

**CITY OF SOUTH JORDAN
AMENDED PLANNING COMMISSION MEETING
COUNCIL CHAMBERS
July 14, 2026**

Present: Commissioner Steven Catmull, Commissioner Lori Harding, Chair Nathan Gedge, Commissioner Bryan Farnsworth, Assistant City Attorney Greg Simonson, City Planner Greg Schindler, Assistant City Engineer Jeremy Nielsen, Deputy Recorder Cindy Valdez, Director Brian Preece, IT Director Matt Davis, GIS Matt Jarman.

Absent: Commissioner Michelle Hollist

**6:30 P.M.
REGULAR MEETING**

A. WELCOME AND ROLL CALL – *(Chair Nathan Gedge)*

Chair Gedge welcomed everyone to the Planning Commission Meeting and noted that (4) of the Planning Commissioner's are present at tonight's meeting. Commissioner Hollist is excused from tonight's meeting.

B. MOTION TO APPROVE AGENDA

B.1. Approval of the July 14, 2026 Amended Planning Commission Agenda.

Commissioner Catmull motioned to approve the July 14, 2026 the Amended Planning Commission Agenda. Chair Gedge seconded the motion. Vote was 4-0 unanimous in favor. Commissioner Hollist was absent from the vote.

C. APPROVAL OF THE MINUTES

C.1. Approval of the May 26, 2026 - Planning Commission Meeting Minutes.

Commissioner Farnsworth motioned to approve the May 26, 2026 Planning Commission Meeting Minutes as published. Chair Gedge seconded the motion. Vote was 4-0 unanimous in favor. Commissioner Hollist was absent from the vote.

D. STAFF BUSINESS

E. COMMENTS FROM PLANNING COMMISSION

Commissioner Catmull said I just really have a question for city staff. When I understand from the city code that when we make a recommendation to the city council, there are certain applications or types of applications where there are requirements for how the timeliness of that communication of the planning commission result. What is it for the application and items like a

text amendment? How is that handled from a process perspective of communicating the results of our meeting and our recommendation or lack of a recommendation?

Director Preece said generally, it's in the next staff report to the council when it goes on.

Commissioner Catmull said the reason I was asking that is because one of the items that we recommended last time, it did not see it in the published packet or in the meeting audio seem to communicate. I just want to make sure I understand.

Director Brian Preece said I think what happened, is there is normally a couple weeks before we get from the planning commission to the city council, and that one was back to back, and so we've talked about it, and we won't let that happen again. The staff reports have to be in by Wednesday at noon, and so I think they're going to put that in the staff reports now, so if you recommend differently then we'll fix it.

Chair Gedge said there's a chance that I will not be at the July 28th meeting. I've communicated that to Planner Schindler. I believe Commissioner Farnsworth also may be absent at the July 28th meeting. Commissioner Catmull would you be willing to chair that meeting that evening?

Commissioner Catmull said sure, I can do that.

F. SUMMARY ACTION

G. ACTION

H. ADMINISTRATIVE PUBLIC HEARINGS

H.1. ORDINANCE 2026-16 BMHU TEXT AND USE AMENDMENT

Amending Chapter 17.18.020: Allowed Residential permitted uses to the BH-MU Zone and amending Chapter 17.70:020: Zone Establishment, requiring a Development Agreement.

City Attorney Ryan Loose said I am going to pass out the Devopment Agreement that was not in the packet (see Attachment A)

Commissioner Harding said that is a whole lot of housing.

City Attorney Loose said it is. So it would go from the 1600 units, and will go up to about 1950, so you add about 350 units to the total amount of housing that's already entitled in that area. All of it would be away from existing neighborhoods. We are right up against Bangerter. You're further away from 11800 South in Riverton by the condos, apartments, and other townhomes as far as housing. So you have townhomes in that southwest corner. Then you have condos that look like apartments, the San Tropez, and the Odessa Tower of apartments right there, so it's very consistent with what has already been built in that area.

Chair Gedge said so with this development agreement allowing these additional units, with the theater, were was the change, and what would be the process for approval?

City Attorney Loose said yeah, it will have to go through the administrative process. This is all legislative process, entitlement, zoning, that sort of thing. The administrative process would be followed as normal.

Commissioner Farnsworth said will there be any requirements for the 700 units in that area for any amenities to go in this development agreement?

