

SOUTH JORDAN CITY
CITY COUNCIL MEETING

March 5, 2019

Present: Mayor Pro Tempore Brad Marlor, Council Member Patrick Harris, Council Member Jason McGuire, Council Member Don Shelton, CM Gary Whatcott, Fire Chief Chris Dawson, Associate Director of Parks and Recreation Colby Hill, Public Works Director Jason Rasmussen, Strategic Services Director Don Tingey, Engineering Director Brad Klavano, City Attorney Ryan Loose, ACM Dustin Lewis, City Commerce Director Brian Preece, Finance Director Sunil Naidu, IT Director Jon Day, Police Chief Jeff Carr, City Council Secretary MaryAnn Dean

Others: See Attachment A

REGULAR MEETING

*Note – In the study session, Council Member Marlor was appointed as Mayor Pro Tempore for tonight’s meeting.

A. Welcome and Roll Call – *Mayor*

Mayor Pro Tempore Marlor welcomed everyone present. He excused Mayor Ramsey and Council Member Zander from tonight’s meeting.

Mayor Pro Tempore Marlor recognized some scouts present. Scout Troop 1756 was introduced.

B. Invocation – *By IT Director, Jon Day*

Bridger Mason, Troop 1756, offered the invocation.

C. Pledge of Allegiance

Dallen Gressimer, Troop 1756, led the audience in the Pledge of Allegiance.

D. Minute Approval

- D.1. February 13, 2019 Budget Meeting
- D.2. February 19, 2019 Council Study Meeting
- D.3. February 19, 2019 City Council Meeting

Council Member Harris made a motion to approve the February 13, 2019 budget meeting minutes, the February 19, 2019 Council study meeting minutes, and the February 19, 2019 City Council meeting minutes, as printed. Council Member Shelton seconded the motion. The vote was unanimous in favor.

E. Public Comment

Brooks Bay, said he lives close to Elk Meadows Elementary. He said he is impressed with the employees in the city working with the street signs. He said a friend of his passed away in November. They were mourning her loss and he had the idea to name their street after her. The city employees were sympathetic, responded quickly, communicated well, and exceeded their expectations. Now, every time they pass the street, he remembers his friend.

Bob Paxton, 1073 W. 10250 S., said he is not pleased with the new formulation for water billing. It will make his bill over \$500 in the heavy water months. He said he does not feel the population is concerned enough about water conservation. For people on large lots, this may force them to move. He said the Daybreak population has a different formula and are rewarded with a slightly lower rate.

Mr. Paxton also expressed concern about HB441. He said in the medical field, it would be impossible to implement that bill. How would they ever be able to track it? There is also increased overhead. He has written his Senator and Representative and encouraged others to do the same. Mr. Paxton said regarding the tax reform, they should make sure it is done right the first time.

Mayor Pro Tempore Marlor recognized more scouts present. Scout Troop 1512 was introduced.

F. Mayor and Council Reports

Council Member McGuire said he met with the Arts Council. They will be doing a full production of the Sound of Music in July. It will be held at the Community Center. He said they will also have a paint competition in April, along the Jordan River. He said he attended the LPC meetings. The tax bill continues to change rapidly.

Council Member Harris said he attended the Historical Committee meeting. They discussed the future staffing of the museum. They are recommending someone with a curator background that can help with fundraising dollars. They also recommended that John Quirkendale, who oversees fundraising for BYU, come to a study session and talk to the City Council. Mr. Quirkendale has said fundraising is more successful when it is connected to the high school. He proposed that they bring the issue back to a work session and bring ideas to the City Council. Council Member McGuire concurred that he would like it studied more in a study session.

CM Whatcott said a former City Council had a presentation from Mr. Quirkendale, but they are happy to have him present to this City Council. He said they need to work with the Historical Committee about giving up some of their floor space for traveling exhibits.

Council Member Shelton reported on the Senior Committee meeting. He said he has told them that the city has no money for a new senior center at this time. The County is unwilling to participate in a senior center for the city at this time.

