

**CITY OF SOUTH JORDAN  
PLANNING COMMISSION MEETING AGENDA  
CITY COUNCIL CHAMBERS  
TUESDAY, MAY 14, 2024 at 6:30 PM**



Notice is hereby given that the South Jordan City Planning Commission will hold a Planning Commission Meeting on Tuesday, May 14, 2024, in the City Council Chambers, located at 1600 W. Towne Center Drive, South Jordan, Utah with an electronic option via Zoom phone and video conferencing. Persons with disabilities who may need assistance should contact the City Recorder at least 24 hours prior to this meeting.

In addition to in-person attendance, individuals may join via phone or video using Zoom. Please note that attendees joining virtually or by phone may not comment during public comment or a public hearing; to comment, individuals must attend in person.

If the Meeting is disrupted in any way that the City in its sole discretion deems inappropriate, the City reserves the right to immediately remove the individual(s) from the Meeting and, if needed, end virtual access to the Meeting. Reasons for removing an individual or ending virtual access to the Meeting include, but are not limited to, the posting of offensive pictures, remarks, or making offensive statements, disrespectful statements or actions, and any other action deemed inappropriate. The ability to participate virtually is dependent on an individual's internet connection.

To ensure comments are received, please have them submitted in writing to City Planner, Greg Schindler, at [gschindler@sjc.utah.gov](mailto:gschindler@sjc.utah.gov) by 3:00 p.m. on the day of the meeting.

Instructions on how to join the meeting virtually are below.

**Join South Jordan Planning Commission Electronic Meeting May 14, 2024 at 6:30 p.m.**

- Join on any device that has internet capability.
- Zoom link, Meeting ID and Meeting Password will be provided 24 hours prior to meeting start time.
- Zoom instructions are posted <https://www.sjc.utah.gov/254/Planning-Commission>

THE MEETING WILL BEGIN AT 6:30 P.M. AND THE AGENDA IS AS FOLLOWS:

- A. **WELCOME AND ROLL CALL – Commission Chair Michele Hollist**
- B. **MOTION TO APPROVE AGENDA**
- C. **APPROVAL OF THE MINUTES**
  - [C.1.](#) April 23, 2024 - Planning Commission Meeting Minutes
- D. **STAFF BUSINESS**
- E. **COMMENTS FROM PLANNING COMMISSION MEMBERS**
- F. **SUMMARY ACTION**
- G. **ACTION**

## H. ADMINISTRATIVE PUBLIC HEARINGS

### H.1. MOSAIC - RESIDENTIAL DEVELOPMENT CONDITIONAL USE PERMIT

Address: 11210 S. River Heights Dr.  
File No: PLCUP202400023  
Applicant: Jacob Ballstaedt / Garbett Homes

### H.2. SOUTH JORDAN CITY PARK PRELIMINARY SUBDIVISION

Address: 10749 S 2200 W  
File No: PLPP202400044  
Applicant: Jeremy Nielson / South Jordan City

### H.3. CONDITIONAL USE PERMIT FOR TEMPORARY PARKING LOT

Address: 1602 W 11400 S  
File No: PLCUP202400051  
Applicant: Travis Ferran

## I. LEGISLATIVE PUBLIC HEARINGS

### I.1. SOUTH JORDAN CITY PARK LAND USE AMENDMENT REZONE

Address: 10749 S 2200 W  
File No: PLZBA202400043  
Applicant: Jeremy Nielson / South Jordan City

## J. OTHER BUSINESS

## ADJOURNMENT

### CERTIFICATE OF POSTING

STATE OF UTAH )

: §

COUNTY OF SALT LAKE )

I, Cindy Valdez, certify that I am the duly appointed City Deputy Recorder of South Jordan City, State of Utah, and that the foregoing Planning Commission Agenda was faxed or emailed to the media at least 24 hours prior to such meeting, specifically the Deseret News, Salt Lake Tribune and the South Valley Journal. The Agenda was also posted at City Hall, on the City's website [www.sjc.utah.gov](http://www.sjc.utah.gov) and on the Utah Public Notice Website [www.pmn.utah.gov](http://www.pmn.utah.gov).

Dated this 10th day of May, 2024.  
Cindy Valdez  
South Jordan City Deputy Recorder



**CITY OF SOUTH JORDAN  
ELECTRONIC  
PLANNING COMMISSION MEETING  
COUNCIL CHAMBERS  
April 23, 2024**

Present: Chair Michele Hollist, Commissioner Laurel Bevans, Commissioner Steven Catmull, Commissioner Nathan Gedge, Commissioner Ray Wimmer, Commissioner Sam Bishop, City Attorney Ryan Loose, City Planner Greg Schindler, City Recorder Anna Crookston, Deputy City Engineer Jeremy Nielson, IT Director Jon Day, GIS Coordinator Matt Jarman, Meeting Transcriptionist Diana Baun

Others: Lauren Eyre's iPad

Absent:

**6:31 P.M.  
REGULAR MEETING**

**A. WELCOME AND ROLL CALL – *Chair Michele Hollist***

Chair Michele Hollist welcomed everyone to the Electronic Planning Commission Meeting.

**B. MOTION TO APPROVE AGENDA**

**Commissioner Bevans motioned to approve tonight's agenda as published. Chair Hollist seconded the motion; vote was 6-0, unanimous in favor.**

**C. APPROVAL OF THE MINUTES**

**C.1. April 9, 2024 - Planning Commission Meeting Minutes**

**Commissioner Catmull motioned to approve the April 9, 2024 Planning Commission Meeting Minutes as published. Chair Hollist seconded the motion; vote was 6-0, unanimous in favor.**

**D. STAFF BUSINESS - *None***

**E. COMMENTS FROM PLANNING COMMISSION MEMBERS**

Commissioner Laurel Bevans asked staff to pass along her thanks to Planning Director Steven Schaefermeyer for his clarifying email after the last meeting.

Commissioner Nathan Gedge asked whether the planning commissioners were required to participate in the KnowBe4 cyber security training videos.

City Planner Greg Schindler responded yes, as they are using city emails and an infected email to them could spread to the rest of the city systems and/or servers.

Chair Michele Hollist asked if those trainings would count towards their required hours.

City Attorney Ryan Loose responded that in his view, they would count, since those trainings are relevant to the City's operations.

**F. SUMMARY ACTION – None**

**G. ACTION – None**

**H. ADMINISTRATIVE PUBLIC HEARINGS – None**

**H.1. DAYBREAK VILLAGE 15 PLAT 2 PRELIMINARY SUBDIVISION**

Address: Generally located south and west of the intersection of Lake Avenue and Prosperity Road (11555 S. 6490 W.)

File No.: PLPP202400006

Applicant: Perigree Consulting on behalf of Miller Family Real Estate

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

Chair Michele Hollist invited the applicant to speak but he was not present. She then opened the Public Hearing for comments. There were no comments and the hearing was closed.

**Commissioner Gedge motioned to approve File No. PLPP202400006, Preliminary Subdivision, subject to the following: All South Jordan City requirements are met prior to recording the plat. Chair Hollist seconded the motion.**

**Roll Call Vote**

**Yes – Commissioner Gedge**

**Yes – Chair Hollist**

**Yes – Commissioner Wimmer**

**Yes – Commissioner Catmull**

**Yes – Commissioner Bevans**

**Yes – Commissioner Bishop**

**Motion passes 6-0, unanimous in favor.**

**I. LEGISLATIVE PUBLIC HEARINGS**

**I.1. TEXT AMENDMENT – AMENDING CITY CODE 17.08.010 (DEFINITIONS)  
AND 17.130.030 (ACCESSORY LIVING UNIT FLOATING ZONE)**

Ordinance No.: 2024-10

Applicant: City of South Jordan

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

The commission and staff reviewed the reasons for the proposed change and what the State of Utah has now set as their standards that cities must follow. They also discussed what the city can and cannot regulate in terms of accessory living units and their tenants/owners.

Commissioner Laurel Bevans asked about HOAs with rules restricting ADUs and/or guest houses, does the State Code supercede their rules if the HOA's CC&Rs pre-date changes in State Code.

City Attorney Ryan Loose suggested any HOAs questioning this speak with their attorneys and noted that the reason this state law doesn't apply in Daybreak is because that community is not majority truly residential due to its zoning. The legislature did include in the state law, in regards to ADUs, that the law superceded any previous CC&Rs restricting them. However, there is a Contracts Clause that addresses when state law attempts to supercede a contract, unless it has do with discriminating against a protected class. He does believe there could be a legal dispute as to whether an HOA could claim the Contracts Provision allows them to continue under their current rules, but someone would have to litigate that and since the city doesn't advise HOAs, that would be up to them and their legal teams to navigate.

Commissioner Nathan Gedge asked about any potential conflicts of interest participation in this discussion and vote, as he lives in a zone that would be affected by this change.

Attorney Loose responded that if Commissioner Gedge had an obligation to disclose a potential conflict, he just did by stating his question, so he is okay to continue on in the discussion and vote as normal. He doesn't believe the commissioners have an obligation to disclose anything in regards to this item, and shared that with the additional commissioners questioning their potential conflict.

Chair Michele Hollist opened the Public Hearing for comments; there were no comments and the hearing was closed.

**Commissioner Gedge motioned to forward a positive recommendation of approval to the City Council regarding Ordinance No. 2024-10, Amending City Code, as presented in the Staff Report. Chair Hollist seconded the motion.**

**Roll Call Vote**

**Yes – Commissioner Gedge**

**Yes – Chair Hollist**

**Yes – Commissioner Wimmer**

**Yes – Commissioner Catmull**

**Yes – Commissioner Bevans**

**Yes – Commissioner Bishop**

**Motion passes 6-0, unanimous in favor.**

#### **J. OTHER BUSINESS**

City Planner Greg Schindler reviewed potential items for the next meeting's agenda.

#### **ADJOURNMENT**

**Chair Hollist motioned to adjourn the April 23, 2024 Planning Commission Meeting. Commissioner Bevans seconded the motion; vote was 6-0, unanimous in favor.**

**The April 23, 2024 Planning Commission Meeting adjourned at 7:09 p.m.**

# **SOUTH JORDAN CITY PLANNING COMMISSION REPORT**

**Meeting Date: 05/14/2024**

**Issue:** MOSAIC - RESIDENTIAL DEVELOPMENT  
**CONDITIONAL USE PERMIT**  
**Address:** 11210 S. River Heights Dr.  
**File No:** PLCUP202400023  
**Applicant:** Jacob Ballstaedt, Garbett Homes

**Submitted by: Damir Drozdek, Planner III**

**Staff Recommendation (Motion Ready):** I move that the Planning Commission **approve** application PLCUP202400023 to allow a multi-family residential project on property generally located at 11210 S. River Heights Dr. in conjunction with the applicable design book and a concept plan.

<b>ACREAGE:</b>	Approximately 4 acres
<b>CURRENT ZONE:</b>	BH-MU (Bangerter Highway - Mixed Use) Zone
<b>CURRENT USE:</b>	Vacant Properties
<b>FUTURE LAND USE PLAN:</b>	EIO (Economic Infill Opportunity)
<b>NEIGHBORING ZONES/USES:</b>	North – BH-MU / ICO District Apartments
	South – BH-MU / Office building
	West – R-M-6 / Bangerter Highway
	East – BH-MU / River Heights Dr.

## **CONDITIONAL USE REVIEW:**

A use is conditional because it may have unique characteristics that detrimentally affect the zone and therefore are not compatible with other uses in the zone, but could be compatible if certain conditions are required that mitigate the detrimental effect.

To impose a condition on a use, the detrimental effect must be identified and be based on upon substantial evidence, not simply a suspicion or unfounded concern. Any condition must be the least restrictive method to mitigate the detrimental effect.

The Planning Commission shall approve a conditional use permit application if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed conditional use in accordance with applicable standards.

The Planning Commission may deny a conditional use permit application if the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards. Further, City Code § 17.18.050 provides:

## I. COMPLIANCE AND REVOCATION:

1. A conditional use may be commenced and operated only upon:
  - a. compliance with all conditions of an applicable conditional use permit;
  - b. observance of all requirements of this title relating to maintenance of improvements and conduct of the use or business as approved; and
  - c. compliance with all applicable local, state, and federal laws.
2. A conditional use permit may be revoked by the City Council at any time due to the permittee's failure to commence or operate the conditional use in accordance with the requirements of subsection A of this section.

## **BACKGROUND:**

The applicant is requesting that the Planning Commission review and approve a Conditional Use Permit for a multi-family residential project generally located at 11210 S. River Heights Dr. As proposed, the project will consist of 72 townhome units and four twin home units (two twin homes) totaling 76 housing units. All buildings will be three stories high, reaching heights of approximately 39' at their peak. Buildings will have a variety of exterior finishes and materials with different colors and minor design changes to help differentiate one building from the next. All units will be for sale.

There will be one access to the project off River Heights Dr. Another two access points will be provided from the south, connecting the project to the abutting office development. All drives and parking areas will be private and maintained by the HOA. The drives will be 26' wide as measured from back of curb to the back of ribbon curb. All units will be rear loaded. Guest parking will be provided at three different locations within the project (at the south end, the southwest end and the northwest end of the project).

Townhomes along River Heights Dr. will face the street. The central portion of the project will have townhome units facing each other with a green/open space in between the buildings. Townhome units at the north end will be facing an existing vinyl fence along the north boundary. However, along the west boundary, townhome units will not face Bangerter Highway and the associated future masonry wall. These units will side onto the highway. All areas within the project that are not intended to be used for parking and/or traffic flow will be landscaped.

A decorative masonry wall will be installed along Bangerter Highway as required by City Code. There is an existing six-foot vinyl fence along the north boundary. This fence will remain in place. Currently there is no fencing along the south or the east project boundary. These two boundaries will remain fence-free. However all townhome units are proposed to have a small 3' fence around the front yards to provide for a little privacy.

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

### **Findings:**

- The subject property is located in the BH-MU zone.
- Although multi-family or single-family attached housing are currently prohibited in the Uses Chapter (City Code § 17.18), housing in the BH-MU zone is governed by a

previously adopted development agreement. The development agreement lists multi-family projects as conditional use, and designates the location, type and number of possible housing units in the zone. The agreement is attached to this report.

- Multi-family projects are required to have at least two housing types per the agreement. The project contains townhomes and two twin homes.
- As part of the approval process, the applicant is required to submit a design book and a concept site plan with the application for Planning Commission review and approval. Amendments or changes to the approved design book may be approved by the Planning Commission after another review and public hearing.
- Staff has not identified any potential detrimental effects to the zone that the proposed use/project may cause.
- On March 13, 2024, the Architectural Review Committee reviewed the proposed architecture and recommended approval of the architecture described in the design book.
- A project similar to this one and proposed by Sequoia Development and Lennar Homes, containing 58 townhome units and four (4) twin home units, received a CUP and preliminary subdivision plat approval on April 26, 2022.

#### **Conclusion:**

- The proposed use does not appear to violate any health, safety or welfare standards. In addition, staff was not able to identify any detrimental effects to the zone. For that reason, staff recommends approval of the application.

#### **Recommendation:**

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

#### **ALTERNATIVES:**

- Approve the Application with conditions.
- Deny the Application.
- Schedule the Application for a decision at some future date.

#### **SUPPORT MATERIALS:**

- |  |                                       |
|--|---------------------------------------|
| • Aerial Map   | • Proposed Fencing and Landscape Plan |
| • Zoning Map   | • ARC Minutes                         |
| • District Heights Building Elevations (Design Book) | • Development Agreement               |
| • District Heights Concept Site Plan                 | • Applicant's Response                |



Damir Drozdek, AICP  
Planner III, Planning Department





**Legend**

STREETS

PARCELS

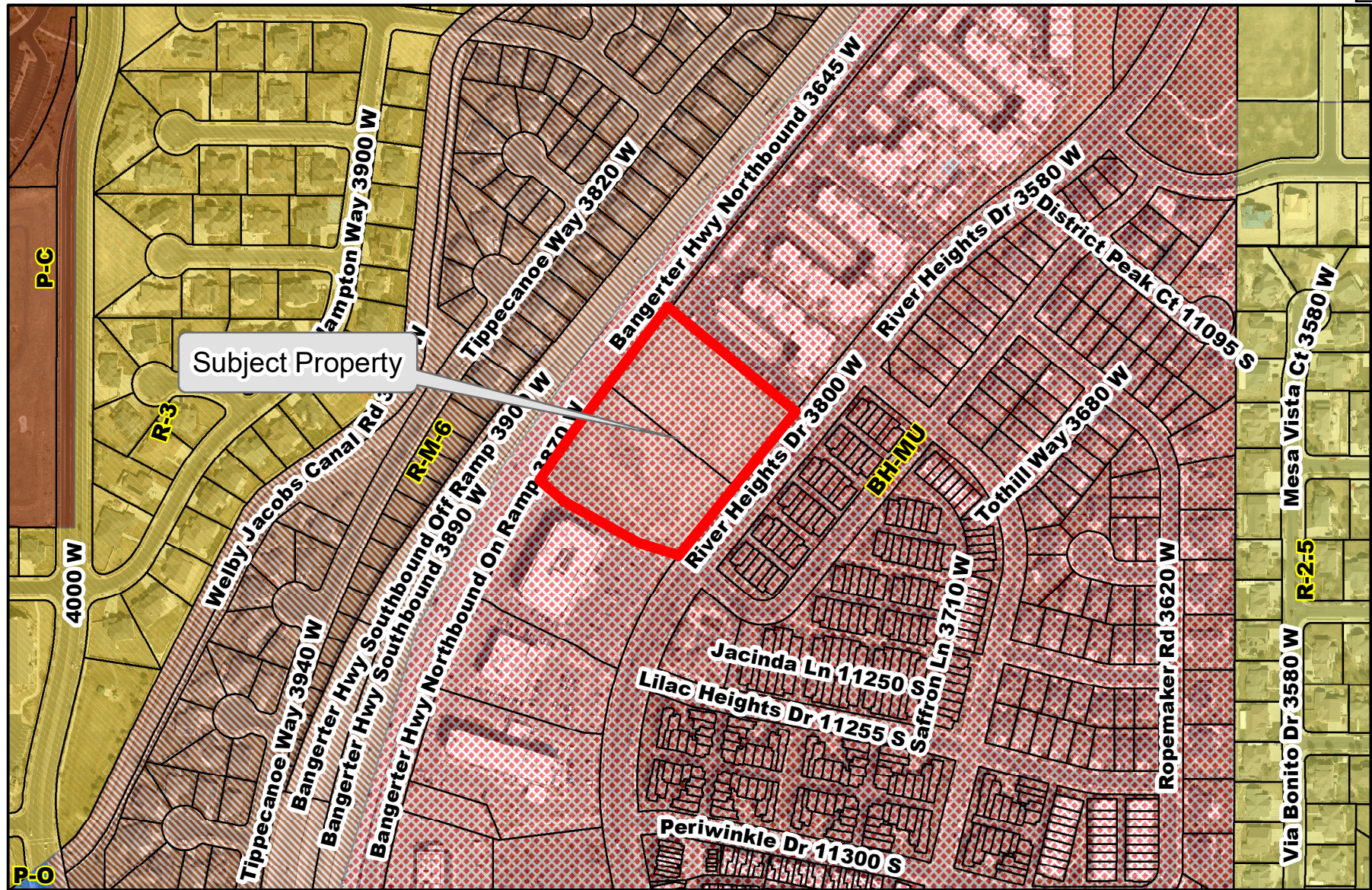
# Aerial Map


## City of South Jordan

0 105 210 420 630 840 Feet

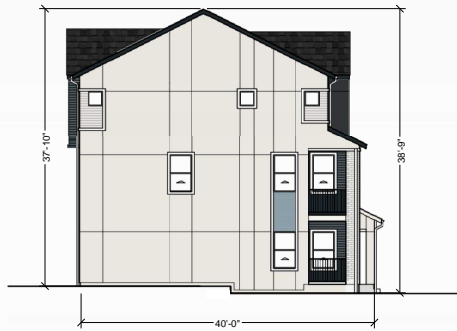
Aerial Imagery  
2021



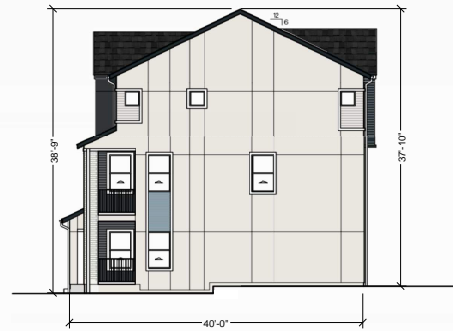


<p><b>Legend</b></p> <p>STREETS</p> <p>PARCELS</p>	<h2>Zoning Map</h2> <h3>City of South Jordan</h3>	<p>0 105 210 420 630 840 Feet</p> <p>Aerial Imagery 2021</p> 
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LEFT BUILDING ELEVATION - STYLE 'A' SCALE: 1/8"=1'-0" 4



RIGHT BUILDING ELEVATION - STYLE 'A' SCALE: 1/8"=1'-0" 3



REAR BUILDING ELEVATION - STYLE 'A' SCALE: 1/8"=1'-0" 2



FRONT BUILDING ELEVATION - STYLE 'A' SCALE: 1/8"=1'-0" 1

## UNIT SUMMARY

BUILDING HEIGHT = +/- 37'-10" -- 38'-9"

UNIT 1 = 20'-10" x 40'-0"

UNIT 1 GARAGE = 20'-3" x 20'-0"

UNIT 2 = 21'-10" x 38'-0"

UNIT 2 GARAGE = 21'-1" x 20'-0"

\*UNIT WIDTH ON ELEVATIONS INCLUDES 4" AIR GAP FOR FIRE SEPARATION

## SQUARE FOOTAGE

UNIT 1	
FIRST FLOOR	273 SF
SECOND FLOOR	700 SF
THIRD FLOOR	700 SF

TOTAL SQUARE FOOTAGE 1,673 SF

GARAGE	405 SF
PORCH	102 SF
DECK	102 SF

UNIT 2	
FIRST FLOOR	281 SF
SECOND FLOOR	727 SF
THIRD FLOOR	741 SF

TOTAL SQUARE FOOTAGE 1,749 SF

GARAGE	421 SF
PORCH	120 SF
DECK	85 SF



Architecture | Branding | Interiors | Planning  
3660 Blake Street  
Suite 500  
Denver, CO 80205  
ktgy.com  
303.825.6400

### KTGY Project No:

Project Contact: Madelyn Kodros  
Email: mkodros@ktgy.com

Principal: William Ramsey  
Project Designer:

### Developer



GARBETT HOMES  
273 N. EAST CAPITOL STREET.

