shelton noted that it sounds like the city will have control over future owners or remodeling of the structures, and that they will have the opportunity to require compliance on business licenses.

Director Schaefermeyer responded that was correct, but easier said than done. That is what's done at tenant finish and business license, they look at the information that has been provided, and it's always a possibility that someone furnishes inaccurate information. The development agreement could always kick in to have code enforcement go out and inform the tenant that they haven't demonstrated they could comply with the parking. Without knowing exactly what businesses are going in, it's hard to say. Big commercial centers have parking agreements and shared parking, so it's a little easier for staff to determine if there is sufficient parking. One of the challenges could be if you have something like two popular restaurants right next to each other, as that's when parking becomes a real issue. Restaurants and other higher parked uses however would not go in this location.

Council Member Shelton asked the applicant if it's possible to change the plans for the units along Beckstead Lane, so they either don't have the rooftop balcony or so the balcony is on the west side of the units, instead of the east side.

Mr. Salt would have to get with Layton-Davis. It's probably not an impossibility, but he's not sure what that would entail to make that change. Those decks are not going to look into the neighbors' backyards, the mature trees there and everything else is stopping that; those trees are 25 feet tall and located every 30 feet. He offered to get with the architect however and see what he could do.

Council Member Harris asked to see one of the aerial photos of the proposed development. There was another development done that had some commercial, and was given a certain density, and

then they look at another development and want to apply those same parameters, even though commercial space being occupied is different. They need to pay attention to how much residential space is left over, as the next project that comes to them could have something more commercially dense than this project but still want eight units to the acre for the entire project, making the residential space tighter and more dense. This proposal doesn't even have a buffer between the road to the north and the neighbors. He looks at the green space and sees some right along Redwood Road, but people in those townhomes aren't going to be sending their kids to play on that; there is a little space in-between, where the tot playground is. He isn't seeing a whole lot of green space, but he is seeing a lot of asphalt and concrete. He thinks it's something that needs to be addressed. When looking at other townhomes and projects, they have really focused on green space because people need places to go, and the developers have put in different amenities with places for people to get out; that has always been something that's important on prior projects. When they have brought that up to other developers, that they want less density and more green space, they have always come back and added more green space. He is troubled about the wall with no green space as well. He lives in a gated community, not too far from this, and when that community went in with the stamped concrete fence, in-between that fence and the road there is a significant space with bushes, a sidewalk, and a park strip. That's important because many times the neighbor kids are playing and a ball goes over the fence. They then have the option to walk all the way around and get the ball, but they do what most kids would do and jump the fence; with that extra space they aren't landing in a road, they are landing in green space and no one has to worry about them getting hit by a car. He just doesn't think they can take another development and allow less commercial while still applying the same density, and say those projects are equal. Compared to other projects the city has approved, this proposed development just looks different to him. He would love to know the amount of green space in front of the businesses combined with the amount around the townhomes, and what that works out to in green space per unit being offered compared to previous projects done; this project seems really tight. He then asked if this was a through street, why it wasn't a public road and what's different about the road.

Director Klavano said he believes it was because staff felt it was really only serving those townhomes and the businesses, with no intention of being a connecting public street.

Council Member Harris asked if that road was the same width as would be required with public road.

Director Klavano believes they are showing 26 feet of asphalt, which would be the same as Daybreak.

Council Member Harris asked about outside of Daybreak, would this require more width and/or sidewalks if it were to be a public road.

Director Klavano said it would require 55 feet of right-of-way, with this project currently having 26 feet of asphalt plus curb and gutter being another five feet, with a sidewalk on one side being curb adjacent which would add another five feet, totaling 36 feet. If that were a public street it would have to be much wider.

Council Member Harris said that when they've had commercial next to residential, they've always discussed setbacks as a council; what will be in-between the commercial buildings, and sometimes developers offer to add things like trees to make the area nicer. He is not seeing any of that here with setbacks, there is no transition, which means this doesn't look like anything this council has approved before.

Mayor Pro Tem Marlor noted that many of his questions have already been answered, but he asked staff if there will be parking allowed on both sides of the private street.

Director Klavano said he believes they only have the width to allow parking on side.

Mayor Pro Tem Marlor noted that both Council Members Harris and Zander discussed the far north wall where the road touches, and he is concerned about only putting in a few feet of space there as people will use that to start walking and it would be dangerous since it would be smaller than a normal sidewalk.