Council Member Shelton reported on LPC and the Legislative update meetings. He indicated that they need a seat at the table or they will be on the menu. He was open to the presentation in the study session tonight on the proposed residential development because he would like a seat at the table. He said the solutions he has seen presented for the housing crisis will not solve the crisis, in his opinion. He said he feels the discussion will continue as long as Salt Lake County has limited land. The only solution being presented is more density. The pressure on the cities will continue to increase.

Mayor Pro Tempore Marlor noted the low attendance at the public comment meetings for the general plan. He reported that he participated in a scout presentation, in which he was the presenter. He noted the recent budget sessions that have been held. He is impressed with what they have proposed to get done in the next budget year. He said he met with several individuals regarding a development on 3400 West 9800 South, south of SLCC. The main concern is traffic with the surrounding neighborhoods.

G. Action Item: Resolution R2019-18, appointing Laurel Harris to the Arts Council.

Associate Director of Parks and Recreation Colby Hill reviewed the background information on this item.

Council Member Shelton made a motion to approve Resolution R2019-18. Council Member McGuire seconded the motion. The vote was 4-0 in favor.

H. Public Hearing: Ordinance 2019-01, amending references to departments and lot size requirements, and deleting contradictory building requirements in Title 17 of the South Jordan Municipal Code. *(By Planning Director, Steven Schaefermeyer)*

Planning Director Schaefermeyer reviewed the background information on this item. He reviewed a prepared presentation (Attachment B)

Mayor Pro Tempore Marlor asked how many properties in the city fit in the 5 acre requirement vs the 10 acre? Mr. Schaefermeyer showed a map with the available properties between 5-10 acres (Attachment C). He reviewed several properties on the map that that are unlikely to come in under the PD zone.

They discussed properties in the city that they could potentially apply this zone to.

Council Member Shelton said he sees this as a potential tool to use in some of the infill properties.

Mayor Pro Tempore Marlor opened the public hearing.

Mark Woolley, 2244 W. Jordan Haven Ct., said he is in favor of the City Council adopting the recommended language. With the old PD Ordinance, there was some challenges. When that was thrown out, they also threw out some tools that staff had to address the smaller parcels in the

city. He said they want the city to develop well. This gives some certainty to staff, the landowners, and the real estate community. It provides clarity to all parties. It does not increase density. He likes that it puts restrictions on everyone, but allows flexibility to look at developments individually. He encouraged the City Council to vote in favor of the Ordinance.

Council Member Harris read an email from Ken and Carol Brown (Attachment D).

Mayor Pro Tempore Marlor read a comment received from Chris Gephardt at 10868 S. Martingale Lane (Attachment E).

Mayor Pro Tempore Marlor closed the public hearing.

Council Member McGuire made a motion to approve Ordinance 2019-01, without Exhibit B. Council Member Harris seconded the motion.

Council Member Shelton made a substitute motion to approve Ordinance 2019-01, as presented. Mayor Pro Tempore Marlor seconded the motion.

Council Member Shelton said they have a number of infill lots that will need to be developed. The current code does not allow them the flexibility to get the density for the zone that they are trying to achieve. He said he was here when the PD zone was taken out. It was removed because it was being used to create higher densities where it was not expected. This proposal does not allow them to increase the density above what the zoning is, but the flexibility is needed for infill projects. He said he would like tools for the landowners to get the density that the property is zoned for.

Planning Director Schaefermeyer clarified that the PD zone that has been referred to is actually the MU zone. That was the one that was removed. The PD zone came later, and is a current floating zone. He said the PUD Ordinance and performance development are gone and not being replicated.

Mayor Pro Tempore Marlor said their objective is not to raise density, but to provide options in getting the difficult parcels developed in a reasonable manner. If they want a higher density, they have to petition for a different zone.

Council Member McGuire concurred that this does not change the density, but he feels it creates a different feel for a neighborhood. It gives the possibility of a higher density feel. If they are going to compromise on lot sizes, it should be for parks and other amenities. He is sympathetic to the landowners, but it is not the job of the City Council to guarantee that they are going to get their maximum money for their land. He feels what they currently have in place works.