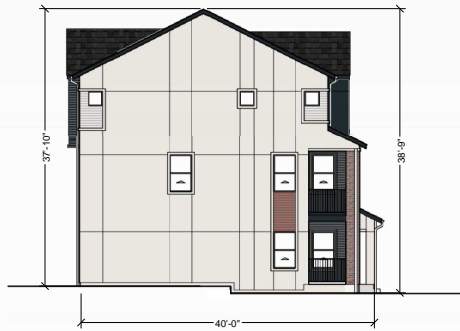
SALT LAKE CITY, UTAH 84103  
PHONE NO. 801-456-2430  
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MOSAIC  
MURRAY, UTAH

No. Date Description


It is the client's responsibility prior to or during construction to verify the architect is willing to accept any proposed errors or omissions in the plans and specifications of which a contractor is responsible. Knowledgeable with the building codes and methods of construction applied. Materials are shown. Unless otherwise indicated, the architect is not responsible for the accuracy of the information. The client shall be responsible for any errors in construction if these procedures are not followed.

A2-30 2-PLEX BUILDING  
ELEVATIONS - STYLE 'A'



LEFT BUILDING ELEVATION - STYLE 'A' SCALE: 1/8"=1'-0" 4



RIGHT BUILDING ELEVATION - STYLE 'A' SCALE: 1/8"=1'-0" 3



REAR BUILDING ELEVATION - STYLE 'A' SCALE: 1/8"=1'-0" 2



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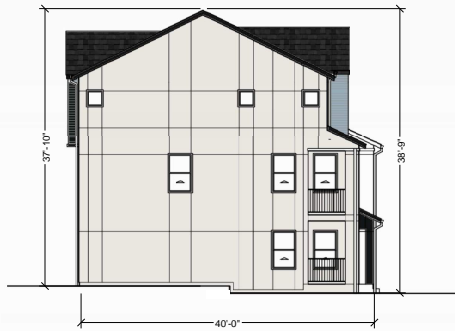
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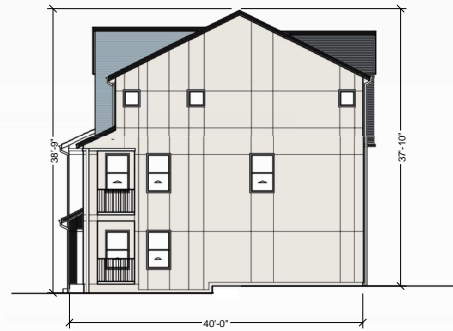
A2-30 2-PLEX BUILDING  
ELEVATIONS - STYLE 'A'



LEFT BUILDING ELEVATION - STYLE 'B'

SCALE: 1/8"=1'-0"

4



RIGHT BUILDING ELEVATION - STYLE 'B'

SCALE: 1/8"=1'-0"

3



REAR BUILDING ELEVATION - STYLE 'B'

SCALE: 1/8"=1'-0"

2



FRONT BUILDING ELEVATION - STYLE 'B'

SCALE: 1/8"=1'-0"

1

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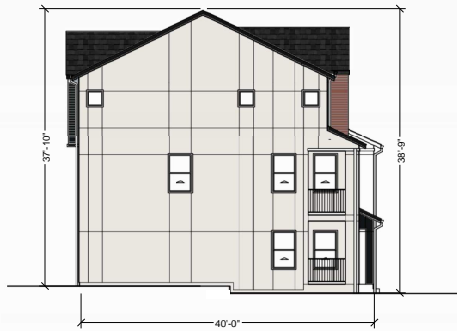
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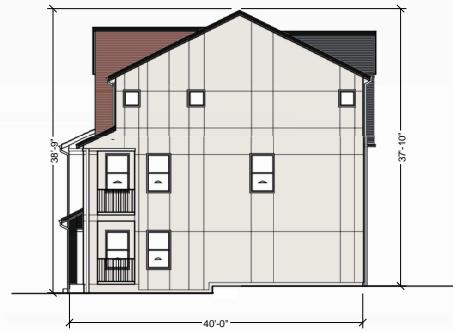
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4



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SCALE: 1/8"=1'-0"

3



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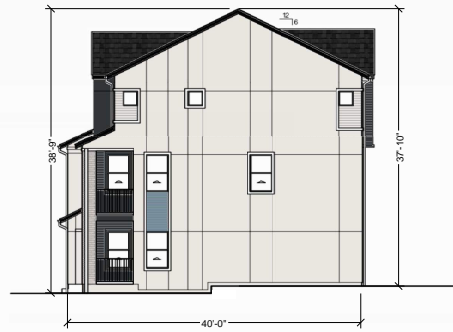
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SCALE: 1/8"=1'-0"

4



RIGHT BUILDING ELEVATION - STYLE 'A'

SCALE: 1/8"=1'-0"

3

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THIRD FLOOR	700 SF
TOTAL SQUARE FOOTAGE	1,673 SF
GARAGE	405 SF
PORCH	102 SF
DECK	102 SF

UNIT 2	
FIRST FLOOR	281 SF
SECOND FLOOR	727 SF
THIRD FLOOR	741 SF
TOTAL SQUARE FOOTAGE	1,749 SF
GARAGE	421 SF
PORCH	120 SF
DECK	85 SF



REAR BUILDING ELEVATION - STYLE 'A'

SCALE: 1/8"=1'-0"

2



FRONT BUILDING ELEVATION - STYLE 'A'

SCALE: 1/8"=1'-0"

1



Architecture | Branding | Interiors | Planning  
3660 Blake Street  
Suite 500  
Denver, CO 80205  
ktgy.com  
303.825.6400

### KTGY Project No:

Project Contact: Madelyn Kodros  
Email: mkodros@ktgy.com

Principal: William Ramsey  
Project Designer:

### Developer



GARBETT HOMES  
273 N. EAST CAPITOL STREET.

SALT LAKE CITY, UTAH 84103  
PHONE NO. 801-456-2430  
FAX NO. -

MOSAIC  
MURRAY, UTAH

No. Date Description


It is the client's responsibility prior to or during construction to verify the architect is willing to accept any proposed errors or omissions in the plans and specifications of which a contractor is responsible. Knowledgeable with the building codes and methods of construction applied throughout the project. Written instructions (including any permit or ordinance) shall be included from the architect prior to the start of construction or construction with the work. The client will be responsible for any delays in construction if these instructions are not followed.

7-PLEX BUILDING  
ELEVATIONS - STYLE 'A'



LEFT BUILDING ELEVATION - STYLE 'A'

SCALE: 1/8"=1'-0"

4



RIGHT BUILDING ELEVATION - STYLE 'A'

SCALE: 1/8"=1'-0"

3

## UNIT SUMMARY

BUILDING HEIGHT = 4'-37'-10" -- 38'-9"

UNIT 1 = 20'-10" x 40'-0"

UNIT 1 GARAGE = 20'-3" x 20'-0"

UNIT 2 = 21'-10" x 38'-0"

UNIT 2 GARAGE = 21'-1" x 20'-0"

\*UNIT WIDTH ON ELEVATIONS INCLUDES 4" AIR GAP FOR FIRE SEPARATION

## SQUARE FOOTAGE

UNIT 1	
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REAR BUILDING ELEVATION - STYLE 'A'

SCALE: 1/8"=1'-0"

2



FRONT BUILDING ELEVATION - STYLE 'A'

SCALE: 1/8"=1'-0"

1



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273 N. EAST CAPITOL STREET.

SALT LAKE CITY, UTAH 84103  
PHONE NO. 801-456-2430  
FAX NO. -

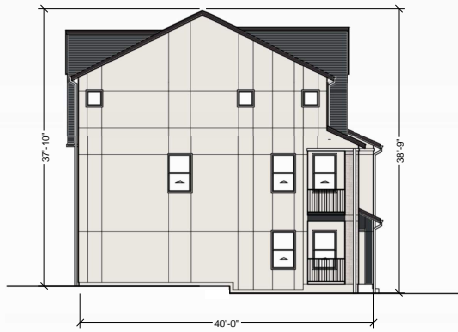
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MURRAY, UTAH

No. Date Description

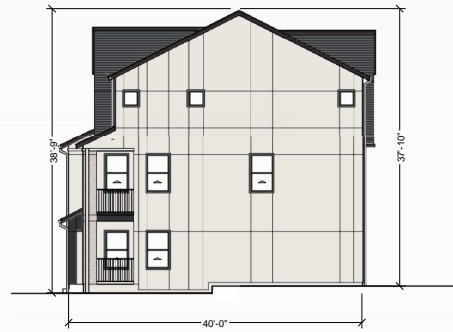

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7-PLEX BUILDING  
ELEVATIONS - STYLE 'A'





LEFT BUILDING ELEVATION - STYLE 'B' SCALE: 1/8"=1'-0" 4



RIGHT BUILDING ELEVATION - STYLE 'B' SCALE: 1/8"=1'-0" 3



REAR BUILDING ELEVATION - STYLE 'B' SCALE: 1/8"=1'-0" 2



FRONT BUILDING ELEVATION - STYLE 'B' SCALE: 1/8"=1'-0" 1

## UNIT SUMMARY

BUILDING HEIGHT = +/- 37'-10" -- 38'-9"

UNIT 1 = 20'-10" x 40'-0"

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\*UNIT WIDTH ON ELEVATIONS INCLUDES 4" AIR GAP FOR FIRE SEPARATION

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ktgy.com  
303.825.6400

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SALT LAKE CITY, UTAH 84103  
PHONE NO. 801-456-2430  
FAX NO. --

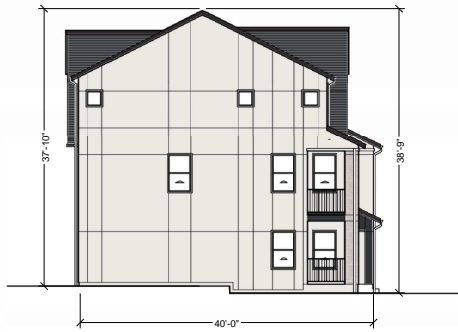
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MURRAY, UTAH

No. Date Description

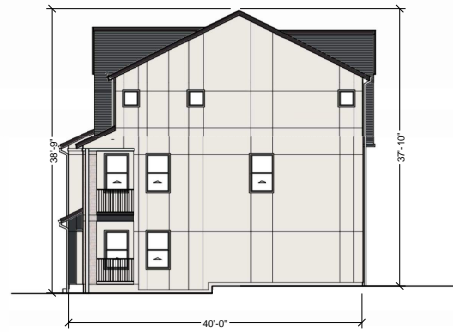

It is the client's responsibility to refer to or during construction to verify the architect's setting of any proposed structure or construction to the plans and specifications of which a contract is made. The client shall be responsible for any errors or omissions in the construction of the building. The client shall be responsible for any errors or omissions in the construction of the building. The client shall be responsible for any errors or omissions in the construction of the building.

7-PLEX BUILDING  
ELEVATIONS - STYLE 'B'





LEFT BUILDING ELEVATION - STYLE 'B' SCALE: 1/8"=1'-0" 4



RIGHT BUILDING ELEVATION - STYLE 'B' SCALE: 1/8"=1'-0" 3



REAR BUILDING ELEVATION - STYLE 'B' SCALE: 1/8"=1'-0" 2



FRONT BUILDING ELEVATION - STYLE 'B' SCALE: 1/8"=1'-0" 1

## UNIT SUMMARY

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SALT LAKE CITY, UTAH 84103  
PHONE NO. 801-456-2430  
FAX NO. --

MOSAIC  
MURRAY, UTAH

No. Date Description


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7-PLEX BUILDING  
ELEVATIONS - STYLE 'B'



FRONT PERSPECTIVE



FRONT PERSPECTIVE



FRONT PERSPECTIVE





FRONT PERSPECTIVE



FRONT PERSPECTIVE



FRONT PERSPECTIVE





FRONT PERSPECTIVE





FRONT PERSPECTIVE




COMPOSITE ASPHALT SHINGLES CERTANTIZED (LANDMARK SERIES MORE BLACK	
PRIMARY FIBER CEMENT PANEL / SIDING SW 600   SNOWFALL	
ACCENT 1 FIBER CEMENT SIDING SW 709   RUSTIC RED	
ACCENT 2 FIBER CEMENT PANEL / SIDING SW 603   BLACK OF NIGHT	
BRICK BELDON BELCREST 760	
FASCIA SW 603   BLACK OF NIGHT	
STONE STONE WORKS ROSA WHITE PANEL DREZZO UT	
FRONT DOOR SW 709   IRON ORE	
GARAGE DOOR AMARR   SECTIONAL STEEL ROLL-UP LINCOLN   CHARCOAL GRAY	

Item H.1.

MATERIAL BOARD | SCHEME 2

MOSAIC  
MURRAY UT



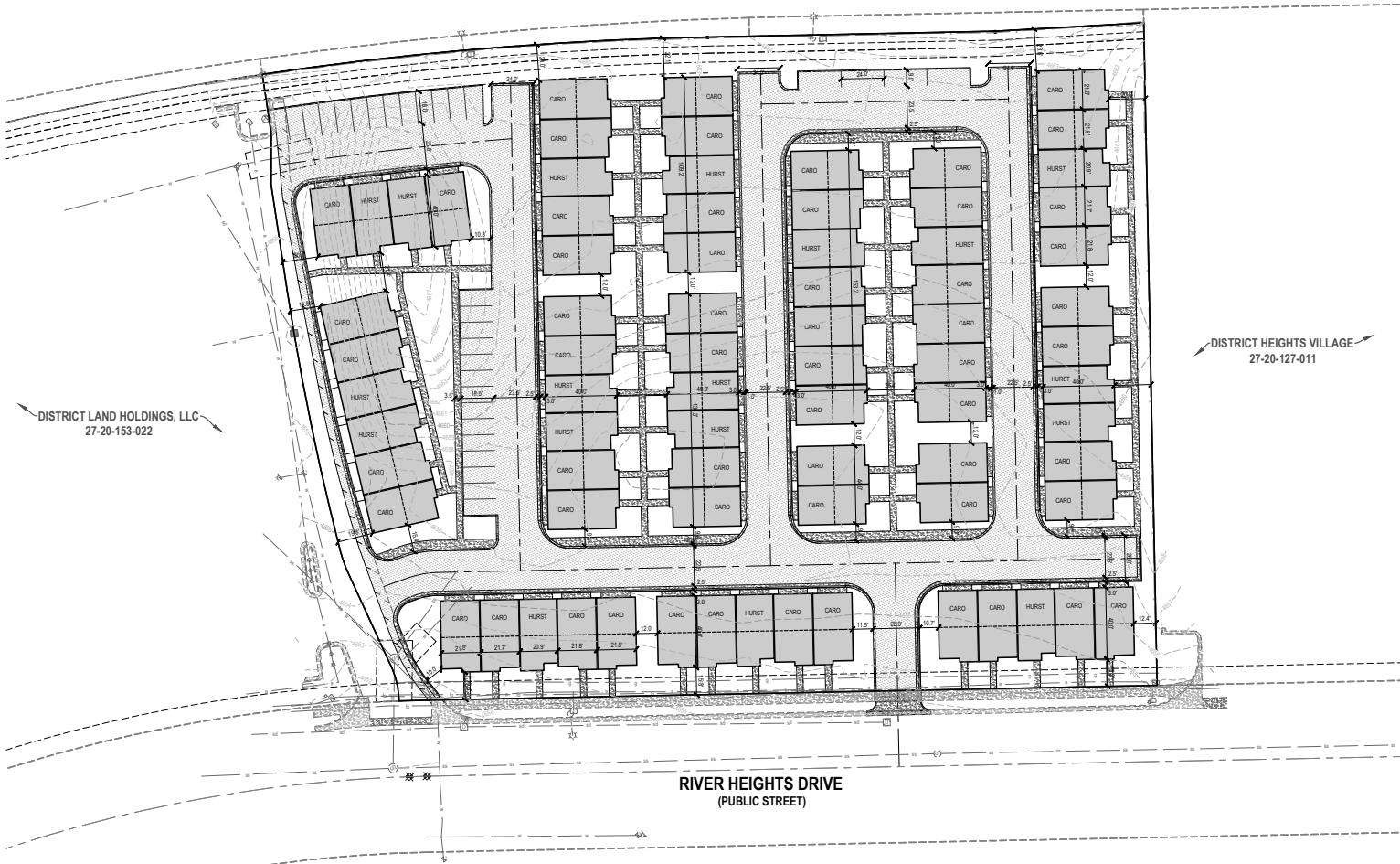
COMPOSITE ASPHALT SHINGLES CERTANTIZED (LANDMARK SERIES) MORE BLACK	
PRIMARY FIBER CEMENT PANEL / SIDING SW 7004   SNOWBOUND	
ACCENT 1 FIBER CEMENT SIDING SW 9148   SMOKY AZURITE	
ACCENT 2 FIBER CEMENT PANEL / SIDING SW 6003   BLACK OF NIGHT	
BRICK BELDON ALASKA WHITE DART-TEX	
FASCIA SW 6003   BLACK OF NIGHT	
STONE STONE WORKS ROSA WHITE PANEL DREZZO UT	
FRONT DOOR SW 7009   IRON ORE	
GARAGE DOOR AMARR   SECTIONAL STEEL ROLL-UP LINCOLN   CHARCOAL GRAY	

MATERIAL BOARD | SCHEME 1

MOSAIC  
MURRAY UT



BANGERTE HIGHWAY  
(UDOT CONTROLLED)  
NO PRIVATE ACCESS



RIVER HEIGHTS DRIVE  
(PUBLIC STREET)

UNIT COUNT	
DESCRIPTION	UNITS
HURST	18
CARO	18
TOTAL UNITS	36

**Item H.1.**

**SKIDDY**  
45 W 10000 S, Suite 500  
Sandy, UT 84070  
Phone: 801.255.0529

**LAYTON**  
Phone: 801.547.1100

**TODELE**  
Phone: 435.843.3590

**CEDAR CITY**  
Phone: 435.865.1453

**RICHFIELD**  
Phone: 435.896.2983

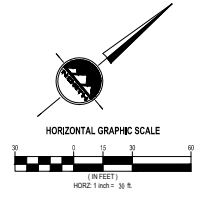
**WWW.ENSIGNENG.COM**

FOR:  
GARRETT HOMES  
173 NORTH EAST CAPEL STREET  
SALT LAKE CITY, UT 84103

CONTACT:  
JACOB BALLSTADT  
PHONE: 801.653.0131

**MOSAIC DEVELOPMENT**

11220 & 11210 SOUTH SOUTH RIVER HEIGHTS DRIVE  
SOUTH JORDAN, UTAH



**811**  
Missouri's 811  
Call before you dig

CALL BLUESTAKES  
(811) AT LEAST 48 HOURS  
PRIOR TO THE  
COMMENCEMENT OF ANY  
CONSTRUCTION.

