

# SOUTH JORDAN CITY CITY COUNCIL REPORT

Meeting Date: 10/15/2024

**Issue:** WHEADON ACRES LOTS 14 & 15A FLAG LOT OVERLAY REZONE  
Rezone from Single-Family Residential (R-1.8) to Single-Family Residential (R-1.8) with the Flag Lot Overlay Zone

**Address:** 10537 S 3010 W and 10555 S 3010 W South Jordan, UT 84095

**File No:** PLZBA202400056

**Applicant:** GORDON MILAR CONSTRUCTION LLC

**Submitted by:** Miguel Aguilera, Planner I  
Shane Greenwood, Supervising Senior Engineer

**Staff Recommendation (Motion Ready):** I move that the City Council **approve** the following:

- Resolution R2024-42 approving the Wheadon Acres Subdivision Amendment Flag Lot Overlay Development Agreement.
- Ordinance No. 2024-08-Z approving the zone change from Single-Family Residential (R-1.8) to Single-Family Residential (R-1.8) with the Flag Lot Overlay Zone for lots 14 & 15A of the Wheadon Acres Subdivision.

<b>ACREAGE:</b>	Approximately 1.9 acres
<b>CURRENT ZONE:</b>	Single-Family Residential (R-1.8)
<b>CURRENT USE:</b>	Single Family Homes
<b>FUTURE LAND USE PLAN:</b>	Stable Neighborhood
<b>NEIGHBORING ZONES/USES:</b>	North – R-1.8/Single-family residential South – R-1.8/ Single-family residential West – R-1.8/Single-family residential East – R-1.8/ Single-family residential

## **STANDARD OF APPROVAL**

### **1. REZONE:**

The rezoning of property may not be considered if the proposed zoning does not conform to the general plan. 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)

## 2. FLAG LOT OVERLAY:

- A. Concept: Applicants are encouraged to submit a concept plan and work with staff prior to application to understand the surrounding area, the goals and policies of the City's General Plan, and to ensure the minimum requirements of the FL can be met.
- B. Rezone: An FL shall only be established upon approval by the City Council as a rezone according to the provisions of Chapter 17.22, "Zoning Amendments", of this Title and as may be required elsewhere in this Title. City Council rezone approval of the FL shall be by development agreement.
- C. Concurrent Preliminary Subdivision (Optional): At the applicant's option and with the approval of the Planning Director, the applicant may submit a preliminary subdivision application to be processed concurrently with an FL rezone. In the case of concurrent applications, Planning Commission approval of a concurrent preliminary subdivision shall be contingent on the City Council's approval of the FL rezone.

(City Code § 17.130.060.020)

### **BACKGROUND:**

The applicant is requesting a Flag Lot Overlay rezone for two properties located at 10537 S 3010 W and 10555 S 3010 W. This rezone request *will not* change the property's base zone (Residential R-1.8 Zone), and the lots in the development will comply with the requirements of that zone, including lot size and density. The City Council adopted this overlay zone in 2020 based on a desire to allow flag lots in limited circumstances, where such development may be reasonable and appropriate. Although this Application is not the only flag lot overlay rezone application, it is the first being presented to the Planning Commission and City Council.

In conjunction with this rezone Application, the applicant also filed a subdivision amendment application to subdivide the properties into four lots, two of which will be flag lots. City Code defines flag lots as “[a] lot having a larger area or ‘body’ at the rear (resembling a flag or pan) and which is connected to the street by a narrower portion (resembling a flagpole or handle) which does not meet the lot width or frontage requirements of the zone.” (City Code § 16.04.160.)

The lots in question do not meet the flag lot requirements found in City Code § 16.04.160. The Flag Lot Overlay Zone provides another way the property owner can divide the lots. Both existing lots 14 and 15A have a frontage of approximately 140 feet, exceeding the 125-foot minimum requirement for the overlay zone. The development agreement associated with this Application requires all lots in the amended subdivision to comply with the standards of the Residential R-1.8 Zone and according to the concept plan, with some adjustments to fencing requirements and animal rights.

