SOUTH JORDAN CITY
CITY COUNCIL MEETING

January 4, 2022

Present: Mayor Dawn Ramsey, Council Member Brad Marlor, Council Member Don Shelton, Council Member Jason McGuire, Council Member Tamara Zander, Council Member Patrick Harris, City Manager Gary Whatcott, Assistant City Manager Dustin Lewis, City Attorney Ryan Loose, Strategic Services Director Don Tingey, CFO Sunil Naidu, Director of Commerce Brian Preece, Director of Administrative Services Spencer Kyle, Police Chief Jeff Carr, City Recorder Anna Crookston, Director of Public Works Jason Rasmussen, City Engineer Brad Klavano, Director of Government Affairs Melinda Seager, City Planner Greg Schindler, Planning Director Steven Schaefermeyer, Fire Chief Chris Dawson, Meeting Transcriptionist Diana Baun, Communications Manager Rachael Van Cleave, Communications Specialist Joshua Timothy

Others: DeeAnn Huffman, Eddie Steel, SJ, Mason Alcaraz, Dustin Hancey, Laurel Bevans, Shelby Richardson, Matt Williams, Marc Halliday, Tami Pyfer, Donna Sackett, Norman Steel, Heather Godfrey, Chris Nelson, Chris Pasker

6:40 P.M.
REGULAR MEETING

A. Welcome, Roll Call, and Introduction to Electronic Meeting - *By Mayor Dawn Ramsey*

Mayor Ramsey welcomed everyone present and introduced the electronic meeting. She pointed out that Council Member Don Shelton was unable to attend in person tonight, and therefore cannot take his oath of office. He is joining via Zoom and per state statute, he can still fully participate in tonight's meeting and vote.

B. Invocation – *By Council Member Don Shelton*

Council Member Shelton offered the invocation.

C. Flag Ceremony – *By Scout Troop 3851*

Scout Troop 3851 led the audience in the Pledge of Allegiance.

D. National Anthem - *By Communications Manager Rachel VanCleave*

E. Oath of Office Ceremony

Mayor Ramsey explained the Oath of Office and that Council Member Shelton is unfortunately absent in person, but will be sworn in at the next council meeting in two weeks. She congratulated him on his re-election and thanked him for his service.

E.1. Oath of Office re-appointment for Mayor Dawn R. Ramsey

Mayor Dawn Ramsey was sworn in as Mayor of the City of South Jordan by the City Recorder Anna Crookston.

E.2. Oath of Office re-appointment for District #3 Council Member Don Shelton

Council Member Shelton was unable to attend tonight and will be sworn in at a later date.

E.3. Oath of Office re-appointment for District #5 Council Member Jason McGuire

Council Member Jason McGuire was sworn in as District #5 Council Member for the City of South Jordan by the City Recorder Anna Crookston.

Council Member Jason McGuire is grateful to be able to serve in South Jordan, it is such a great city. We have wonderful staff that supports everyone up here. He is grateful to live in a country where we are able to participate in our form of government, it is a privilege that not many get to enjoy. He is grateful for all of our residents, who really are the ones who make South Jordan a wonderful place.

Mayor Dawn Ramsey mentioned that as chair of this meeting, and mayor of the city, you are not supposed to cry when you are sitting in this seat, but her heart is full and bursting with gratitude and full of love. She is humbled and grateful for the opportunity to serve four more years as mayor of this city that she loves so much. She is humbled at the level of support that is here tonight, and that she has received over the last four years. She is humbled at the opportunities that have come, unexpected and unique opportunities that she never could have foreseen. She is humbled at the opportunity to work with such outstanding people, the best people, and so many of them are in this room. She is humbled at what we have been able to accomplish; we have been able to get a lot of good things done, and it's thanks to all of these good people who have worked really hard and so many more. She is humbled at the quality of people we have that live in this city, exceptional people who care about their neighbors and serve, engage, support, and try to be patient when 10600 South and Bangerter Highway is closed. She is grateful for a form of government that is of the people, and grateful for those good women and men who went before and worked really hard to blaze a path for her to be able to serve. There are surely countless capable women who came before her and didn't have that opportunity because it simply wasn't allowed. She is grateful for her family and for their support, encouragement and love. They have sacrificed a great deal over the last four years for her to able to do this, and she is grateful for them. A lot of things have changed at their house, not only have their kids grown up quite a bit and some have moved away, but her husband does all the grocery shopping; anything he doesn't do her son Cade does, how many high school seniors do you know who have been willing, ever since they got their driver's license, to go do the grocery shopping. She is grateful for so many people who are here, that she has had the chance to serve with in this role; there are a lot of different people here wearing a lot of different hats, representing a lot of organizations, and she is privileged to get to serve with them and learn from them. There is a narrative that you can't trust anyone in government, that there is no one who has pure motives or is honest; she can't let the opportunity go to tell everyone that's just not true, it's simply not true. The good people joining her on the stand, and on the screen, are five examples of that not being true. She also mentioned the amazing staff we have here, starting with our City Manager Gary Whatcott and everyone else here in person or at home, as examples that is not true. She has the privilege of serving with mayors and city

council members from across the state, good people who are working hard because they want to make a difference for their community. People that are willing to step up and serve, willing to make the hard decisions and try to do the right thing, and willing to go through what it takes to represent in a time where it is not easy. She doesn't know that it's ever easy, but it has really become challenging with the narrative that's out there. There are times when she questions it, but in her heart of hearts she does believe that our best days are still ahead. We are not broken as the City of South Jordan, we are not broken as the State of Utah, and she doesn't believe we are broken as the United States of America. We have good people, just like everyone here, everywhere and she has the privilege of knowing so many of them. Please don't buy into a loud narrative that it's hopeless, and that the future is bleak, because it's simply not true. Our best days are still ahead of us, we have great things to accomplish here in South Jordan as we continue to grow. We came out of the census as one of the ten fastest growing cities in America with populations over 50,000; we already knew that, and we have been growing for a long time, but it was made official per the census and that comes with some challenges. We love that we have created a community over the years, so many people have created this community that people want to live in that is safe and desirable; that brings growing pains and challenges as we try to keep up with that growth and manage it, maintain the quality of life that we love so much. Thank you to everyone who put their trust in us, it is humbling to be chosen to represent your friends, neighbors, and the people that live in your community; to be their voice, to step up and try to do what they need done. It is an opportunity that she hopes she never takes for granted, because it is humbling. We have great things to do, great things in the works, and great things in store. Thank you to each of you for being here, and for what you do; thank you to the residents of South Jordan City for your support, for your engagement, and for your passion for your community. Every council meeting before we open public comment, she always says the same thing; she asks that we maintain a civil dialogue and that we speak with respect, every single one of us in this room. We are all here because we love the City of South Jordan, regardless of what we see the solution to be or what we think needs to be done. We are not always going to see eye to eye, it won't always be the same, but we are all here because we care about the City of South Jordan. She believes if we maintain respect in this chamber we will come to the right solutions, that we can come together and create solutions that are best for the residents that live here now, and those who will live here for decades to come. Thank you, and it really is official. She was so nervous before even filling out her paperwork to run, and the same thing happened today and she doesn't know why. It could be because we don't know what the next four years looks like, but she can tell you that for the next two years she will have the privilege of serving with the same five council members that she has had the chance to serve with for the last four years; there is no one else she would rather spend the next two years with. She is truly grateful for each of them, and for their commitment to the residents they represent. Here's to four more years of doing the best we can. They will continue to try to lead with vision and integrity, and do the best they can. She gave a special thank you to City Manager Gary Whatcott, she couldn't do this without him; same with our City Attorney Ryan Loose. Thank you to everyone else on the city staff, people love living here because of their efforts and how hard they work.

Council Member McGuire motioned to recess the City Council Meeting to move to the reception. Council Member Zander seconded the motion; vote was unanimous in favor.

RECESS CITY COUNCIL MEETING TO HAVE RECEPTION

F. Reception

F.1. Refreshments City Hall, Main Level

RETURN TO CITY COUNCIL MEETING

Council Member Harris motioned to return to the City Council Meeting. Council Member Marlor seconded the motion; vote was unanimous in favor.

G. Minute Approval

D.1. November 30, 2021 City Council Budget Meeting

D.2. December 7, 2021 City Council Study Meeting

D.3. December 7, 2021 City Council Meeting

Council Member McGuire requested some clarifying changes to the City Council Budget Meeting minutes before the meeting. Those changes were made prior to this meeting and a paper copy was given to all the council members and the mayor to review before approval.

Council Member McGuire motioned to approve the November 30, 2021 City Council Budget Meeting with the requested changes, the December 7, 2021 City Council Study Meeting as printed and the December 7, 2021 City Council Meeting as printed. Council Member Zander seconded the motion; the vote was unanimous in favor.

H. Mayor and Council Reports

Council Member Patrick Harris thanked the staff and volunteers that put on the city races. He and his family participated in the Santa Race and had a great time. He was impressed by the turnout and the efforts city staff made to keep everyone safe, despite the cold weather and icy conditions.

Council Member Jason McGuire said he met with the Arts Council since our last meeting. He thanked Ms. Crookston and Mr. Lewis for their help with getting his appointees for the Arts Council and Planning Commission.

Council Member Brad Marlor said the Architectural Review Committee (ARC) has not met over the last few weeks. He had a resident call and say that one of the city light poles had been knocked down in the middle of a street. The residents had pushed it off the road and he called Manager Whatcott to let him know; it was removed not long after that. He appreciated the quick response and wanted to thank staff for responding.

Council Member Tamara Zander said on December 16 she attended the Fire Station Promotional Ceremony at Station 64, it is always a treat to be around our First Responders because they are always so patriotic and respectful. Being there in Station 64 makes her feel so good about the work they did to get that open for our Fire Department, as well as the city. That night, she and Council Member Don Shelton found each other after an invitation to the Larry H. Miller Megaplex to see Spiderman, she enjoyed that. Soon after was the wrap up day for Hearts of Gold, this is where our local high schools do some incredible fundraisers, earning hundreds of thousands of dollars for

charity. A few of the Herriman High School student body officers live in her community, they came over to do volunteer work and she was able to give a donation; it is always delightful to see these high school kids out volunteering. On Saturday, December 11 she ran into the mayor at the Jordan Education Foundation's Christmas for Kids. They met at the Walmart here in South Jordan and thanks to incredible donations from many places, teens were able to do some Christmas shopping. She was paired with a young man who doesn't live in our city, but was in need, and she was able to go around and help him get some Christmas presents for himself and his family. She also thanked our City Chamber CEO, Brian Synan, as he played a huge part in making this happen.

Council Member Don Shelton talked about meeting with our legislators on December 8, including Representative Pierucci, Representative Pulsipher and Senator McKay, and he had a chance to talk with them. The next day was the Chick-fil-A grand reopening, which was a delicious experience. There was a Legislative Policy Committee (LPC) meeting on December 13, attended the Ultradent groundbreaking ceremony where the mayor did a great job representing us, and the Fire Department Promotional Ceremony which he enjoyed.

Mayor Dawn Ramsey had the privilege of being a part of everything mentioned so far, with the exception of the race; she was grateful for the chance to be a part of all the activities mentioned. Almost every organization she has the chance to represent South Jordan at has met since the last meeting. She thanked everyone who came and participated with Christmas for Kids, and specifically Brian Synan who serves on the board of directors for the Jordan Education Foundation where she has the privilege to serve as president currently. Tami Pyfer also serves with them on the Jordan Education Foundation and she is here tonight in the audience. Christmas for Kids is one of her favorite events; it is for secondary students in the Jordan School District and they were able to help over 500 students this year go shopping for things they needed. She loved the groundbreaking at Ultradent and is excited for them, they are adding 170,000 square feet. Hearts of Gold is dear to her, those kids worked really hard. Bingham High School also did their True Blue Fundraiser, and all of the other high schools in the district had some sort of fundraiser as well. She believes it was upwards of $800,000 that our high schools were able to raise on behalf of the charities they chose. She and City Manager Whatcott had the privilege of being at the final assembly at Herriman High School, and she enjoyed that opportunity. She also attended many local school programs in December. She got an email about being appointed by the governor to the Olene Walker Affordable Housing Fund Board for the State of Utah; this is an opportunity for us to be at that table and she thinks it will be an interesting place for us to participate and have a voice in, while understanding how it all works. There is a lot of conversation and different ideas out there about what to do regarding the homelessness concerns and how to help. Our city donates money to the Olene Walker Housing Fund so she is grateful for the chance to represent us there and learn what we can and see how we can help. She has a bunch of meetings with the League this week and the Unified Economic Opportunities Commission, she will keep everyone updated. She is looking forward to the LPC meetings being back in person at the Capitol.

I. Public Comment

Mayor Ramsey opened up the public comment portion of the meeting. She noted there is a public comment item from some neighbors for Item K.3., she asked them to wait until the item comes up on the agenda and they will be given time for their presentation.