**BENCHMARK**

CENTER OF SECTION 20,  
TOWNSHIP 3 SOUTH, RANGE 1 WEST,  
SALT LAKE BASE AND MERIDIAN

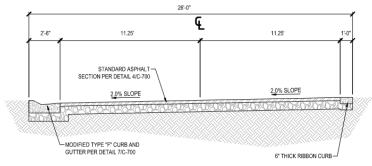
ELEV = 4636.17'

**SITE PLAN EXHIBIT**

PROJECT NUMBER: 12441  
PRINT DATE: 2024-04-30

PROJECT MANAGER: BAM  
DESIGNED BY: JWS

**EX-100**



2 FIRE LANE ALLEY CROSS SECTION (26' ROW)

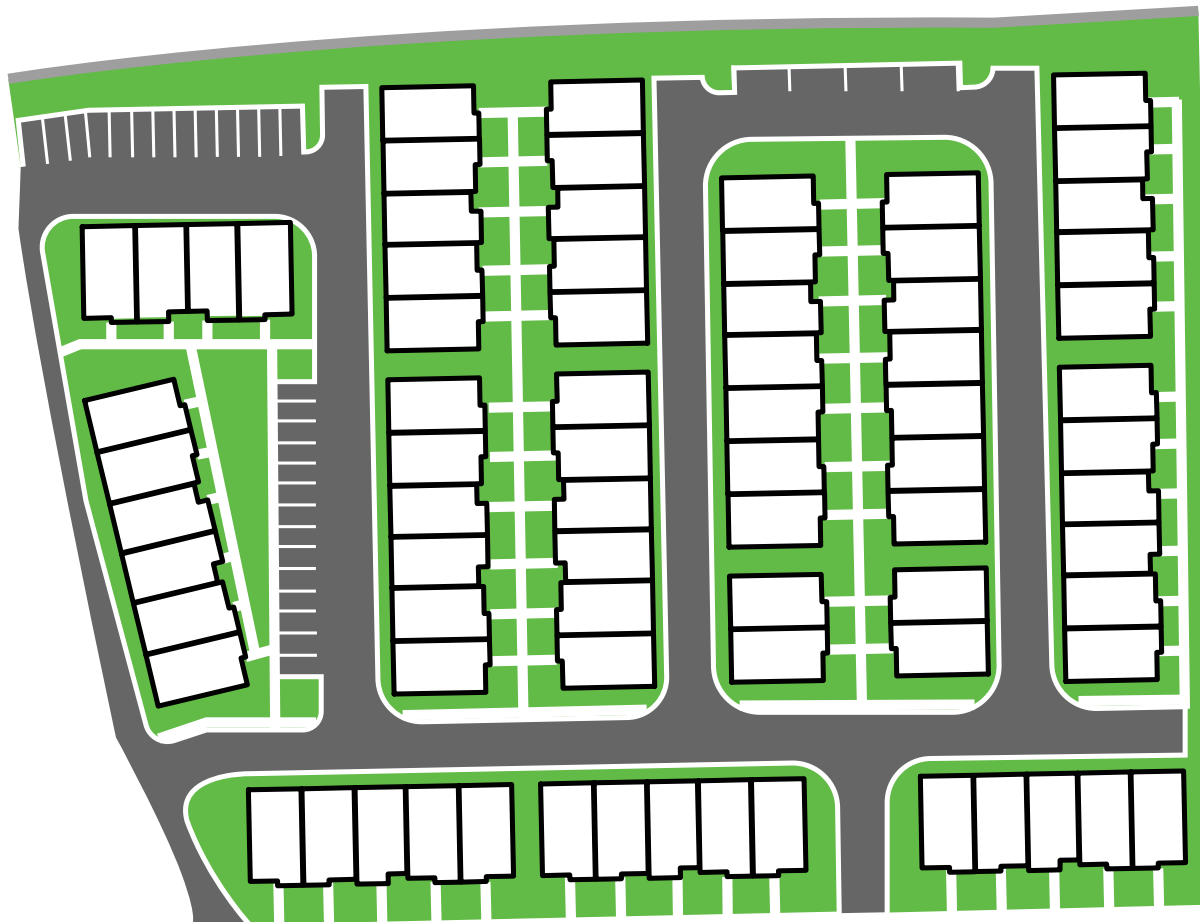
SCALE: NONE

Item H.1.



# Mosaic

Bangerter Hwy.



River Heights Dr.

**15 buildings**

**2 - duplex**

**1 - 4 plex**

**6 - 5 plex**

**4 - 6 plex**

**2 - 7 plex**

**72 townhomes**

**4 duplex units**

**31 guest parking stalls**

**152 garage parking stalls**





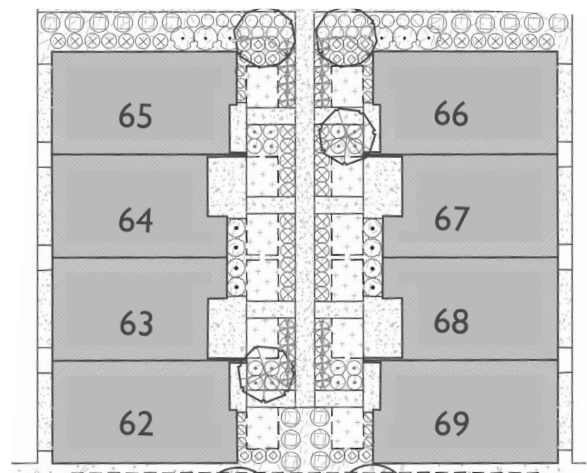
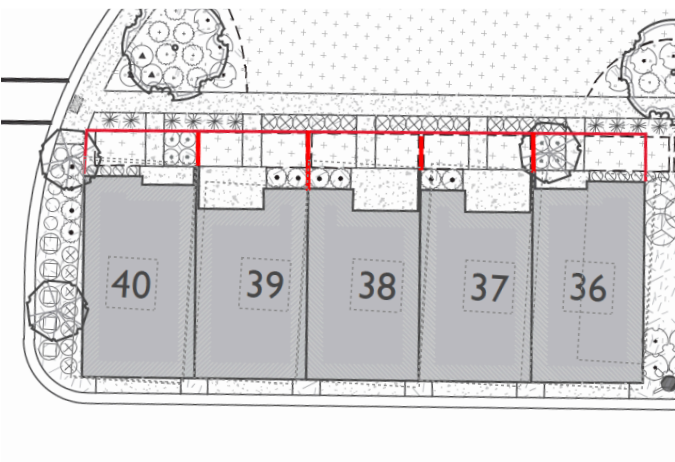
# Mosaic

## Proposed Fencing & Landscape Plan



3' Max Fence Height

All shrubs and trees. No turf.



**CITY OF SOUTH JORDAN  
ARCHITECTURAL REVIEW COMMITTEE MEETING MINUTES  
SOUTH JORDAN CITY HALL – MAPLE CONFERENCE ROOM  
WEDNESDAY, MARCH 13, 2024**



Minutes Prepared by: *Rebecca Messer*

Attendance City Staff: *Damir Drozdek, Kathie Johnson, Ray Wimmer, and Rebecca Messer*

Attendance Applicant(s): *Jacob Ballstaedt*

**ARCHITECTURAL REVIEW COMMITTEE MEETING**

THE MEETING STARTED AT 8:30 A.M. AND THE MEETING WENT AS FOLLOWS:

**A. GENERAL BUSINESS ITEMS**

**A.1 MOSAIC**

Location: 11220 S. River Heights Dr.

Project No: PLCUP202400023

Applicant: Jacob Ballstaedt, Garbett Homes

Planner: Damir Drozdek

**Project description –**

Multi-Family use townhomes that will be sold to homeowners.

**ARC Committee's recommendations steps to move the project forward with the project to be presented to Planning Commission and City Staff concerns:**

The material utilized will be three colors, two types of brick, and a stone. The stone is stained and requires minimal upkeep.

It will be the responsibility of the HOA to take care of maintenance on the fiber cement exterior.

The applicant intends to contract with a property management service to oversee the townhomes' future maintenance.

There are no amenities proposed by the applicant for this development. A small area will remain an open space on the premises.

The applicant is responding to the planner's comments regarding the road. They intend to flip one of the structures in order to accommodate closer parking.

Garages will be situated in the rear portions of the townhomes.

Committee approved the proposed architectural design for this project.

**ADJOURNMENT**



RESOLUTION NO. R2010-07

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SOUTH JORDAN,  
COUNTY OF SALT LAKE, UTAH, EXECUTING THE FIRST AMENDMENT TO THE  
AGREEMENT FOR THE DEVELOPMENT OF THE KUNKLER TRUST PROPERTY BY THE  
BOYER COMPANY, L.C. A LIMITED LIABILITY COMPANY.

WHEREAS, Boyer Company, L.C., a Utah Limited Liability Company  
("Developer") and the City of South Jordan, a Utah municipal corporation ("City"),  
entered into an agreement dated February, 21, 2006, entitled, "DEVELOPMENT  
AGREEMENT" ("Agreement") to develop the Kunkler Trust Property ("Property"); and

WHEREAS, the Developer has proposed to the City, an amendment to the  
Agreement ("Amendment"); and

WHEREAS, the Mayor and City Council of the City find that the Amendment is  
in the interest of health, safety, and general welfare of the citizens of the City

NOW THEREFORE BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE  
CITY OF SOUTH JORDAN, AS FOLLOWS:

Section 1. The Amendment is hereby approved and adopted; and

Section 2. The City Manager is hereby authorized to execute the Amendment on  
behalf of the City of South Jordan.

PASSED AND APPROVED this 18<sup>th</sup> day of May, 2010.

ATTEST:

By: Anna M. West  
Anna West, City Recorder



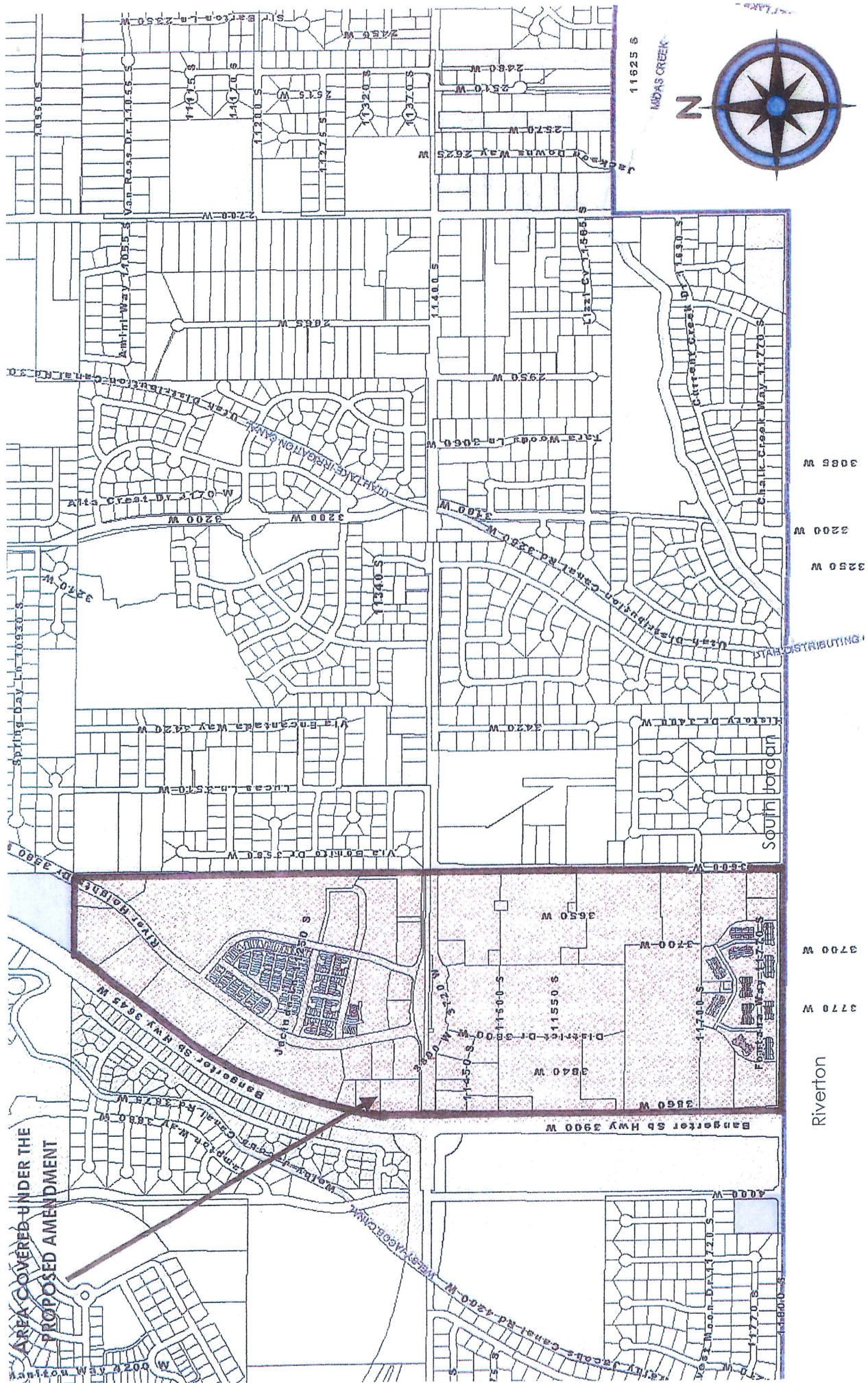
W. Kent Money  
W. Kent Money, Mayor

APPROVED AS TO FORM:

By: Robert J. [Signature]  
Attorney for South Jordan City

10968593  
06/10/2010 10:14 AM \$0.00  
Book - 9832 Pg - 1357-1392  
GARY W. OTT  
RECORDER, SALT LAKE COUNTY, UTAH  
SOUTH JORDAN  
1600 W TOWNE CENTER DR  
SOUTH JORDAN UT 84095-8265  
BY: ARG, DEPUTY - WI 36 P.





# Location Map



## FIRST AMENDMENT TO DEVELOPMENT AGREEMENT

This FIRST AMENDMENT TO DEVELOPMENT AGREEMENT ("Amendment") is entered into this 18<sup>th</sup> day of May, 2010 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 City and the Developer 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. A portion of the Kunkler property has become commonly know as the North District.
- C. The Developer has requested certain amendments to the Agreement with respect to the development of the North District.
- D. The City Council has reviewed the amendments requested by the Developer 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 future communications and relations with respect to the development of the North District.

**NOW, THEREFORE, the Agreement is hereby amended as follows:**

- 1. Section III. Paragraph A. is amended to read as follows:
 

A. Permitted Uses the permitted uses for the Property shall be those uses specifically listed in Sections 17.40 (R-3 Zone), 17.48.020 (RM-6 Zone), and 17.70.020 (BH-MU Zone) of the City of South Jordan Zoning Ordinance, a copy of said sections is attached hereto as Exhibit "B" and Exhibit "D" and incorporated herein by this reference. Any changes made to these Sections by the City of South Jordan shall be binding on the Property, except as inconsistent with section VI below.
- 2. Section III. Paragraph C. is amended to read as follows:
 

C. Reserved Legislative Powers. Developer acknowledges that the City is restricted in its authority to limit its police power by contract and that the limitations, reservations, and exceptions set forth herein are intended to reserve to the City all of its police power that cannot be so limited. Notwithstanding the retained power of the City to enact such legislation under the police powers, such legislation shall only be applied to modify the vested rights of Developer with respect to use under the zoning designations as referenced in Section 3.1 above under the terms of this Agreement based on the policies, facts, and circumstances meeting the compelling, countervailing public interest exception

to the vested right doctrine in the State of Utah. Any such proposed change affecting the vested rights of the Project shall be of general application to all development activity in the City; and, unless in good faith the City declares an emergency, Developer shall be entitled to prior written notice and an opportunity to be heard with respect to the proposed change and its applicability to the Project under the compelling, countervailing public interest exception to the vested rights doctrine.

3. Section V. is amended to read as follows:

**V. City's Obligations**

A. The City assures that should the Zoning be approved as requested and shown on Exhibit "C", the City Shall allow the Developer to construct a single-family residential development on Assessor's Parcel Numbers 2720100003 and 2719200003 consistent with the map attached to this Agreement as Appendix "C", with the terms of this Agreement, and with the R-3, RM-6, and BH-MU Sections of the City of South Jordan Zoning Ordinance, except as is inconsistent with Section VI below.

B. The Developer shall not be required to construct or install sidewalk improvements on the west side of 40<sup>th</sup> West Street. In the event the City determines that sidewalk improvements are to be constructed or installed on the west side of 40<sup>th</sup> West Street, the City shall require the owner/developer of the property on the west side of 40<sup>th</sup> West Street to construct or install said side walk.

4. Section VI. paragraph B. is amended to read as follows:

- B. Developer agrees to the types of development on the BH-MU Zone Property, as described in the BHMU Zone Master Development Plan found in Attachment "D", including but not limited to:
1. Neighborhood Commercial uses as described in Sections 17.56.020 and 17.56.030 of the current zoning ordinance or as amended) in the commercial area immediately surrounding the "Round-a-Bout" on 11400 South Street (see Attachment "D"); and
  2. Creating a buffer between the residential & other development on the Property and the Lucas Dell residential development to the east as follows:
    - a. Not build a road along the west boundary of the "Lucas Dell" subdivision.
    - b. Create 1/3 acre or larger lots along the west boundary of the "Lucas Dell" and increase the residential density, in a manner approved by the City at the plat approval process, as the development goes west towards Bangerter Highway.

5. The heading **BH-MU Zone** and the text listed under the heading **BH-MU Zone**, entitled, "17.70.020: PERMITTED USES", found in Exhibit "B", is deleted
6. The rights and obligations of this 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 Ordinance No. 2010.04, dated May 18, 2010 entitled, "AN ORDINANCE AMENDING SECTION 17.70 OF TITLE 17 OF THE SOUTH JORDAN MUNICIPAL CODE PERTAINING TO THE BANGERTEER HIGHWAY MIXED USE ZONE (B"H-MU)" including also the adoption of the BH-MU Zone Master Development Plan included with said Ordinance.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year written above.

CITY OF SOUTH JORDAN  
a Utah municipal corporation

ATTEST:

By: *John H. Geilmann*  
John H. Geilmann, City Manager



By: *Anna M. West*  
City Recorder

APPROVED AS TO FORM:

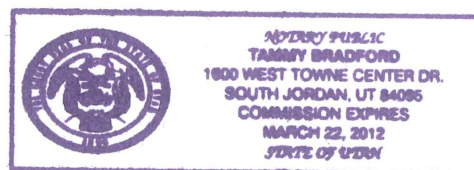
By: *[Signature]*  
Attorney for South Jordan City

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

On June 1, 2010 personally appeared before me, a Notary Public, John H. Geilmann, the City Manager 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 he/she executed the above instrument on behalf of and with authority from the City of South Jordan.

WITNESS my hand and official Seal.

*Tammy Bradford*  
Notary Public



The Boyer Company, L.C., a Utah Limited Liability Company

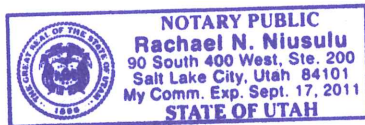
By: 

Title: Manager

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

On May 25, 2010, 2010 personally appeared before me, a Notary Public, Seven B. Oster, the manager of The Boyer Company, L.C., a Utah Limited Liability Company, personally known or proved to me to be the person whose name is subscribed to the above instrument who acknowledged to me that he/she executed the above instrument on behalf of and with authority from The Boyer Company.

WITNESS my hand and official Seal.



Rachael M. Minisuler  
Notary Public



**Exhibit 1**

**(to *FIRST AMENDMENT TO DEVELOPMENT AGREEMENT* between the City of South Jordan,  
a Utah municipal corporation and The Boyer Company, L.C.)**

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

## DEVELOPMENT AGREEMENT

This Agreement, regarding the redevelopment and improvement of the Kunkler Trust Property, is entered into this 21 day of February, 20006 by and between the City of South Jordan, an Utah municipal corporation, hereafter referred to as "City" and The Boyer Company, L.C. a Utah limited liability company hereafter referred to as "Developer"

### RECITALS

A. South Jordan City, acting pursuant to its authority under Utah Code Annotated 10-9a-102 (2) *et seq.*, and in furtherance of its land use policies, goals, objectives, ordinances, resolutions, and regulations has made certain determinations with respect to the proposed Kunkler Trust Properties and, in exercise of its legislative discretion, has elected to enter into this Agreement.

B. Developer desires to be the owner of certain real property known as Assessor's Parcel Numbers 2720100003 and 2719200003 hereafter referred to as the "Property". This property is legally described on Exhibit "A" attached hereto and incorporated herein by reference.

C. The property is subject to the City of South Jordan Zoning Ordinance and is currently zoned "A-5 & A-1" and designated on the future land use map as High Density Residential, Commercial, Bangerter Highway Mixed Use and Open Space. Developer and City desire to allow Developer to make improvements to the property. Developer desires a period of time in which to develop the property.

D. The improvements and changes to be made to the Property shall be consistent with the current Zoning Ordinance of the City of South Jordan, or any future changes to the Zoning Ordinance of the City of South Jordan, and the City of South Jordan General Plan.

E. Developer and City acknowledge and agree that the development and improvement of the "Property" pursuant to this Agreement will result in planning and economic benefits to the City and its residents, and will provide certainty useful to the Property and the City in ongoing future communications and relations with the community.

F. The City's governing body has authorized execution of this Agreement by Resolution No. 2005-10, to which this Agreement is attached.

G. The City has authorized the negotiation of and adoption of development Agreements under appropriate circumstances where proposed development contains outstanding features that advance the policies, goals and objectives of the South Jordan City General Plan and contributes to capital improvements that substantially benefit the City.

### NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

I. Recitals. The recitals set forth above are incorporated herein by this reference.

II. Conditions Precedent. City and Developer agree, understand and acknowledge that this development Agreement is in anticipation of the acquisition of the real property described herein by Developer. Developer understands, acknowledges and agrees that any of the terms, conditions or benefits conferred by this Development Agreement is not intended to be of any benefit to the current owner or any prospective lender or any party that is not a signator of this Agreement. Reliance upon this Agreement by any third party is at risk and the City makes absolutely no representation that the benefits herein are assignable or are for the benefit of any third party without the expressed written approval of the Mayor and Council of the City of South Jordan.