Director Klavano said if they were to put two to three feet of what he assumes would be concrete, people might try to walk it but it's not really wide enough to be a sidewalk. Another option is putting landscaping in there, but at that width you have to make it wide enough to accommodate trees, bushes, or anything else. They do have an HOA that could maintain it, but as Director Schaefermeyer discussed earlier, what would that width look like and what do they really want there.

Mayor Pro Tem Marlor agreed, and shared his concern that if they put something there, people will use it. Unless it is an adequate width to protect people as they are walking along that side that would be jeopardizing safety in his opinion.

Director Klavano agreed that if they built that, it would be tempting for kids to use along with others.

Mayor Pro Tem Marlor addressed the applicant, noting that the design shows the commercial parking being totally contained within the commercial spaces of the two buildings, and that his understanding is that there will be no need for other parking outside of that concrete/asphalt area for each building.

Mr. Salt responded that other than the six spaces that will be shared, that is correct, and those spaces may or may not even be used by the commercial. They will be available after hours, weekends and holidays for the residents to use; they can even go into the parking stalls of the buildings.

Council Member McGuire noted that one of the residents brought up how the meeting packet was written, specifically the Staff Recommendations, and asked staff to explain that for the residents.

Director Schaefermeyer said the point of the Staff Report is to talk about the project, what staff has or hasn't done in working with the developer to bring this before the council. At the beginning of the report there are model motions for the council, and those are based off of staff

recommendations; that is why they are written in the positive, rather than the negative, because those recommendations were based on their conversations at study meetings and the developer's changes since Planning Commission. Based on that, staff's recommendation was to approve, but if the council chooses not to approve it, they wouldn't use those motions and either let it die from lack of any motion or if someone does motion to approve it, it could die for lack of enough votes. Generally speaking, under Robert's Rules they don't make motions in the negative, only in the positive. If someone wants to make a motion in the negative, they do not make a motion, and if you don't want something to pass, you just don't vote for it.

Council Member Zander asked the applicant how long Mr. Salt will own the HOA, and will that be in perpetuity.

Mr. Salt will always be on the board, and he will run the board until there are residents there for a vote to put a new president in. He will always be on the board so that he has a say in everything that transpires there. He knows what happens with these subdivisions if the owner is not involved, this is not his first subdivision like this. If you don't stay in control, they will sometimes get out of hand. These will be homeowners spending \$450,000 for a townhomes so they are not going to be riff-raff like everyone thinks they will be, as that is a lot of money.

Council Member Zander asked if he will have rules in his HOA or plans that state these will be owner occupied, or will he allow rentals.

Mr. Salt said you run into legal problems with discrimination, so he doesn't know that he would do that.

Council Member Zander responded that she believes there are HOAs that prohibit rentals, so she asked Mr. Salt if his intention is to allow rentals.

Mr. Salt said his intention is to sell them.

Council Member Zander understands that, as a developer he is going to sell them and make a profit, and there is nothing wrong with that. However, she wants to know if his intention is to allow some of the units to be rentals, will there be a percentage that is allowed to be rentals.

Mr. Salt responded it is not his intention to go that way, but if someone is going to lose their home and the choice is lose the home or rent it, he can't stop them from doing that.

Council Member McGuire continued on that point, asking if he would prohibit things like out of state investors from purchasing the units. Daybreak has something like that in their HOA, where you have to own one for a year before you can rent it.

Mr. Salt said they would put everything in there that they could to stop that, but again, if they wanted to push it he can't stop them from losing their home if their only option is to rent it out. The HOA would get in a huge lawsuit for that.

Mayor Pro Tem Marlor asked if the applicant had any further comments to share.

Mr. Adams asked if the subject of renting out individual rooms is already in the city code, that it's not allowed.

Director Schaefermeyer said this question came up at Planning Commission, the question regarding rentals. There is a definition in the city code about what a family is, which is tricky to navigate, but they can also have up to four unrelated individuals living in a dwelling unit. If you have an ADU, two units in your home, one of those units has to be occupied by the owner and that's when those restrictions start coming up. However, as long as the owner is not there they could rent out various rooms or the entire unit to four separate individuals.

Mr. Salt asked if the code says you have to be a related family member.