Tammy Pyfer (Resident) has lived in South Jordan for seven years, they moved from beautiful Cache Valley after living there for 35 years. She was appointed to work for Governor Herbert as his Education Advisor, which is how she got to know Mayor Ramsey. When they were looking for a place to live, South Jordan just felt right to them; it feels more right every year. She knows a lot of things go wrong, but she is here to thank everyone for a lot of things that go right and have gone right for us in the city. She served on the Logan City Council for eight years, so she is more familiar than most with the type of work that is done here and the role of support staff. She thanked everyone for the snow removal, the city does a fantastic job. She was really proud of the snow removal, the street crews and Public Works Department in Logan. They always knew that when it snowed those streets would be a top priority. Now, every time it has snowed over the past six and a half years, her family's first comments are "wow, they do a really good job in South Jordan with snow removal." It's not just the snow removal, as she had the chance to interact with people from the fire department early on when they helped her with a smoke alarm that just wouldn't stop while her husband was out of town. She has recently had the chance to interact with Anna Crookston, our City Recorder, who is helping her set up a future visit to the city council in her official role with the Jordan School District as Community Engagement Specialist. She has been able to interact with the surveys we send out, City Manager Whatcott does a great job. Thankfully she hasn't interacted with the police department yet. She remembers sitting on the other side of the dais and they had a lot of people who complained, and rightfully so; we can always do a better job. She commended the mayor and council, and the staff, she knows what it takes to run a city and the reliance they have on the staff.

Mayor Ramsey closed the public comment portion of the meeting.

J. Presentation Item

J.1. <u>Proclamation</u>: January 23–29, 2022 as School Choice Week in South Jordan. *(By Mayor,Dawn R. Ramsey)*

Mayor Ramsey read the proclamation for School Choice Week.

K. Action Items

K.1. <u>Resolution R2022-01</u>, Proclaiming January 16, 2022 as Religious Freedom Day in the City of South Jordan. *(By Assistant City Manager, Dustin Lewis)*

Assistant City Manager Dustin Lewis explained the history behind this annual resolution.

Council Member Zander motioned to approve Resolution R2022-01 as stated. Council Member Marlor seconded the motion; vote was unanimous in favor.

K.2. <u>Resolution R2022-05</u>, Appointing the Mayor to the South Valley Sewer District Board. *(By City Manager, Gary L. Whatcott)*

City Manager Gary Whatcott explained that our city is required to have its own representative on the board, and a re-appointment is necessary for the mayor to stay in that position as she has been re-elected.

Mayor Ramsey said there are many areas that share representatives, or have a member at large, because their entire city is not part of the district boundary. Since the entire city of South Jordan is within the boundary of the sewer district, we have our own representative.

Council Member McGuire motioned to approve Resolution R2022-05 as stated. Council Member Harris seconded the motion; vote was unanimous in favor.

K.3. **Resolution R2022-06**, Authorizing the City and the Developer to enter into a Development Agreement pertaining to the development of the property generally located at 1500 West 11400 South. Applicants Jake and Amanda Ackerman. *(By Director of Planning, Steven Schaefermeyer)* RCV

City Planner Greg Schindler reviewed prepared presentation (Attachment A) and discussed what is in the proposed development agreement.

Chris Nelson (Resident) shared a handout with the council (Attachment B) and shared a prepared presentation (Attachment C); he is speaking on behalf of himself and his two neighbors, the Godfreys and the Winters. He wants the council to know how much he appreciates the opportunity they have all been given tonight to be heard. He grew up in Germany, and after high school came back to the USA and joined the Navy where he was stationed for four years at Pearl Harbor. He personally knows that not everyone in the world is given the rights that we sometimes take for granted to be heard. He appreciates the work the council has already done reviewing this development. On December 7 there were some gaps that were not covered and they want to take a moment to highlight them now. He is aware that we have a very full meeting agenda tonight, so he will get right to the three points they'd like to make. They have already confirmed they are getting an eight foot wall on the north side of this property, and appreciate both Mr. Ackerman and the city council for making this happen. What hasn't been confirmed however, is when the eight foot wall will be built. They are requesting the north wall be installed once all grading has been completed, but before any homes have been started. The new homes will then be on the same grade as the wall, as well as cut down on noise, dust, air and other pollutants from the traffic, machines and supplies being delivered. At the December 7 meeting, Director of Planning Steven Schaefermeyer brought up the possibility of a bond to allow for the wall to be built once the grading was done. There was a lot of discussion going on that night and the bond matter wasn't really resolved, they would like to re-open that topic for discussion. He showed a video (Attachment C) of Ivory, building their wall in the Bingham Court Development to the east, before the rest of construction began. Ivory didn't grade the land before the wall was built, and that translated into an approximate five to six foot height difference of the wall between the existing neighbor homes and the Bingham Court Homes; he doesn't want that to happen in the proposed Creekside Commons Development. The second item they are requesting is for the exact same 16 foot setback that Ivory used between the new homes in Bingham Court and their existing neighbors. Sixteen feet sounds like a reasonable amount of space when you get out your measuring tape, put it down and look at it. However, when you are looking at it from both sides of an eight foot wall it has a completely different view. The views in the presentation (Attachment C) are from the existing neighbor's side of the eight foot wall and the Bingham Court Homes. The Bingham side seems to have a decent amount of space, but the existing neighbors appear to have a view of a home almost directly in their backyard; both views are with a sixteen foot setback. He understands that setbacks and the height of rooflines are linked, Ivory was able to make a low

roofline work in Bingham Court. Their last item is one both the city council and Mr. Ackerman has agreed upon, and that is to build ramblers on lots 3 behind his house, and on lot 4 behind his neighbors, the Winters. There are only two homes with this stipulation throughout the entire complex. What you see in the pictures in Attachment C are two ramblers in the Bingham Court Development. Not all ramblers are built the same, as you can see in this picture; the rambler on the left has a low profile roofline, but the home on the right is also a rambler and has a high profile roofline. The home on the right is almost the same height as the two story house next door to it. When Ivory agreed to build ramblers beside the eight foot wall, no one thought to ask about the height of the roofline. He is petitioning that the two homes being built on lots 3 and 4 have a low profile roofline as indicated, like the home on the left, with no bonus room above the garage to increase the height of the roofline. He pointed out that that these three requests, the eight foot wall, 16 foot setbacks and the ramblers with low rooflines affect only two homes in this complex; he is asking for these items to be amended in the development agreement. He and his neighbors are confident that this development will be a great place to live for their new neighbors that are moving to South Jordan.

Jake Ackerman (Applicant) said this has been a process and he feels like, prior to today, he has really tried to accommodate the development. Throughout this process he has tried to think about what he would want and how to make the project look right; what would be the best outcome for the city, the traffic, fencing, etc. As was brought up, last time they really didn't dive into the fencing other than the eight foot fence that they agreed to behind the neighbors. They have tried to accommodate everyone's wishes and still have a good outcome for the project. It is a tricky situation to be saying there is a minimum size of square footage that they have to fit, their lots just aren't as big as the lots on the Ivory Development. As has been pointed out in the past, they have about a half an acre of green space on their development, a ton of parking with the number of parking stalls per unit being almost double what the Ivory Development has and they have more guest parking stalls and amenities with the park and retention pond. In addition, they are acquiring land on a canal that really only serves the purpose of giving them a half of a unit extra to try and match Ivory's density. The culvert and escalating costs are making things tricky as well. He has met with and worked with some of the builders, Greenridge Builders was present at the last meeting. The grading issues, specifically with the timing, have been discussed and the reality is they have to do one or the other, but you can't have it both ways and they will probably have to build the fence before they grade it unless they are going to build a wall, grade and then build the fence. This has happened in other parts of the city. The setback requirements on the lots is 12 feet. If he was a neighbor, he would say "give me as much space as you can give me," and he is committed to that; if there are two extra feet and they can hug it one way or another, they will. They have to hit 2400 square feet with a two car garage and deal with a grading issue, the water table because of the canal, and everything else which makes it complex. He has spent a lot of time working with the city, the Architectural Review Committee, Planning Department, going back and forth with the engineering and he thinks that from their perspective they have continued to try and hit a moving target. After talking with his engineers extensively, he doesn't know that committing to a 16 foot setback will allow them what they need, but if it can they will do it and give them the extra feet. Regarding marketability of units, if someone can have a bigger yard that doesn't create a tunnel effect that's ideal. Regarding the bonus room, it was discussed previously that if one was needed it would be placed on the garage side, and the garages would be placed on the south side of the project instead of the north side. This change would push the height for a bonus room to the south side and he is totally in favor of that. From a developer's standpoint in dealing with all these

issues, he thinks the neighbors have a very understandable position and he might feel similar, but he also feels like they have indicated they have gotten a lot of the things they asked for. He feels pretty good about the development agreement the way it is from fencing to setbacks, minimum square footage requirements and everything else. His request would be that they proceed with the development agreement as it stands, they will continue to work with the neighbors. If they grade first and then build the fence it's only going to create more dust and debris, but they want the fence built before they can start the units; this really is a logistical issue. He thinks one of the reasons Ivory built the fence first was because they wanted to prevent debris and dust. His request is simply that they have a great project, they want to do right by the city and the neighbors, and he'd like to move forward with the development agreement as it's currently written with the city.

Council Member Zander appreciates both Mr. Ackerman and the neighbors, this has been a great civil dialogue and she understands everyone has needs. The council's job is to try and consider both sides' needs and make a decision tonight. She had the opportunity to meet with the three neighbors, they have spoken to her at length multiple times about their concerns and she appreciates the respect Mr. Ackerman has given them tonight and during other meetings. She understands this is a business model and he needs to make this work, but she also understands that the neighbors have had an empty field behind them so none of this is convenient. Regarding the three requests from the neighbors, she has not seen a rambler with a loft over the garage that doesn't have a pitched roof that continues the length of the house. To her, and she is not a builder, if she is sitting on the north side looking south and there is a loft over the garage, she doesn't see that making a big difference in the pitch of the roof. With that said, she would be in favor of the council supporting this low profile roofline and would recommend adding it to the development agreement. However, to the point of the setbacks, Mr. Ackerman needs to make it work. Mr. Ackerman made a great comment that she appreciated, that it behooves him to do good setbacks. As a realtor she knows that the bigger your lot size, the more he's going to get for his property; if he can push that home and get a bigger lot size it benefits him as well so she is willing to trust the developer on that. Ivory had a 16 foot setback, they have a 12 foot setback here; the lot sizes are smaller here and they have come up with some things that Ivory did not, she is very grateful for the green space and extra parking. The council worked with him to fine tune his development, she wishes they could go back and make a few changes on the Ivory Development. She would be okay with, and hopes the neighbors agree, that if the council agrees to the 12 foot setback in the development agreement Mr. Ackerman would do the best he could. She then quoted Mr. Ackerman saying previously "I would give you as much space as I can, if I can we'll give it to you," and she trusts that he will do that. She would like to see the low profile rooflines put into the development agreement. They all saw the pictures showing the eight foot wall being only three to four feet at different places along the Bingham Court development, and she knows Mr. Ackerman spoke to that saying that it's tricky and she agrees with his point. That being said, they need to find a way to make this work, but she doesn't know what the answer is for that. She would like to see that eight foot wall at grade to the homes being built in the new development, she thinks that is fair to the residents asking for an eight foot wall.

Mayor Ramsey said she doesn't know if the applicant can get the required square footage in the ramblers if they don't have the bonus room.

Council Member Zander said she has spoken with City Planner Greg Schindler about the rambler square footage issue with the bonus room, and she let him explain that further.

Planner Schindler said the development agreement states the home must be 2400 square feet. Having 1200 square feet per floor would work, but the garage wouldn't have a basement under it. This is one of the reasons they didn't change the setbacks to the 16 feet, because that would make it harder to fit 2400 square feet of house on the property.

Council Member Zander asked to clarify whether or not the current development agreement that stands right now, with a 12 foot setback, does allow for him to build a 2400 square foot single family home. Can he meet the requirements of square footage with a rambler and not include the loft with the setbacks at 12 feet.

Planner Schindler said he hasn't seen the house designs, but he assumes that on a 50 foot lot with the current required setbacks they could probably get the needed square footage on the ground. If Mr. Ackerman really can't do it, then that might be something to think about and address with the council in regards to a smaller home size. Keep in mind, allowing a smaller home doesn't benefit him because the bigger the house the more money he will make. It already states in the development agreement that the homes have to have a 3/12 roof pitch, which is pretty low profile; he doesn't know how you would get a bonus room with the 3/12 roof pitch that is required.

Council Member Zander asked to confirm that based on the current development agreement, his roof pitch would have to match the lower profile they've been discussing.

Planner Schindler said yes, that is correct.

Mr. Ackerman said he doesn't believe the development agreement actually requires what they are discussing in terms of roof pitch requirements.

Planner Schindler said section 2 under Architecture states "the main building shall be constructed with the majority of the roof being a minimum roof pitch of 3/12." This refers to a minimum roof pitch, but they could add a requirement to the development agreement that these two lots, lots 3 and 4, be limited to the 3/12 roof pitch. The other homes could have higher roof pitches, but a lower roofline was a concern of the neighbors.

Council Member Harris asked, regarding the timing for building the fence, have we ever placed rules with other developments that they have to have the fences in at a certain stage of development.

Planner Schindler said the code doesn't have anything regarding when they are constructed, but it can be done with a development agreement. They didn't put any requirements on Bingham Court regarding when the walls were built.

Council Member Harris asked again if we had ever included the wall timing in any other development agreements.

Planner Schindler said no, not with fencing. He has seen requirements related to other amenities being completed before occupying homes, and the wall should be up before that point, but he has never seen requirements regarding items like a wall being done before construction can start.

Council Member Marlor asked what it does to the neighbors on the north side if the land is graded and it ends up being two to three feet higher than the current level, with the wall then placed on that higher ground.