City Attorney Loose said not in the development agreement with the senior housing. The amenity is the senior center. I mean that's being built right with it. And then if they do other amenities in the senior housing, that's something that we're working on with them. As far as with the 500 anticipated to be townhomes, there hasn't been discussion of any set amenities.

Commissioner Harding said while it describes it as senior, nowhere do I find low income.

City Attorney Loose said it has to because of the RDA money being invested into it. Director Preece is best to speak to that, but we're locked into that by the RDA regulations.

Commissioner Harding said we're locked in to use it, but we're not necessarily locked in here. I don't see it in the agreement.

City Attorney Loose said we can't use that money to buy it unless the senior housing is tied to adjusted medium income, low income, and so we're locked in through the RDA money process.

Director Brian Preece said there will be a separate agreement with that developer.

City Attorney Loose said yeah, our partner Ivory Innovations once we acquire the property, we'll sell them the property for the senior housing, and we'll put all that in there.

Director Preece said and that will be an agreement with the redevelopment agency, not the city.

City Attorney Loose said but that doesn't necessarily come here. It's not part of entitlement zoning. That's why I'm not going into that agreement.

Commissioner Catmull said so just to make sure I understand. You're buying it, and you're buying with RDA funds that are restricted. I don't know if they're deed restricted, but they're definitely restricted on that. That's not in any of these development agreements. You're selling it to Ivory Innovations. What restricts Ivory Innovations to maintain that restriction?

City Attorney Loose said our sale agreement with them will.

Director Preece said and there's also federal funds that they're doing that have bigger sticks than we have.

City Attorney Loose said frankly, notice the innovations on the back of Ivory, they're the nonprofit arm. This is what they do. They they do lower income housing. This isn't like section eight, it's a nonprofit creating low income housing that's tied to adjusted medium income. The reason we're not putting it in here as part of a development agreement is that the developer Boyer has nothing to do with that side. They can't agree to that or anything. So we'll lock that down since the city is the one who is entitled to 200 senior units. The city will be selling, Boyer doesn't get those 200 units, they get their 500 units.

Chair Gedge said who is the applicant of this, is it the city, or is it Boyer?

City Attorney Loose said we are joint applicants. The senior center has been announced and talked about, and Ivory Innovation was there. It's very public, and so just wanted to let you know who that future partner was. They've been great, patient, hardworking with us, and Boyer's been a great partner too. They are the landowners of all this land. We are negotiating an agreement to either lease or purchase the five acres, and the five acres will then be both the senior housing and the senior center.

Commissioner Catmull said and we're not changing any max height when we talk about this many units, so whatever was on the books.

City Attorney Loose said correct. The other thing we're not changing really is any of the uses. All these uses are there. We're changing a little bit of the quantities, like I said, up from 1600 to just under 2000.

Commissioner Harding said so, do you have a total then of what's existing and what will be as far as housing?.

City Attorney Loose said it's all in in what we've got broken down there, so, there is 1,365 houses built.

City Attorney Loose said so, right now there is 1,365 houses built. There were 1600 entitled, so if you take the 1600 entitled and just say we're going to let them build the rest of those 1600, now what are we entitling on top of those? We're entitling 200 senior units, so that takes us to 800 and then we're entitling 265 units to the developer in addition, so an extra 465 units on top of the 1600 that takes you to 1865, if the math off top my head works.

Commissioner Harding said so what I do professionally, that area struggles economically. With the price of rent, you would hope that the landlords would make sure that they qualify, but they don't, and so then what happens is they go to a religious leader or someone, not necessarily family, to try to keep them housed. I'm very concerned with throwing more housing in that area.

I just think having so much high density housing is a huge risk, especially when we're saying low income housing, but it's not section eight or 202.

City Attorney Loose said 100 of the units only would be reserved for that.

Commissioner Harding said it is still concerning for me.

Commissioner Catmull said another question I have, and especially around this development agreement, is because we saw an application site plan or something come in last year or so, entitling them to do something, but it took them 10 years to do it. Is there any plans to put a time restriction?

City Attorney Loose said we hadn't discussed one. Sometimes we do, and sometimes we don't. Generally, if we do, it would be something around 20 to 30 years.

Commissioner Catmull said I would love to see shorter for smaller projects, bigger for bigger projects.

City Attorney Loose said maybe the developer can speak to their timing just on the theater. It may take them a large part of that time because they have a lease agreements and other stuff with that theater that's already under obligation, but you can talk to them about that.