### III. Permitted Uses, Vested Rights and Reserved Legislative Powers.

A. Permitted Uses the permitted uses for the Property shall be those uses specifically listed in Sections 17.40.020 (R-3 Zone), 17.48.020 (RM-6 Zone), and 17.70.020 (BH-MU Zone) of the City of South Jordan Zoning Ordinance, a copy of said sections is attached hereto as Exhibit "B" and incorporated herein by this reference. Any changes made to these Sections by the City of South Jordan shall be binding on the Property, except as inconsistent with section VI below.

B. Vested Rights. Developer shall have the vested right to develop and construct the Project in accordance with the zoning designations approved by the City pursuant to this Agreement, subject to compliance with the terms and conditions of this Agreement and the other applicable ordinances and regulations of the City. Developer agrees to a maximum overall single family residential density limit of not to exceed 3 units per acre in Phase I and 6 units per acre in Phase 2 (Phase I is comprised of the property west of canal; Phase II is comprised of the property between Bangerter and canal; Phase III is comprised of the property on the east side of the Bangerter Highway) The Developer shall not allow mobile homes in the Project. Multi-family, interval ownership/time share units and other similar uses shall be part of the single-family residential dwelling count.

Provided Developer meets the residential density as outlined above, and lot sizes must be as allowed by ordinance. The City and Developer acknowledge that the property west of Bangerter is bisected by a canal. Provided Developer improves or landscapes this area, the land covered by the canal may be used for purposes of determining residential density and open space requirements.

The Developer is responsible for building that portion of 40<sup>th</sup> west that accesses the residential development from 114<sup>th</sup> south street north for a distance of approximately 1125 feet to the point where 40<sup>th</sup> west is partially located on the Kennecott parcel. Once the right of way reaches the Kennecott parcel those who benefit from the road from that point will be responsible for construction of the road and any cost for such construction. Developer will agree to dedicate ½ width of 40<sup>th</sup> west from the point such street reaches the Kennecott parcel to the northern boundary of Developer's parcel. All curb, gutter, curb walls and sidewalks will be located within said dedicated right of way, and Developer will not be required to dedicate any property for sidewalks or slope easements to be located on the east side of 40<sup>th</sup> west.

Reserved Legislative Powers. Developer acknowledges that the City is restricted in its authority to limit its police power by contract and that the limitations, reservations and exceptions set forth herein are intended to reserve to the City all of its police power that cannot be so limited. Notwithstanding the retained power of the City to enact such legislation under the police powers, such legislation shall only be applied to modify the vested rights of Developer with respect to use under the zoning designations as referenced in Section 3.1 above under the terms of this Agreement based upon the policies, facts and circumstances meeting the compelling, countervailing public interest exception to the vested rights doctrine in the State of Utah. Any such proposed change affecting the vested rights of the Project shall be of general application to all development activity in the City; and, unless in good faith the City declares an emergency, Developer shall be entitled to prior written notice and an opportunity to be heard with respect to the proposed change and its applicability to the Project under the compelling, countervailing public interest exception to the vested rights doctrine.

IV. Term. This Agreement shall be effective as of the date of recordation and shall run with the land and continue in full force and effect until all obligations hereunder have been fully performed and all rights hereunder fully exercised. In the event the obligations hereunder have not been fully satisfied, and upon mutual agreement of the Developer and the City, this agreement may be terminated and upon termination the City at its sole discretion may initiate a rezoning process to rezone the property.

## V. City's Obligations

The City assures that should the Zoning be approved as requested and shown on Exhibit "C", to allow the Developer to construct a single-family residential development on Assessor's Parcel Numbers 2720100003 and 2719200003 consistent with the map attached to this Agreement as Appendix "C". that complies with Section VII of this Agreement and with the R-3, RM-6, and BH-MU Sections of the City of South Jordan Zoning Ordinance except as is inconsistent with Section VII below.

The Developer shall not be required to construct or install sidewalk improvements on the west side of 40<sup>th</sup> West Street. In the event the City determines that sidewalk improvements are to be constructed or installed on the west side of 40<sup>th</sup> West Street, the City shall require the owner/developer of the property on the west side of 40<sup>th</sup> West Street to construct or install said side walk.

## VI. Developer's Obligations

- A. Developer agrees to use Developer's good faith efforts to create a mixed use development that may include Research and Development Park and Park housing, office and limited retail uses atmosphere on the Parcel zoned "BH-MU". In addition, Developer agrees to provide the City of South Jordan periodic updates relating to the status of its pre-design and design review committee determinations.
- B. Developer agrees to the types of commercial development on the BH-MU Zone Property, as described in Attachment "C", including, but not limited to:
  1. Neighborhood Commercial uses as described in Sections 17.56.020 and 17.56.030 of the current zoning ordinance or as amended) in the commercial area immediately surrounding the "Round-a-Bout" on 114<sup>th</sup> South Street (see Attachment "C").
  2. Create a buffer between the residential & other development on the Property and the Lucas Dell residential development to the east as follows:
    - a. Not build a road along the west boundary of the "Lucas Dell" subdivision.
    - b. Create 1/3 acre or larger lots along the west boundary of the "Lucas Dell" and increase the residential density, in a manner approved by the City at the plat approval process, as the development goes to the west towards Bangerter Highway.
- C. Developer agrees to limit the types of residential development on RM-6 Zoned Property as described in Attachment "C", to single family ownership with no apartment buildings.
- D. The Developer agrees and understands that Developer will supply plans and obtain any and all required permits under City, County, State or Federal regulations before commencing any redevelopment or improvements and that the Developer will pay all applicable fees as required.

## VII. General Provisions.

A. Notices. All Notices, filings, consents, approvals, and other communication provided for herein or given in connection herewith shall be validly given, filed, made, delivered or served if in writing and delivered personally or sent by U.S. Postal Service mail, postage prepaid to:

If to City:                      The City of South Jordan  
    1600 West Towne Center Drive  
    South Jordan City, Utah 84095

Attention: City Manager

If to Developer: Wade S. Williams  
90 South 400 West, Suite 200  
Salt Lake City, Utah 84101

or to such other addresses as either party may from time to time designate in writing and deliver in like manner. Any such change of address shall be given at least ten (10) days before the date on which the change is to become effective.

B. Mailing Effective. Notices given by mail shall be deemed delivered seventy-two (72) hours following deposit with the U.S. Postal Service in the manner set forth above.

C. Waiver. No delay in exercising any right or remedy shall constitute a waiver thereof and no waiver by the parties of the breach of any provision of this Agreement shall be construed as a waiver of any preceding or succeeding breach of the same of any other provision of this Agreement.

D. Headings. The descriptive headings of the paragraphs of this Agreement are inserted for convenience only, and shall not control or affect the meaning or construction of any provision this Agreement.

E. Authority. The parties to this Agreement represent to each other that they have full power and authority to enter into this Agreement, and that all necessary actions have been taken to give full force and effect to this Agreement. Developer represents and warrants that its company is fully formed and validly exists under the Laws of the State of Utah, and is duly qualified to do business in the State of Utah and is in good standing under applicable state laws. The Developer and the City warrant to each other that the individuals executing this Agreement on behalf of their respective parties are authorized and empowered to bind the parties on whose behalf each individual is signing. Developer represents to the City that by entering into this Agreement, Developer has bound the property and all persons and entities having a legal or equitable interest to the terms of the Agreement.

F. Entire Agreement. This Agreement, including exhibits, constitutes the entire Agreement between the parties.

G. Amendment of this Agreement. This Agreement may be amended in whole or in part with respect to all or any portion of the Property by the mutual written consent of the parties to this Agreement or by their successors in interest or assigns. Any such amendment of this Agreement shall be recorded in the official records of the Salt Lake County Recorder's Office.

H. Severability. If any of the provisions of this Agreement are declared void or unenforceable, such provision shall be severed from this Agreement, which shall otherwise remain in full force and effect, provided that the fundamental purpose of this Agreement and the Developer's ability to complete the project is not defeated by such severance.

I. Governing Law. The laws of the State of Utah shall govern the interpretation and enforcement of the Agreement. The parties shall agree that the venue for any action commenced in connection with this Agreement shall be proper only in a court of competent jurisdiction located in Salt Lake County, Utah, and the Parties hereby waive any right to object to such venue.

J. Remedies. If any party to this Agreement breaches any provision of this Agreement, the non-defaulting party shall be entitled to all remedies available at both law and in equity.

K. Attorney's Fee and Costs. If any party brings legal action either because of a breach of the Agreement or to enforce a provision of the Agreement, the prevailing party shall be entitled to reasonable attorney's fees and court costs.



L. Binding Effect. The benefits and burdens of this Agreement shall be binding upon and shall inure to the benefit of the parties hereto and their respective heirs, legal representatives, successors in interest and assigns. This Agreement shall be incorporated by reference in any instrument purporting to convey an interest in the Property.

M. Assignment. The rights of the Developer under this Agreement may not be transferred or assigned, in whole or in part except by written approval of the City. Developer shall give notice to the City of any proposed or requested assignment at least thirty (30) days prior to the effective date of the assignment. City shall not unreasonably withhold its consent to assignment.

N. Third Parties. There are no third-party beneficiaries to this Agreement, and no person or entity not a party hereto shall have any right or cause of action hereunder.

O. No Agency Created. Nothing contained in the Agreement shall create any partnership, joint venture, or agency relationship between the parties.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year first above written:

ATTEST:

By: Anna West  
Anna West, City Recorder



CITY OF SOUTH JORDAN  
a Utah municipal corporation

By: Ricky A. Horst  
Ricky A. Horst, City Manager

APPROVED AS TO FORM:

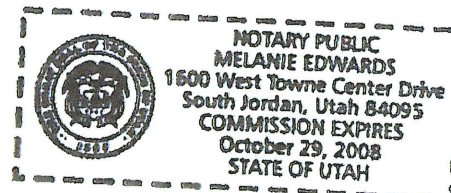
By: John H. Geilmann  
John H. Geilmann, City Attorney

STATE OF UTAH                     )  
  )ss  
County of Salt Lake             )

The foregoing instrument was acknowledged before me this 17 day of March 2000, by, on behalf of John H. Geilmann + Ricky A. Horst

Melanie Edwards Notary Public

My Commission Expires: Oct 29, 2008



The Boyer Company, L.C., a Utah Limited  
Liability Company

By: [Signature]

Title: Manager

STATE OF UTAH )

)ss

County of Salt Lake )

The foregoing instrument was acknowledged before me this 10<sup>th</sup> day of  
2006, by Denton M. Glenn, on behalf of The Boyer Company, L.C.

Rachael N. Nussulu Notary Public

My Commission Expires: 8-20-07

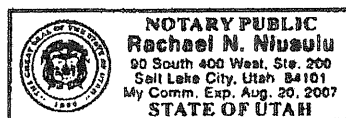


Exhibit "A"

*To be verified by the Developer before execution of the Agreement.*

Legal Description:

THE NW 1/4 OF SEC 20, T 3S, R 1W, S L M. LESS CANAL & BANGERTE HWY. 144.05 AC M OR L.

AND

THE SE 1/4 OF NE 1/4 SEC 19 T 3S R 1W S L M. LESS CANAL 38.26 AC

Exhibit "B"*Copies of current Zoning Ordinance sections referred to in Development Agreement.***R-3 Zone**

## 17.40.020: PERMITTED USES:

The following uses may be conducted in the R-3 zone as limited herein:

Home occupations according to city ordinances.

Household pets not exceeding two (2) per species over the age of four (4) months per dwelling.

Residential accessory buildings, the footprints of which do not exceed the footprint area of the dwelling.

Residential accessory uses.

Residential facility for disabled persons as required by state law.

Single-family dwelling, detached, maximum one per lot or parcel. (2003 Code § 17.40.020)

**RM-6 Zone**

## 17.48.020: PERMITTED USES:

The following uses may be conducted in the R-M zone as limited herein:

Home occupations according to city ordinances.

Household pets not exceeding two (2) per species over the age of four (4) months per dwelling.

Residential accessory buildings, the footprints of which do not exceed the footprint area of the dwelling.

Residential accessory uses.

Residential facility for disabled or elderly persons as required by state law.

Single-family dwelling, detached, maximum one per lot or parcel. (Ord. 2004-06, 5-18-2004)

**BH-MU Zone**

## 17.70.020: PERMITTED USES:

The following uses are permitted in the BH-MU zone:

Auto and equipment parts retailing.  
 Banks, credit unions, financial institutions.  
 Beauty, health and fitness centers.  
 Books, videos, media, photography, copies, art and drafting supplies, office supplies, stationery retail.  
 Department, discount and food stores.  
 Furniture, electronics, appliances and home furnishings retailing.  
 Hardware and home improvement retailing.  
 Health, beauty and medical products retailing; prescription drugs retailing.  
 Hobbies and crafts retailing.  
 Hotels and motels.  
 Household goods retailing.  
 Medical, dental, health services.  
 Miscellaneous retail sales.  
 Movie theaters, concert halls.  
 Office uses.  
 Pharmacy.  
 Restaurants, eating establishments.  
 Sewing supplies, apparel, footwear retailing.  
 Shopping centers and malls.  
 Sporting goods, toy retailing. (Ord. 2004-05, 5-4-2004)

#### **CN Zone**

##### **17.56.020: PERMITTED USES:**

The following uses may be conducted in the C-N zone:

Retail sales and services, excluding auto services such as lube, stand alone car wash, tune up, tires, repairs. (2003 Code § 17.56.020)

##### **17.56.030: CONDITIONAL USES:**

A conditional use permit may be issued for the following uses in the C-N zone:

Banks, credit unions.  
 Bed and breakfast inn.

Drive-through establishments such as fast food, financial institution, pharmacy, but excluding auto services such as lube, stand alone car wash, tune up, tires, repairs.

Gas stations/convenience stores.

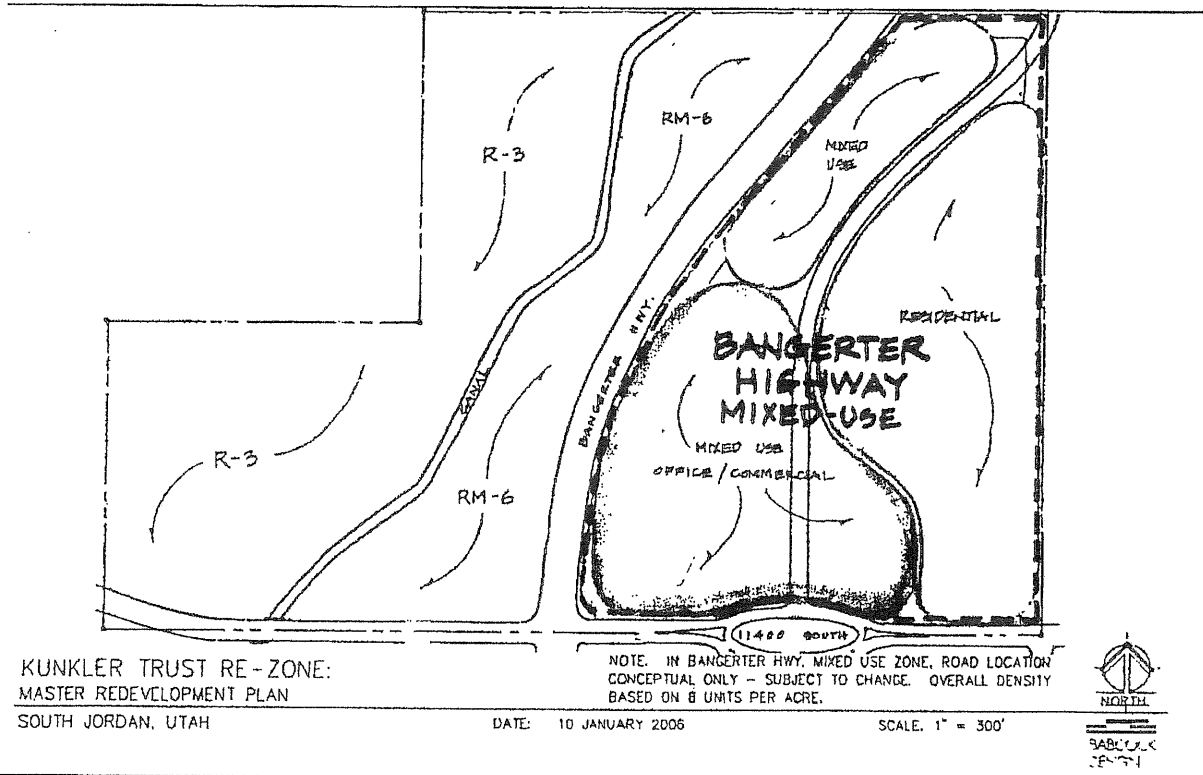
Office, no larger than three thousand (3,000) square foot building.

Restaurants. (2003 Code § 17.56.030)



## Exhibit "C"

## Proposed Conceptual Plan



**Exhibit D**  
**(to Development Agreement dated February 21, 2006)**

BHMU Zone Text Amendments and BHMU Zone Master Development Plan  
as adopted by the South Jordan City Council 5/18/10

## ORDINANCE NO. 2010.04

### AN ORDINANCE AMENDING SECTION 17.70 OF TITLE 17 OF THE SOUTH JORDAN MUNICIPAL CODE PERTAINING TO THE BANGERTER HIGHWAY MIXED USE ZONE (BH-MU)

**WHEREAS**, the South Jordan City Council has previously adopted Section 17.70 of the South Jordan City Municipal Code, which determine the uses allowed and regulations for the Bangerter Highway Mixed Use zone; and

**WHEREAS**, the South Jordan Planning Commission, after holding a public hearing, has reviewed the proposed text amendments to Section 17.70; and

**WHEREAS**, the City Council has held a public hearing and has reviewed the proposed amendments and considered the recommendation of the Planning Commission regarding the proposed amendment; and

**WHEREAS**, in accordance with principles of sound municipal planning, the City Staff, the City Planning Commission, and the City Council have taken into account the impact the proposed amendment will or may have on existing or future development projects, and to the extent legally permissible or practical, the City Staff, Planning Commission and Council have taken reasonable steps to ensure that the proposed amendment meets the purposes and objectives of the Planning and Land Use Code; and

**WHEREAS**, the City Council desires to amend the Development Code as proposed; and

**WHEREAS**, the City Council has found and determined that the proposed amendments to Section 17.70 of the South Jordan Municipal Code will support the best interests of the City and will promote the public health, safety and welfare.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF SOUTH JORDAN CITY, STATE OF UTAH, AS FOLLOWS:**

**Section 1. Amendment.** Chapter 17.70 Title 17, "Planning and Land Use Code", of the South Jordan Municipal Code is hereby amended as follows:

### **Chapter 17.70** **BANGERTER HIGHWAY MIXED USE (BH-MU) ZONE** **17.70.010: PURPOSE:**

The Bangerter Highway ~~Mmixed Use Zone~~ may be cited as the "BH-MU ~~Z~~zone" and may be established along the east side of Bangerter Highway to provide areas for higher density, mixed use development. Such development will be compatible with a major arterial highway corridor and ~~s~~would discourage low density single-family residential development near the highway.

It is intended that a variety of retail, office, entertainment and residential uses be combined to create a self-contained environment for workers, shoppers, residents and visitors in a pedestrian oriented unified manner while accommodating automobile traffic to regional services dependent upon a major transportation facility.

The BH-MU **Z**zone will encourage orderly, aesthetically pleasing development and a balance of uses while discouraging strip commercial with its attendant congestion, pollution and visual blight. (Ord. 2007-02, 1-16-2007) **Buildings shall be designed to have architectural and access orientation to the street.**

### **17.70.020: PERMITTED USES:**

The following uses are permitted in the BH-MU Zzone:

Auto and equipment parts retailing.

Banks, credit unions, financial institutions.

Beauty, health and fitness centers.

Books, videos, media, photography, copies, art and drafting supplies, office supplies, stationery retail.

Department, discount and food stores.

Furniture, electronics, appliances and home furnishings retailing.

Hardware and home improvement retailing.

Health, beauty and medical products retailing; prescription drugs retailing.

Hobbies and crafts retailing.

Hotels and motels.

Household goods retailing.

Medical, dental, health services.

Miscellaneous retail sales.

Movie theaters, concert halls.

Office uses.

**Outdoor Kiosks.**



Pharmacy.

Restaurants, eating establishments.

Sewing supplies, apparel, footwear retailing.

Shopping centers and malls.

Sporting goods, toy retailing. (Ord. 2007-02, 1-16-2007)

### **17.70.030: CONDITIONAL USES:**

A conditional use permit may be issued for the following uses in the BH-MU ~~Z~~zone:

Assisted living centers.

**Indoor/underground** ~~a~~Automobile sales, new and ancillary used, maximum three (3) acres per business, no closer than four hundred feet (400') from residential development.

~~Automobile sales, used; minimum eight thousand (8,000) square foot building required, maximum three (3) acres per business, no closer than four hundred feet (400') from residential development.~~

Automotive services enclosed within a building, including lube, tune up, automatic wash, inspection, tires, mufflers, minor repairs.

Bed and breakfast inn.

Convention, arena, reception and assembly facilities.

Cultural exhibits and activities.

Daycare center.

Drive-through facilities, **visually buffered**, for allowed uses.

Entertainment, amusement, recreational activities.

Equipment and appliance light repairs and service enclosed within a building.

Fast food.

Gas stations, convenience stores.

Golf courses and ranges.

Hospitals.

Laundry.