Mr. Ackerman said when a developer has a water table issue and they are going to address grading of a property, when they put the basements in, that's what gives them the fill; they take the dirt from the basements and use that to adjust the grading of the level. In talking with the developers, and following code, each property has to retain their own water on their own property; he can't push water on to the neighbor's property. If he is going to raise his grade by three or four feet to accommodate basements, then he can't just raise it and leave an empty spot. If he is going to have three feet plus eight feet, then he has an 11 foot fence; this is now a thicker fence with more steel that is 11 feet on the neighbor's side and an eight foot fence on his side. The other issue with grading first is they have to bring in fill for the project, starting immediately; this means hauling tens of thousands of cubic yards at hundreds of thousands of dollars of expense to raise the grade of the property first. This would also require the installation of some kind of boulder wall to hold the grade where it is so the fence can be constructed on top of that system before digging basements and grading the rest of the property. What happened with Ivory is frankly what happens with most developments because that concrete fence serves two purposes, the main one being providing privacy. The neighbors are still going to see an eight foot wall on their side. The grade becomes lower on the development side, so depending on the grade someone can walk by on the new project side and only have a three foot fence. If it came down to importing the fill they would withdraw from the development agreement and go back to the drawing board, rather than bringing in fill from somewhere else because it would not be economical. Ivory probably put the fence in first because once it was in at eight feet they could then dig basements and use that dirt to raise the property without having to deal with the water table of the adjacent canal. As has been said before, on the west side of the property that is less invasive, but on the east side it became a bigger deal as you head down towards the retirement living center. One good thing about this project, and something that should give some hope and comfort, is that unlike the Ivory project the canal is a natural equilibrium and that doesn't impact anything east of the canal. The project is really just as wide as the current canal and the neighbors on the east side of the property are the existing homes, and that's where this would be the biggest issue. Regarding the disparity of heights, the Winters are also on the far east side of the Ivory property; this development is actually set back from that and going west where this will be less of an issue. In talking with his builders, Ivory's project was very wide at about 600 feet on 11400 South, the east side had about a six foot difference. This current project, not including the Ivory piece, on 11400 South from the canal going east is about 120 feet; they believe this works out to about a two to three foot difference from the canal to the east side of the project. The neighbors that will see that difference in grade the most are not the neighbors here tonight, it will be the Ivory subdivision. The other neighbors will see more of a slower grade from the high mark on the east side that will probably be graded at a level along the back; he does not believe it will be as severe as some of the current concerns may be. They can't bring in fill for this project, it wouldn't make sense. It is their preference to use the eight foot fence and he thinks that is a benefit, as on the existing homes side they will see the full eight feet; on his side they feel it will be five or more feet. He doesn't want to add that to the development agreement because they have to put the fence in first, but he feels good that on their side it will be five feet or more and they will be able to reach that.

Council Member Marlor said he understands that part of Mr. Ackerman's dilemma is that he has to comply with code, which means he has to have a certain slope from the other properties back to his property.

Mr. Ackerman said they have to slope away from the houses, but they also have to slope away from the fence so they can retain all the water on their side. They don't know how to do that and also install the fence after it's been graded, this is why he said this is a tricky challenge. The feedback he has received is that no one is doing more than an eight foot fence anywhere, unless it is along a freeway as a sound wall. Relative to the setback issue, the lots are 45 feet wide with a 12 foot setback on one side and five feet on the other, which gives you a building envelope of 28 feet; the smallest two car garage door that you can install is 16 feet wide and you need clearance on either side of that 16 feet, which leaves you with a garage width of 20 feet including the garage walls. After all of that, you are left with about eight feet of living space on the main floor in the building envelope that isn't garage if you include the interior walls. You would be coming in the door to eight feet of space next to the garage, and then you can open up on the other side. If they go to 16 feet for the setback and limit the size, putting a bonus space above the garage is a way they can pick up square footage and have a slope that goes away from the lot.

Planning Director Steven Schaefermeyer said lots 1 and 2 are 45 feet wide, however all the others are wider than that; lot 3 is 54.6 feet wide according to their concept plan, and lot 4 is around 62 feet wide. He acknowledges the challenge Mr. Ackerman is describing, however lots 3 and 4 are wider than the other lots.

Mr. Ackerman said that was done on purpose, but he was referring to an average lot size. There is still an extremely tight space, and in some ways he thinks they either have to go up and down, or out. They aren't trying to build bigger because of more money, they are trying to build to the 2400 square foot living space requirement in the city code.

Mayor Ramsey asked about getting the Zoom camera portion back in the chamber. Mr. Day said they have lost the cameras in the chamber, but he has verified that those on Zoom still have audio.

Council Member Marlor said he doesn't understand how they can do grading and then put an eight foot wall on top of it, when you add the additional three feet it's now 11 feet tall and you would probably need additional concrete below the base wall. He doesn't think that would be very attractive, and he doesn't think he would want that if he were on the north side. He thinks the wall needs to go up first before they start construction to make it look good on the north side. Given all of the city requirements, he also doesn't understand requiring a 16 foot setback; he thinks the 12 foot setback is fine. Having a house with garages required, and then having eight feet of living space doesn't appeal to him, he thinks you need more space than that inside the house. If it's just the two lots that need the low profile roof, and the builder can do that without having the bonus room, then he would suggest that. If they can't make that work, then he would agree with putting the bonus room on the south side of those two lots.

Council Member McGuire believes the fence should provide privacy for both sides, so he feels a three foot retainer wall should be put in, with the other fencing on top of it. If not, the people on the north have a certain amount of privacy in that they aren't looking into someone else's yard, but the residents in the new development can look right into the yard on the north side. Regarding the

16 foot setbacks, he asked if that could apply to just lots 3 and 4 based on previous comments by staff. He also feels that lots 3 and 4 should have the low profile roofline.

Council Member Shelton has been listening to everyone and thinking about this, there seems to be good arguments on all sides. If he lived in the existing homes to the north of this development, he would prefer not to have an 11-12 foot wall in his backyard. The rambler with a bonus room is just a two story house, he's not sure why it would be called a rambler. He likes the idea of low profile roofs on lots 3 and 4 and he is okay with the 12 foot setbacks, willing to trust the developer to provide more if he can. He prefers to stay with the eight foot fence on the north.

Council Member Harris said we have to be careful. We have met with a lot of developers over the years, and if we all of a sudden come up with new requirements that have never been discussed before it makes him want to be more cautious. He feels like just because another developer had a certain outcome with their fence, we are putting additional pressure on this current project and that's not fair. Those issues were not Mr. Ackerman's fault, he was not involved in that; however, he also understands how the neighbors are feeling seeing it there. He has to believe that when they factor in the canal, water table issues that need to be addressed with leveling, this is going to be done in a manner that's most practical. At the end of the day there will be engineers that come in to design and plan all of this out. For him to try and dictate certain height requirements and other restrictions, we just don't have enough information to make that call and that concerns him. He doesn't want to have the same result the other developer had, but he thinks we need to be careful about putting in new things that our code doesn't require. He does think there can be some give on both sides, like low profile roofs on lots 3 and 4. However to require them to bring in dirt, when we've never required that in the past, doesn't make sense to do. We have a lot of good things in this development agreement, if we can add the low profile roofs in there he thinks that would be progress and everyone can be happy with that.

Council Member Marlor appreciates Mr. Ackerman's comments. One of the things he has used in the past very heavily is the logic of staff members who are in a professional position to consult with the council members and provide what he thinks is a pretty reasonable idea about what the development agreement should look like. He has generally voted to support that plan because there is a lot of engineering and other background in those staff members who come up with these agreements. If you look at his voting record, it shows that he has generally gone with staff recommendations. He is happy to go along with the idea of low profile roofs; that doesn't mean it's a 3/12 roofline as that would be a minimum, but he certainly supports that. He doesn't know how they would make the other requests work well, given all the other requirements that we impose on developers that are also being imposed here.

Council Member Zander said there has been a lot of great dialogue since her first comments. She appreciated comments from the other council members, and she really appreciates Director Schaefermeyer speaking up. She wanted to clarify that based on what Director Schaefermeyer said, Mr. Ackerman gave us misleading information, whether intended or not; the council was given the wrong square footage and dimensions of lots 3 and 4. She then asked Director Schaefermeyer to clarify again what the lots sizes are for those lots, as they are not the 45 feet wide that was stated.

Director Schaefermeyer responded that the lot 3 west property line is 54.6 feet wide, lot 4 on the

east side of the stub road has an east property line of 62.5 feet wide; lot 3 is just over 5000 square feet, lot 4 would be just over 6000 square feet.

Council Member Zander noted Mr. Ackerman had indicated that after putting the garage in there is only eight feet of living space, and that is erroneous. The disparity of the situation is not quite as bad as was indicated, and it sounds like the sizes of lots 3 and 4 will absolutely be able to support the low profile rambler. To Council Member Harris' comments, she doesn't feel like we are putting new requirements on this development, she feels like we are learning from the past. We can look at the Bingham Court development and say there are a few things they didn't think or ask about. She is very appreciative of Mr. Ackerman as he has been great through this process; she is not criticizing him, she just wants to make sure they are using the right numbers for this. If lots 3 and 4 are actually 54.6 feet and 62.5 feet wide, the developer certainly can get a single family 2400 square foot home on that lot, and they don't need to approve a loft or bonus room. She proposed prohibiting in the development agreement a bonus room or loft in lots 3 and 4. She would also like to add a maximum roof pitch to the development agreement, so they are not surprised in the future. She can be a little flexible on the wall, she knows what the neighbors would like and what Mr. Ackerman needs, she thinks those should be put together to make things work. Regarding the setbacks, she would trust that he would honor his commitment to give them as much space as possible with the 12 foot minimum. She definitely wants to see the rooflines kept in line with what the neighbors are asking for, ensured by requiring a maximum pitch, along with prohibiting in the development agreement a bonus room or loft.

Council Member Marlor asked if when the applicant was counting the 16 foot setback, plus the interior living space and the two car garage, he was accounting for all of the setbacks on all sides as well.

Mr. Ackerman said he was trying to illustrate that the lots are really small. He has also had the conversation with his engineers, looking at what different footprints would look like on the lots.

Council Member Marlor asked if he is saying that a requirement to do more than the 12 foot setback would mean the inside of the house, with the required two car garage, would only be eight feet.

Mr. Ackerman noted that he was speaking conceptually of a 45 foot wide lot, as lot lines have already been moved to accommodate those two larger lots. Eight feet of space would be out of the question on a 45 foot lot, the other lots are close to 45 feet with the exception of lots 3 and 4. Those two lots really only have five foot setbacks, the narrowest of the lots has a five and five foot setback which gives them 35 feet of width. He said it does appear he misspoke, but it was not intentional when referring to the lot sizes.

Council Member Marlor said he doesn't want an eight foot wide living space in the house. On lots 3 and 4, he asked about possible living space size.

Mr. Ackerman said with the 54.5 wide lot, and a 12 foot setback, that goes to 42 feet. If you take away the other five foot setback that leaves you with a 37 foot wide space for the home. When you take away the garage at around 20 feet that leaves about 17 feet of home adjacent to the garage. If he has to agree to a certain roof pitch he will do it, it's frustrating for him because from his

perspective he just wants to build the right plan to make it look good and have enough space. Once you start limiting the roof pitch with no bonus room, the ability to get the floorplan exactly right is going to require that 12 foot setback only. It comes down to whether they will allow the 12 foot setback for more main floor space, or do they want to push the 16 foot setback and they can go more vertical to get that space, or even have an 18 foot setback to allow a larger yard but add more space vertically. When the city adds a new stipulation, they are forcing him into one way of doing something.

Council Member Zander said lots 3 and 4 are the only lots in question here. The neighbors here have expressed multiple times to her that what they want the most is the low profile roofline with no bonus room. If they can prohibit the bonus room or loft, the neighbors will be pleased with that. In addition, they have given him a 12 foot setback in the development agreement, and he has agreed to give them what he can.

Mr. Ackerman said they can do the lower roof lines on those two lots, along with the minimum 12 foot setback.

Council Member Marlor said he really dislikes the 3/12 roof pitch, it is not attractive and Mr. Ackerman agreed.

Mr. Ackerman said he believes it should be 7/12 or less. He is a roofer, and the calculations are based off of one foot of rise for one foot of run. He thinks a 7/12 pitch or less is conservative. Some of the majestic castles do 14/12, 12/12 or 10/12, but if you go around many of the newer neighborhoods being built they are closer to 8/12.

Council Member Zander asked him, as a roofer, to estimate what the low profile roof from Bingham Court would be considered.

Mr. Ackerman said it might be around 5/12.

Council Member Zander asked if he could do 5/12 for these homes.

Mr. Ackerman said he could do 6/12.

Mayor Ramsey mentioned that it’s hard to ask him to guess a pitch based on a picture he’s only seen in passing.

Council Member Marlor said he’s struggling a bit because there are houses on the north side with a much higher pitch than that.

Mr. Ackerman said they want the development to flow together. He looked at an example of a picture from Bingham Court and he estimated the higher profile roof pitch to be around 8/12, the lower profile comparison at about a 4/12 or 5/12; that’s just his best guess off a photo, and he mentioned he thinks it looks cheap and unattractive.

Council Member Marlor asked if there was a requirement related to the roof given to him by the Architectural Review Committee.

Mr. Ackerman said his understanding is that the city has a maximum height requirement, and that height requirement is what dictates the pitch because based upon your footprint you can't exceed a maximum height. He thinks the city may have a minimum pitch requirement, but he doesn't believe there is a maximum.

Council Member Harris asked, for perspective, what the pitch would be to add a bonus room in.