Scott Bergeron, Boyer Company (applicant) said I appreciate what Mr. Loose said. We developed the district back in 2006. We've owned it ever since, and we were approached by the city about three years ago with the idea of the senior housing and senior center. It's been a very complicated process. We need to have approvals from our tenants in order to go about that. And by that, those were the larger tenants like Target, J.C. Penney, Harmon's and the theater. And so the reason for the length of that has not been an obstruction on the part of the city or with us, but we are still negotiating and trying to get those things worked out. It makes sense to us long term to have this ability to happen. It has been a little bit of a sales job with some of our tenants for them to understand exactly what may happen going forward. They are all in favor of the senior center and the housing that would become part of that. We don't have any imminent plans to do anything in the balance of that theater district. We do have, as Mr. Loose mentioned, a long-term lease with the Megaplex Theaters. We would like to preserve our right to do something in the event that the theater, as an ongoing operation might no longer cease to exist. As you probably all know, the theater business has changed immensely. We love the size of that theater, but the way the theaters are being built right now, you could fit three in the size of that Miller Megaplex. We're happy that it's the Miller Company because they maintain it and have done a great job there, even through the challenges that we've had. But we'd like to preserve the right. We have seen long term that what is happening in a lot of these similar shopping centers around the country is that part of these, part of the shopping centers, similar to the district, are being turned into more of a multi-use project where they have a lot of housing. That's something a lot of our retailers are starting to ask for, more rooftops. They like them confined in certain areas where they're self-parked. They're not impacting access, traffic flows, or things like that. So that's a

trend we're seeing around the country. We'd like to have that right in the event that something does happen with the megaplex. This is a commercial project. Our hope is it remains even in that area with a theater for a long time, but we'd like to preserve the right going forward in the event that we have to make a change. That change may not happen, Commissioner Catmull, as you mentioned for 10, 15, 20 years. I hope I'm not doing this anymore, and so somebody else is. But we just don't know yet, and we'll see what happens. Did that answer the questions? I know it's kind of a broad overview.

Chair Gedge said are we fine to do one public hearing for all three items, or do I need to do this three different times? I just want to make sure we're following the process.

Assistant City Attorney Simonsen said you're fine on the hearing. You'll need to do, of course, three separate votes.

Chair Gedge opened the Public Hearing to comments. There were none. He closed the Public Hearing.

Commissioner Catmull said I appreciate the presentation that was given today. I do wish it was in our packet so that we could have time to study that a little bit more, but in listening to the presentation and reading the materials provided tonight, I feel generally fine going forward for many reasons, but one of them is that there is a perceived lack of vibrancy in the district, and especially the south district and the theater district. In comparison to other shopping areas around, and this meets a city need with senior housing, and so I generally am okay with it with the reservations of just making sure that we're overall improving that district area that's been a little repressed lately.

Commissioner Farnsworth said I am also appreciative of the presentation. I think it's an area that could use maybe a little bit of a facelift after the number of years it's been open and competition from some new developments. My hope, obviously, is that they can keep the development as commercial in some sort of form. But, if it moves residential at some point, I'm okay with that because residential can add vibrancy to an area, and like what was mentioned, a lot of mixed-use districts want kind of that 24/7 population, and that would help with that. I would hope that if that's the direction they go, whether that's the developer agreeing, or the city council putting in, that we make that area livable for the residents that are there, and so whether that's HOA provided amenities like parks or open space or a dog park or just something to make the area livable. So we're not just packing people in. I think that would be wise.

Commissioner Harding said I have already voiced my opinion. I really feel like it's extremely condensed in its housing already. I'm concerned with parking. Those who drive by in that south area, half of it is filled up with cars already for these 1,300 units. I just am very concerned with adding more and approving more. But I also agree that it could benefit from a facelift or some additional things. I just don't think housing is the right answer for that area.

Chair Gedge said I'm glad that we'll be able to see whatever comes back to us. Especially, with the senior shutter that it goes through, to make sure there's proper public hearings and design, any openness and maybe some other large projects that have occurred in the last two years. I am referring to the baseball stadium with parking issues and trying to exit parking, and especially with that, where you're going to have 200 senior units and a senior center of people who don't live in that proximity and the potential additional units. We want to make sure the proper processes are followed on that. And then I do have one technical minor cleanup, just needed on Ordinance 2026.16. The second paragraph, which is the first, whereas, it says buy and through it shalls, so just strike that S just before he gets to city council, before this is formally adopted.