### **STAFF FINDINGS, CONCLUSIONS & RECOMMENDATION:**

**Findings:**

- A development agreement is required by the Flag Lot Overlay Zone code. The following are key provisions of the agreement that provide some predictability for how the lots will develop:
  1. All lots created in the rezone and subdivision amendment applications will remain single family residential.
  2. There is an alteration to the fencing requirement, which stipulates that masonry fencing will not be required to be erected between any of the properties within the amended subdivision and in turn, farm animal rights on the subject properties will be restricted.
  3. The placement of the homes in the concept plan shows that they will meet the required setbacks for front, side, and rear yards.
- The Application meets the City Code rezone standards of approval for the R-1.8 and the Flag Lot Overlay Zones.
- This rezone Application will not change the underlying R-1.8 zone.
- This rezone Application will allow the applicant to subdivide the two existing lots and create two flag lots using the Flag Lot Overlay Zone. This is an appropriate use of this code as the subject properties meet the standards established by the Flag Lot Overlay Zone code.
- The Planning Commission reviewed this application on September 24, 2024 and recommended the City Council approve the rezone.

**Conclusion:**

Based on the findings, the Application, if approved, will be consistent with the goals and policies of the General Plan and the City's Strategic Priorities, and as such, should be approved.

**Recommendation:**

Based on the findings and conclusion listed above, Staff recommends that the City Council take comments at the public hearing and **approve** the Application, unless, during the hearing, facts are presented that contradict these findings or new facts are presented, either of which would warrant further investigation by Staff.

**ALTERNATIVES:**

- Approval of an amended Application.
- Denial of the application.
- Schedule the application for a decision at some future date.

**SUPPORT MATERIALS:**

- Aerial Map
- Zoning Map
- Concept Plan
- Development Agreement
- Justification Letter
- Ordinance No. 2024-08-Z
  - Exhibit A – Proposed concept
- Resolution R2024-42
  - Exhibit 1 - Agreement

**Approved by:**

*Miguel Aguilera*  
Miguel Aguilera (Oct 10, 2024 10:39 MDT)