Council Member Harris said he is all for flexibility, but that can come through the City Council. If it is approved by 3 Council Members, they have the flexibility that is needed. He wants the flexibility to stay with the City Council.

Mayor Pro Tempore Marlor said currently, if a developer wants to put 4 houses on a property and it does not fit because of infrastructure problems, they have to go to a higher density zone and then do a development agreement to restrict the use. City Attorney Loose concurred that is one option. They could also do a text amendment or create another zone.

Roll call vote on the substitute motion. The vote was 2-2. The motion failed.

Council Member Harris clarified that the original motion approves the housekeeping items. It approves everything but Exhibit B.

Roll call vote on the original motion. The vote was 4-0 in favor.

Council Member Shelton asked that they bring Exhibit B back when Council Member Zander is present.

I. Staff Reports and Calendaring Items

ACM Lewis said on March 19th, the Police and Fire departments will be participating in an active shooter exercise at SLCC. The City Council can be observers for the event. Police Chief Carr said he would forward the times to the City Council that are advantageous to attend.

City Attorney Loose reviewed the latest version of HB441. It has been changing rapidly. Staff will keep tracking it and updating the City Council.

City Attorney Loose reviewed the bill on the Tier 2 retirement for public safety employees. He is unsure of the implementation date. They discussed the significant financial hit that cities will take as a result of this bill. South Jordan is in a better position than most because they have already been funding at this level.

ADJOURNMENT

Council Member McGuire made a motion to adjourn. Council Member Shelton seconded the motion. The vote was 4-0 in favor.

The March 5, 2019 City Council meeting adjourned at 8:12 p.m.

This is a true and correct copy of the March 5, 2019 City Council Meeting Minutes, which were approved on March 19, 2019.


South Jordan City Recorder

Ordinance 2019-01 Title 17 Text Amendment

Amending References to Departments in Title 17

- Proposed changes to Title 17 to reflect the reorganization of the Development Services and Planning Departments
- Future reorganizations or changes to these departments can happen without future text amendments
- The City Council adopted similar changes to Title 16 on May 15, 2018

Deleting Contradictory Building Requirements in Title 17

- Delete accessory building separation standards of City Code Sections:
 - 17.30.020.F.2.d; and
 - 17.40.020.F.2.d
- ~~d. Separation: All buildings shall be separated by a minimum distance of five feet (5').~~
- Properly regulated by building code requirements

Proposed Lot Flexibility Options in Single-family Zones

- Option 1.a.: Delete the prohibition on applying to the Planned Development Floating Zone to single family residential zones
- Option 1.b.: Option 1.a. plus added restrictions for how the tool is used (discussed in later slide)
- Option 2.: Administrative option that would qualify certain properties to be eligible for modified lot requirements without modifying overall density limits or public improvement requirements
- Option 3.: No action

Planning Commission Recommendation: Option 1.b.

- Planned Development Floating Zone requires the same noticing and public hearings as all other rezones.
- 17.130.050.020.A.2. Rezone: **A PD district 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, except that the requirement for a conceptual plan in subsection 17.22.030D of this title shall be replaced with a development plan according to subsection B of this section. The development plan shall be approved by development agreement in conjunction with the rezoning approval.