Director Schaefermeyer said there are two sections to that, and he read from code, stating "Family or household: One or more persons related by blood, marriage, adoption, or approved foster care; and up to two unrelated persons; or, a group of not more than four unrelated persons occupying a dwelling unit; or, a group or persons as defined by state law as elderly or disabled." Again, this is tricky from an enforcement standpoint for the city to get into who is related to who. They get calls all the time that there are too many people living in a house, parking issues aren't isolated to small lots as there are some very large lots in the city with parking problems. It's tricky from the enforcement standpoint to go in and examine, as they can't just show up and do blood tests to determine whether they are related or not. He also noted what they have included in the past within the overall density calculation, and he could share the difference between this development and the Peterson development regarding how much of that 2.5 acres was for residential versus commercial, and yes, this project has more commercial in that area that was used for the density calculation than the Peterson development.

Mayor Pro Tem Marlor asked if there was a motion on this resolution.

Council Member Zander asked staff if the council is not in favor of the current presentation, would now be the time to talk about changes, or is this the time to vote yes or no.

Director Schaefermeyer said they could motion to table this, or include in the motion other clarifications. If the changes become too big to handle, staff would ask that they table it and bring back changes either to the concept plan or development agreement. At the end of the staff report, some alternatives were laid out, with the first being to approve the application with an amended application or proposal, deny the application, or schedule the application for a decision at a future date. The first vote is for the development agreement, and it has a provision that it only becomes effective if the council also approves the zoning, which is the motion afterwards. This avoids the zoning being approved without the restrictions that come with the development agreement.

Council Member Shelton asked what Council Member Zander would change, or if she has a motion that would amend the development agreement in some way.

Council Member Zander noted this is the first time this has been discussed in public, so if someone wants to make a motion to approve it, she knows how she feels. She asked Council Member Harris if he was prepared to table this, since this is his district.

Council Member Harris is not willing to make a motion to approve this project.

Council Member Zander doesn't feel like she has any amendments that will fix this, she believes there is more work to be done.

Council Member Shelton moved to approve Resolution R2023-25, Authorizing a Development Agreement, with the amendment that the third story patios/decks along Beckstead Lane are moved to the west side or taken out entirely. Mayor Pro Tempore Marlor seconded the motion.

Council Member Shelton shared his thoughts. He thinks Council Member Harris made very valid points, this does not look like any project they have approved recently. That said, Redwood Road is intended to be a significant commercial center in the city. If you drive Beckstead, you find residential developments scattered along Beckstead on the west side, and you also find commercial developments scattered along Beckstead, all the way between Beckstead and Redwood Road. A mix of commercial and residential seems to fit there, at least at a theoretical level. When thinking about the transition from low density residential on the east side of Beckstead to commercial on the west side, and even along Redwood Road, higher density as a buffer to that commercial is a fit and serves to support the commercial along Redwood Road. They need to have residential there, and higher density probably makes sense closer to the commercial center; that is why he proposes approving this development. He doesn't like it, he doesn't like looking at it and thinking that it doesn't look like anything they have approved recently, because it doesn't, but he does like the density to help support the commercial and the transition across Beckstead for residential and then commercial along Redwood Road.

Council Member Harris understands what Council Member Shelton is saying, it makes sense. Except, from his perspective there are some more things that need to be done to it. He still thinks it could have that commercial and transition, but there are still neighbors living around there that need to be factored in, and he thinks there are things that could be done to this project to make it more palatable for those living around there while still meeting some of the needs discussed.

Council Member McGuire appreciates the proposal and discussion about having that transitional housing, because that is important from one zone to another. However, his concern with this project is that they already know the businesses being proposed there, and potential future businesses, don't really need residential to support them. How big is the radius that having those 21 townhomes is really going to bring in more residential business to that area, how much is that really going to serve when the businesses being built aren't designed to bring people in. Another overall concern is that when they have gone the higher density route with other projects, they had open space or some type of amenity that serves those residents in the area; nothing like that is being proposed here. He appreciates that they added the tot lot playground area, which was part of one of their previous discussions with the council, but there is nothing to really serve those residents.