Chair Gedge motioned to forward a positive recommendatiuon to th City Council to adopt Ordinance No. 2026-16 The Bangor Highway Mixed Use Text End Use Amendment, with the one minor modification that I suggested.. Commissioner Farnsworth. seconded the motion. Roll Call Vote was 4-0 unanimous in favor. Commissioner Hollist was absent from the vote

H.2. ORDINANCE 2026-17 REPEALING EXHIBIT A TO ORDINANCE 2010.04
Repealing Exhibit A to Ordinance 2010.04 regarding the BH-MU Zone.

City Attorney Ryan Loose reviewed background information on this item from the second amendment to the development agreement.

Chair Gedge opened the Public Hearing to comments. There were none. He closed the Public Hearing.

Chair Gedge motioned to forward a favorable recommendation to the City Council to approve Ordinance No. 2026-17 repealing the Exhibit A to Ordinance 2010.04. Commissioner Harding seconded the motion. Roll Call Vote was 4-0 unanimos in favor. Commissioner Hollist was absent from the vote.

H.3. SECOND AMENDMENT TO THE DEVELOPMENT AGREEMENT FOR THE KUNKLER TRUST PROPERTY

Authorizing the Mayor to sign the second amendment to the Development Agreement for the development of the Kunkler Trust property by the Boyer Company, LC.

City Attorney Ryan Loose reviewed background information on this item from the second amendmemt the development agreement.

Chair Gedge opened the Public Hearing to comment. There were none. He closed the Public Hearing.

Chair Gedge motioned to forward a positive recommendation to adopt the second amendment to the development agreement for the Kunkler Trust property as presented to us this evening. Commissioner Catmull seconded the motion. Roll Call Vote was 3-1 vote with Commissioner Harding voting No. Commissioner Hollist was absent from the vote.

I. ADMINISTRATIVE PUBLIC HEARINGS

I.1. RIDGEVIEW RETAIL CENTER PAD F

Address: 1517 W 11400 S

File No: PLSPR202600061

Applicant: Reed Stallings

Planner Aguilera reviewed background information on this item from the staff report.

Chair Gedge said on the property to the east across the canal is a school, are there any concerns that might have been expressed with traffic flow or crosswalks? I bring this up because we heard this entire lot originally. Were there concerns with pedestrian traffic maybe accessing this, or are any types of striping, pedestrian crosswalks, or signage that might need to go in for this drive-through? I'm afraid because this is sixth grade and below. It's the elementary school only for this charter school. So, are any concerns with pedestrian access?

Assistant City Engineer Nielsen said no. Engineering didn't have any concerns. That traffic signal was recently installed at Andover Road, which I think will help with that vehicle-pedestrian conflict. And then also about a year ago we did a study on Andover Road and added a lot of no parking areas just to try and improve visibility and reduce the pedestrians where were crossing the road, kind of to improve that school pickup.

Chair Gedge said where this is on 11400th south and a little bit further west, we had a building with the drive-through that we approved that would stack onto the adjoining changing roads because they were so popular at the grand opening. If a business might need a circulation plan. How is that process? I'm assuming public safety would get involved, and if complaints came in, then any citizen who is parked on a public thoroughfare like 11400th South, they would be ticketed if there wasn't a proper transportation flow in place. I'm hoping this business isn't that popular, whatever that might be. But I just want to make sure that's the process, and there's mechanisms in place to make sure that's enforced.

Planner Schindler said the other three buildings on there also all have drive-throughs, and we've never had any problem with backups for their uses and so forth? I don't know what this use is going to be, but if it's super popular, that parking lot is huge, and they can back down the parking lot through the parking lot aisles before they even come close to going out onto 11400th South, so I don't think there'll be any.

Alan Stallings, (Applicant) said this is a family development that we've used to have a farm on, and we have some emotional ties to it. We don't ever plan on on selling it. It's it's kind of there forever for us. This is just you know the culmination. This is just the last building that we're

going to build. And just to answer the question on the on the the drive-through, it doesn't go out into 11400th at all. There's no risk of any kind of an overflow going to 11400th, so that shouldn't be an issue at all.

Chair Gedge opened the Public Hearing to comments. There were none. He closed the Public Hearing.