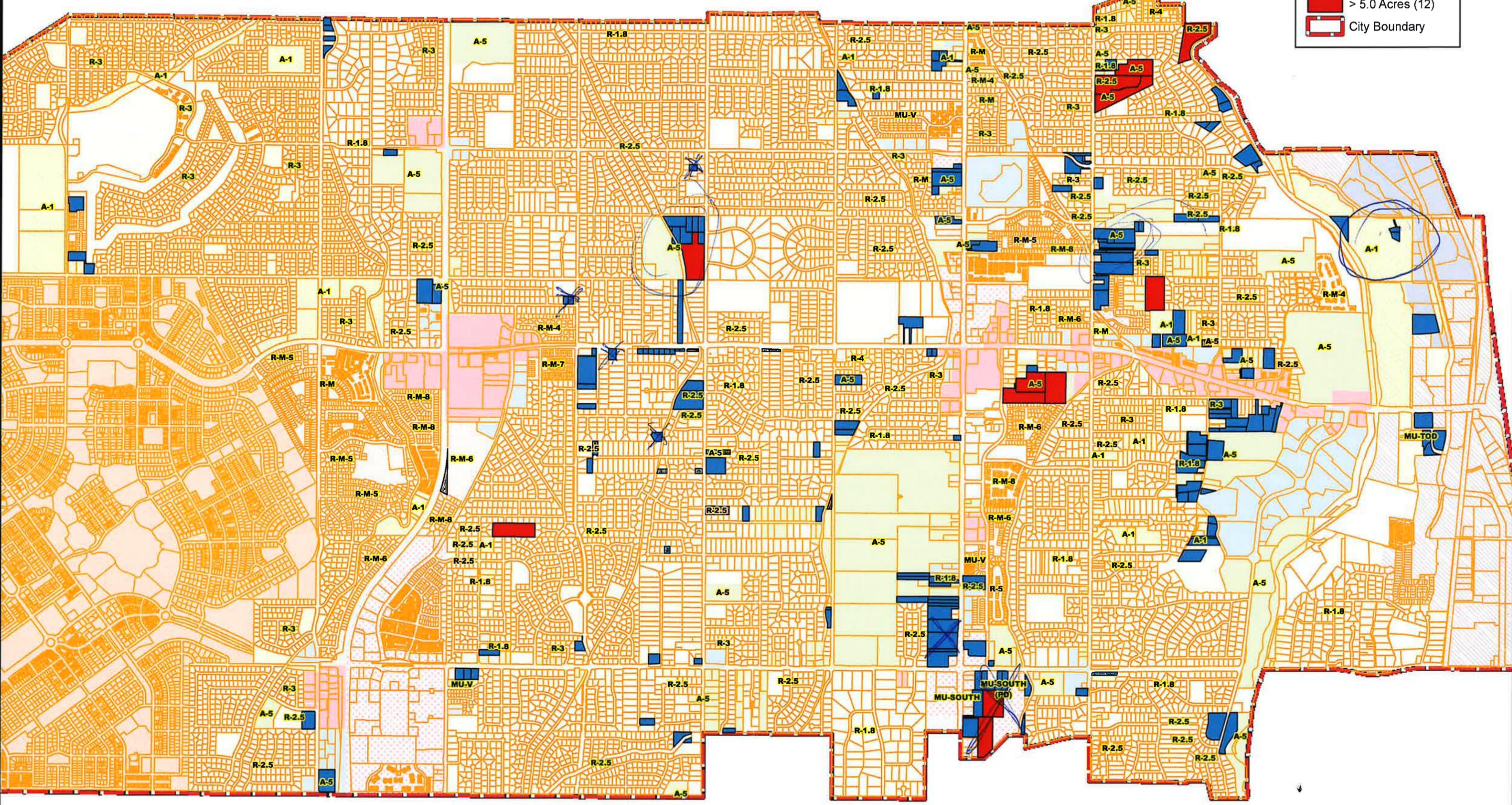
Planning Commission Recommendation: Option 1.b.

C. Prohibited:

1. Sexually oriented businesses shall not be allowed in a PD district where otherwise prohibited by this code.

2. A PD district shall not be approved in the P-C zone ~~or single-family residential zones (R-1.8, R-2.5, R-3, R-4, R-5).~~

3. A PD district may only be approved in single-family residential zones (R-1.8, R-2.5, R-3, R-4, R-5) for subdivisions and projects that are less than five (5) acres and only to modify minimum lot area, lot width and frontage, or yard area requirements of the underlying residential zone. Except those requirements specifically listed in this subsection, no other requirements of Titles 16 and 17 shall be modified by a PD district in a single-family zone, including but not limited to maximum gross lot density and public right-of-way requirements and standards.



Anna West

From: MaryAnn Dean
Sent: Thursday, March 07, 2019 12:08 AM
To: Anna West
Subject: FW: dshelton@sjc.utah.gov tzander@sjc.utah.gov jmcguire@sjc.utah.gov awest@sjc.utah.gov

Attachment D 3-5-19 Regular CC Mtg.