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Miguel Aguilera

Planner I, Planning Department

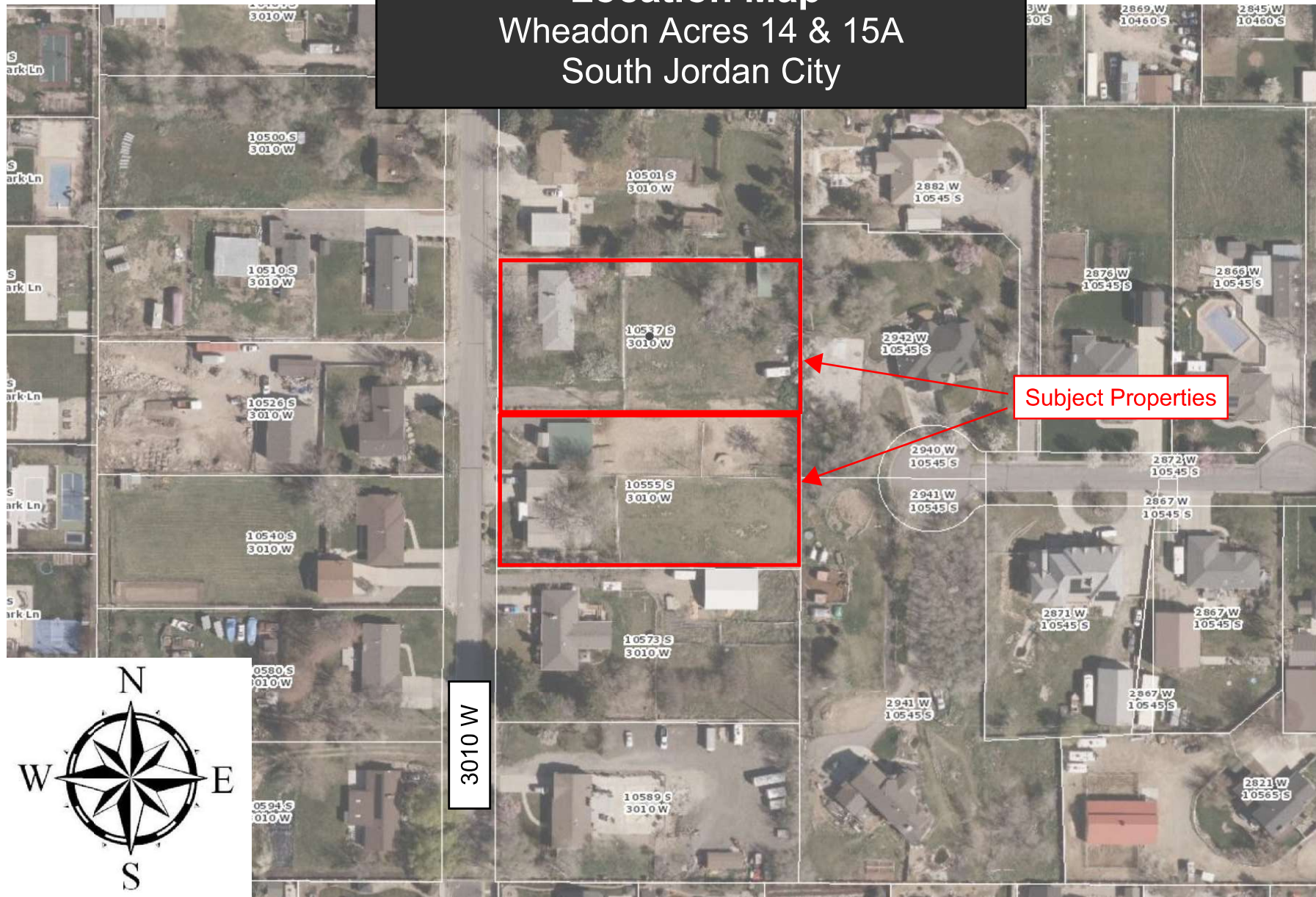
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Steven Schaefermeyer