Council Member Zander hopes the public recognizes that they did not come here tonight with a decision. Every council member came here listening to the public and taking notes; she hopes everyone recognizes that they are being heard. They all reside in Council Member Harris' district, which used to be her district, but all the council members care about the city regardless of where something or someone is located within the city. As their elected body they are listening to their residents, and they take that very seriously. They also don't show up with a decision. They listen to each other, the public, the talented staff, and the developer. She personally doesn't have a problem with the percent of commercial, it is a great model and this developer does quality; the commercial piece is great. She agrees with Council Member Shelton, they do need to transition from the residents on Heathergrove Lane, a beautiful residential area with ramblers, to the commercial piece, and there has to be some density there. She also thanked the developer for the two car garages and driveways, this council has watched what has happened in the city and they no longer tolerate anything less. She also thanked them for listening to the tot lot request. The interesting thing she saw tonight, that hadn't been presented before, was the covered stairwell. She doesn't like it, as the rooflines are very unattractive with that piece of stairwell poking out. She also works in real estate, and just thinks it's unattractive; she would like them to go back and work on that. Maybe they are removed from the entire row on the east side so those residents don't look at those stairwells, maybe it's include on some but not on the east side; that would be up to the builder. She would also like them to think about possibly having the first row of townhomes on the east side be two story rather than three, to transition from the neighboring ramblers into the three story. They are trying to create a buffer, but she is very uncomfortable with that wall and the comments about things being kicked over the wall with a road and cars right there. She would also like it to be a little more comfortable for those future residents. She is not a developer, but she understands they have a parcel where they are trying to utilize the space; they own the property and she recognizes and respects that. Her request is going to be to table this. She wishes this had come to them in a work session, rather than a City Council meeting, so they could have pointed out a few things that were brought new to the table that they didn't have enough time to discuss together. She would like a buffer, as the houses to the north deserve a little bit of space between them and the next group of townhomes. She also concurred with what Council Member McGuire said, that in past residential developments, the first time this council passed over 8.0 density was in Bingham Court. She remembers being the council member over that area at the time and the rest of this body asking her if she was comfortable with that 8.0 density. The reason she was comfortable with it was because there were some affordable housing units specifically factored into that development. That was the first time she remembers that this council approved 8.0 density, and she sat in a lot of those meetings at length because 8.0 density was pretty high for the city at that time. Since then they have approved a couple others, but every time they went higher there was some give back or contribution from the developer, like a park or other amenity, contributing to traffic flow by a park, etc.; that has not happened here. She does like the commercial being on Redwood and the residential on Beckstead, she thinks they have a great model, but she is not comfortable with it today; for that reason she can't vote yes on this tonight.

Council Member Zander made a substitute motion to table this tonight, and have the council revisit it at a later date. Seconded by Council Member Shelton.

Mayor Pro Tem Marlor acknowledged that they asked the developer to work on having some commercial out on Redwood Road, buffering with some residential, which in this case is the townhomes. He feels like the developer did come back with that in mind. They have always known there would be a sliver of land between Redwood Road and Beckstead, and the request was to try and place commercial as the face on Redwood, as that would be better than residential; the developer has done a good job conceptually with that point. He is still uncomfortable with a little piece of property on the north side, which leads to the question of whether they move the sidewalk over there, or do they need sidewalks on both sides. He lives just off of 9800 South, and on the south side of that street there is no buffer other than the sidewalk; there is no park strip. He might be comfortable with that type of situation, as long as there is room to walk on a sidewalk. He would not support parking on both sides of the private road, and it appears staff feels the same. With this size property and commercial/residential, he does think there should be a through street. Many of the residents tonight are against that, but from a safety standpoint that needs to happen and he is okay with the road going through.

Council Member Zander addressed the developer and noted that in the rendering from Attachment A, the commercial buildings have nice landscaping with multiple trees, a park strip, and it looks great. She would like to see that same attention to detail on the other side. There is a buffer with some grass between him and the single family lot, but they haven't allowed that same buffer to the neighbors on the north. When the council approved the gas station on the corner of Redwood and 9800 South, they required that developer to have mature trees and a beautiful stamped wall. By Mountain Mike's they required mature trees, stamped walls, and there is none of that on the north side. That is her ask, to come back and show some of that detail on this side. That may cost them some units, but she isn't comfortable with the landscaping only on one side and she thinks they could do better. There needs to be at least something there as a safe place for people to pass, maybe on both sides, so a kid in the road can get out of the road if a car is coming.