Commissioner Catmull said a lot of these things we went through when this came up about five years ago. I'm glad to see that it doesn't appear with the school and with everyone being noticed, we're not getting any of that feedback, so that gives me the confidence to know that it's going to fit and it's seemingly working. That's great.

Commissioner Harding motioned to approve File No. PLSPR202600061, the Ridgeview Retail Center Pad F Site Plan: Commissioner Gedge seconded the motion. Roll Call Vote was 4-0 unanimous in favor. Commissioner Hollist was absent from the vote.

- I.2. **HORSESHOE ACCESSORY BUILDING- CONDITIONAL USE PERMIT**
Address: 523 W Horseshoe Cir
File No: PLCUP202600070
Applicant: Kirk Young

Planner Drozdek reviewed background information on this item from the staff report.

Chair Gedge said I saw in the staff report that the reason that this has come to us is because the size of the building exceeds the home, but the home is older, so there's smaller footprint, but also because of the height of the building as well. I just wanted that on the record in case somebody didn't read the report and just listened to the recording. Who might be considering something similar in the future.

Kirk Young, (Applicant) said Damir did a great job with the review. I just appreciate you guys taking a look at this, and hopefully, I can answer any questions you guys might have for me..

Chair Gedge said I just see from the staff report that you're going to store things. I don't want to go into too much detail, so people listening know what you are storing. But it's for some personal property and vehicles and things of that nature. Correct?

Mr. Young said yes, that is correct.

Chair Gedge opened the Public Hearing to comments.

Jim Nicholson, South Jordan – said I just live two doors west of the proposed building. Our main concern is that it is for personal use and not commercial use, as there is a situation in our neighborhood that is in pending litigation right now, that is concerning the same thing. Also, on the postcard we received, it said there is a wall, and the height we already know 21 feet. I believe that's what it said, I just needed definite clarification of the use of the building.

Chair Gedge closed the Public Hearing.

Chair Gedge said what would be the process mechanism if it is not being used for personal use, and a commercial and business use were to be used? I believe some sort of licensure would have to be procured through the city's formalized process. And there's a mechanism if there are complaints, if there is a commercial business, is that correct?

Planner Schindler said a commercial business would not be allowed under any circumstances. If you have a home occupation business, it has to take place in the home, not in a separate building, and any other commercial use would not be allowed either.

Chair Gedge said mr. Middleton, gave comment that is pending litigation. However, if there was a violation of that, that would not be a civil matter. That would be a city criminal matter, would it not?

Chair Gedge said Mr. Nicholson gave comment that there is a pending litigation. However, if there was a violation of that, that would not be a civil matter, that would be a city criminal matter, would it not?

Planner Scindler said that is correct. Code enforcement would address the issue. I don't know how much time they give them to stop but, that's why this other one is probably in litigation because they have violated our code.

Chair Gedge said on the wall height can we confirm if there is a 20ft wall?

Commissioner Harding said it is at the side of the building. It is 15ft on one end and 20ft on the other.

Planner Drozdek said yes, that is correct

Commissioner Harding motioned to approve File No. PLCUP202600070, Horseshoe Accessory Building . based on the findings in the staff report. Chair Gedge seconded the motion. Roll Call Vote was 4-0 unanimous in favor. Commissioner Hollist is absent from the vote

I.3. **CJ Estates Preliminary Subdivision**
 Address: 10593 South 3200 West
 File No: PLPP202600113
 Applicant: Megan Rueckert

Planner Drozdek reviewed background information on this item from the staff report.

Mitchell Ruekert, (Applicant) said thanks everybody, to the team, and Demir it has been awesome.. But really, we're hoping just to buy the land and build on it in a year or two. If that hasn't been disclosed, there it is. We're excited to build our final home, that we will be our

forever home. My wife and I both grew up here in South Jordan. We met in South Jordan and we want to stay in South Jordan, so that's all I have.

Chair Gedge opened the Public Hearing to comments.

Chair Gedge said Mr. Ruekert, if you'd like to come forward and actually say that your child was here in attendance when this motion was heard by the commission, I'll give you guys that.

Assistant City Attorney Simonson said I was going to suggest that we get a get the little one's name for the record as well. That would be pretty important for posterity.

Meagan Rueckert (Applicant) said his is Navy Rueckert, and we have three other kids: Kinsley, Brielle, and Tayson Rueckert.

Chair Gedge closed the Public Hearing.