Planning Director

# Location Map

Wheadon Acres 14 & 15A  
South Jordan City

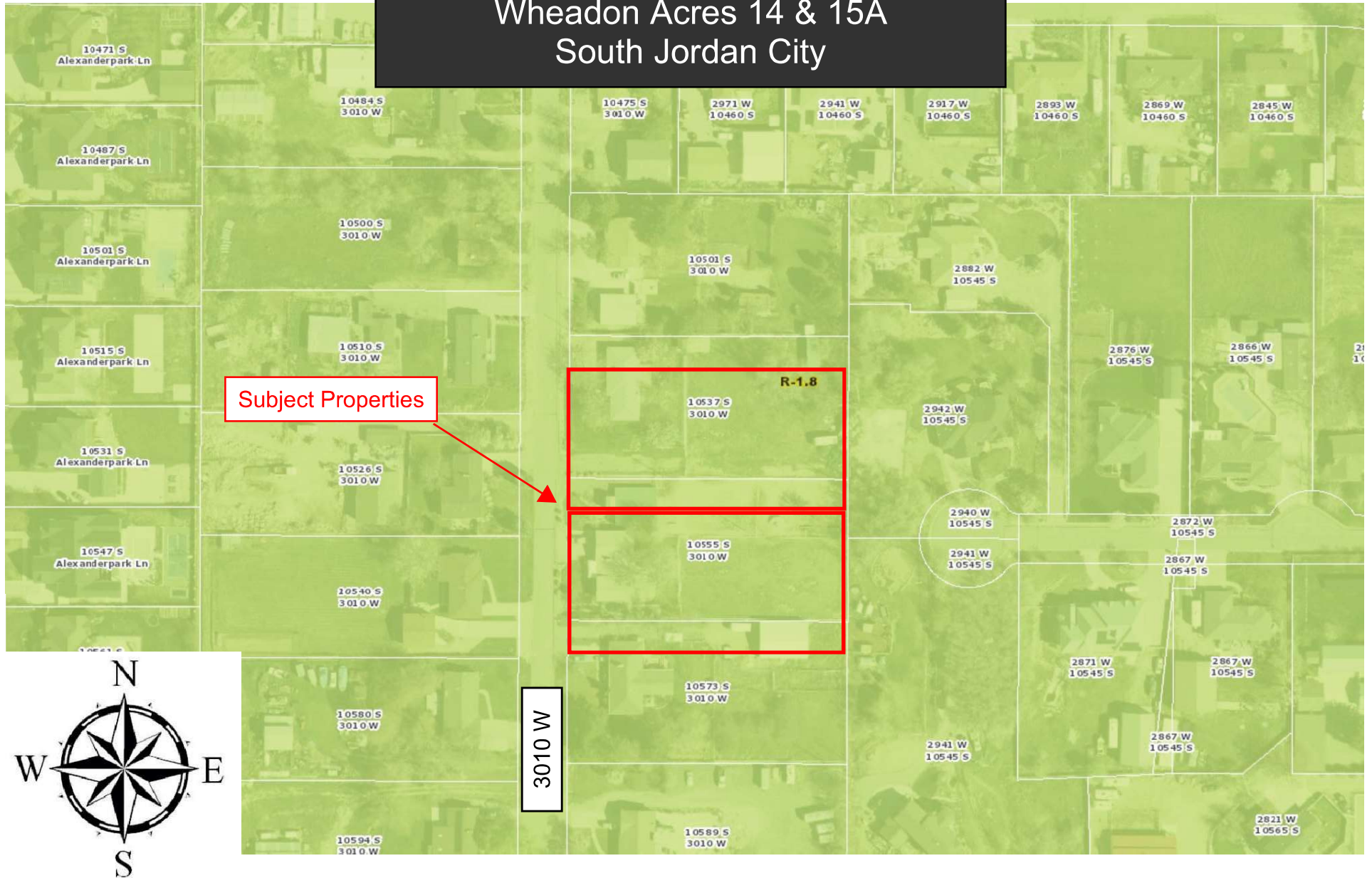




# Zoning Map

## Wheadon Acres 14 & 15A

### South Jordan City





VICINITY MAP N.T.S.

# WHEADON ACRES LOTS 14 & 15A AMENDED FINAL PLAT

LOCATED IN THE NORTHWEST QUARTER OF  
SECTION 16, TOWNSHIP 3 SOUTH, RANGE 1 WEST,  
SALT LAKE BASE & MERIDIAN,  
SOUTH JORDAN, UTAH

**LEGEND**

- SECTION CORNER (FOUND)
- STREET MONUMENT (FOUND)
- SECTION LINE
- CENTERLINE
- BOUNDARY LINE
- EASEMENT LINE
- SETBACK LINE
- MEASURED
- RECORD
- SET REBAR AND CAP (PROTERRA)

**GENERAL NOTES:**

- THIS PLAT IS SUBJECT TO A DEVELOPMENT AGREEMENT WITH SOUTH JORDAN CITY.

WEST QUARTER CORNER OF SECTION 16  
TOWNSHIP 3 SOUTH, RANGE 1 WEST  
SALT LAKE BASE & MERIDIAN  
(FOUND MONUMENT)



1320.44' (M)  
BASIS OF BEARINGS  
WEST 264.48' (M)

CENTER OF SECTION 16  
TOWNSHIP 3 SOUTH, RANGE 1 WEST  
SALT LAKE BASE & MERIDIAN  
(FOUND MONUMENT)



**SURVEYOR'S CERTIFICATE:**

I, JARED ASHTON, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR HOLDING LICENSE NO. 12411560 IN ACCORDANCE WITH TITLE 58, CHAPTER 22, PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS LICENSING ACT. I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS, I HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED ON THIS PLAT IN ACCORDANCE WITH SECTION 17-2-5(1), AND HAVE SUBMITTED SAID SURVEY OF LAND INTO LOTS HEREINAFTER KNOWN AS:

**WHEADON ACRES LOTS 14 & 15A AMENDED**

AND THAT THE SAME HAS BEEN CORRECTLY SURVEYED AND MONUMENTED ON THE GROUND AS SHOWN ON THIS PLAT.