From: Patrick Harris <PHarris@sjc.utah.gov>
Sent: Wednesday, March 6, 2019 11:33 PM
To: MaryAnn Dean <MDean@sjc.utah.gov>
Subject: Fw: dshelton@sjc.utah.gov tzander@sjc.utah.gov jmcguire@sjc.utah.gov awest@sjc. utah.gov

From: Carol Brown <carol.crb8@gmail.com>
Sent: Friday, March 1, 2019 10:00:31 PM
To: Carol Brown
Subject: dshelton@sjc.utah.gov tzander@sjc.utah.gov jmcguire@sjc.utah.gov awest@sjc. utah.gov

March 1, 2019

Dear Mayor Ramsey and City Council members,

On October 16, 2017, Mark Woolley, Chairman of the Planning Commission, presented a project called Sterling Grove, a proposed development near us, that would have overruled the future Land Use Map and ignored the general zoning in our area of R-3, to develop a property with R-4 and R-5. Many neighbors who live near this proposed development stated their concerns which included, but are not limited to, setting an unacceptable precedent for future development in our area, not addressing water run-off needs adequately, and not allowing adequate green space for residents.

You voted down the proposal 4-1. Thank you! Only Brad Marlor voted in favor of the project, stating that he wanted to the code changed so that projects like this could be completed in the future.

The result was that Mr. Marlor and Mr. Woolley have asked city planners to present Ordinance 2019 that allows an overlay floating zone in projects with an R-1.8, R-2.5, R-3, R-4 and R-5.

We have seen the problems floating zones have caused residents in South Jordan in the past. Residents were shocked when neighboring developments were proposed that did not meet the basics of city code. We have attended meetings that ran until midnight and even 2 am where residents begged the city council to honor the existing city code, something that the floating zone could have overridden. Thousands of needless hours of citizens are required to oppose floating zones in their area. In addition, hours of staff time are used to help developers meet the floating zone requirements. Finally, an unacceptable amount of time is required of city

council, the mayor, and city staff, who must then attend prolonged city council meetings where large numbers of citizens attend to speak out against projects created with this arbitrary zone.

We would respectfully urge you to vote "no" on Ordinance 2019 to save citizens, planners, developers, and council members hundreds, if not thousands of hours of time, and to assure staff and citizens that existing zones are reliable and predictable.

Thank you for your hard work.

Sincerely,

Ken and Carol Brown

10221 South 1040 West

801-571-3670

I would appreciate it if Patrick Harris, my city council representative, would read my letter and that Anna West would enter it into the minutes. Thank you.

March 4, 2019

Chris Gebhardt

10868 Martingale Lane

South Jordan, Utah 84095

Members of the Council and Public,

Regarding the Text Amendment under debate this evening, I hope the **Council Members will vote in favor**. In its simplest form, this amendment allows more options for homes and neighborhoods in our land strapped area especially in “old” South Jordan.

I do not believe, as many here this evening probably do, that this will increase housing density in a given zoning classification. An R-4 allows four houses per acre as does a Floating R-4 zone. I have illustrated this, as often, pictures tell a more compelling story (attached.)

Yes, there are limited cases where a piece of property may only be able to support 3 homes in a traditional R-4 zone due to natural barriers or otherwise. A Floating R-4 could allow the Developer to actually place four homes on the same piece of property. And while that may be seen as an increase in density, it really is allowing the Developer to build what the property was already included in zoning: four homes.