**Live/Work Units.**

Lumber, building material and landscaping retail sales yards.

Nature or zoological exhibits.

Office buildings.

Parks.

Public or quasi-public facilities.

Recreational vehicle and boat sales, new and ancillary used.

Religious activities.

**Retail Nurseries, Lawn and Garden Supply Stores**

Schools, educational and training activities.

Single-family residential PUD or condominium **and integrated multi-family residential (projects with more than one housing land use type with 'village' style design, building height and architecture), maximum eight (8) units per acre of the gross acreage of the Master Development Plan. Additional dwelling units exceeding eight (8) units per acre may be approved by the City Council as an amendment to the Master Development Plan (MDP).**

Street vendors.

Upper floor residential condominium combined with commercial and/or office use on the main floor in the same building. (Ord. 2008-19, 11-18-2008)

**17.70.040: USE REGULATIONS:**

Uses may be conducted in BH-MU zones only in accordance with the following regulations:

- A. Only allowed permitted, conditional or accessory uses as set forth in this chapter may be conducted in BH-MU **Z**ones. Residential uses (not including upper floor residential) in a BH-MU zone may not exceed twenty percent (20%) of the gross land area in the zone. A conditional use permit must be obtained prior to the establishment of a conditional use. Sexually oriented business is prohibited in **the** BH-MU **Z**ones.

- B. All uses in BH-MU **Z**zones shall be conducted within completely enclosed buildings, unless otherwise allowed in this chapter, except **outdoor kiosks, vendor carts, and** those temporary uses customarily conducted in the outdoors, including Christmas tree lots, fireworks stands and parking lot sales associated with an approved use on the property. Parking lot sales may be conducted up to four (4) 1-week periods per year.
- C. Accessory uses **may be conducted and accessory** buildings may be ~~conducted~~ **constructed** in BH-MU **Z**zones only in conjunction with allowed permitted and conditional uses. Accessory uses include, but are not limited to, parking lots and terraces, properly screened utility and loading areas and other buildings and activities which are incidental and subordinate to the principal permitted or conditional use on the premises.
- D. There shall be no open storage of trash, debris, used, wrecked or neglected materials, equipment or vehicles in BH-MU **Z**zones. No commercial materials, goods or inventory may be stored in open areas in BH-MU **Z**zones, except for temporary display items which are removed daily and which may be located only on private property no closer than ten feet (10') from any public right of way. No more than twelve (12) small party balloons and six (6) weatherproof placards, each not exceeding two feet (2') square, per business may be attached to the displays and shall be removed daily with the displays. All other signs and devices are prohibited. Outdoor storage of inventory or products such as firewood, water softener salt, garden supplies including plants and other landscaping materials and building materials is permitted only in screened areas approved for such purpose with site plan review.
- E. No vehicle, boat or trailer, or parts thereof, which is in a wrecked, junked, dismantled, inoperative or abandoned condition, attended or not, may be parked or stored in BH-MU **Z**zones for longer than seventy two (72) hours unless stored within a completely enclosed building.
- F. No commercial vehicles such as earthmoving or material handling equipment, semi-trucks or trailers or any commercial truck, trailer or vehicle may be stored in the BH-MU **Z**zone for longer than seventy two (72) hours, except in conjunction with an approved use, or approved development or construction activities on the property.
- G. Utility trailers and recreational vehicles such as motor homes, travel trailers, watercraft, campers and all-terrain vehicles, may not be stored in any area in BH-MU **Z**zones, except in conjunction with a single-family dwelling. Said trailers and vehicles shall be stored within lawfully constructed buildings or behind the front line of the dwelling, except that said vehicles may be stored temporarily in front or street side yards for no longer than seventy two (72) hours. Recreational and utility vehicles may be stored permanently in the street side yard of a corner lot only if stored completely behind the front line of the main building and at least eight feet (8') from the street right of way line and if enclosed with a six foot (6') high solid vinyl or masonry fence. Travel trailers, campers and motor homes may

not be occupied as living quarters in the BH-MU **Z**zone, except that a vehicle owned by a guest of the resident may be stored and occupied in the required front yard or side yard of the permanent dwelling for no more than seven (7) days per calendar year.

H. Home occupations may be licensed in any residence in BH-MU **Z**zones according to provisions of **chapter 17.98** of this title. (Ord. 2007-02, 1-16-2007)

### **17.70.050: ZONE ESTABLISHMENT:**

Each proposed BH-MU **Z**zone shall be contiguous to the Bangerter Highway right of way. Each proposed BH-MU **Z**zone shall be accompanied by a master development plan ("MDP") which specifies land use areas and residential densities **including the total number of residential units**. Retail, office, residential ~~8~~, mixed use (~~containing upper floor residential~~), open space and public/quasi-public land use areas will be shown on the MDP. The MDP shall be adopted as an exhibit to the ordinance establishing the BH-MU **Z**zone in which it is proposed. The MDP shall ~~may be amended~~ **adopted** by the City Council after the establishment of the BH-MU **Z**zone by following standard rezoning procedures of **chapter 17.22** of this title. **The Planning Commission City Council shall review and may approve necessary amendments to the MDP based upon appropriate changes to the land use mix and market conditions.** (Ord. 2007-02, 1-16-2007)

### **17.70.060: DEVELOPMENT REVIEW:**

All uses proposed in **the** BH-MU **Z**zones may only be established in conformance with development review procedures of the city. Applicants shall follow the procedures and requirements of this code regarding development review in the preparation and review of development proposals in **the** BH-MU **Z**zones. All uses shall be conducted according to the approved plan or plat and any conditions of approval. Plans or plats may not be altered without prior approval of the city, except as allowed under state law. The following procedure shall be used for site plan review of projects in the BH-MU **Z**zone:

- A. The developer shall prepare and submit a concept plan as described in section **16.24.030** of this code.
- B. The developer shall prepare and submit a design book with the concept plan containing typical renderings of cross sections and plan views of the following:
  1. Existing and proposed public street curb, gutter, sidewalk, park strip, landscaping, streetlights and pavement.
  2. Yard areas between buildings and public streets, including trees, grass, shrubs, ground cover, signs and screen walls.

3. Parking areas, walkways, driveways, landscaped areas and storm detention/retention areas.

4. Architectural features, including materials and colors, of buildings, freestanding and wall mounted signs and light fixtures, trash enclosures, utility and loading area screen walls, pedestrian furniture and artwork.

5. Other improvements as required by city staff.

- C. The city staff shall review the concept plan and design book and provide comments to the developer who will make needed revisions to the documents. Upon final review and approval of city staff, the concept plan and design book for the development will be scheduled on the Planning Commission agenda for a public hearing. **Amendments or changes to the approved design book may be approved by the Planning Commission subsequent to their review and a public hearing to hear comments regarding the proposed amendments or changes.**
- D. Upon approval of the concept plan and design book by the Planning Commission, site plans for all or portions of the BH-MU Zone may be prepared according to section **16.24.040** of this code and submitted to city staff for review. City staff may approve, approve with conditions, or deny the site plans for the proposed development.
- E. A decision of the city staff regarding site plans in the BH-MU Zone may be appealed according to procedures set forth in section **16.04.370** of this code. (Ord. 2007-02, 1-16-2007)

### **17.70.070: LOT WIDTH AND FRONTAGE:**

No minimum lot width is required in the BH-MU Zone except as established with development approval. Each lot or parcel in BH-MU Zones must front on or have legal access to a public street. (Ord. 2007-02, 1-16-2007)

### **17.70.080: AREA REQUIREMENTS:**

The following area requirements shall apply in the BH-MU zone:

- A. Minimum Zone Area: The minimum area of a BH-MU Zone shall be one hundred (100) acres.
- B. Minimum Project Area: "Project" shall be defined as any development in BH-MU Zones for which preliminary plat or site plan approval has been proposed or granted. The minimum area of any project in BH-MU Zones shall be one **quarter** acre.
- C. Minimum Lot Area: There shall be no minimum lot area in BH-MU Zones, except as established with development approval.



~~D. Maximum Residential Area: Maximum residential use area in BH-MU zones is twenty percent (20%) of the gross land area in the zone. (Ord. 2007-02, 1-16-2007)~~

### **17.70.090: PRIOR CREATED LOTS:**

Nonconforming lots or parcels of land which legally existed or were created by a preliminary or final plat approval prior to the establishment of a BH-MU **Z**zone shall be brought into conformance with the requirements of this chapter prior to **new** development. (Ord. 2007-02, 1-16-2007)

### **17.70.100: YARD REQUIREMENTS:**

Yard requirements in the BH-MU **Z**zone shall be determined with site plan, subdivision and/or condominium review by the **P**lanning **C**ommission. Non-single-family residential buildings shall be separated from single-family residential lot lines by a minimum distance of thirty feet (30'), of which ten feet (10') adjacent to the property line shall be landscaped, ~~unless said uses are contained in the same building.~~ (Ord. 2007-02, 1-16-2007)

### **17.70.110: PROJECTIONS INTO YARDS:**

The following may be erected on or projected into any required yard space in BH-MU zones:

- A. Fences and walls in conformance with city codes and ordinances.
- B. Landscape elements, including trees, shrubs and other plants.
- C. Utility or irrigation equipment or facilities.
- D. Single family detached residential** ~~D~~decks not more than two feet (2') in height.
- E. Single family detached residential** ~~E~~cornices, eaves, sills, planter boxes, stairways, landings, porches, decks or similar architectural features attached to the building extending not more than two feet (2') into a side yard or four feet (4') into a front or rear yard.
- F. Single family detached residential** ~~F~~chimneys, fireplace keys, box or bay windows or cantilevered walls attached to the building not exceeding eight feet (8') wide and extending not more than two feet (2') into a side yard or four feet (4') into a front or rear yard. (Ord. 2007-02, 1-16-2007)

### **17.70.120: PARKING AND ACCESS:**

Parking areas and access in BH-MU **Z**zones shall meet requirements of **chapter 16.26** of this code. **In order to enhance pedestrian access and walkability, site**

design should focus on orienting buildings to streets and driveways with parking placed to the rear or side of structures.

A reduction in required parking may be granted by the Planning Commission upon recommendation by the Community Development Director and City Engineer, when justification for such can be made. Shared parking and mixed use site plan design shall be considered in determining parking reduction. Strategies for walkable commercial development as suggested by "Envision Utah's Urban Planning For Quality Growth" shall be implemented where appropriate. (Ord. 2007-02, 1-16-2007)

### **17.70.130: FENCING, SCREENING AND CLEAR VISION:**

The following fencing, screening and clear vision requirements shall apply in BH-MU zones:

- A. All mechanical equipment, antennas (where possible), loading and utility areas and trash receptacles shall be screened from view **from a public street** with architectural features or walls consistent with materials used in the associated buildings.
- B. The boundary of a BH-MU **Z**zone which is not in or adjacent to a street and which is adjacent to a single-family residential or agricultural zone shall be fenced with a six foot (6'), decorative precast concrete panel or masonry fence as determined with development approval. Six foot (6') solid vinyl boundary fencing may be allowed in unusual circumstances such as adjacent to property which is master planned for nonresidential uses. A higher fence may be required or allowed by the city in unusual circumstances. A building permit is required for fences and walls over six feet (6') high. Other fencing or landscaping techniques may be used to buffer waterways, trails, parks, open spaces or other uses as determined with development approval.
- C. No wall, fence or screening material shall be erected between a street and a front or street side building line in BH-MU **Z**zones, except for **single family residential developments, and** as required in subsection A of this section.
- D. Landscape materials, except for mature trees which are pruned at least seven feet (7') above the ground, and fences shall not exceed two feet (2') in height within a ten foot (10') triangular area formed by the edge of a driveway and a street right of way line or within a thirty foot (30') triangular area formed by the right of way lines of intersecting streets. (Ord. 2007-02, 1-16-2007)

### **17.70.140: ARCHITECTURAL STANDARDS:**

The following architectural standards are required in BH-MU **Z**zones:

- A. Architectural drawings and elevations, exterior materials and colors of all buildings shall be submitted in conjunction with development review. An architectural theme governing the project shall be submitted for review.
- B. All building materials shall be high quality, durable and low maintenance.
- C. **Building materials for structures**, Single-family residential and townhome dwellings, **including garages**, shall ~~use~~ be constructed with brick, or stone, or cement fiber products (i.e. Hardie Board) in combinations that create aesthetically pleasing architecture. Stucco products, if used, shall clearly be used in minimal amounts and as a contrast or accent to other building materials, i.e. gables. Both vertical and horizontal elements should be used, as appropriate, to enrich and give a variety to the architectural theme. Individual buildings shall have enough architectural variation to be recognizable as separately recognizable structures. ~~in the minimum amount of three feet (3') times (x) the perimeter of the foundation (including garage);~~
- D. **Except for flat or shed-style roofed structures approved by the Planning Commission through design book review**, a minimum ~~six~~ eight to twelve (68:12) roof pitch **shall be required** and a minimum two (2) car garage (minimum ~~202~~ feet by ~~202~~ feet, or the square footage ~~approximate approved equivalent for tandem parking approved by the Planning Commission in conjunction with a site plan, subdivision plat or condominium map for the development.~~
- ED. Exterior walls of buildings, in excess of sixty feet (60') in length, shall have relief features at least four inches (4") deep at planned intervals. All sides of buildings shall receive design consideration.
- FE. Signs shall meet requirements of **chapter 16.36** of this code and shall be constructed of materials which complement the buildings which they identify.
- GF. Maximum building height in BH-MU zones shall be four (4) stories, **unless otherwise approved by the City Council**, except that the maximum height shall be two (2) stories within four hundred feet (400') of any single-family residential zone.
- HG. The exteriors of buildings in the BH-MU Zzone shall be properly maintained by the owners. (Ord. 2007-02, 1-16-2007)
- I. **Architectural design and site layout shall be compliant with the basic principles of C.P.T.E.D. (Crime Prevention Through Environmental Design), i.e. natural surveillance, natural access control, territoriality, and maintenance.**

#### 17.70.150: LANDSCAPING:

The following landscaping requirements and standards shall apply in the BH-MU Zzone:

- A. The front, side and rear yards of lots in BH-MU Zzones shall be landscaped and properly maintained with grass, trees and other plant **and/or permeable landscape** material.
- B. All areas of lots in BH-MU Zzones not approved for parking, buildings or other hard surfacing shall be landscaped and properly maintained with **ground covers that may include turfgrass**, deciduous and evergreen trees and other plant **and/or permeable landscape material (including properly designed xeriscape)**, approved in conjunction with a site plan, plat or record of survey map for the development. **Drought resistant plant materials are encouraged.**
- C. A minimum of one tree per five hundred (500) square feet, or part thereof, of required landscaped yard areas is required in BH-MU Zzones in addition to other trees required in this section. A minimum of thirty percent (30%) of required yard area trees shall be minimum seven foot (7') evergreens. Deciduous trees shall be minimum two inch (2") caliper. Deciduous and evergreen trees required in this section shall be dispersed throughout the required yard areas on the site.
- D. ~~All collector street and other public and private~~ **P**ark strips **(planting area between streets/driveways and sidewalks) are required** in BH-MU Zzones and shall be improved **with street trees with appropriate ground covers** and maintained by the adjoining owners according to specifications adopted by the city unless otherwise allowed with development approval. **Park strips shall be of sufficient width to accommodate the root zone of the approved street tree species, i.e. at least five feet (5') for ornamental trees.**
- E. Trees may not be topped nor may any landscape material be removed in BH-MU Zzones without city approval. Any dead plant material shall be replaced in accordance with the requirements of this chapter and the conditions of site plan, plat or map approval.
- F. The following landscaping requirements shall apply in parking areas in BH-MU Zzones:
  - 1. Curbed planters with two inch (2") or larger caliper shade trees and grass, shrubs or ground cover shall be installed at the ends of parking rows. Planters shall be at least five feet (5') wide.
  - 2. Shade trees shall be planted between double parking rows at minimum intervals of six (6) stalls and along single parking rows at minimum intervals of three (3) stalls and no farther than six feet (6') from the parking area. Shade trees are not required in parking rows which are adjacent to buildings **only if parking is adjacent to a covered sidewalk.**

3. All landscaped areas adjacent to parking areas shall be curbed.

- G. A minimum twenty foot (20') wide landscaped **planting area** ~~planter~~ shall be required along the Bangerter Highway right of way on lots and parcels in the BH-MU zone which adjoin the highway right of way. This area may be counted toward any minimum yard area that would otherwise be required adjacent to the highway right of way. These areas shall be planted with trees and other plant/**landscape** materials approved with the development.
- H. Developments which are contiguous to canals, streams or drainage areas shall make reasonable efforts to include banks and rights of way in the landscaping of the project and the urban trails system. Any areas so included and perpetually preserved may be counted toward required yard space for the development. If approved by the city engineer, waterways which traverse developments may be left open if properly landscaped and maintained by the adjacent owners. Waterways may not be altered without written approval of any entity or agency having jurisdiction over said waterways.
- I. All required landscaping in BH-MU **Z**zones, shall be installed (or escrowed due to season) prior to occupancy.
- J. All landscaped areas, including adjoining public right of way areas, shall be properly irrigated and maintained by the owners. (Ord. 2007-02, 1-16-2007)

### **17.70.160: LIGHTING:**

The following lighting requirements shall apply in BH-MU **Z**zones:

- A. A lighting plan shall be submitted with all new developments in BH-MU **Z**zones. Site lighting shall not exceed forty feet (40') in height. Site and street lighting shall not exceed twenty feet (20') in height within three hundred feet (300') of any single-family residential zone or in public park strips.
- B. Lighting for commercial uses which is within three hundred feet (300') of residential lots shall be shielded to prevent glare on said residential lots.
- C. All lighting fixtures shall **evoke a 'village' feel to the development and** be architectural grade consistent with the architectural theme of the **project development**. Lighting fixture detail will be submitted for approval with the development. (Ord. 2007-02, 1-16-2007)

### **17.70.170: OTHER REQUIREMENTS:**

The following provisions shall apply in BH-MU **Z**zones:

- A. Private Covenants: The developer of a condominium project or PUD in a BH-MU **Z**zone shall submit a proposed declaration of covenants to the city attorney for



review, including an opinion of legal counsel licensed to practice law in the state that the condominium meets requirements of state law, and record the covenants with the condominium map or subdivision plat for the project.

- B. Grading and Drainage: All developments in BH-MU Zzones shall be graded according to the city engineering and building requirements to provide adequate drainage on and off the property. Buildings shall be equipped with facilities for the discharge of all roof drainage onto the subject lot or parcel.
- C. Easements: Buildings may not be located within public easements without written approval from the affected parties.
- D. Maintenance: All developments shall be properly maintained by the owners.
- E. Phasing Plan: A project phasing plan shall be submitted for review at the time of preliminary plat or site plan approval. Development shall be in accordance with the phasing plan unless a revised phasing plan is approved by the city. (Ord. 2007-02, 1-16-2007)

**Section 2. Amendment.** The development plan included as Exhibit A to this Ordinance is hereby adopted as the amended and revised Master Development Plan("MDP") for the BH-MU Zone.