JARED ASHTON  
UTAH PROFESSIONAL LAND SURVEYOR  
LICENSE NO. 12411560

**PROPERTY DESCRIPTION DESCRIPTION:**

A PARCEL OF LAND SITUATED IN THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 3 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, SALT LAKE COUNTY, UTAH, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WEST 1320.04 FEET AND NORTH 00°00'31" EAST 295.94 FEET FROM THE CENTER OF SECTION 16, TOWNSHIP 3 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, SAID POINT BEING THE SOUTHEAST CORNER OF LOT 14, WHEADON ACRES SUBDIVISION ON RECORD AT THE SALT LAKE COUNTY RECORDERS OFFICE AS ENTRY #2317193, THENCE ALONG THE SOUTHWEST LINE OF SAID LOT 14, WEST 285.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 14, SAID POINT ALSO BEING ON THE EAST LINE OF WAY NORTH 00°00'31" EAST 295.94 FEET TO THE NORTHWEST CORNER OF LOT 15A OF SAID WHEADON ACRES SUBDIVISION; THENCE ALONG THE NORTH LINE OF SAID LOT 15A EAST 285.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 15A, THENCE ALONG THE EAST LINE OF SAID LOTS 14 & 15A SOUTH 00°00'31" WEST 280.40 FEET TO THE POINT OF BEGINNING.

CONTAINS 52,764 SF OR 1.90 ACRES MORE OR LESS

**OWNER'S DEDICATION AND CONSENT TO RECORD:**

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED ARE THE OWNERS OF THE ABOVE DESCRIBED TRACT OF LAND, AND HEREBY CAUSE THE SAME TO BE DIVIDED INTO LOTS, TOGETHER WITH EASEMENTS AS SET FORTH TO BE HEREINAFTER KNOWN AS:

**WHEADON ACRES LOT 14 & 15A AMENDED**

AND DO HEREBY CONVEY TO ANY AND ALL PUBLIC UTILITY COMPANIES A PERPETUAL, NON-EXCLUSIVE EASEMENT OVER THE PUBLIC UTILITY EASEMENTS SHOWN ON THIS PLAT, THE SAME TO BE USED FOR THE INSTALLATION, MAINTENANCE AND OPERATION OF UTILITY LINES AND FACILITIES, THE UNDERSIGNED OWNERS ALSO HEREBY CONVEY ANY OTHER EASEMENTS AS SHOWN ON THIS PLAT TO THE PARTIES INDICATED AND FOR THE PURPOSES THEREIN MENTIONED.

IN WITNESS WHEREOF, WE HAVE HERETO SET OUR HANDS THIS \_\_\_\_ DAY OF \_\_\_\_ 20\_\_

OWNER

**OWNER'S ACKNOWLEDGEMENT:**

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ )

ON THE \_\_\_\_ DAY OF \_\_\_\_ 20\_\_, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR THE COUNTY OF \_\_\_\_\_, IN THE STATE OF \_\_\_\_\_, WHO AFTER BEING DULY SWORN, ACKNOWLEDGED TO ME THAT HE/SHE IS THE \_\_\_\_\_ SIGNED THE FOREGOING OWNER'S DEDICATION WHO DULY ACKNOWLEDGED BEFORE ME THAT HE/SHE DID EXECUTE THE SAME FREELY AND VOLUNTARILY AND FOR THE PURPOSES THEREIN MENTIONED.