Mr. Ackerman said he lives in South Jordan and has a nice home that to the passerby would be considered a rambler; it has a little bit of attic space built in and he believes it is an 8/12 or 9/12 pitch.

Council Member Harris asked what the pitch would be if they put bonus rooms in the homes of his proposed development.

Mr. Ackerman said at the end of the day there is a minimum square footage requirement of 2400 square feet, they don't necessarily want to have a maximum square footage requirement but they want to build a house someone wants to live in. If they have a 1200 square foot main floor and a 1200 square foot basement, that may not be very attractive. The benefit of a bonus room would be a situation where you could shrink the footprint, but still achieve a square footage that gives people living space and a nice house. If he was the neighbors, he can't blame them for thinking they can't trust him and wanting to dictate everything about the project; he would probably feel similarly. A bonus room gives additional square footage without adding to a footprint, that's why his proposal is to let him build these homes and they will make them marketable; it's in their best interest to make the homes marketable. If the stipulation is no bonus rooms with a pitch requirement that will be prohibitive of a bonus room, he's not someone who says one thing and does another. He will come back and say there will be no bonus rooms above the garage if that's the requirement, and they'll build homes they can market while hitting the pitch requirement he agrees to. He would ask for the pitch requirement to be 7/12, most roofers or builders would agree that's a reasonable pitch; high end doesn't really start until 9-12/12. He's happy to go with either an "as-is" requirement or the pitch requirement with no bonus rooms, then they will work within the footprints and setbacks. His point has been, it's easier to hit a setback but it's not a deal breaker for him; having to bring in fill however would be a deal breaker.

Council Member Zander said she is just asking him to stretch on the two lots, lots 3 and 4, to accommodate the neighbors.

Council Member Zander motioned to amend the development agreement on Resolution R2022-06 with the following:

- **Amend section E.e.7 (Developer Obligation – Architecture): along the north boundary lots 3 and 4 will be only single story homes or ramblers, be built with a maximum roof pitch of 7/12.**
- **Amend section E.g.1 (Developer Obligation – Walls and Fences): having the eight foot wall installed before construction begins.**

Council Member McGuire seconded the motion.

Council Member Marlor said he can support the low profile roofs with the 7/12 maximum pitch

requirement, but he can't get behind an eight foot wall where he doesn't know what the height of the pad will be. Based on the Ivory example it would be a five foot concrete wall, then an eight foot decorative wall, totaling 11 feet; he would never want to live on the north side of that monstrosity, it just doesn't make sense to him.

Council Member Zander clarified that she is only asking for the eight foot wall to be installed before construction begins, she did not say it had to be at grade with his development. The wall could taper, but she is trusting Mr. Ackerman when he said the taper would be less than what Ivory has; it would be a maximum of eight feet.

Mr. Ackerman said a wall is a reasonable expense, he asked if they could state that an eight foot wall will be installed prior to construction on the two parcels east of the canal. That will allow them to get going, work on the culvert and parcels west of the canal, then before they begin construction on the two parcels east of the canal they can put that eight foot wall in.

Attorney Loose mentioned section E.g.1. and suggested adding "prior to grading" in the motion and development agreement.

Mr. Ackerman said the key is that they aren't talking about grading or raising the wall, they are just saying they will put in an eight foot wall prior to construction on the two parcels east of the canal. He is fully in support of this as it gives them the ability to do the culvert first, which is a real challenge, and then work on the west side of the canal without having to build the wall. They would otherwise continue to follow the development agreement everywhere else they have worked through with staff, but they will put that eight foot wall in prior to doing those parcels on the east.

All council members agreed on that suggestion.

Motion restated by Council Member Zander to approve R2022-06 with the following changes:

- **Amending section E.e.7 (Developer Obligation – Architecture): along the north boundary, lots 3 and 4 will only be single story homes or ramblers, and will be built with a maximum roof pitch of 7/12 with no bonus rooms or lofts.**
- **Amend section E.g.1 (Developer Obligation – Walls and Fences): the eight foot wall will be built prior to construction on Lots 3 and 4, which are east of the canal.**

Council Member Zander added that she believes the fence begins at the canal and goes east, so the fence would run east of the canal, not just lots 3 and 4 since there is a space there.

Attorney Loose said that section of the development agreement already deals with that area, but they will adjust that to reflect the proposed motion.

Mr. Ackerman proposed removing the bonus room prohibition, as if they are at a specific roof pitch whether there is a bonus room or not, the look won't change.

Mayor Ramsey agreed with Mr. Ackerman that if they can make a bonus room or loft fit in the space provided by the required roof pitch, she doesn't want to remove all the tools to allow them to add square footage.

Mr. Ackerman said allowing them to try and add that bonus room/loft space within the roof pitch requirements not only allows them to add necessary square footage, but it also allows for a smaller footprint and a larger setback.

Council Member Zander's concern is that they don't have any renderings of a 7/12 pitch, so they aren't entirely sure what that looks like.

Mr. Ackerman said he's fine with it, but noted that if it's going to be up to a certain pitch then whether there is a bonus room in that attic or not is immaterial to the neighbors because the roof won't change.

Council Member Marlor said he would feel better about that, allowing them to use the space as long as they stay within the roof pitch requirements.

Council Member Harris said he would like to understand the negative impact of a bonus room versus no bonus room if they stay under the pitch requirements.

Mayor Ramsey said that whether it's a bonus room or unfinished attic space, if it's a 7/12 pitch no matter what it shouldn't matter what is inside.

Council Member Zander said the neighbors' concerns are with the height of the roof.

Mr. Ackerman said they need to address the height of the roof then if that's the issue. With pitch, there's run and rise; the bigger the footprint gets, it doesn't matter what the pitch is since you have to cover all that width. If you have a smaller footprint you could put a 12/12 on it, if it is eight feet wide you can go as high as you want. As you shrink the footprint with the specific pitch, if you can fit a bonus room he doesn't see how that negatively impacts the neighbors.

Council Member Zander asked how he would squeeze a loft or bonus room in a 7/12 pitch roof.

Mr. Ackerman said if you have a 30 foot wide garage, and a 7/12 pitch roof, you find the middle of the space (15 feet in this example) and multiply that by seven which gives you a specific height. If you have the space, it gives you the ability to put a small bedroom or something else in there for additional square footage. As a developer, it's more affordable to build above a garage than to build out, and in this specific case it gives a bigger yard where the yards are already smaller. He is a gamer, if you say no bonus rooms he will sign off on it, but he doesn't see the benefit to either the neighbors or anyone else.

Council Member Zander AMENDED her proposal to amend the development agreement as below:

- **Amending section E.e.7 (Developer Obligation – Architecture): along the north boundary, lots 3 and 4 will only be single story homes or ramblers, built with a maximum roof pitch of 7/12 not prohibiting a bonus room or loft; with that increased square footage, she proposes an increased setback of 14 feet.**
- **Amend section E.g.1 (Developer Obligation – Walls and Fences): the eight foot wall**

will be built prior to construction on Lots 3 and 4, which are east of the canal.

Mayor Ramsey stated that we have an amended motion with a 7/12 pitch on lots 3 and 4, the eight foot wall to be installed before construction east of the canal, and a 14 foot setback on lots 3 and 4.

Council Member McGuire seconded the amended motion.

Council Member Marlor supports the motion, but added that they have gone beyond the mark and, in his opinion, over legislated this. He thinks Mr. Ackerman has been as creative as anyone he can imagine, and it seems like they have really stretched to get to this point.

Council Member Harris said he supports this motion. This has been over legislated, but they do have the approval of Mr. Ackerman on the final motion and they know he wants to move forward while giving as much room as possible to give concessions to the neighbors.

Council Member Shelton applauded Mr. Ackerman, his creativity and tenacity to stay with us through all of this. We are taking a challenging piece of property and Mr. Ackerman is turning it into what appears to be a nice project. Council Member Shelton also appreciates the neighbors coming out and engaging with the council, while helping them understand their desires.

Mayor Ramsey repeated the motion noted above, a 7/12 pitch on lots 3 and 4, with no stipulation regarding a bonus room or loft; fourteen foot setbacks on lots 3 and 4; they can begin construction on the culvert and everything on the west side of the canal, but must put an eight foot wall in before beginning construction on lots 3 and 4.

Council Member Shelton clarified that the eight foot wall is not just for the two lots mentioned, it is to run the entire property east of the canal.

Attorney Loose noted that everyone appears to be in agreement, and that his department will make sure the amended development agreement reflects what has been discussed.

Mayor Ramsey added that if approved, this motion will authorize the development agreement to be amended as instructed, and allow the City Manager and City Attorney to review the final draft before it is signed.

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

Mayor Ramsey said that we see a lot of presentations from residents coming in to share concerns, thoughts and ideas about what can happen and why; this presentation by the neighboring residents is one of the most impressive she has seen in her four years here. It was very well done and respectful, and she appreciated that. She also thanked Mr. Ackerman. He has been incredibly patient and tried to be amenable to all the things, more things than have probably been required of some other projects. She agrees that this does feel somewhat over legislated regarding the two lots in question, because that is only one piece of many that they have asked him to review and change. He has worked really hard to make those changes happen and the outcome of this process is what she loves; it’s not easy and they were able to have the respectful dialogue she always asks for.

Council Member Zander motioned to take a short recess to reset the Zoom feed. Council Member Marlor seconded the motion; vote was unanimous in favor.

Council Member Harris motioned to reconvene the Council Meeting. Council Member Marlor seconded the motion; vote was unanimous in favor.

L. Public Hearing Items

L.1. <u>Ordinance 2022-01</u>, Vacating a portion of the Ultradent Drive or 10200 South street Right-of-Way located east of Jordan Gateway. Applicants Matthew Williams and PGAWArchitects. *(By Director of Planning, Steven Schaefermeyer)* **RCV**

City Planner Greg Schindler reviewed prepared presentation (Attachment D).

Mayor Ramsey opened the hearing for public comment.

Mark Halliday (Resident) is here representing Marjean Meltsen, the trustee of the Harrison Family Trust. Back in December of 2018 they did an agreement with the city to have Ultradent Drive dedicated in its entirety. They understand the importance of vacating this, being that it's a dead end going nowhere. They have no problem with that, as long as the city continues the dedication to a public road down to their property on the east in the future. They have not seen that recorded yet on County Assessor's site maps, none of this shows as recorded. He spoke with City Manager Whatcott back in late 2020 to find out why that hadn't been done yet, he would like to see that be done and kept a public dedicated road. They understand the removal of that, they don't have any use for it and he doesn't think the city does either; he obviously isn't planning to go over the freeway and this benefits Mr. Fisher with his development. They do have a ditch that runs parallel to the train tracks, it goes over to the TRAX Station and is their irrigation ditch. That ditch also parallels the portion of Ultradent Drive that is being vacated. They are asking that the easement of that ditch stay there, and that they always maintain and have access to that through the Ultradent property to do the servicing of that ditch and continue the irrigation water flow that goes down to the Jordan River. He welcomes the development, it's one of the best uses they could have for that area as there is nothing else really to do with it unless at some time in the future they come through and decide to put an overpass through there, across the river with another Shields Lane going to the west; he doesn't see that happening. He thanked everyone here, he didn't think they'd get here after the last issue, but he thanked the council for how they handled the last issue.

Council Member Marlor wondered if Mr. Halliday is asking for the ditch to remain open.

Mr. Halliday said it is all currently piped. It used to be that the initial ditch was way north of there, however when Ultradent did their first development through there they had to move the ditch a little bit over to the north, then even further to the north with this development. That's what you have to do to be able to move along with progress. They piped all that when they put in the UTA Frontrunner from the train tracks over to the junction heading west, down the north side of Ultradent Drive. He is not sure the exact date the pipe was put in that runs from the east of the train tracks down to the west, but that date could be obtained through the weir master that is in charge of that ditch.

Council Member Marlor asked if there was still water flow, and for how many months out of the year.

Mr. Halliday said it comes out of the East Jordan and he believes it starts in April or May, and it runs through until September. He doesn't think Mr. Fisher is going to do anything but put a parking lot over that, so he doesn't think it will interfere with their seasonal water in the future.

Mayor Ramsey closed the public hearing.
Council Member Marlor wanted to make sure the applicant realizes that there is an easement there, and that if there is ever a problem it may need to be accessed.

Planner Schindler said the vacation of the right of way doesn't do anything with the easement, it is not a city easement so it's not being vacated. If they do interrupt the water flow that becomes a private matter.

Chris Pasker (Applicant) said the easement is currently on the Fisher/Ultradent property, it is not involved with the road at all. They are very well aware that if anything goes on with the irrigation ditch/canal, they will need to be able to access it and make any reparations that need to be made.

Mayor Ramsey reiterated that the ditch is not actually part of this specific portion that we are voting today to vacate.

Council Member Harris asked for the above mentioned issues to be addressed another time by City Manager Whatcott.

Council Member McGuire motioned to approve Ordinance 2022-01, vacating a portion of Ultradent Drive at 10200 South. Motion seconded by Council Member Zander. Roll Call Vote 5-0, unanimous in favor.

L.2. **Ordinance 2022-02**, Vacating a portion of the 10755 South street Right-of-Way located at the west end of said street Right-of-Way. Applicants David Jenkins and Ensign Engineering. *(By Director of Planning, Steven Schaefermeyer)* **RCV**

City Planner Greg Schindler reviewed background information from the Staff Report.

Mayor Ramsey asked to clarify that this is just making what already exists on the ground match the records.