Chair Gedge said Mr. Rueckert said they would be building in the next one to two years, and I know we're hearing this item again because it expired after a year. What's just the process if they need to make an extension after one year from today? Can you just remind us if they can apply for a one-year extension.

Planner Schindler said they can apply for the one-year extension. They don't have to build the house for two years. But if the preliminary plat isn't recorded within one year, then it would expire. That's what happened with this originally. But they can apply if they don't want to record it right away, they can apply for a one-year time extension.

Chair Gedge said I'm I'm going to move that we allow the apple to come back and addressed the question that I asked. Is the commission fine with that?

All the Planning Commissioner;s agreed.

Mr Rueckert said So we'll we'll do the subdivision and purchase the land, and we'll have the land sit there as we pay off the land to build the house. So everything will be completed as far as subdivision goes in September or August.

Chair Gedge said thank you for adding that.

Commissioner Harding motioned to approve File No. PLPP202600113, CJ Estates Preliminary Subdivision Plat. Chair Gedge seconded the motion. Roll Call Vote was 5-0 unanimous in favor.

J. OTHER BUSINESS

Chair Gedge said we are half way through the year, has anyone applied for the vacant position on the Commission?

Planner said some people have applied, but the mayor hasn't made any selection. I also wanted to tell you that the next meeting, hopefully, we have a quorum because already there are five items on that agenda.

ADJOURNMENT

The Planning Commission Meeting adjourned at 7:40 p.m.

This is a true and correct copy of the July 14, 2026 Planning Commission minutes, which were approved on July 28, 2026.

WHEN RECORDED, RETURN TO:

SECOND AMENDMENT TO DEVELOPMENT AGREEMENT

This SECOND AMENDMENT TO DEVELOPMENT AGREEMENT ("Second Amendment") is entered into as of the date last signed (the "Effective Date"), by and between the City of South Jordan a Utah municipal corporation ("City") and the Boyer Company, L.C. a Utah Limited Liability Company ("Developer"). The City and the Developer are jointly referred to as the "Parties".

RECITALS

- A. The Parties entered into an agreement entitled, "Development Agreement" ("Agreement") dated February 21, 2006, a copy of which is attached to this Amendment as Exhibit 1, to facilitate the development of property commonly known as the Kunkler property.
- B. Portions of the Kunkler property are commonly known as the South District (the area south of Daybreak Parkway, 11400 South, not including the Theater District), the Theater District (the area adjacent to: Bangerter Highway on the west; residential town homes and condominiums on the South; and the retail on the North and the East—as more particularly depicted on Exhibit 4 attached to this Second Amendment) and the North District (the area North of Daybreak Parkway, 11400 South) (collectively, the "District").
- C. The Parties subsequently entered into an agreement entitled, "First Amendment to Development Agreement" (the "First Amendment") dated May 18, 2010, a copy of which is attached to this Second Amendment as Exhibit 2, to facilitate the further development of the District.
- D. At the same time as entering into the First Amendment, the City adopted Ordinance 2010.04 which adopted an amended BH-MU Master Development Plan (MDP"), attached as Exhibit 3, which contained, among other items, the total number of approved residential units for development in the District (the "Units"), which was 1,600 Units, and

the Land Use Plan (MDP Page 1 of 4) where those Units could be developed in the District.

- E. Of the 1,600 Units entitled by the MDP, 1,365 Units have been constructed with 235 Units remaining to be constructed.
- F. Not all the 1,365 Units were constructed as detailed in the MDP, specifically 44 Units more than were allowed by the MDP were constructed in the Multi-Family area of the North District and 196 Units are still entitled but cannot be constructed due to lack of land in the areas designated "Single Family / Place of Worship" and "Mixed Use – Office, Retail, Multi-Family".
- G. The Parties have requested from each other certain amendments to the Agreement and the First Amendment with respect to the District and the entitlement of the number of Units.
- H. The Developer has requested an additional 265 Units which would allow a total of 500 Units to be developed by the Developer in the Theater District.
- I. The City has requested to purchase and the Developer has agreed to sell approximately 5 acres in the Theater District, for the City to construct a Senior Center and up to 200 senior apartment units.
- J. The South Jordan City Council has reviewed the proposed amendments and concluded that the amendments will result in planning and economic benefits to the City and its residents and will provide certainty useful to the Developer and the City in ongoing development of the District.