MY COMMISSION EXPIRES \_\_\_\_\_ A NOTARY PUBLIC COMMISSION IN THE STATE OF \_\_\_\_\_

MY COMMISSION NO. \_\_\_\_\_ PRINTED FULL NAME OF NOTARY

**WHEADON ACRES LOTS 14 & 15A AMENDED**

SITUATED IN THE NORTHWEST QUARTER OF SECTION 16,  
TOWNSHIP 3 SOUTH, RANGE 1 WEST,  
SALT LAKE BASE AND MERIDIAN,  
SOUTH JORDAN CITY, SALT LAKE COUNTY, UTAH

OWNER / DEVELOPER  
DANIEL M. LARSEN



SUBSET  
PL1

**SALT LAKE COUNTY RECORDER**  
RECORDED NO. \_\_\_\_\_  
STATE OF UTAH, COUNTY OF SALT LAKE, RECORDED AND FILED  
AT THE REQUEST OF: \_\_\_\_\_  
DATE \_\_\_\_\_ TIME \_\_\_\_\_ BOOK \_\_\_\_\_ PAGE \_\_\_\_\_  
FEE \$ \_\_\_\_\_ DEPUTY SALT LAKE COUNTY RECORDER

**CITY ENGINEER**

I HEREBY CERTIFY THAT THIS OFFICE HAS EXAMINED THIS PLAT AND IT IS CORRECT IN ACCORDANCE WITH INFORMATION ON FILE IN THIS OFFICE.

SOUTH JORDAN CITY ENGINEER

**SOUTH VALLEY SEWER DISTRICT**

APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_ A.D. 20\_\_.

SOUTH VALLEY SEWER DISTRICT

**HEALTH DEPARTMENT**

APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_ A.D. 20\_\_.

REPRESENTATIVE

**OFFICE OF THE CITY ATTORNEY**

APPROVED AS TO FORM THIS \_\_\_\_ DAY OF \_\_\_\_ A.D. 20\_\_.

ATTORNEY FOR SOUTH JORDAN CITY

**CITY PLANNER**

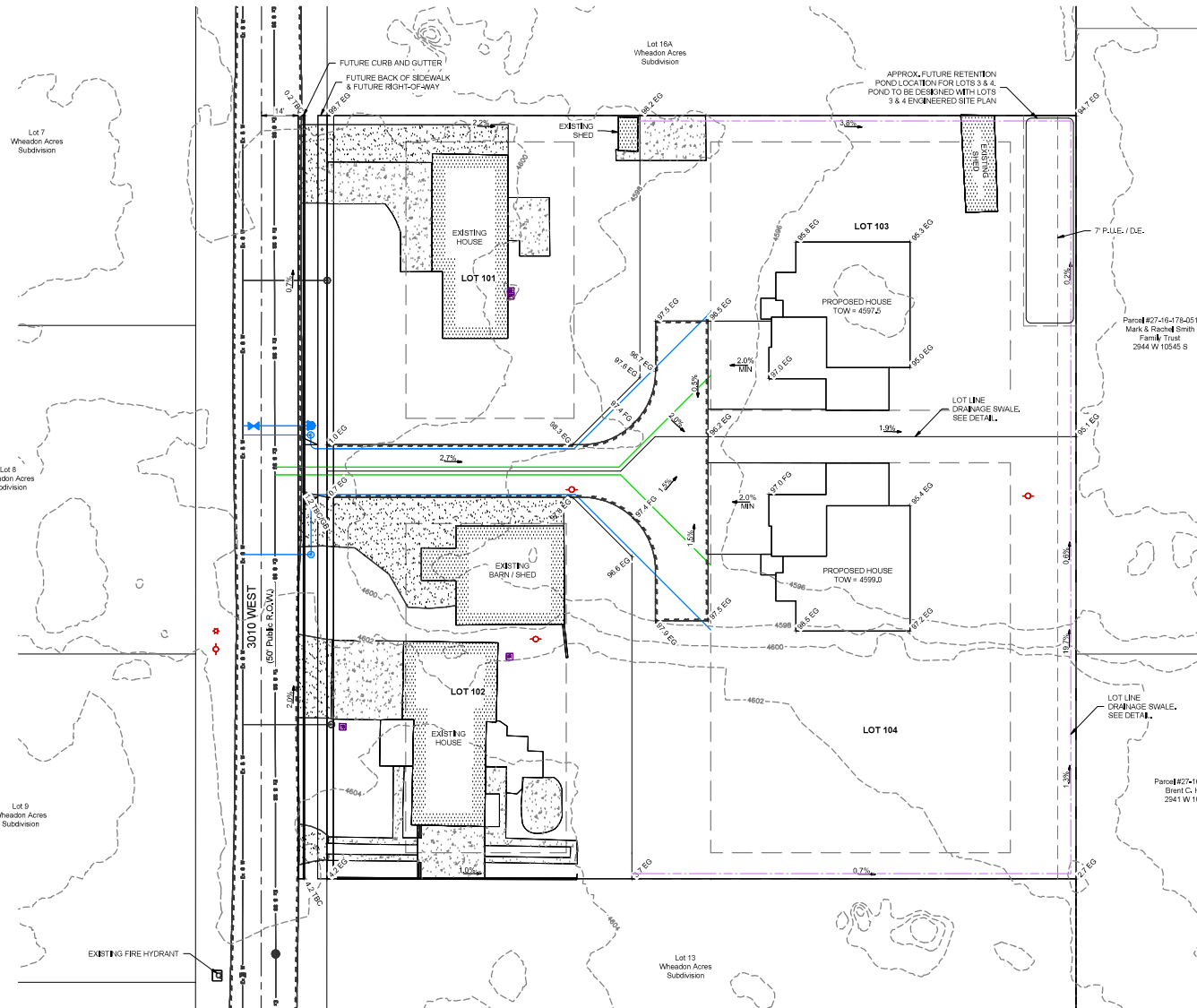
APPROVED AS TO FORM THIS \_\_\_\_ DAY OF \_\_\_\_ A.D. 20\_\_.