Planner Schindler said yes, this is just amending the records to match what's currently on the ground.

David Jenkins (Applicant) said, for clarification, the cul-de-sac is existing on record but not built in that location. He was able to meet with the Steels as they were sitting next to him after the reception. They were wanting to know what is going on and what the city is doing, why they were taking their property; he had a very good conversation with them and was able to explain to them that this is not affecting their property at all. Once he explained that to them they were happy to

leave and go home.

Mayor Ramsey opened the hearing to public comment. There were no comments, the public hearing was closed.

Council Member Harris motioned to approved Ordinance 2022-02, vacating a portion of the 10755 South Street right of way. Council Member McGuire seconded the motion. Roll Call Vote 5-0, unanimous in favor.

Council Member Shelton asked why we aren't vacating the other side as well.

Mayor Ramsey said this isn't changing property lines, it is just recording what is already in place. What was recorded originally is not what was built.

Director Schaefermeyer said the petition could have included the south half of the recorded cul-de-sac in front of the Steel's property, but they aren't a party to the developer requesting vacation in the first place. He has also spent time with the Steels and he is grateful to Dave Jenkins for spending his time with them. Based on the amount of confusion in those conversations, he thinks it would have been difficult to get them to sign on to anything happening on the south side of the cul-de-sac being vacated.

L.3. **Ordinance 2022-03**, Amending the South Jordan Municipal Code 2.36.010, updating appointment procedures of the City Treasurer. *(By CFO, Sunil Naidu)* **RCV**

CFO Sunil Naidu reviewed background information from the Staff Report.

Mayor Ramsey opened the public hearing for comments. There were no comments and the hearing was closed.

Council Member Marlor motioned to approve Ordinance 2022-03, amending City Code to update appointment procedures of the City Treasurer. Council Member Zander seconded the motion. Roll Call Vote was 5-0, unanimous in favor.

M. Staff Reports and Calendaring Items

City Manager Whatcott said the issue regarding Ultradent Drive was recorded with the County Recorder, but the county doesn't show it on their map yet.

Attorney Loose said he has addressed this with the resident in the past. He looked it up with him, showed him where it was recorded and gave him copies of everything; he suggested Mr. Halliday can try to make the county show it on their map, but the County Assessor puts out the map, and the city has no control over when they update it. We did everything pursuant to the agreement in place.

Council Member Harris motioned to adjourn the City Council meeting. Council Member Zander seconded the motion; vote was unanimous in favor.

ADJOURNMENT

The January 4, 2022 City Council meeting adjourned at 10:26 p.m.

This is a true and correct copy of the January 4, 2022 City Council Meeting Minutes, which were approved on January 18, 2022.

Anna Crookston

South Jordan City Recorder

Creekside Commons

Development Agreement

1500 West 11400 South

PROPERTY OVERVIEW

TOTAL ACREAGE	±3.59 ACRES
CURRENT ZONING	A-5, R-2.5, & R-1.8

CONCEPT DESIGN

SINGLE FAMILY LOTS	6
TOWNHOME UNITS	24
AFFORDABLE UNITS	3 (10%)
TOTAL UNITS	30
TOTAL DENSITY	8.4 UNITS/ACRE

PARKING (TOWNHOMES)

REQUIRED	58 STALLS
GARAGE PARKING	48 STALLS
GUEST PARKING	26 STALLS
TOTAL	74 STALLS

PARKING (SINGLE FAMILY)

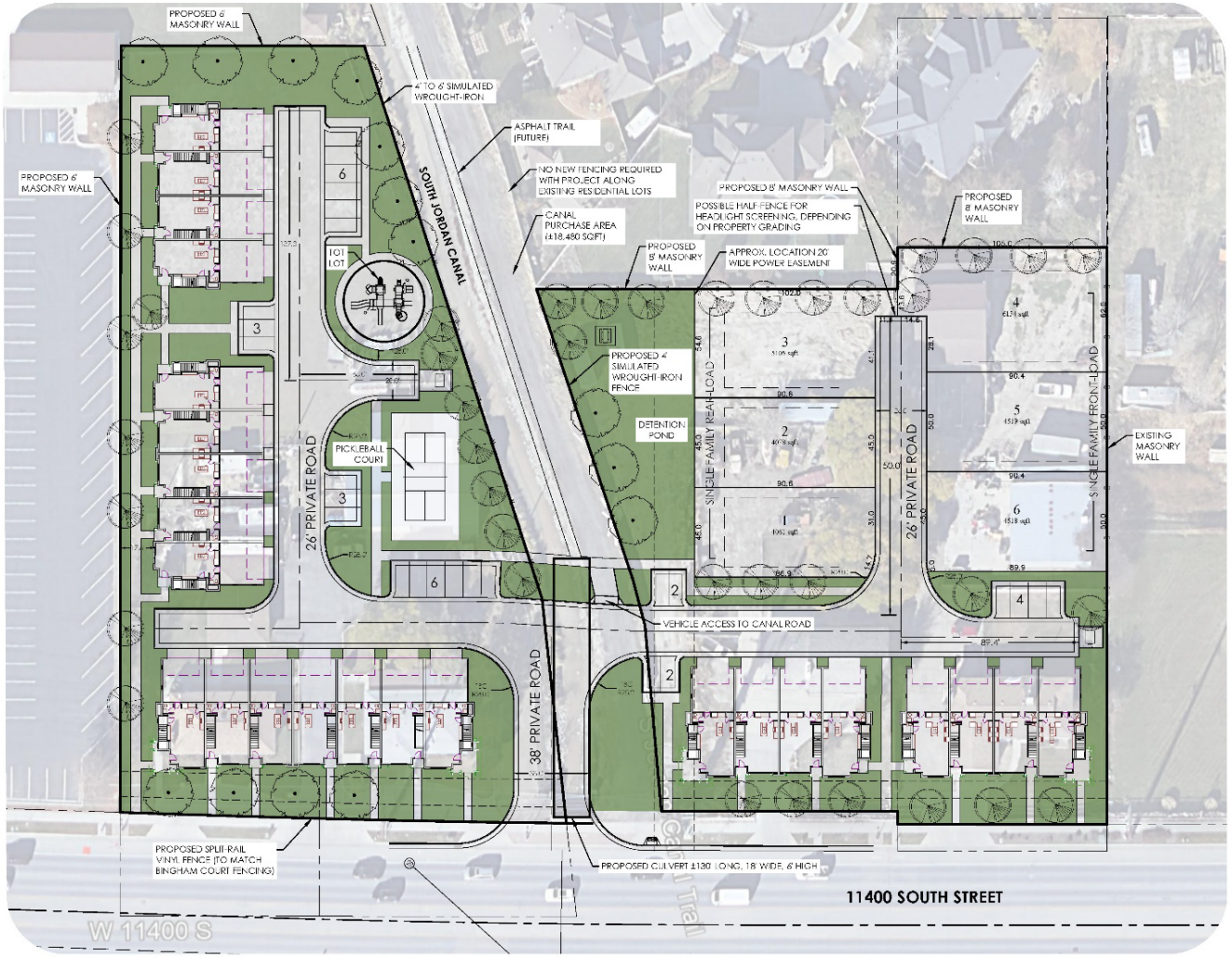
REQUIRED	N/A
GARAGE PARKING	12 STALLS
DRIVEWAY PARKING	12 STALLS
TOTAL PARKING	24 STALLS

OPEN SPACE

PROVIDED	±0.96 ACRES (26%)

PROPOSED ZONING

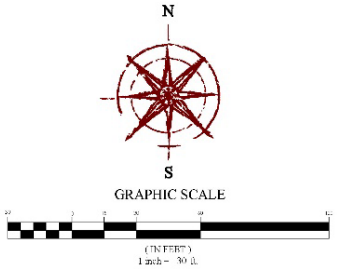
ZONE	RM (PD OVERLAY)

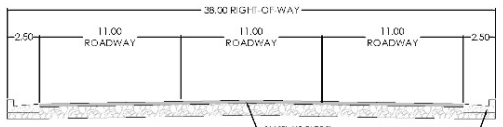


Traffic Note:

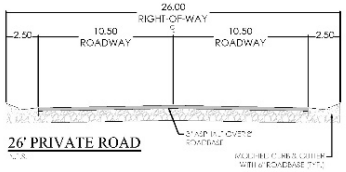
The proposed access to this development is planned to align with the existing roadway to the development along the south side of 11400 South. This intersection is planned to be signalized and as part of this development, the north leg of the intersection will be constructed. Coordination with Utah Department of Transportation will take place so the improvements at this access are designed to meet UDOT requirements. This development is planned for 24 townhome units and 6 single family units, and is anticipated to generate 233 total daily trips on a typical weekday. It is projected 18 trips will occur during the AM peak hour of a typical weekday, and 22 trips will occur during the PM peak hour of a typical weekday. With such minimal traffic being generated by the planned 47 townhome units and the proposed access onto 11400 South aligning with an existing access to the development across the street and the access being signalized, vehicles will experience little delay entering and exiting this development.

NOTE: The president of South Jordan Canal Company, Gary Cannon, has given permission for the residential development (located at approx. 114th South and the South Jordan Canal) to move forward with the city approval process. Maintenance responsibilities associated with the proposed culvert extension will be determined upon city approval.

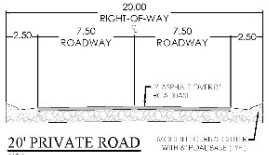




38' PRIVATE ROAD



26' PRIVATE ROAD



20' PRIVATE ROAD

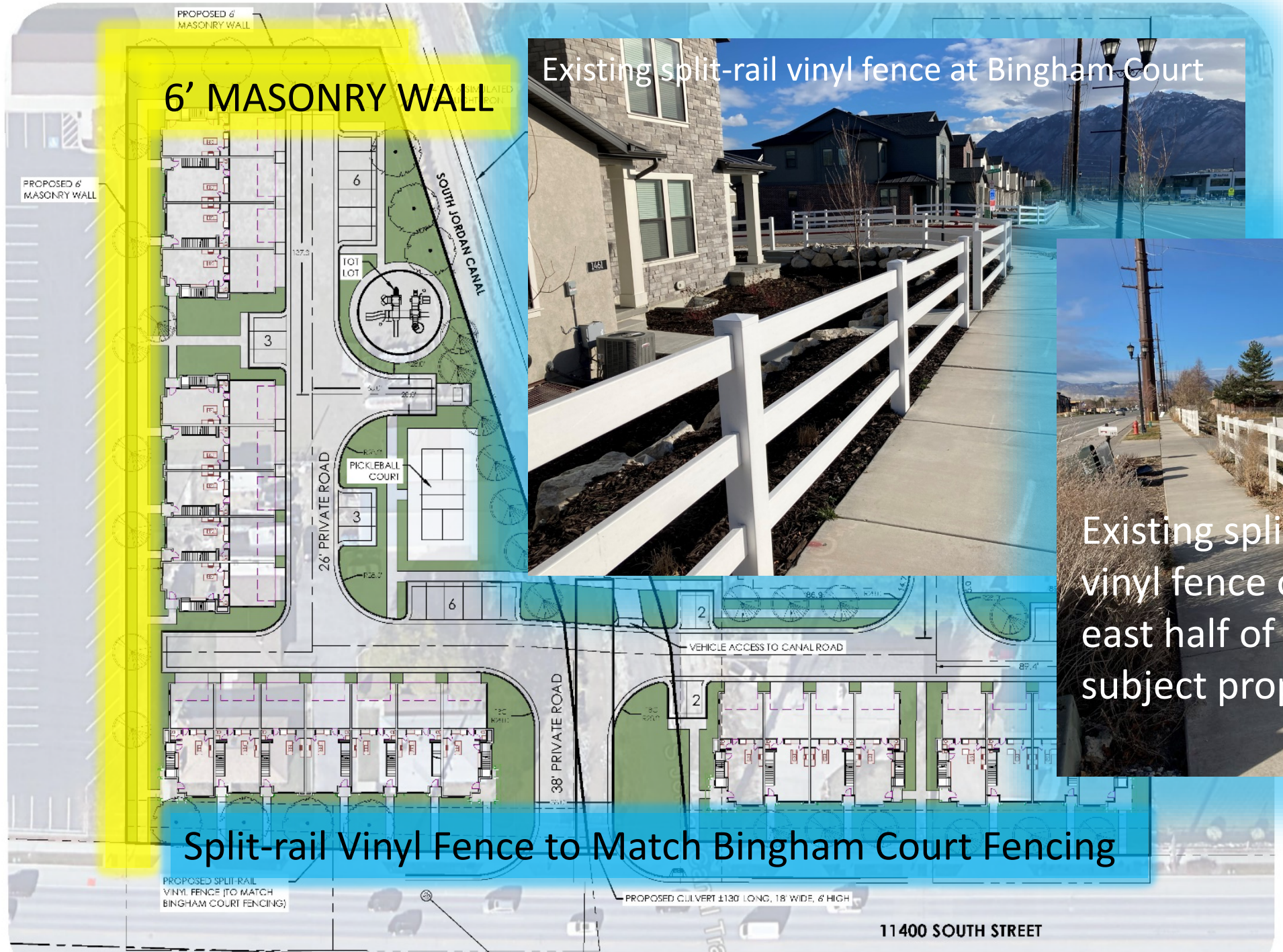
NOTES:

1. *DRIVEABLE ROAD WIDTH INCLUDES MODIFIED CURB AND GUTTER AS SHOWN IN 26' & 20' CROSS SECTION DETAILS.*
2. *ALL ROADS TO MEET CITY ENGINEERING AND CONSTRUCTION STANDARDS.*