Now, Therefore, the Agreement and First Amendment are hereby amended as follows:

- 1. Section V. "City's Obligations" of the Development Agreement and Section 3 of the First Amendment are amended by adding the following provisions:
 - C. City accepts the Master Development plan as amended by Section 2 of Ordinance 2010.04 as the District Master Development Plan (the "District MDP").
 - D. City accepts the current existing number and location of units in the District comprising 1,365 as constructed.
 - E. City grants a total of 2,065 units to the District as follows:
 - 1. City recognizes that the Developer has 235 remaining units (the "Remaining Units"), 196 from the North District and 39 from the South

and Theater District, and City grants to the Developer, or a designee, the Remaining Units in the Theater District.

2. City grants to the Developer, or a designee, an additional 265 units in the Theater District (the “Additional Units”).

3. City grants an additional 200 multi-family senior housing units to the City, or a designee, in the Theater District.

2. Section VI. “Developer’s Obligations” of the Development Agreement and Section 4 of the First Amendment are amended by adding the following provisions:

E. Developer accepts the Master Development plan as amended by Section 2 of Ordinance 2010.04, except that the unit densities shall be as set forth in this Second Amendment to Master Development Agreement between Developer and City as the District Master Development Plan (the “District MDP”).

F. Developer accepts the current existing number and location of units in the District comprising 1,365 as constructed.

G. Developer agrees that the 500 Remaining Units and Additional Units shall be located only in the Theater District.

I. Developer agrees to construct all Remaining Units in accordance with the Development Agreement, the First Amendment, this Second Amendment, and applicable City Codes and Ordinances.

3. To the extent that this Second Amendment conflicts with the Development Agreement, the First Amendment, the MDP or any previous City Code, the terms of this Second Amendment shall control.

4. The rights and obligations of this Second Amendment shall inure to the benefit of and be valid and binding upon the Parties, only upon adoption by the City Council of the City of South Jordan of Resolution R2026-21.

5. The Parties shall cause this Second Amendment to be recorded in the Salt Lake County Recorder’s office against the property comprising the District, as more particularly described in Exhibit 5 attached hereto upon full execution and delivery of this Agreement.

IN WITNESS WHEREOF, the Parties have executed this Second Amendment as of the day and year of the last signature.

ATTEST:

By: _____
City Recorder

By: _____
City Attorney

On _____, 2026 personally appeared before me, a Notary Public, _____, the Mayor of the City of South Jordan personally known or proved to me to be the person whose name is subscribed to the above instrument who acknowledged to me that she executed the above instrument on behalf of and with authority from the City of South Jordan.

Notary Public

By: _____

Title: _____

STATE OF UTAH)
)SS.
COUNTY OF SALT LAKE)

WITNESS my hand and official Seal.

Notary Public

Exhibit 1
(to Second Amendment to Development Agreement between the City of South Jordan, a
Utah Municipal Corporation and the Boyer Company, L.C. for the Development of
property commonly known as the Kunkler Trust Property or “The District”)

(“Development Agreement” Dated February 21, 2006 between The Boyer Company, L.C. and
the City of South Jordan)

Exhibit 2

(to Second Amendment to Development Agreement between the City of South Jordan, a Utah Municipal Corporation and the Boyer Company, L.C. for the Development of property commonly known as the Kunkler Trust Property or “The District”)

(“First Amendment to Development Agreement” Dated May 18, 2010 between The Boyer Company, L.C. and the City of South Jordan)

Exhibit 3
(to Second Amendment to Development Agreement between the City of South Jordan, a
Utah Municipal Corporation and the Boyer Company, L.C. for the Development of
property commonly known as the Kunkler Trust Property or “The District”)

(BHMU or District Master Development Plan)

Exhibit 4
**(to Second Amendment to Development Agreement between the City of South Jordan, a
Utah Municipal Corporation and the Boyer Company, L.C. for the Development of
property commonly known as the Kunkler Trust Property or “The District”)**

(Depiction of the Theater District)

Exhibit 5
(to Second Amendment to Development Agreement between the City of South Jordan, a
Utah Municipal Corporation and the Boyer Company, L.C. for the Development of
property commonly known as the Kunkler Trust Property or “The District”)

(Legal Description of the District)

July 14, 2026

PLANNING COMMISSION MEETING SIGN IN SHEET

PRINT NAME

ADDRESS

SCOTT VERHAAR

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Megan & Mitchell Rupprecht

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