CITY PLANNER

**SOUTH JORDAN CITY MAYOR**

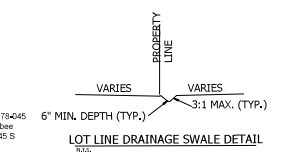
APPROVED AS TO FORM THIS \_\_\_\_ DAY OF \_\_\_\_ A.D. 20\_\_.

ATTEST: CITY CLERK MAYOR



- LEGEND:**
- SECTION LINE
  - RIGHT OF WAY LINE
  - BOUNDARY LINE
  - ROAD CENTERLINE
  - ACCESS & UTILITY EASEMENT
  - PUBLIC UTILITY EASEMENT (P.U.E.)
  - DRAINAGE SWALE
  - TOP OF WALL

**PROJECT BENCHMARK**  
 THE BENCHMARK FOR THIS SURVEY IS THE CENTER OF SECTION 16, TOWNSHIP 3 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN. BENCHMARK ELEVATION = 4545.74





10145 South 2700 West, South Jordan, Utah 84095  
 Phone: (801) 253-0248 Fax: (801) 253-4329  
 www.proterragroup.com

<b>WHEADON ACRES LOTS 14 &amp; 15A AMENDED</b>	
<b>GRADING PLAN</b> CONSTRUCTION DRAWINGS	
REVISIONS	DATE
DESIGN CHECK DRAFTING CHECK	DESCRIPTION REV.
	
SHEET: <b>GP1</b>	



South Jordan City,

I am the owner of both properties located at 10537 S 3010 W (.95 acre) and 10555 S 3010 W (.95 acre), hereto within referred to as “the property(s)”. I currently reside about ¼ mile to the south in Bison Ridge. My family and I enjoy our neighborhood and community we have here and intend to be residents long into the future.

One aspect that particularly resonated with me when these two properties came up for sale is that I am already a neighbor and friend within this community and intend to keep all four lots of the property for my family. This personal investment demonstrates a genuine commitment to the well-being and prosperity of our neighborhood. All efforts will be to minimize impact on neighboring properties. This is achieved by properly maintaining the construction and development sites, providing oversight and being actively involved and available to neighbors should any issue arise. The impact is also minimized since all four directly affected lots will be owned and maintained by me.

Adding additional lots to the neighborhood and investing in the two existing homes will bring a greater value to the surrounding properties. Creating these two flag lots will also allow me to provide a home for my in-laws, build a new home for my family, and provides an investment in the future to build a fourth home as needed.

Thank you,

*Dan Milar*

Dan Milar