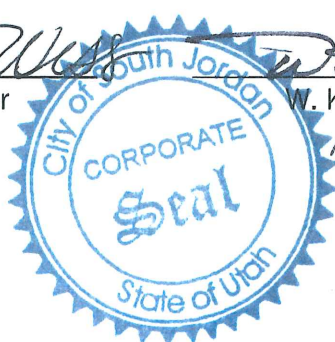
**Section 3. Severability.** If any section, part, or provision of this Ordinance is held invalid or unenforceable by a court of competent jurisdiction, such unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

**Section 4. Effective Date.** This Ordinance shall become effective immediately upon publication or posting as required by law.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF SOUTH JORDAN CITY, STATE OF UTAH, ON THIS 18th DAY OF May, 2010 BY THE FOLLOWING VOTE.**

	YES	NO	ABSTAIN	ABSENT
Brian Butters	<u>X</u>	_____	_____	_____
Kathie L. Johnson	<u>X</u>	_____	_____	_____
Larry Short	<u>X</u>	_____	_____	_____
Aleta A. Taylor	<u>X</u>	_____	_____	_____
Leona Winger	<u>X</u>	_____	_____	_____

ATTEST: Anna M. West  
Anna M. West, City Recorder



W. Kent Money  
W. Kent Money Mayor

## Exhibit A

**[to Ordinance 2010.04 AN ORDINANCE AMENDING SECTION 17.70 OF TITLE 17 OF THE SOUTH JORDAN MUNICIPAL CODE PERTAINING TO THE BANGERTER HIGHWAY MIXED USE ZONE (BHMU) passed and adopted by the South Jordan City Council, May 18, 2010]**

BH-MU Master Development Plan (4 Pages)

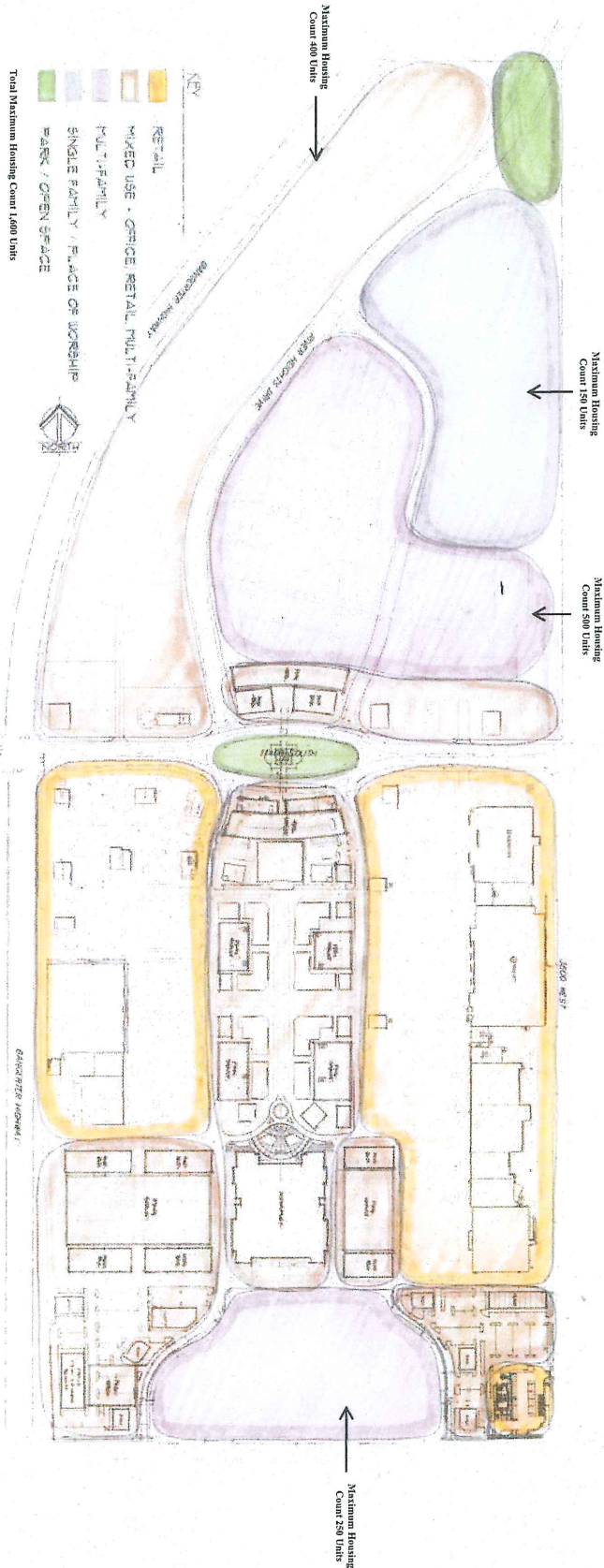
# EXHIBIT A

## BH-MU Zone Master Development Plan (4 Pages)

Adopted 18 May 2010

Item H.1.

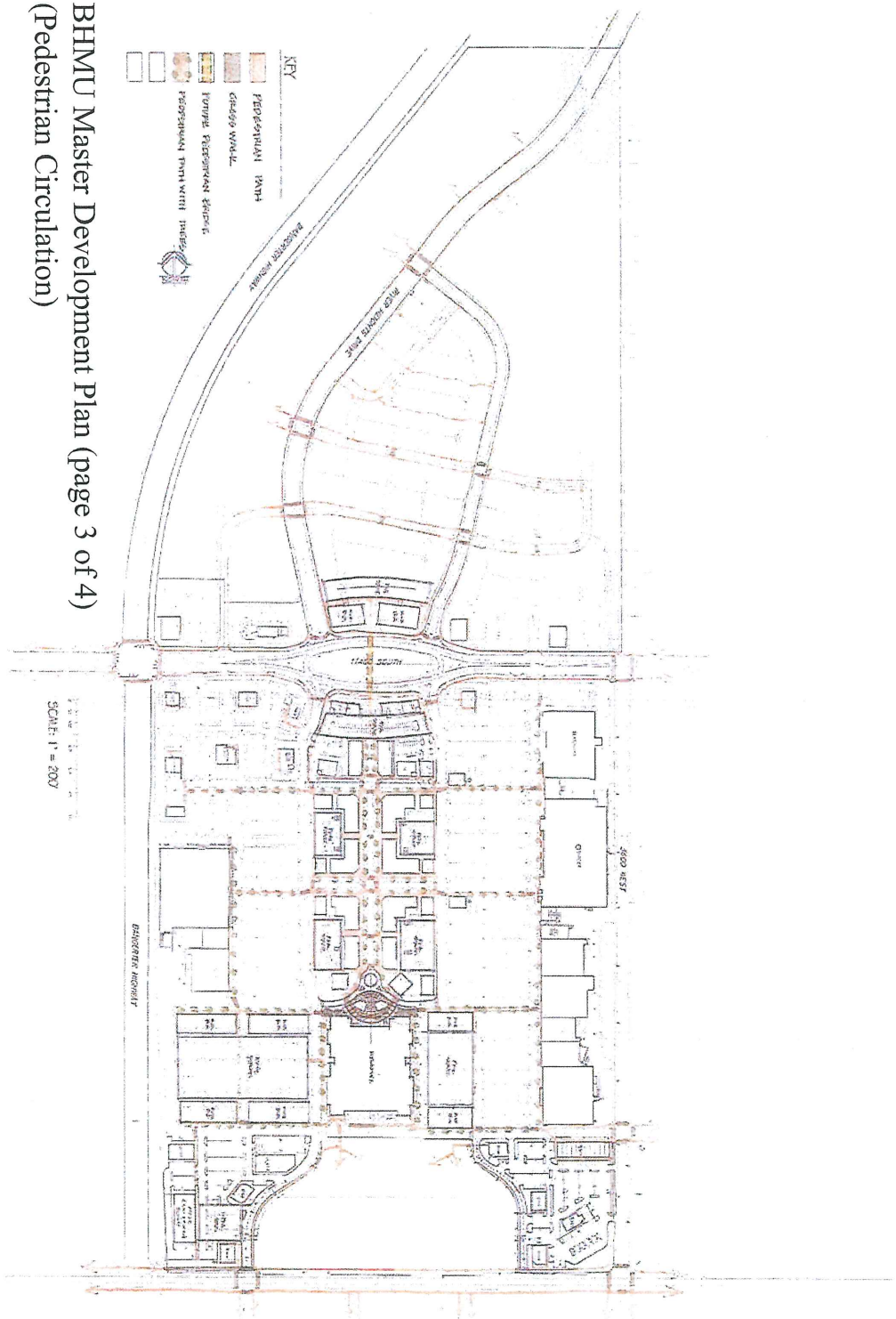
### BH-MU Master Development Plan (page 1 of 4) (Land Use Plan)





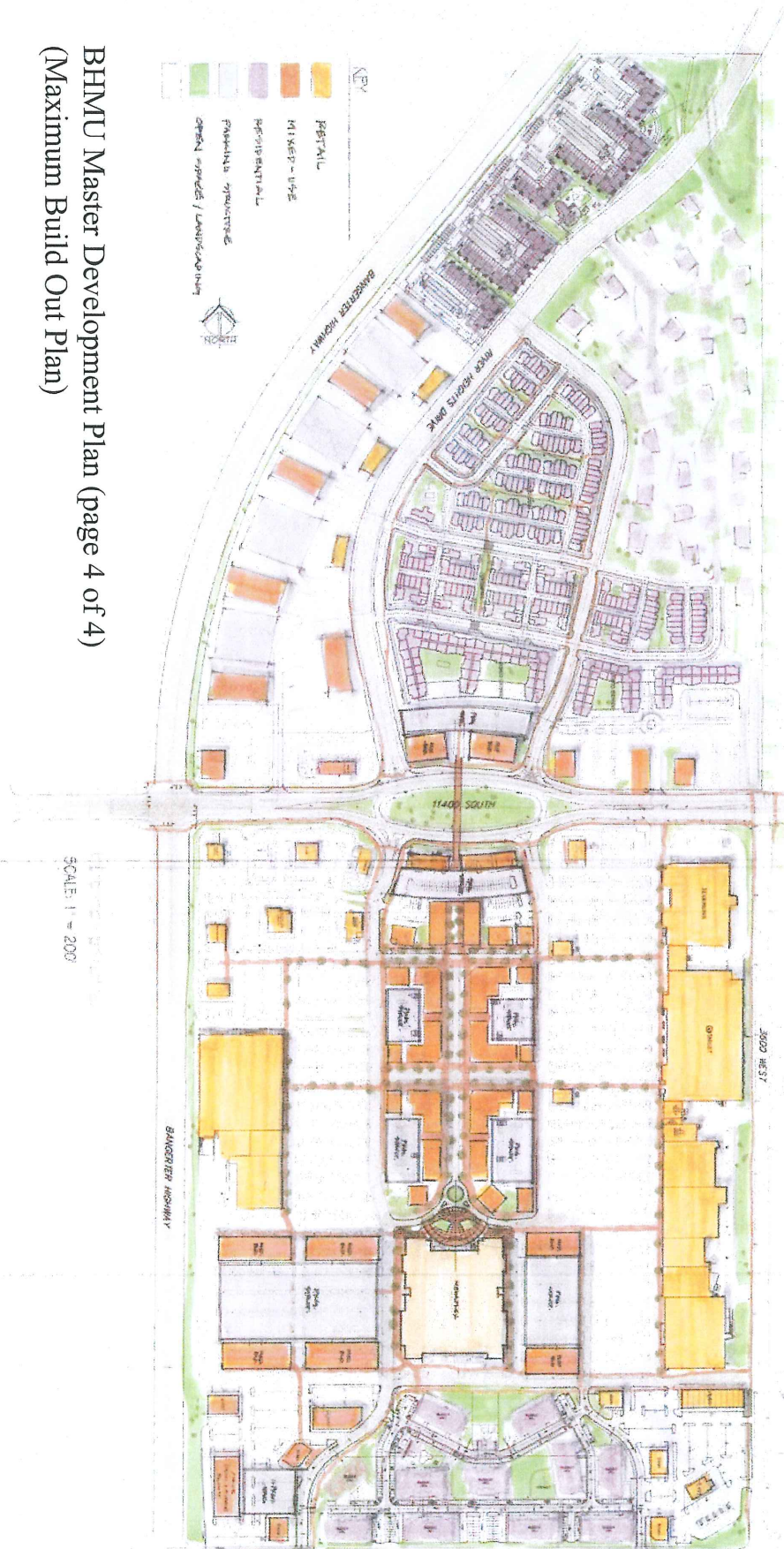


BHMU Master Development Plan (page 3 of 4)  
(Pedestrian Circulation)





BHMU Master Development Plan (page 4 of 4)  
(Maximum Build Out Plan)



To: City of South Jordan, Damir Drozdek

From: Jacob Ballstaedt, Garbett Homes

Subject: Mosaic Conditional Use Permit (PLCUP202400023)

Date: 3-21-24

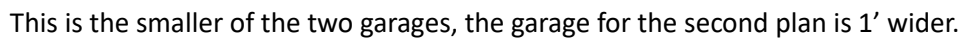
## Responses

### Planning Review

1. Materials have been delivered to Damir for the ARC meeting.
2. Yes, all the units are rear loaded. The front doors will face each other. The front doors of the units along River Heights drive will face River Heights drive. The units along the northern property line will face north with the front doors facing north.
3. Yes, all of the buildings are three stories.
4. The minimum garage size is just over 20'X20', see the plan below.
5. Yes, all the drives are private. Yes, we have a shared access easement with the neighbor to the south.
6. We are planning to build a decorative sound wall along Bangerter Highway.
7. The new attached drawings have the height dimension, 38'9".
8. 2-bedroom: 1,673 sq. ft. 3-bedroom: 1,749 sq. ft.
9. They are 7-plexes, this was an error.
10. We are planning to sell the units.
11. No clubhouse or playground equipment.

### Engineering Review

1. We are planning to locate the water meters between the driveways or in the driveways with a mountable cover.
2. We changed the site plan to include a 3<sup>rd</sup> access.
3. We flipped the location of the parking and a townhome building so that the parking would be more central to the community.
4. We updated the site plan to include walkways from the guest parking to the front doors of each of the units.
5. There are no dumpsters. Each unit will have individual garbage cans.
6. Each unit will have their own garbage can. They will be collected from the rear drive alleys.
7. The roadways are 26' wide from back of curb to back of cement ribbon, see plans for details. The curb and gutter will be mountable.
8. We are planning to have under-ground StormTech water detention galleries.



# **SOUTH JORDAN CITY PLANNING COMMISSION REPORT**

**Meeting Date: 05/14/2024**

**Issue:** South Jordan City Park  
**PRELIMINARY SUBDIVISION**  
**Address:** 10749 S 2200 W South Jordan, UT 84095  
**File No:** PLPP202400044  
**Applicant:** Jeremy Nielson / South Jordan City

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

**Staff Recommendation (Motion Ready):** I move that the Planning Commission **approve** File No. PLPP202400044.

<b>ACREAGE:</b>	1.37 Acres
<b>CURRENT ZONE:</b>	Agriculture (A-5)
<b>CURRENT USE:</b>	Single-Family home structure
<b>FUTURE LAND USE PLAN:</b>	Open Space (OS)
<b>NEIGHBORING ZONES/USES:</b>	North – Single-Family residences (A-5) South – Utah State University Property (A-5) West – Single-Family Residences (A-5) East – South Jordan City Rec Soccer Fields (OS)

## **STANDARD OF APPROVAL:**

The Planning Commission shall receive comment at a public hearing regarding the proposed subdivision amendment. The Planning Commission may approve the amendment if it finds good cause to amend the subdivision, and the amendment complies with City Code Chapter 16.14, other City ordinances, and sanitary sewer and culinary water requirements. The Planning Commission may only deny the amendment if there is no good cause for amending the subdivision and the proposed amendment does not meet all provisions of City Code Chapter 16.14, other City ordinances, and sanitary sewer and culinary water requirements.

City Code § 16.14.020

## **BACKGROUND:**

The applicant is requesting the Planning Commission approve a preliminary subdivision plat for City property located at 10749 S 2200 W. The proposed subdivision create two lots from one existing lot and form the South Jordan City Park Subdivision. The existing property is under the

Agriculture (A-5) zone; however, it is intended to be rezoned to Single-Family Residential (R-1.8) and Open Space Park (OS-P) under file No. PLZBA202400043.

The proposed subdivision will create two lots with different sizes. Lot 1 will have an area of 0.55 acres and Lot 2 will have an area of 0.82 acres. The Utah and Salt Lake Canal intersects the property on its eastern side.

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

#### **Findings:**

- There is no development agreement associated with this preliminary subdivision.
- The existing property has a Utah and Salt Lake Canal Easement that is 73.60 feet at its widest.
- The subject property's current zoning and size make it a nonconforming lot. After subdivision and rezone, both lots will conform to their zone requirements.
- The area where Lot 1 will be has a Single-Family structure on it. The area where Lot 2 will be is vacant.
- Once the final subdivision is complete, the new lots will become the South Jordan City Park Subdivision.

#### **Conclusion:**

- The proposed preliminary subdivision application meets the City Code requirements and as such should be approved.

#### **Recommendation:**

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

#### **ALTERNATIVES:**

- Approve an amended Application.
- Deny the proposed Application.
- Schedule the Application for a decision at some future date.

#### **SUPPORT MATERIALS:**

- Location Map
- Current Zoning Map
- Future Land Use Map
- Proposed Subdivision Amendment Plat