CREEKSIDE COMMONS in SOUTH JORDAN conceptual site plan

SOUTH JORDAN CITY, SALT LAKE COUNTY
12/17/2021

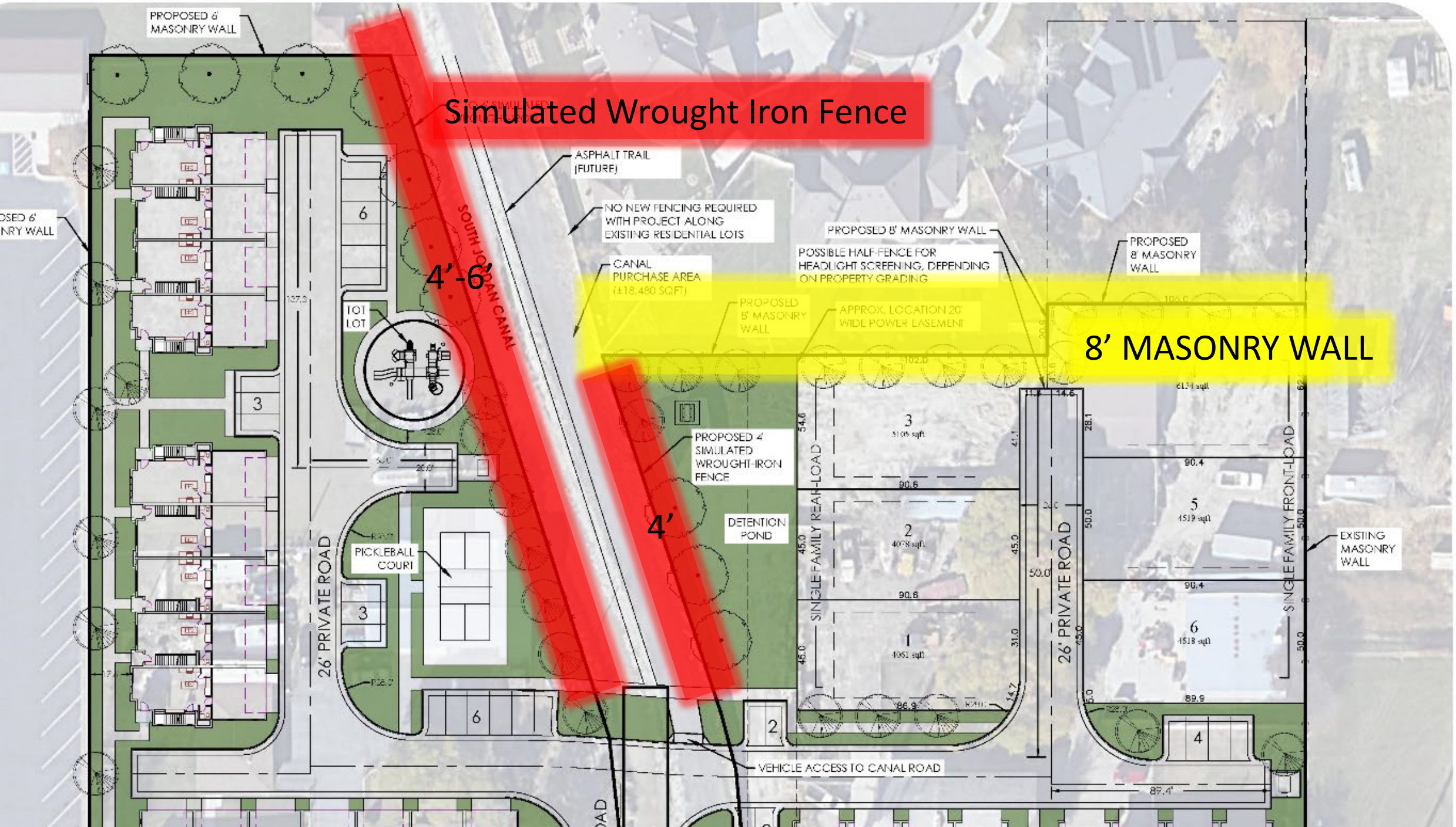
FOCUS ENGINEERING AND SURVEYING, LLC



Split-rail Vinyl Fence to Match Bingham Court Fencing

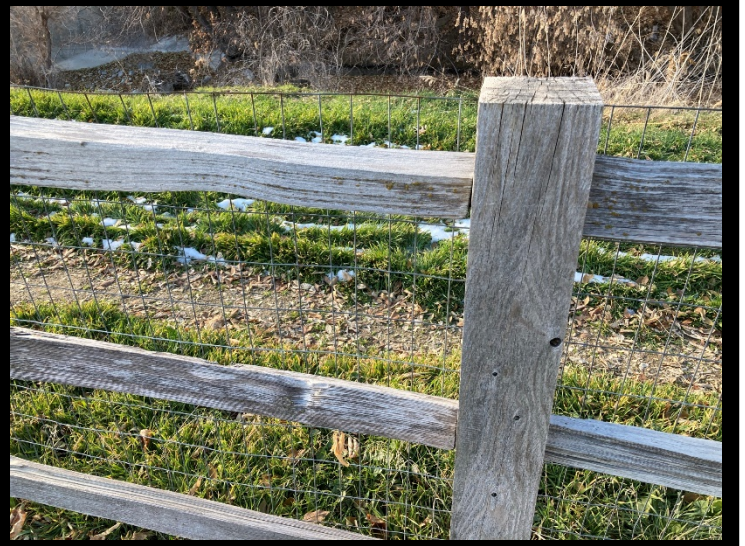
Traffic Note:

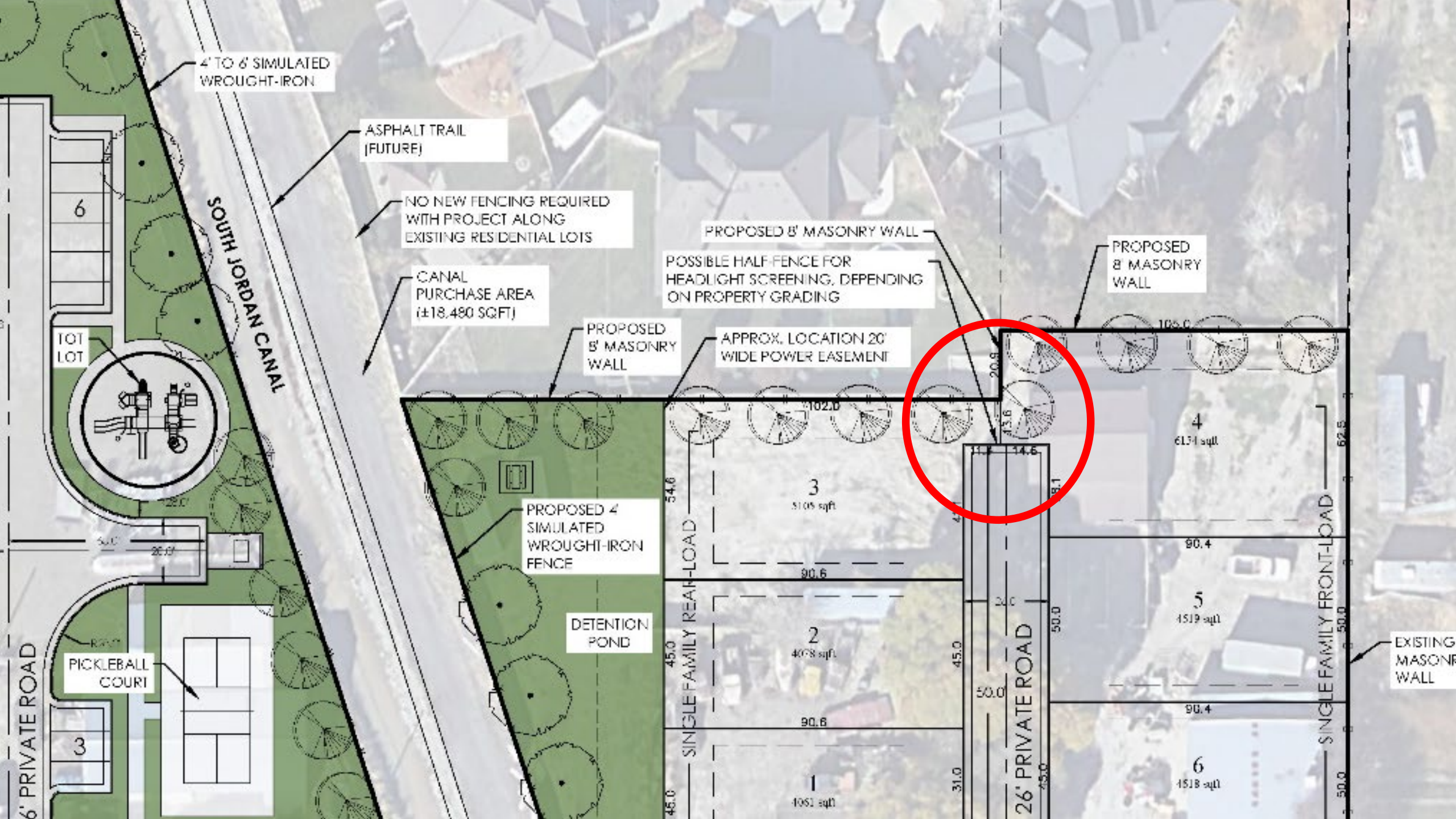
The proposed access to this development is planned to align with the existing roadway to the development along the south side of 11400 South. This intersection is planned to be signalized and as part of this development, the north leg of the intersection will be constructed. Coordination with Utah Department of Transportation will take place so the improvements at this access are designed to meet UDOT requirements. This development is planned for 24 townhome units and 6 single family units, and is anticipated to generate 233 total daily trips on a typical weekday. It is projected 18 trips will occur during the AM peak hour of a typical weekday, and 22 trips will occur during the PM peak hour of a typical weekday. With such minimal traffic being generated by the planned 47 townhome units and the proposed access onto 11400 South aligning


Simulated Wrought Iron Fence
4'-6'
4'
8' MASONRY WALL
PROPOSED 6' MASONRY WALL
ASPHALT TRAIL (FUTURE)
NO NEW FENCING REQUIRED WITH PROJECT ALONG EXISTING RESIDENTIAL LOTS
CANAL PURCHASE AREA (±18,480 SQFT)
PROPOSED 8' MASONRY WALL
POSSIBLE HALF-FENCE FOR HEADLIGHT SCREENING, DEPENDING ON PROPERTY GRADING
PROPOSED 8' MASONRY WALL
PROPOSED 8' MASONRY WALL
APPROX. LOCATION 20' WIDE POWER EASEMENT
SOUTH JORDAN CANAL
TOT LOT
PICKLEBALL COURT
PROPOSED 4' SIMULATED WROUGHT-IRON FENCE
DETENTION POND
26' PRIVATE ROAD
SINGLE FAMILY REAR-LOAD
SINGLE FAMILY FRONT-LOAD
EXISTING MASONRY WALL
VEHICLE ACCESS TO CANAL ROAD

Examples that exist along the South Jordan Canal of the PROPOSED simulated wrought iron fence

Example of wooden split-rail fence that exists along the South Jordan Canal, but is NO LONGER PROPOSED




4' TO 6' SIMULATED WROUGHT-IRON
ASPHALT TRAIL (FUTURE)
NO NEW FENCING REQUIRED WITH PROJECT ALONG EXISTING RESIDENTIAL LOTS
CANAL PURCHASE AREA (±18,480 SQFT)
SOUTH JORDAN CANAL
PROPOSED 8' MASONRY WALL
POSSIBLE HALF-FENCE FOR HEADLIGHT SCREENING, DEPENDING ON PROPERTY GRADING
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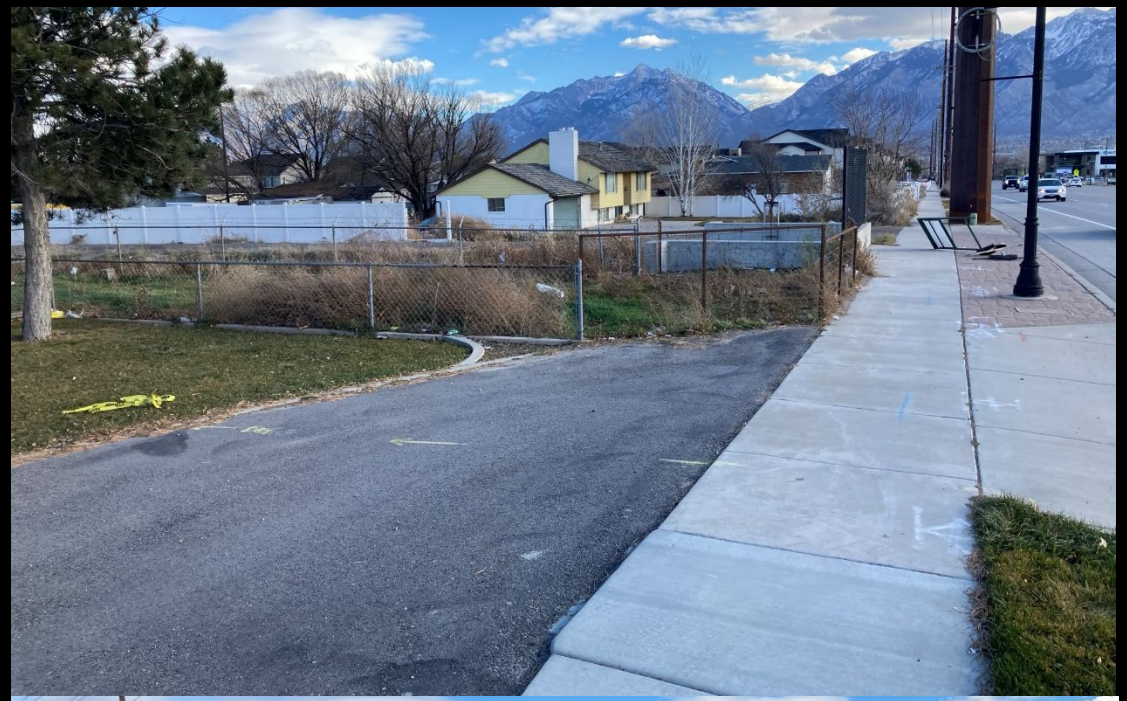
APPROX. LOCATION 20' WIDE POWER EASEMENT
TOT LOT
PROPOSED 4' SIMULATED WROUGHT-IRON FENCE
DETENTION POND
PICKLEBALL COURT
6
3
4
5
6
1
2
3
SINGLE FAMILY REAR-LOAD
SINGLE FAMILY FRONT-LOAD
26' PRIVATE ROAD
6' PRIVATE ROAD
EXISTING MASONRY WALL

Grading challenges along Bingham Court's north and east property lines are more challenging than along its west property line



Resolution R2022-06
Public Comment - Handout.
Attachment B

Handout for Council Members

Pertaining to:

K.3. Resolution R2022-06, Authorizing the City and the Developer to enter into a Development Agreement pertaining to the development of the property generally located at 1500 West 11400 South. Applicants Jake and Amanda Ackerman. (By Director of Planning, Steven Schaefermeyer)

Gaps to address:

1. 8 foot wall installed on North side is on the same grading as the to-be-built houses. The 8 foot wall to be installed before any construction but after grading is completed.