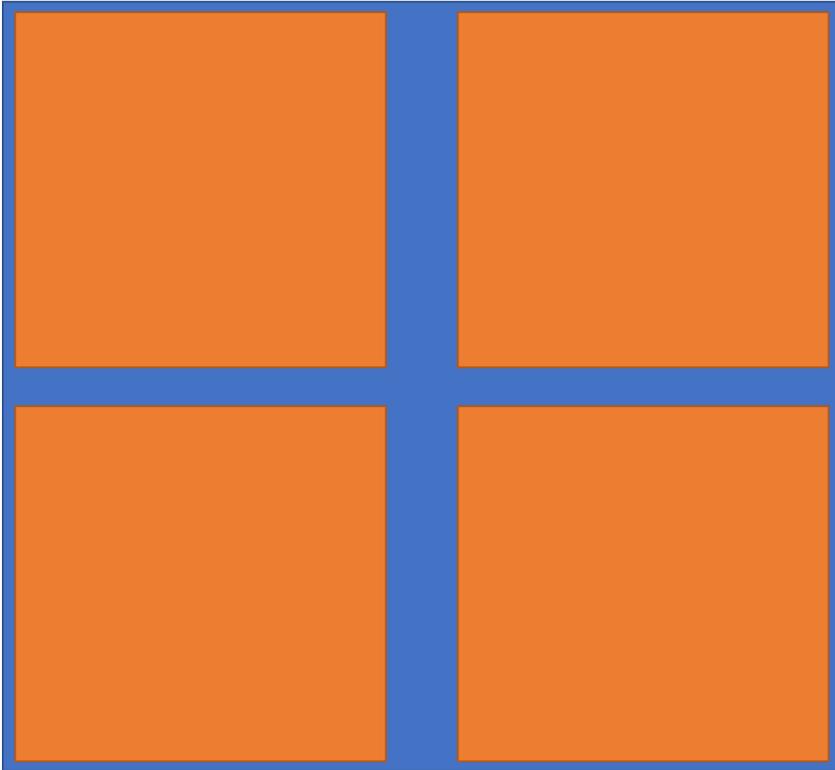
Thank you for your time and effort in understanding what this Text Amendment offers to the Citizens of South Jordan.

Sincerely,

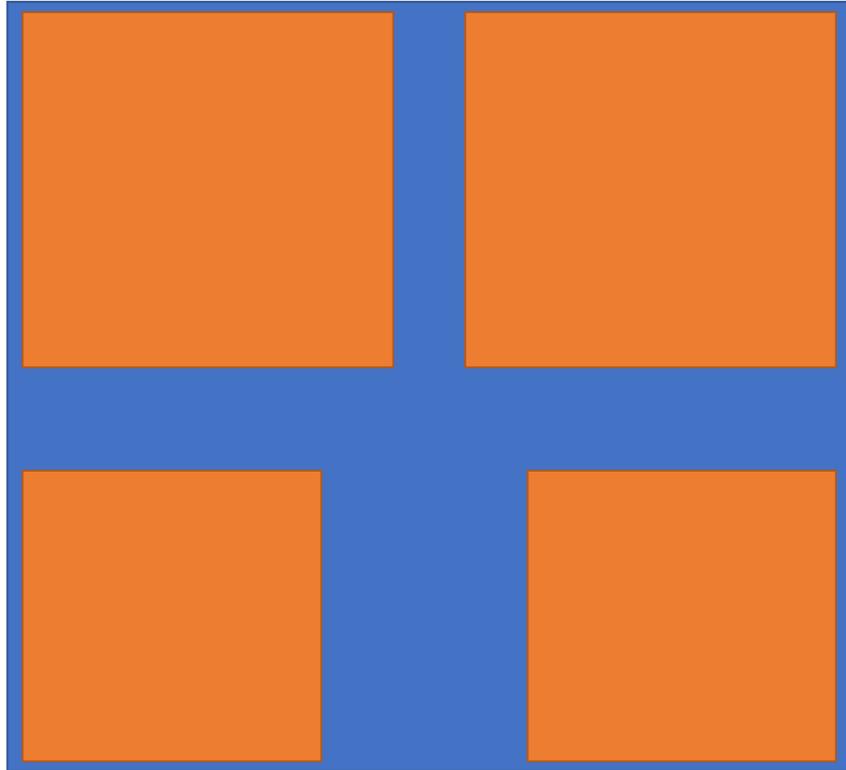
Chris Gebhardt

South Jordan Floating Zone Example

Current R-4 Zone



Future R-4 Floating Zone



Not to Scale

Blue squares each represent an acre piece of property. Orange squares are home lots.

Gebhardt, Chris Continuation.