*Miguel Aguilera*

Miguel Aguilera  
Planner I, Planning Department



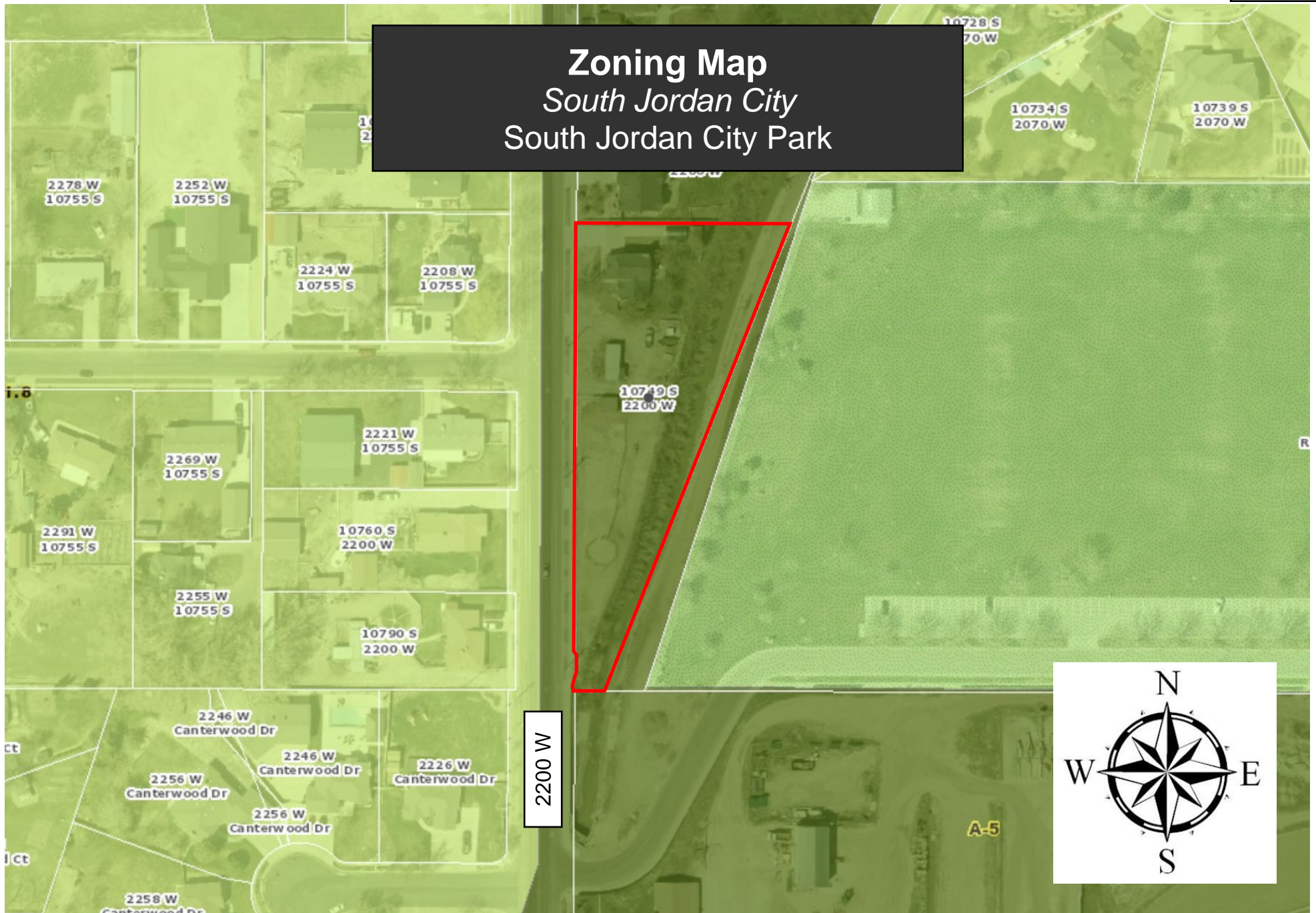




# Zoning Map

## South Jordan City

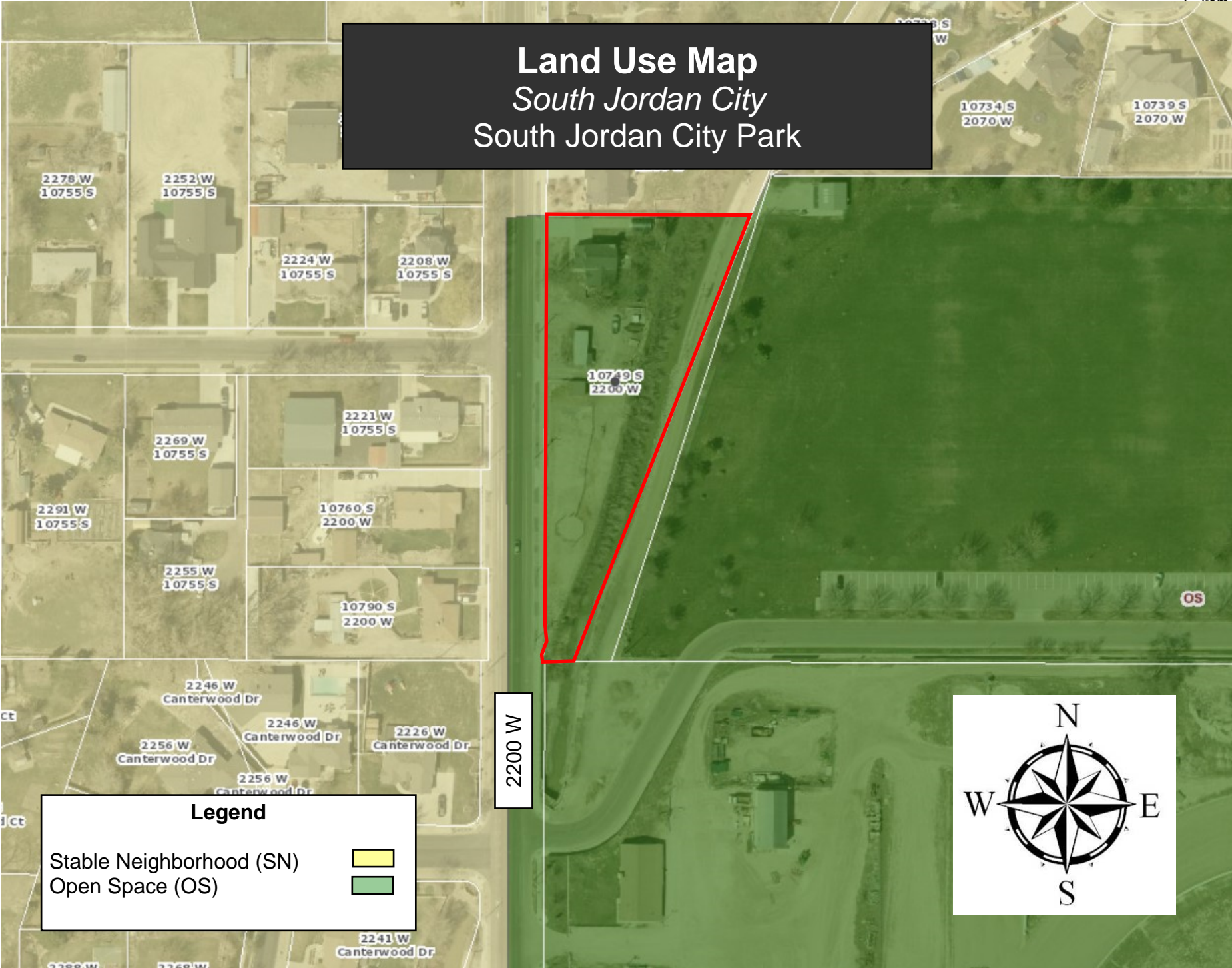
### South Jordan City Park



# Land Use Map

## South Jordan City

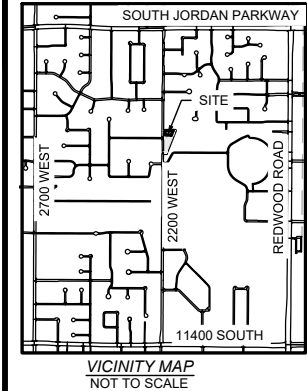
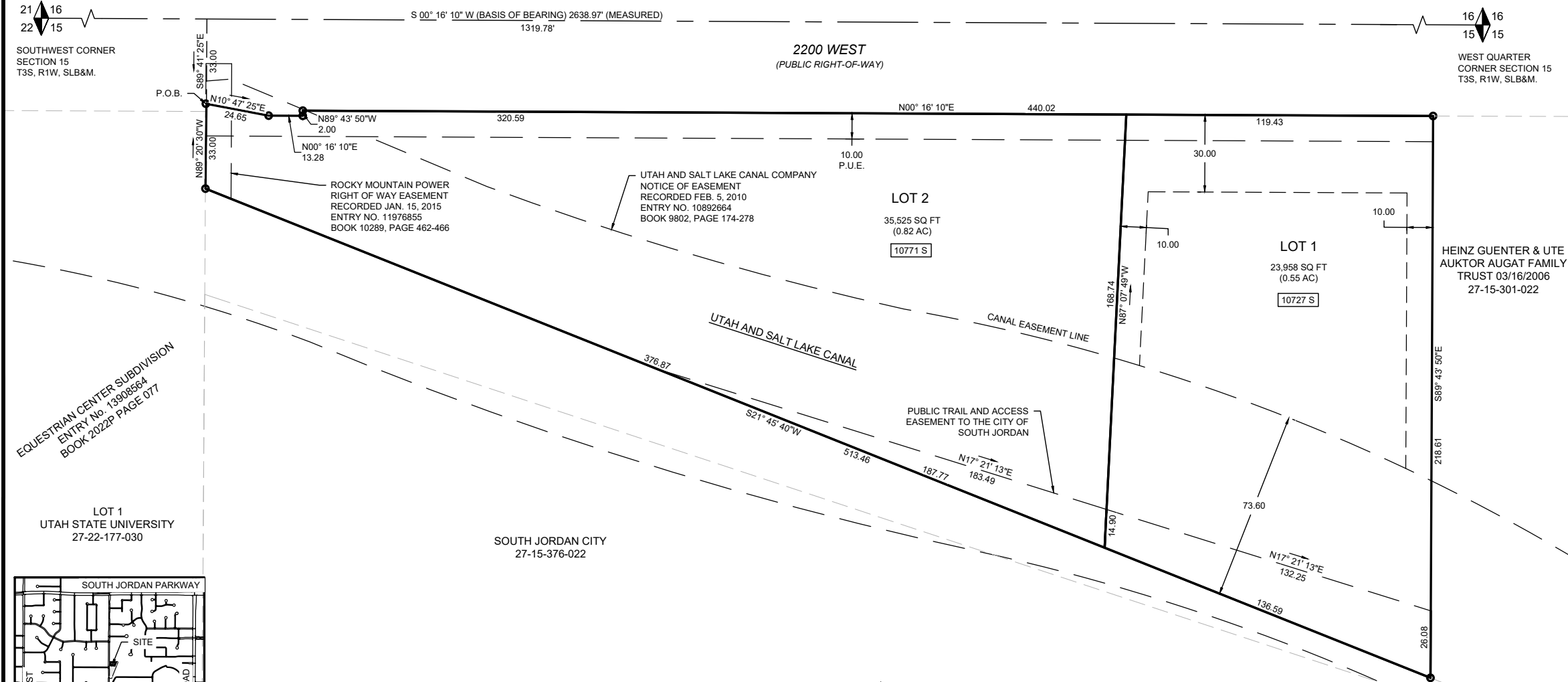
### South Jordan City Park





SOUTH JORDAN CITY PARK SUBDIVISION

LOCATED IN THE SOUTHWEST 1/4 OF SECTION 15,  
TOWNSHIP 3 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN  
SOUTH JORDAN CITY, SALT LAKE COUNTY, UTAH



COMCAST

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

BY COMCAST \_\_\_\_\_

LEGEND

- EXISTING SECTION CORNER (FOUND)
- BOUNDARY CORNER (NOT SET)
- SECTION LINE
- EXISTING LOT LINE
- BOUNDARY LINE
- EASEMENT LINES
- SET BACK LINES

GRAPHIC SCALE (IN FEET)

CENTURY LINK	ROCKY MOUNTAIN POWER	DOMINION ENERGY	SOUTH VALLEY SEWER DISTRICT	BOARD OF HEALTH APPROVAL
APPROVED THIS ____ DAY OF _____, A.D. 20____.	APPROVED THIS ____ DAY OF _____, A.D. 20____.	APPROVED THIS ____ DAY OF _____, A.D. 20____.	APPROVED THIS ____ DAY OF _____, A.D. 20____.	APPROVED THIS ____ DAY OF _____, A.D. 20____.
BY CENTURY LINK _____	BY ROCKY MOUNTAIN POWER _____	BY DOMINION ENERGY _____	BY THE SOUTH VALLEY SEWER DISTRICT _____	BY THE BOARD OF HEALTH _____
			SOUTH VALLEY SEWER DISTRICT MANAGER _____	SALT LAKE COUNTY HEALTH DEPARTMENT _____

<p>1600 West Towne Center Dr. / South Jordan, UT 84095 Telephone: (801) 254-3742 / Fax: (801) 253-5235</p>	CITY PLANNER	CITY ENGINEER	OFFICE OF THE CITY ATTORNEY	SOUTH JORDAN CITY MAYOR	SALT LAKE COUNTY RECORDER
	APPROVED THIS ____ DAY OF _____, A.D. 20____.	I HEREBY CERTIFY THAT THIS OFFICE HAS EXAMINED THIS PLAT AND IT IS CORRECT IN ACCORDANCE WITH INFORMATION ON FILE IN THIS OFFICE AND IS HEREBY APPROVED	APPROVED AS TO FORM THIS ____ DAY OF _____, A.D. 20____.	APPROVED AS TO FORM THIS ____ DAY OF _____, A.D. 20____.	RECORDED # _____ STATE OF UTAH, COUNTY OF SALT LAKE, RECORDED AND FILED AT THE REQUEST OF _____ DATE: _____ TIME: _____ BOOK: _____ PAGE: _____ FEE \$: _____ DEPUTY SALT LAKE COUNTY RECORDER _____
	CITY PLANNER _____	SOUTH JORDAN CITY ENGINEER _____ DATE _____	ATTORNEY FOR SOUTH JORDAN CITY _____	CITY CLERK _____ MAYOR _____	

I, BRAD KLAVANO, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD LICENSE NO. \_\_\_\_\_ PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS, I SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED HEREON, AND HAVE SUBDIVIDED SAID TRACT INTO LOTS, TOGETHER WITH EASEMENTS, HERE AFTER KNOWN AS

Item H.2.

SOUTH JORDAN CITY PARK SUBDIVISION

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



DATE: \_\_\_\_\_ BRAD KLAVANO, PROFESSIONAL LAND SURVEYOR

BOUNDARY DESCRIPTION

A PARCEL OF LAND LOCATED IN THE SOUTHWEST 1/4 OF SECTION 15, TOWNSHIP 3 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EAST RIGHT-OF-WAY LINE OF 2200 WEST AS ESTABLISHED BY A WARRANTY DEED RECORDED AS ENTRY NO 13256891 IN BOOK 10935 AT PAGE 5270 - 5272 IN THE OFFICE OF THE SALT LAKE COUNTY RECORDER, SAID POINT BEING S 00°16'10" W 1319.78 FT AND S 89°41'25" E 33.00 FT FROM THE WEST QUARTER CORNER OF SECTION 15, TOWNSHIP 3 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN.

RUNNING THENCE ALONG SAID RIGHT-OF-WAY LINE THE FOLLOWING (4) COURSES:

- 1) N 10°47'25" E 24.65 FT;
- 2) N 00°16'10" E 13.28 FT;
- 3) N 89°43'50" W 2.00 FT;
- 4) N 00°16'10" E 440.02 FT TO AN EXISTING FENCE AND THE SOUTH LINE OF THE AUGAT PROPERTY AS CONVEYED BY SPECIAL WARRANTY DEED RECORDED JUNE 8 2021 ENTRY NO 13685293 BOOK 11187 AT PAGE 2422, THENCE S 89°43'50" E 218.61 FT ALONG SAID SOUTH LINE OF THE AUGAT PROPERTY TO THE CENTER OF THE UTAH AND SALT LAKE CANAL AND THENCE ALONG SAID CENTER OF CANAL S 21°45'40" W 513.46 FT TO THE NORTH LINE OF THE EQUESTRIAN CENTER PARK SUBDIVISION; THENCE ALONG SAID SUBDIVISION LINE N 89°20'30" W 33.00 FT TO THE POINT OF BEGINNING.

CONTAINS 59,483 SF (1.37 AC), 2 LOTS

OWNERS DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT I / WE, THE UNDERSIGNED OWNER(S) OF THE ABOVE DESCRIBED TRACT OF LAND, AND HEREBY CAUSE THE SAME TO BE DIVIDED INTO 2 LOTS, TOGETHER WITH EASEMENTS AS SET FORTH TO BE HEREFTER KNOWN AS:

SOUTH JORDAN CITY PARK SUBDIVISION

DO HEREBY DEDICATE FOR PERPETUAL USE OF THE PUBLIC ALL PARCELS OF LAND SHOWN ON THE PLAT AS INTENDED FOR PUBLIC USE. OWNER(S) HEREBY AGREE TO WARRANT AND DEFEND AND SAVE THE CITY HARMLESS AGAINST ANY EASEMENTS OR OTHER ENCUMBRANCES ON A DEDICATED STREET WHICH WILL INTERFERE WITH THE CITY'S USE, MAINTENANCE, AND OPERATION OF THE STREET.

IN WITNESS WHEREOF I/WE HAVE HERETO SET OUR HAND(S) THIS \_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_

BY: \_\_\_\_\_

SOUTH JORDAN CITY ACKNOWLEDGMENT

STATE OF UTAH } S.S.  
COUNTY OF SALT LAKE

ON THE \_\_\_\_ DAY OF \_\_\_\_\_, A.D., 20\_\_\_\_ PERSONALLY APPEARED BEFORE ME

\_\_\_\_\_, THE SIGNER OF THE FOREGOING INSTRUMENT, WHO DULY ACKNOWLEDGED TO ME THAT HE/SHE IS A \_\_\_\_\_ OF THE CITY OF SOUTH JORDAN, A MUNICIPAL CORPORATION AND POLITICAL SUBDIVISION, AND IS AUTHORIZED TO EXECUTE THE FOREGOING AGREEMENT IN ITS BEHALF AND THAT HE/SHE EXECUTED IT IN SUCH CAPACITY.

MY COMMISSION EXPIRES: \_\_\_\_\_

NOTARY PUBLIC \_\_\_\_\_ RESIDING IN \_\_\_\_\_ COUNTY

SOUTH JORDAN CITY PARK SUBDIVISION

LOCATED IN THE SOUTHWEST 1/4 OF SECTION 15,  
TOWNSHIP 3 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN  
SOUTH JORDAN CITY, SALT LAKE COUNTY, UTAH

## **SOUTH JORDAN CITY PLANNING COMMISSION STAFF REPORT**

**Meeting Date: 05/14/2024**

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**Issue:                   CONDITIONAL USE PERMIT FOR TEMPORARY PARKING LOT**

**File No.:                PLCUP202400051**

**Property Address:    1602 W 11400 S, South Jordan, UT 84095**

**Applicant:             Travis Ferran**

**Submitted By:         Miguel Aguilera, Planner I**

---

### **Staff Recommendation (Motion Ready):**

**Approve** the Conditional Use Permit (File No. **PLCUP202400051**), based on the Findings and Conclusions listed in this report.

---

### **CONDITIONAL USE REVIEW STANDARDS:**

A conditional use shall not be established or commenced without a conditional use permit approved by the Planning Commission or City Council in conformance with the requirements of City Code §17.18.050; and other pertinent laws and ordinances. Unless amended, revoked, or otherwise specified, the permit shall be indefinite and shall run with the land.

The Planning Commission shall approve a conditional use permit application if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed conditional use in accordance with applicable standards. The Planning Commission may deny a conditional use permit application if the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards.

City Code §17.18.050 also provides standards for compliance and revocation:

1. A conditional use may be commenced and operated only upon:
    - a. Compliance with all conditions of an applicable conditional use permit;
    - b. Observance of all requirements of this title relating to maintenance of improvements and conduct of the use or business as approved; and
    - c. Compliance with all applicable local, State, and Federal laws.
  2. A conditional use permit may be revoked by the City Council at any time due to the permittee's failure to commence or operate the conditional use in accordance with the requirements of subsection I1 of this section.
-



## **BACKGROUND:**

The applicant is requesting that the Planning Commission review and approve a Conditional Use Permit (CUP) for a temporary parking lot located at 1602 W 11400 S. The subject property is city owned and is zoned Agriculture (A-5). The property has an area of 0.25 acres, and does not currently belong to any recorded subdivision.

The lot will be leased from the City to Newport, Inc for a period of 24-36 months. The proposed concept plan shows 28 parking stalls to be built on the property. Entering and exiting is available via Beckstead Lane and 11400 S. Newport, Inc intends for the parking lot to be used by employees only of the nearby Newport Audio Video & Electric and Ferran Construction. The parking lot will not be used for customers.

## **FINDINGS, CONCLUSION, & RECOMMENDATION**

### **FINDINGS:**

- The City has provided the owner's affidavit, giving permission for this use.
- The City is currently developing an agreement with the applicant to determine the terms and conditions of leasing this property.
- The applicant will be responsible for all costs associated with required improvements to the property for the temporary parking lot, per City Engineer and City's CUP requirements
- The applicant will be responsible for all ongoing maintenance of property, per City Engineer requirements
- The applicant will be responsible for carrying insurance on property for temporary parking lot use.
- Without a CUP, the applicant would not be able to use the site as a temporary parking lot.

### **Conclusion:**

Based on the application materials and the findings listed in this report, staff concludes that the proposed application is consistent with City Code pertaining to the A-5 Zone. Staff does not anticipate any significant detrimental effects. Staff is unaware of any findings of fact based on substantial evidence to support denial of this application.

### **Recommendation:**

Staff recommends that the Planning Commission take comments at the public hearing, and **Approve** the Conditional Use Permit Application (File No. **PLCUP202400051**) with no conditions, based on the findings listed in this report.

**ALTERNATIVES TO RECOMMENDATION:**

- Approve the Conditional Use Permit with reasonable conditions imposed
- Deny the Conditional Use Permit, if detrimental effects are identified, and cannot be reasonably mitigated via imposition of reasonable conditions
- Require additional examination, and motion to table for a future meeting

**SUPPORT MATERIALS:**

- Location Map
- Zoning Map
- Proposed Site Plan

*Miguel Aguilera*  
MIGUEL AGUILERA, PLANNER I  
PLANNING DEPARTMENT

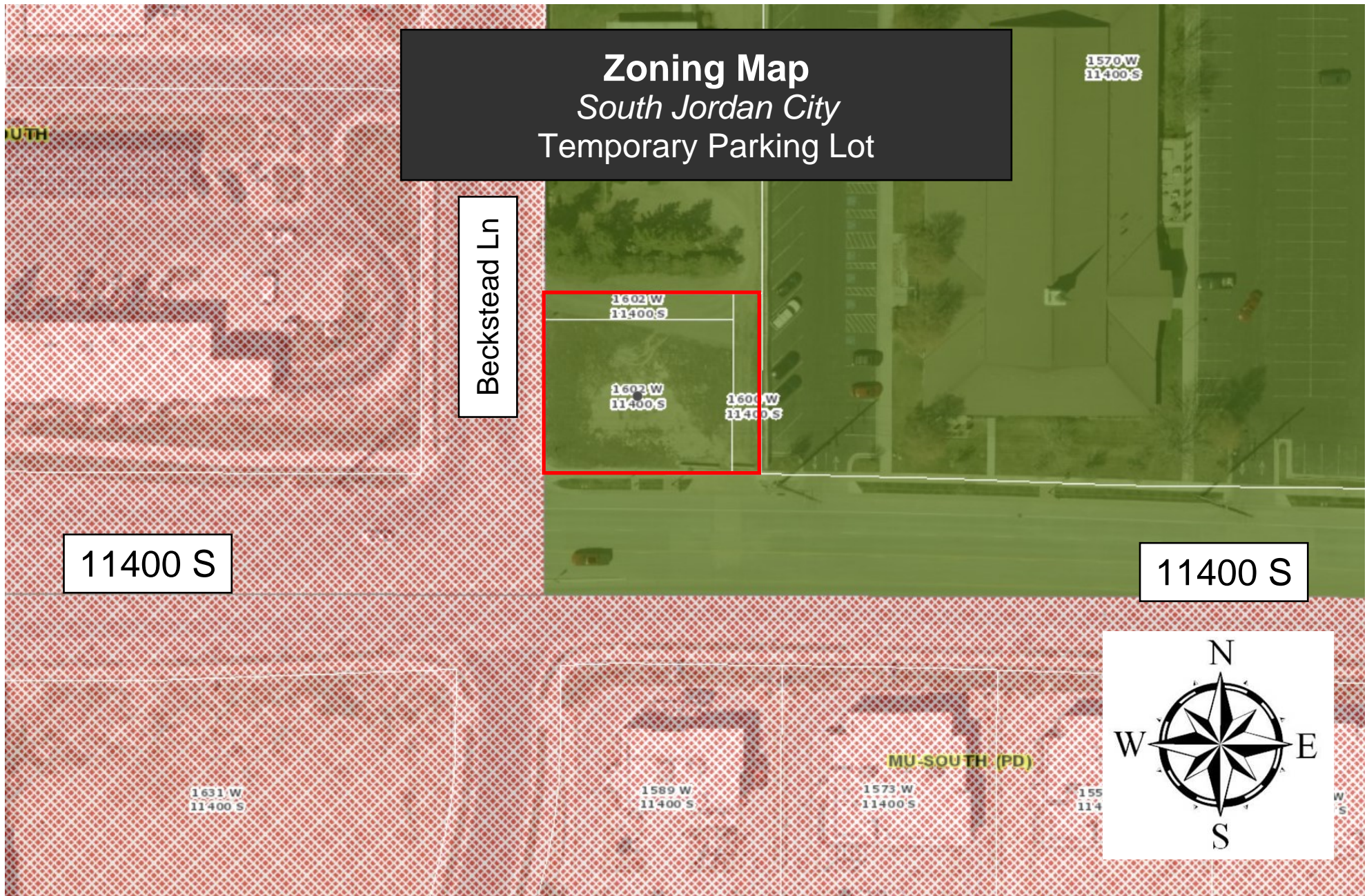
**Location Map**  
*South Jordan City*  
**Temporary Parking Lot**