Mr. Salt responded that they will go back to engineering and see what they can come up with.

Council Member McGuire would like to see the developer submit their survey to the city, if possible, so they can get on the same numbers with the acreage.

Council Member Harris thanked the council for looking at this project, to see what they can do to improve it and make it more palatable. His objective as the District 1 representative is to do the best he can to bring something better.

Council Member Shelton called the question.

Director Schaefermeyer clarified that the proposal is to table to a date not certain, and asked if they would like it brought back to a work session or a regular meeting.

Mayor Pro Tem Marlor agreed, that will be left to staff to schedule that and work with developer on changes. There wasn't an indication in the motion as to what type of meeting changes are brought back to.

Council Member Zander said staff can make the decision as to whether it's in a study session or meeting. She would have preferred to have seen these changes in a study session. She thinks it would be a good idea for staff to talk to Council Member Harris, along with some of the other Council Members to see how comfortable they are with the changes, and then bring it to the council. However, if staff feels it would be better presented at a work session, she trusts their judgment.

Council Member McGuire asked if there will be another public hearing when this is brought back.

Director Schaefermeyer said that depends on the changes. If there were extensive changes, it would go back to Planning Commission, and then back to the council.

Roll Call Vote was 5-0, unanimous in favor.

Council Member Harris clarified for everyone that this was a motion to table the item.

G.5. Zoning Ordinance 2023-03-Z, Rezoning property located at 11147 S. Redwood Road from A-5 (Agricultural) and R-2.5 (Single-Family Residential) Zones to R-M-PD (Residential-Multiple-Planned Development Floating) Zone; Brian Adams on behalf of J.L. Salt Construction. Inc. DBA Dream Home Builders (Applicant).

Council Member Shelton motioned to table this ordinance. Zander seconded the motion. Roll Call Vote was 5-0, unanimous in favor.

H. Public Hearing Items

H.1. Ordinance 2023-08, Vacating a portion of Right-of-Way at the Northeast corner of Silver Pond Drive and Dockside Drive (11375 South 6742 West). *(By Director of Planning Steven Schaefermeyer)*

Director Schaefermeyer reviewed background information from the Staff Report.

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

Council Member McGuire motioned to approve Ordinance 2023-08, Vacating a portion of Right-of-Way. Council Member Harris seconded the motion. Roll Call Vote was 5-0, unanimous in favor.

H.2. Ordinance 2023-09, Amending subsections of the South Jordan Municipal Code 2.28.10 C. and E. pertaining to the Appointment and Term of the Office of the City Manager. *(By City Attorney Ryan Loose)*

City Attorney Ryan Loose reviewed background information from the Staff Report, noting that Council Member McGuire did bring up an issue with some of the wording, and that an amended version has been prepared for use if needed.

Council Member McGuire noted that the change was suggested to Section E.1, where it says “in case of removal by the city council,” which should be changed to “governing body” to match the rest of the document.

Mayor Pro Tem Marlor opened the public hearing for comments.

Chuck Newton (Resident) – having dealt with this before, I just wanted to comment there was one area as it relates back to Section C in Section 1. I would like to suggest for consideration by Mr. Loose and the city council just a slight change. Section 1C indicates that the mayor is included in the vote in Section C, which is of course appropriate; there is only two times the mayor gets a vote as you all know, and this is one of them. However, in Section E, when I was reading that it kind of struck me, because as you go through, it’s the third line down starting with “majority vote of four members of the governing body, including the mayor,” which the way that reads, that tends to indicate that the mayor would have to be one of the four. That wouldn’t necessarily be the case, so I would like to suggest that gets altered to “four members of the governing body, per Section 1C, subject to the following,” and do it that way so it references back up to the fact that the governing body in this instance includes the mayor, since the mayor gets a vote. The mayor gets a vote on the City Manager, as well as the change of form of government; those are the two instances I am aware of that the mayor gets a vote. That would be my suggestion, striking that “including the mayor” for clarity purposes, so down the road someone doesn’t raise the issue that the mayor has to be one of the four. That’s the way I read it, you all might read it differently and I get that, but just a thought for clarity.

Mayor Pro Tem Marlor noted that the mayor also gets a vote in the case of a tie.