2. Same 16 foot setback that Ivory used between the new homes in Bingham Court and their existing neighbors.

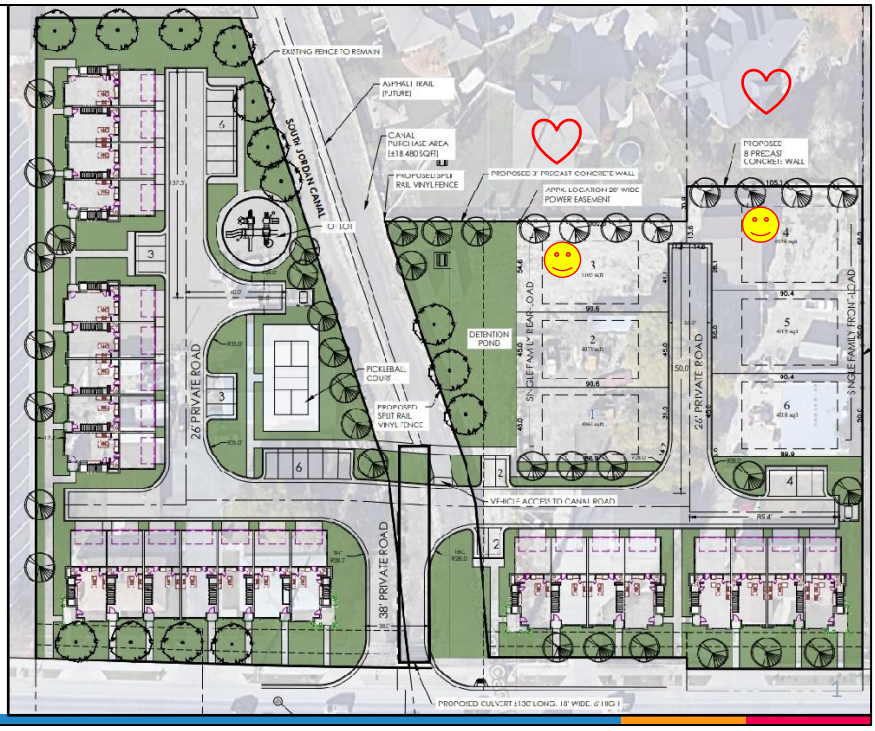
3. Homes being built on lots 3 and 4 have the Low Profile roofline (NO bonus room above the garage which would increase the height of the roofline).

We are requesting:

The wall to be built once the land is graded before anything is built.

16' setbacks like Bingham Court received.

Low profile rambler rooflines with no bonus room.



Good evening Mayor Ramsey and the City Council.

My name is Chris Nelson and I live on Green Grass Court. I will be speaking on behalf of myself and my 2 neighbors the Godfreys and the Winters.

I want you to know how much I appreciate the opportunity we ALL have been given tonight to be heard.

I grew up in Germany and after high school came back to the USA and joined the United States Navy where I was stationed for 4 years at Pearl Harbor. I personally know that not everyone in the world is given the rights we sometimes take for granted to be heard, so thank you for being here.

We appreciate the work the Council has already done reviewing this development. On December 7th there were some gaps that were not covered and we want to take a moment to highlight them now.

I am aware we have a full meeting agenda tonight so I will get right to the 3 points we would like to make.

8 Foot Wall Installed on North Side **Before** Any Construction but after grading is done.

[redacted]

8 foot wall does not appear to be 8 ft as it was installed before the grading was done to build the homes in Bingham Court.

2

We have already confirmed that we are getting an 8 foot wall on the North side of the property and appreciate both Mr Ackerman and the City Council for making this happen.

What hasn't been confirmed however, is ***when*** the 8 foot wall will be built. *We are requesting the North wall to be installed once ALL the grading has been completed, but before any homes have been started.*

The new homes will then be on the same grade as the wall. Also, this will cut down on the noise, dust, air and other pollutants from the traffic, machines, digging & supplies being delivered.

At the December 7th meeting Steven Schaefermeyer brought up the possibility of a bond to allow for the wall to be built once the grading was done, but there was a lot of discussion going on that night and the bond matter wasn't resolved. We would like to reopen that topic for discussion

Play the video and say the below

This video is of Ivory building their wall in the Bingham Court development before the rest of construction began.

Ivory unfortunately didn't grade the land before the wall was built and that translated into an approximate 5-6' height difference of the wall between the existing neighbors homes and the Bingham Court homes which we don't want to happen in the proposed Creekside Commons development.

The **second item** we are requesting is *for the exact same 16 foot setback that Ivory used between the new homes in Bingham Court and their existing neighbors*.

16 feet sounds like a reasonable amount of space when you get out your measuring tape, put it down, and look at it. However, when you are looking at it from both sides of an 8 foot wall, it has a completely different view. The views you are seeing are from the existing neighbors' side of the 8 foot wall and the Bingham Court homes. The Bingham side seems to have a decent amount of space but the existing neighbors appear to have a view of a home almost directly in their backyard. Both views are with a 16 foot setback.

We understand that setbacks and the height of rooflines are linked. Ivory was able to make a low roofline work in Bingham Court.

These are both ramblers. The one on the left has a low profile roofline and the one on the right has a high profile roofline. We are advocating for the low profile roofline on lots 3 and 4 which are directly behind our homes.

5

Our last item is one that both the City Council and Mr. Ackerman have agreed upon and that is to build ramblers on lot 3 behind me and on lot 4 behind my neighbors the Winters. These are the only 2 homes that will have this stipulation throughout the entire complex.

What you see in this picture are two ramblers in the Bingham Court development - let's dive into what makes them different.

Not all ramblers are built the same. As you can see in this video, the rambler on the left has a low-profile roofline. The home on the right, which you might be surprised to know is also a rambler but it has a high-profile roofline. If you notice, the home on the right is almost the same height as the 2 story house next door to it. When Ivory agreed to build ramblers beside the 8-foot wall, no one thought to ask about the height of the roofline.

We are petitioning that the 2 homes being built on lots 3 and 4 have the low profile roofline as indicated in the video on the left side with NO bonus room above the garage which would increase the height of the roofline.

We would like to point out that these three requests,

8' wall, 16' setbacks, Ramblers with low rooflines

affect only 2 homes in the complex and ask these items be amended in the developer agreement.

We are confident that this development will be a great place to live for our new neighbors moving to South Jordan.

Thank you for your time.

Handout for Council Members

Pertaining to:

K.3. Resolution R2022-06, Authorizing the City and the Developer to enter into a Development Agreement pertaining to the development of the property generally located at 1500 West 11400 South. Applicants Jake and Amanda Ackerman. (By Director of Planning, Steven Schaefermeyer)

Gaps to address:

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3. 2 homes being built on lots 3 and 4 have the Low Profile roofline (NO bonus room above the garage which would increase the height of the roofline).

Do not present this slide - this is to be printed out and distributed to the Mayor and Council-members

ULTRADENT DR.- 10200 SOUTH ROW VACATION

Ultradent Dr. – east of Jordan Gateway

Legend

STREETS

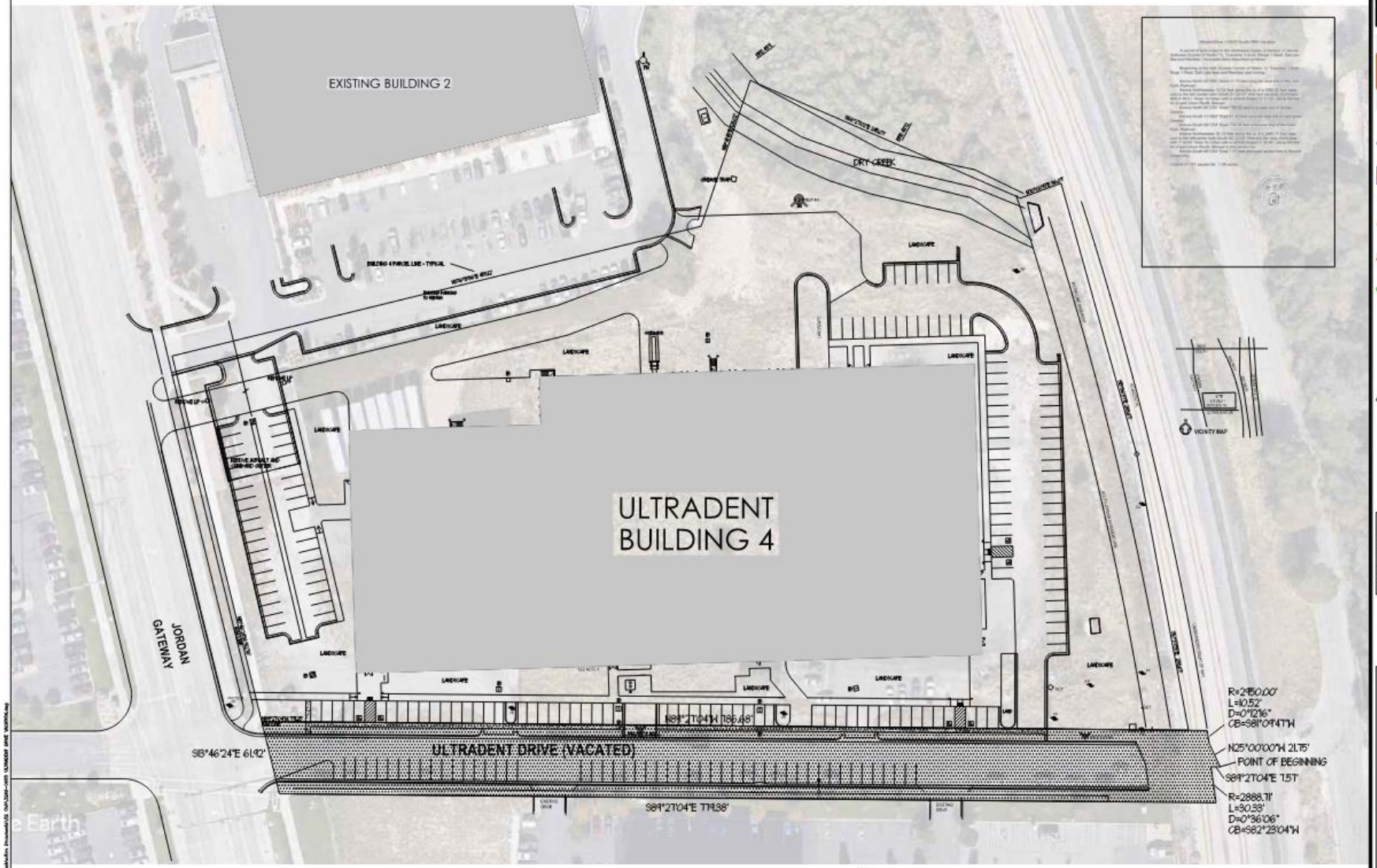
PARCELS

Aerial Map

City of South Jordan

0 50 100 200 300 400 Feet

Aerial Imagery
2021



SITE PLAN

SCALE: 1"=30'-0"

0 30' 60'

N

PGA&W ARCHITECTS

Layton CONSTRUCTING WITH INTEGRITY

ULTRADENT DRIVE VACATION

NEW BUILDING FOR:

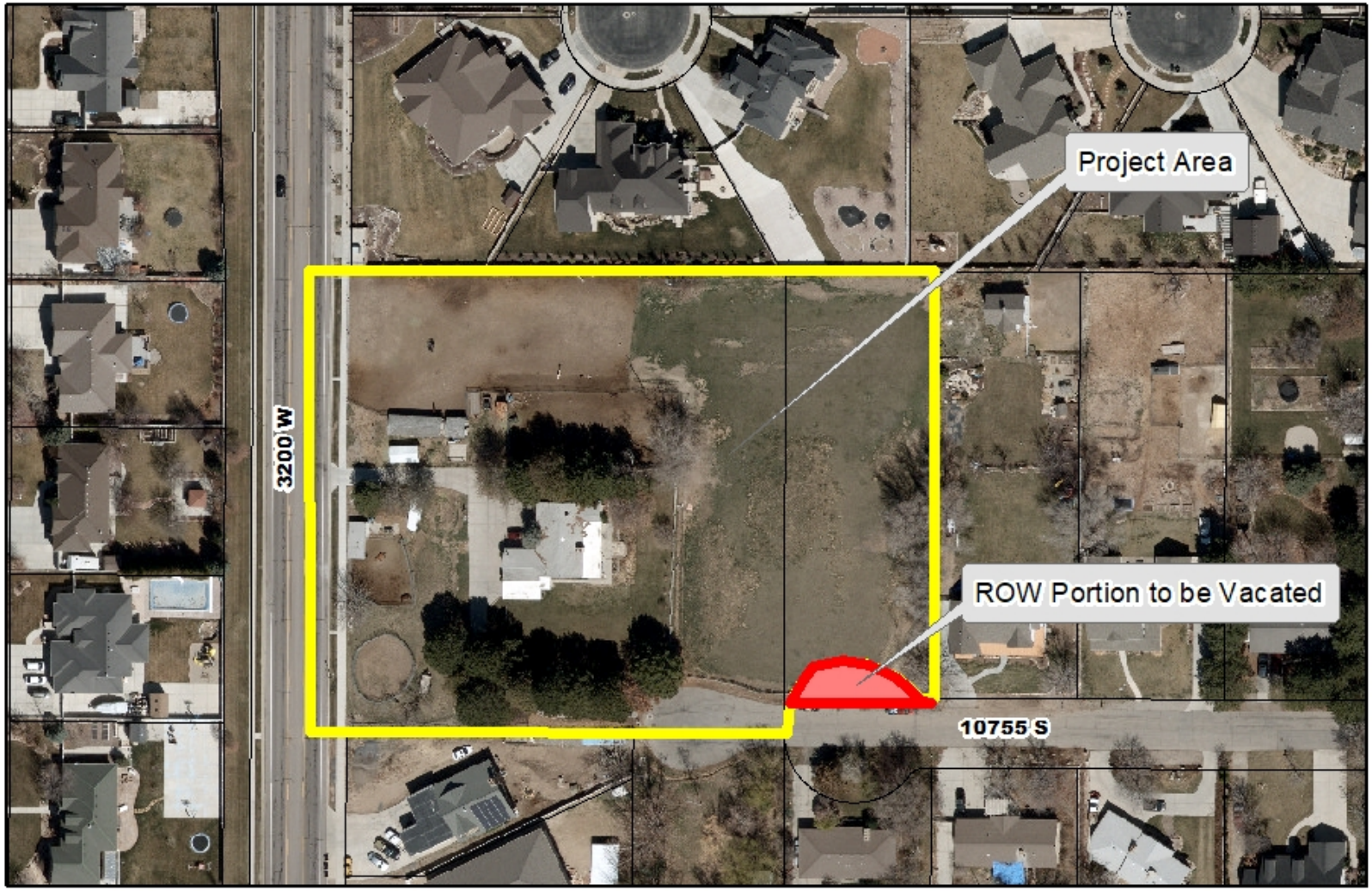
ULTRADENT PRODUCTS INC.

PERMIT SET

C600

10755 SOUTH ROW VACATION

Approximately 3130 West 10755 South



Legend

STREETS

PARCELS

Aerial Map

City of South Jordan

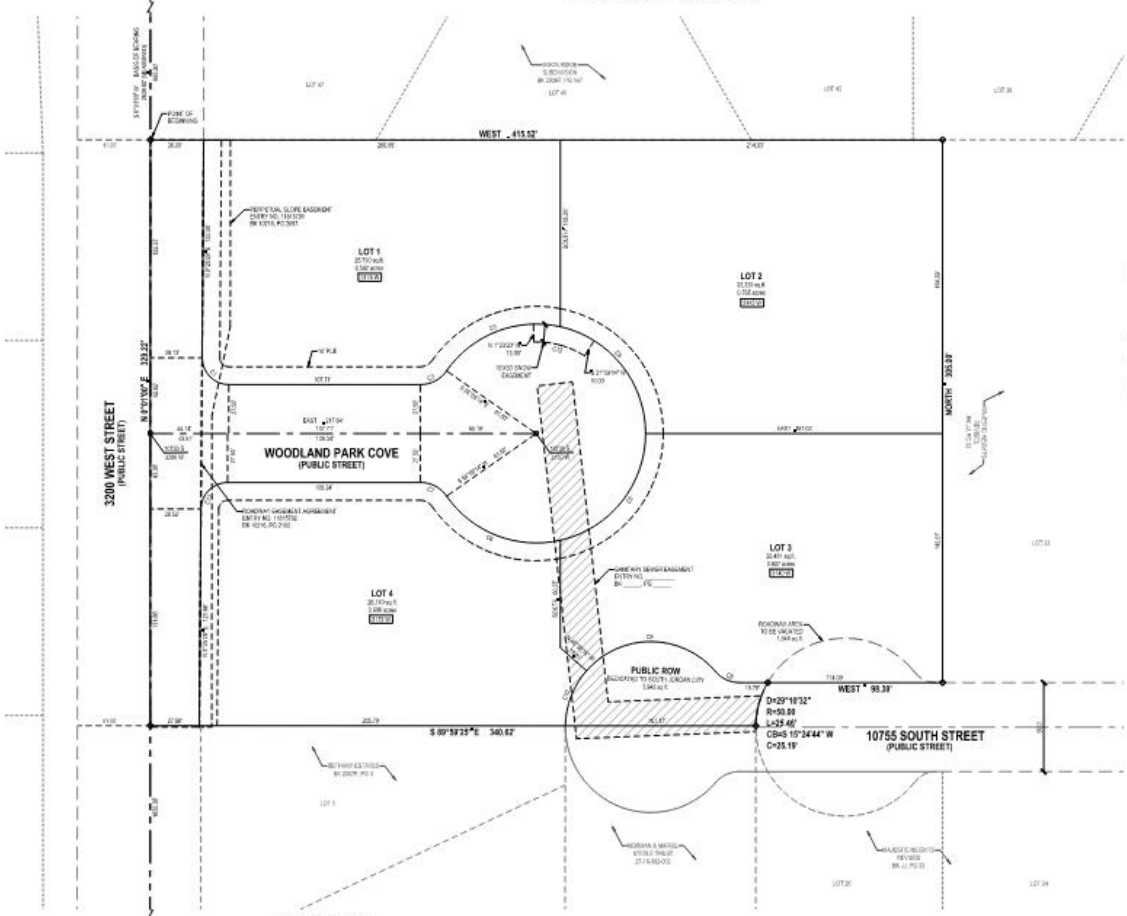
0 30 60 120 180 240 Feet

Aerial Imagery
2021

WOODLAND PARK ESTATES

AMENDING LOT 25 OF MAJESTIC HEIGHTS REVISED

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



LEGEND

- PROPOSED STREET MONUMENT
- SECTION CORNER
- BOUNDARY LINE
- SECTION LINE
- CENTER LINE
- EASEMENT LINE

SURVEYOR'S CERTIFICATE

BOUNDARY DESCRIPTION

CURVE TABLE

CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD
C1	15.00'	23.57'	90°00'00"	S41°14'14"W	21.20'
C2	15.00'	17.31'	66°08'11"	N67°37'27"W	16.36'
C3	61.00'	32.83'	30°50'00"	S60°30'30"W	32.43'
C4	61.00'	62.80'	77°14'00"	N55°07'07"W	58.17'
C5	61.00'	62.80'	77°14'00"	N55°07'07"W	58.17'
C6	61.00'	32.83'	30°50'00"	S60°30'30"W	32.43'
C7	15.00'	17.31'	66°08'11"	N67°37'27"W	16.36'
C8	15.00'	23.55'	90°00'00"	S50°45'46"E	21.20'
C9	49.00'	83.72'	97°53'21"	N89°39'43"W	73.41'
C10	49.00'	33.88'	39°36'08"	S31°36'36"W	33.19'
C11	15.00'	23.55'	90°00'00"	S40°14'46"E	21.20'
C12	51.00'	75.00'	84°14'17"	N55°07'07"W	68.38'

HORIZONTAL GRAPHIC SCALE

DEVELOPER
PAUL SHOEMAKER
801-490-8788

RECORD SURVEY DATA

WOODLAND PARK ESTATES

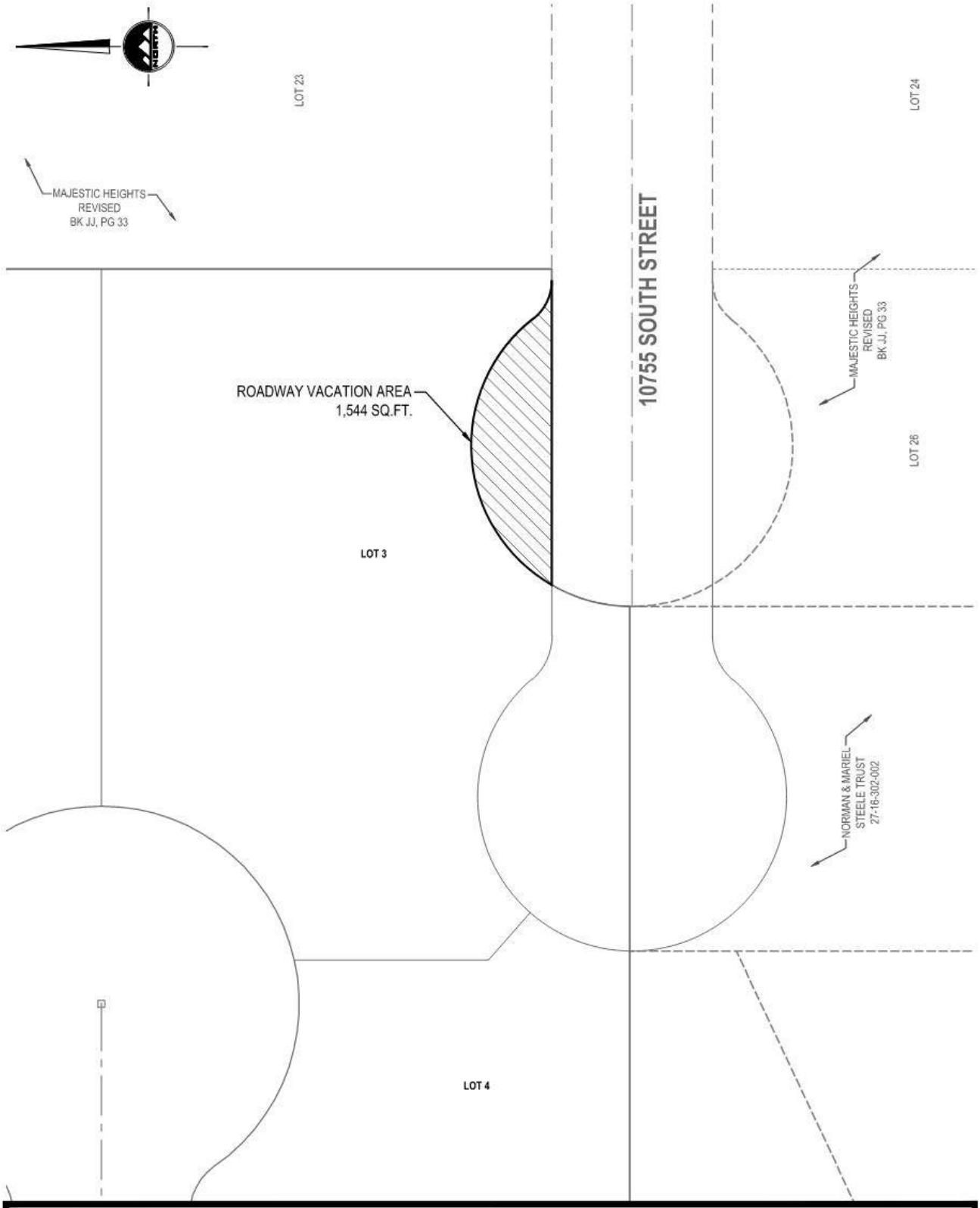
AMENDING LOT 25 OF MAJESTIC HEIGHTS REVISED

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

ENSIGN — SALT LAKE CITY

SHEET 1 OF 1

SOUTH VALLEY SEWER DISTRICT APPROVAL | BOARD OF HEALTH APPROVAL | CITY PLANNER | CITY ENGINEER | OFFICE OF THE CITY ATTORNEY | SOUTH JORDAN CITY MAYOR



PROJECT #	DATE
10632	11/2/21

1 OF 1

FILE:
S:\ROAD VACATION

WOODLAND PARK ESTATES

3200 WEST WOODLAND PARK COVE
SOUTH JORDAN CITY, UTAH
ROAD VACATION EXHIBIT

FOR:
PAUL SHOEMAKER
801-450-8798

45 W. 10000 S. Ste 500
Sandy, UT 84070
Phone: 801.255.0529
Fax: 801.255.4449
www.ensigneng.com

ENSIGN