Attorney Loose said that in South Jordan the mayor also gets a vote when appointing the City Attorney, which is unique to our city as far as he knows. He understands what Mr. Newton is saying, he doesn’t have any problems with it. What they are trying to do is make the language match what has been done for the City Attorney, which was changed he believes when Mr. Newton was a part of the council. If they are going to make those changes, then they should also go back and change the City Attorney language. It hasn’t been a problem, it was approved that way in Mr. Newton’s council and there haven’t been any issues with it. He is fine with it as is, and he can see where someone trying to cause problems could see it that way, but he thinks a court would see the common usage. His recommendation is to pass this as is, and if they think there is a problem they can come back and change both this and the City Attorney language at the same time, making them reflect and mirror each other, which is the point.

Mayor Pro Tem Marlor closed the public hearing.

Council Member Zander motioned to approve Ordinance 2023-09, Amending subsections of the South Jordan Municipal Code, as stated. Mayor Pro Tem Marlor seconded the motion.

Council Member McGuire made a substitute motion to approve Ordinance 2023-09, Amending subsections of the South Jordan Municipal Code, with an amendment to Section E.1 stating “in the case of removal by the governing body.” Council Member Zander seconded the motion. Roll Call Vote was 5-0, unanimous in favor.

Mayor Pro Tem Marlbor motioned to amend the agenda to add an Executive Closed Session to discuss the purchase, exchange or sale of real property after Item I., creating an Item J. Council Member McGuire seconded the motion; vote was unanimous.

I. Staff Reports and Calendaring Items

Manager Lewis discussed the date for the ribbon cutting and grand opening of the splash pad prior to July 4, the plan is to move forward with the June 28th date. Regarding the chalk art in the Daybreak tunnels, he invited Director Payne to share what information she has.

Director of Recreation Janell Payne saw it posted on social media, it's a temporary chalk installation, but the city was not contacted for permission to put it on city property.

Council Member Zander asked if all the arch bridges are city property, which are HOA versus city owned.

Director of Public Works Jason Rasmussen noted that if there is a public road over the arch, it is city property. There are one or two pedestrian bridges, those are not owned by the city.

Council Member Zander asked if there is a policy for getting permission on something like this, and if someone can send that process to her.

Manager Whatcott responded that they should have gotten permission, as a right-of-way it would have just needed an encroachment permit.

Council Member McGuire asked for staff to discuss the current art on display in the lobby.

Manager Lewis said that artwork was done by the administrative staff here tonight, as well as a few of the deputy chiefs and associate directors in some departments. It was an exercise by senior leaders of the city to work on creativity. One of the messages they wanted to share with that art is that each individual working for the city has their own unique skill sets, characteristics, and things that make them unique. They each contribute to their parts of what is accomplished in the city. Anyone on their own is great, but together collectively it is a much greater art show; “it's not the art that makes a collection, it is the collection that makes the art,” and that's true of city staff.

Council Member Marlbor asked to discuss SoJo Good Neighbor.

Manager Lewis gave an overview of a desired program to recognize residents of the city who provide above and beyond service to the community, who do good things in the community for their neighbors or for the city. There was a program like that many years ago, but it only lasted for a short time. They are currently looking at ways to bring that

program back in a more sustainable way, and those will be brought back to the council during a work session.

The council briefly discussed the date and time for the Bingham Creek Grand Opening, which is scheduled for June 22. The ribbon cutting is at 2:00 p.m., the events begin at 5:00 p.m.

Council Member McGuire motioned to move to Executive Closed Session. Council Member Shelton seconded the motion; vote was 4-0 unanimous in favor. Council Member Zander absent for vote.

RECESS CITY COUNCIL MEETING AND MOVE TO EXECUTIVE CLOSED SESSION.

J. Executive Closed Session

J.1. Executive Closed Session to discuss the purchase, exchange or sale of real property

ADJOURN EXECUTIVE CLOSED SESSION AND RETURN TO CITY COUNCIL MEETING.

Council Member Harris motioned to adjourn the Executive Closed Session and return to the City Council Meeting. Council Member Shelton seconded the motion; vote was 5-0 unanimous in favor.

Council Member Harris motioned to adjourn the City Council Meeting. Council Member Shelton seconded the motion; vote was 5-0 unanimous in favor.

ADJOURNMENT

The June 6, 2023 City Council Meeting adjourned at 10:17 p.m.