Beckstead Ln

11400 S









# Land Use Map South Jordan City Temporary Parking Lot

Beckstead Ln

11400 S

11400 S



11336 S  
Beckstead Ln

11400 S

1570 W  
11400 S

1602 W  
11400 S

1602 W  
11400 S

1600 W  
11400 S

1631 W  
11400 S

EC

1589 W  
11400 S

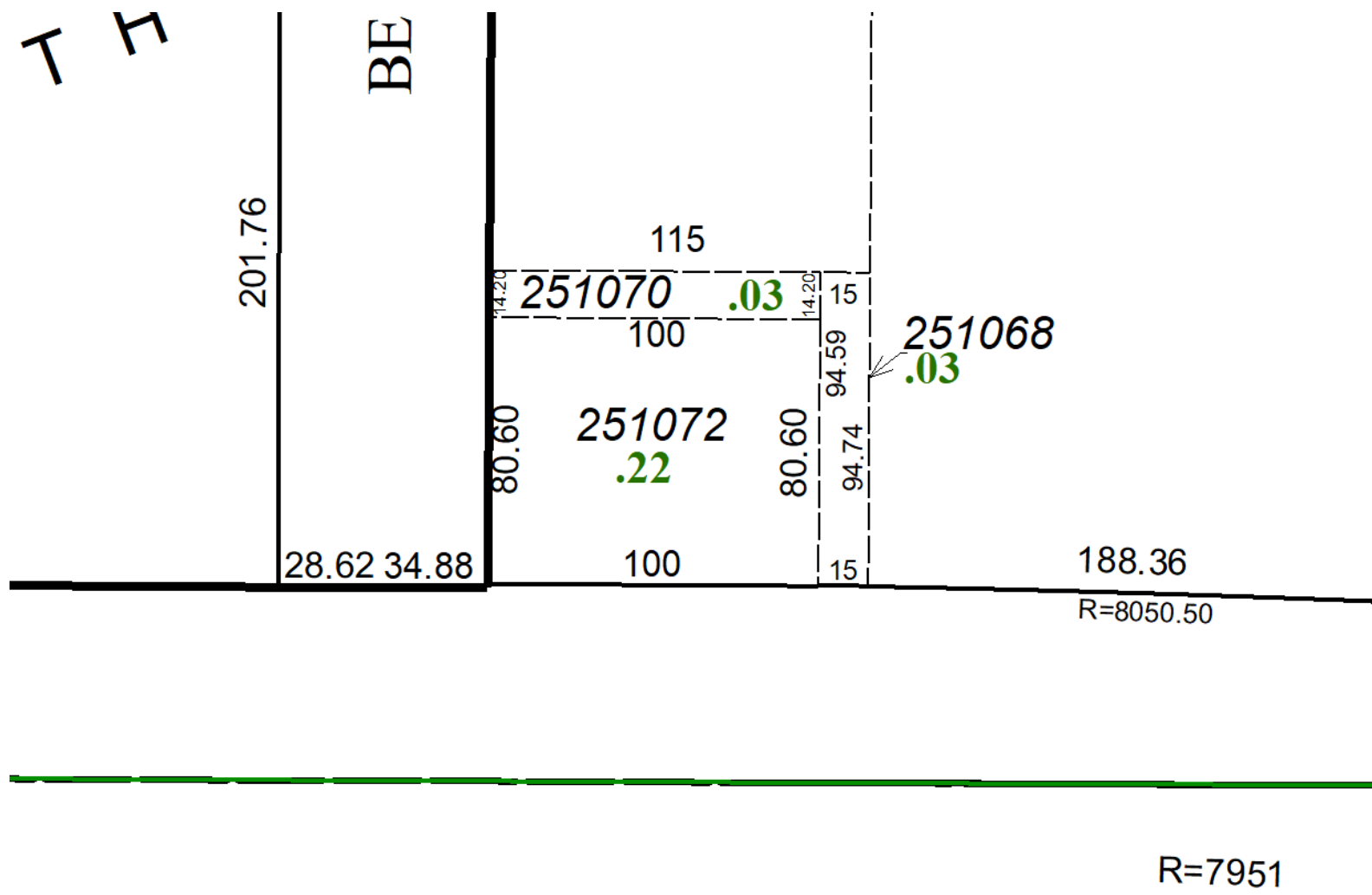
1573 W  
11400 S

153  
114

C:\Projects\A- Ridgeline Projects\1-2024 RL PROJ\2408 Parking lot Travis F\Parking lot 32224.pln



3  
C-101  
GOOGLE SITE  
SCALE: 1:0.50

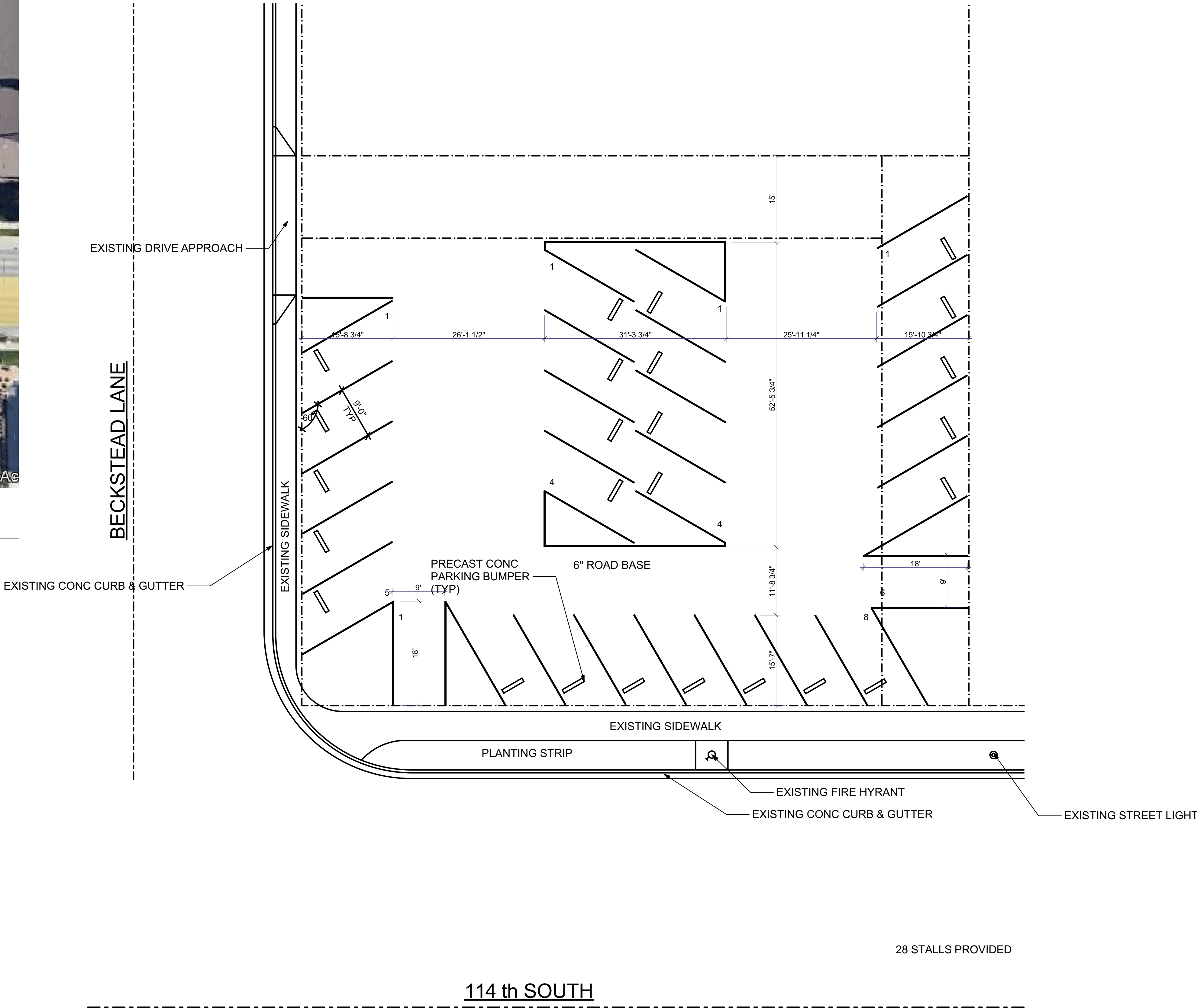


transition to electronically-generated Tax Plats. For parcel information to establish exact physical boundaries, a survey of the property may be required.

W 1/2 NE 1/4 Sec 22 T3S R1E  
SALT LAKE COUNTY, UTAH

1/8/2024

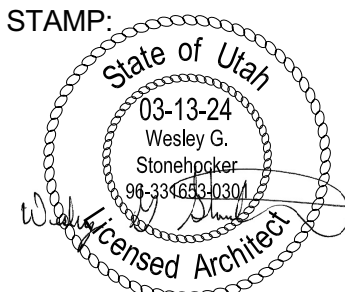
2  
C-101  
PLATT MAP  
SCALE: 1:0.50



1  
C-101  
SITE PLAN  
SCALE: 1" = 10'



RIDGELINE DESIGN ARCHITECTS  
1708 EAST 5550 SOUTH #20  
SOUTH OGDEN, UT 84403  
PHONE: 801-392-6882 FAX: 801-621-1494  
www.ridgeline-design.com



DATE: 3-22-2024  
REVISION:

TRAVIS FERRAN  
PARKING LOT  
BECKSTEAD LANE  
SOUTH JORDAN, UTAH

PROJECT NO:  
2407

SHEET TITLE:  
SITE PLAN

SHEET NUMBER:

C-101



# **SOUTH JORDAN CITY PLANNING COMMISSION REPORT**

**Meeting Date: 05/14/2024**

**Issue:** **SOUTH JORDAN CITY PARK  
LAND USE AMENDMENT REZONE  
Land Use Resolution from Open Space (OS) to Stable Neighborhood (SN);  
Rezone from Agricultural (A-5) to Single-Family Residential (R-1.8) & Open  
Space Park (OS-P)**

**Address:** **10749 S 2200 W, South Jordan, Utah 84095**

**File No:** **PLZBA202400043**

**Applicant:** **Jeremy Nielson / South Jordan City**

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

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

- Resolution R2024-32 approving the land use amendment; and changing the designation from Open Space (OS) to Stable Neighborhood (SN) for Lot 1 of the proposed South Jordan City Park Subdivision plat.
- Ordinance No. 2024-07-Z approving the zone change from Agriculture (A-5) to Single-Family Residential (R-1.8) and Open Space Park (OS-P) for Lot 1 & Lot 2 for the South Jordan City Park Subdivision, respectively.

<b>ACREAGE:</b>	Approximately 1.37 acres
<b>CURRENT ZONE:</b>	Agriculture (A-5) Zone
<b>CURRENT USE:</b>	Agricultural/ Single Family Home
<b>FUTURE LAND USE PLAN:</b>	Open Space (OS)
<b>NEIGHBORING ZONES/USES:</b>	North – A-5/Single-family homes South – A-5/Utah State University land West – R-1.8/Single-family homes East – OS-P/South Jordan City Park

## **STANDARD OF APPROVAL**

### **1. LAND USE AMENDMENT:**

The general plan may be amended by resolution of the city council as follows:

- A. The process to amend the general plan and future land use map may be initiated by members of the City Council, by the City Manager or Planning Director, or by the owner of a subject property or his or her agent. A general plan land use or text amendment which is not initiated by the City may not be reinitiated for an amendment which was considered within the previous year without a majority vote of the City Council. A land use amendment should not impair the development potential of the subject parcel or neighboring properties.

- B. The Planning Commission shall hold a public hearing, as required by state law, after which the commission may modify the proposed general plan amendment. The Planning Commission shall then forward the proposed general plan amendment to the City Council.
- C. After receiving the recommendation of the Planning Commission, the City Council shall hold a public hearing, and may accept, accept with modifications, or reject the proposed general plan amendment.

## 2. REZONE:

The rezoning of property may not be considered if the proposed zoning does not conform to the general plan. The following guidelines shall be considered in the rezoning of parcels:

- A. The parcel to be rezoned meets the minimum area requirements of the proposed zone or if the parcel, when rezoned, will contribute to a zone area which meets the minimum area requirements of the zone.
- B. The parcel to be rezoned can accommodate the requirements of the proposed zone.
- C. The rezoning will not impair the development potential of the parcel or neighboring properties.

(City Code § 17.22.020)

## **BACKGROUND:**

The applicant is requesting a land use amendment and zone change for city owned property located at 10749 S 2200 W. This property is also intended to be subdivided into two lots and become the South Jordan City Park Subdivision. The current zone designation is Agriculture (A-5) and the intent is to rezone Lot 1 of the proposed subdivision to Single-Family Residential (R-1.8), and rezone Lot 2 to Open Space Park (OS-P).

In the future, the City intends to build a parking lot on Lot 2. In the short term the parking lot will provide additional parking for the park to the east. In the long term the parking lot will provide parking for a future fire station that will be located just east of the canal. The City intends to sell Lot 1 with the single family home.

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

### **Findings:**

- There is no development agreement associated with this rezone.
- The application meets the rezone standards of approval of the City Code.
- The rezone of Lot 1 to R-1.8 will match the zone of the neighborhood to the west and northeast.

- The rezone of Lot 2 to OS-P will match the zone of the South Jordan Recreational Soccer Fields to the east.
- Under the existing A-5 zone, the subject property is a nonconforming lot. With the new zone change, Lots 1 & 2 of the South Jordan City Park Subdivision will come into compliance with lots size requirements of the R-1.8 and OS-P zones.

**Conclusion:**

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

**Recommendation:**

Based on the findings and conclusion listed above, Staff recommends that the Planning Commission take comments at the public hearing and **recommend approval** of the rezone application, unless, during the hearing, facts are presented that contradict these findings or new facts are presented, either of which would warrant further investigation by Staff.

**ALTERNATIVES:**

- Recommend approval of an amended application.
- Recommend denial of the application.
- Schedule the application for a decision at some future date.

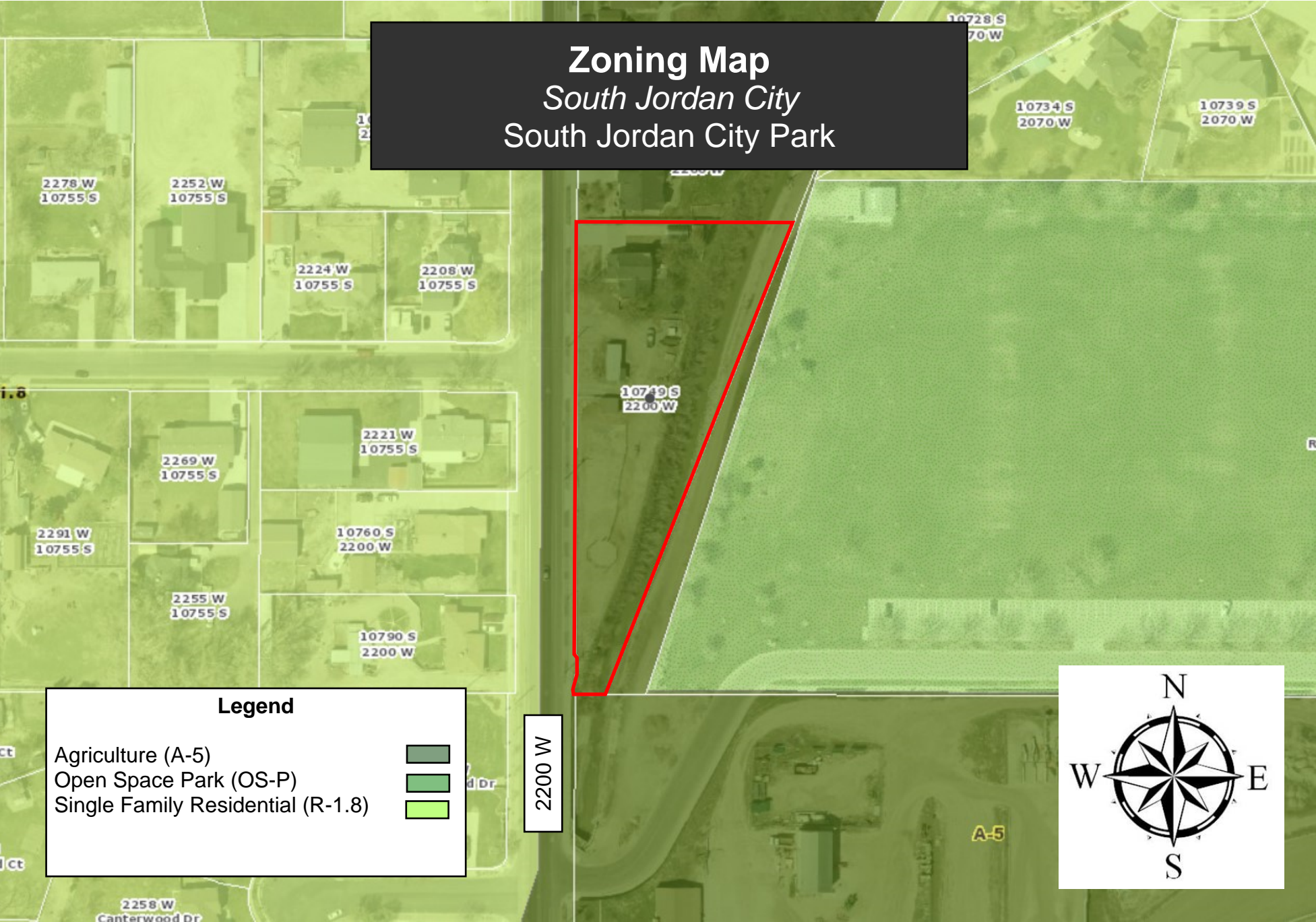
**SUPPORT MATERIALS:**

- |                           |                            |
|---------------------------|----------------------------|
| • Aerial Map              | • Ordinance No. 2024-07-Z  |
| • Land Use Map            | • Exhibit 'A' – Parcel Map |
| • Zoning Map              | • Resolution R2024-32      |
| • Infrastructure Analysis |                            |

*Miguel Aguilera*  
Miguel Aguilera  
Planner I, Planning Department

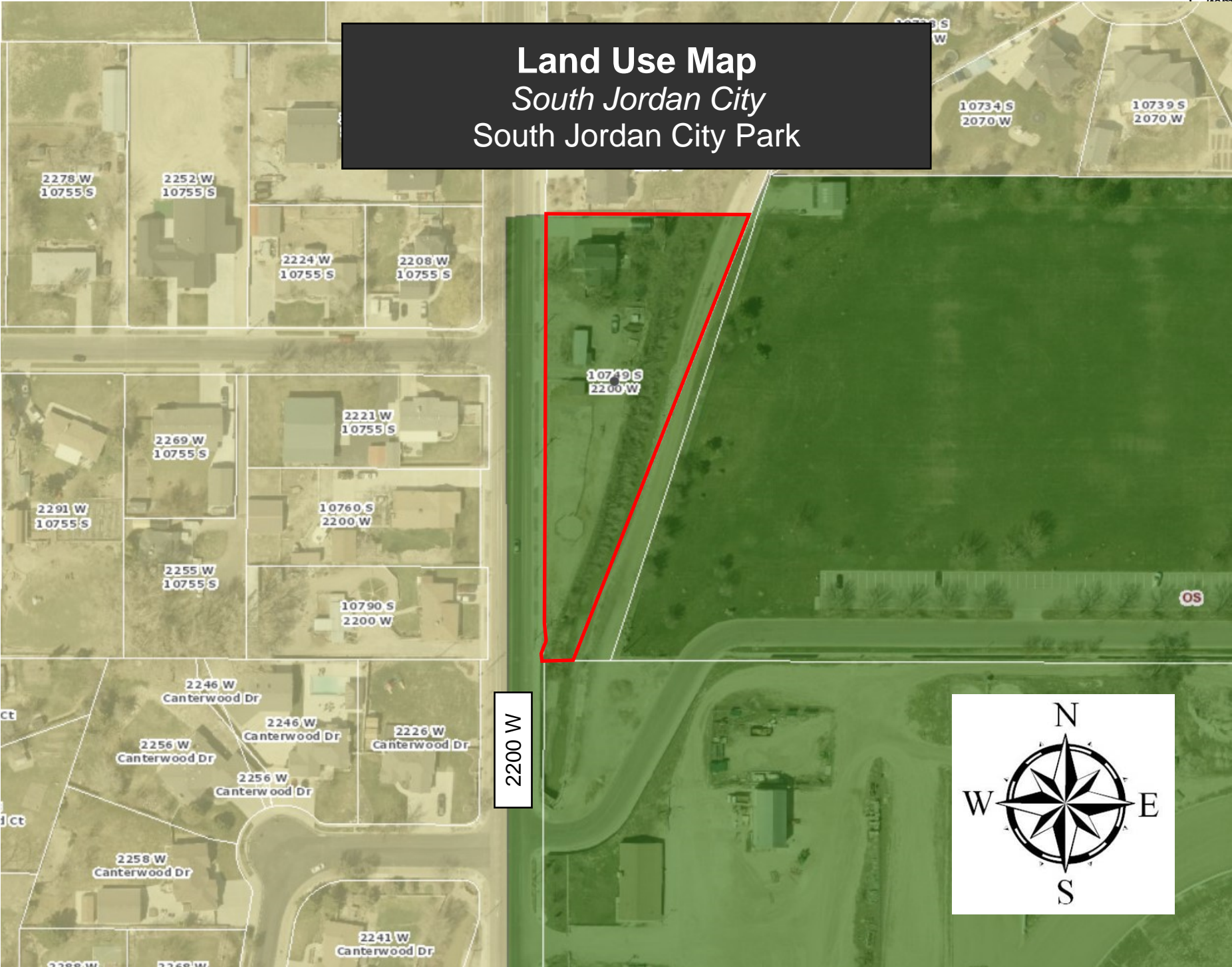








Land Use Map  
South Jordan City  
South Jordan City Park



## RESOLUTION R2024 - 32

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, AMENDING THE FUTURE LAND USE PLAN MAP OF THE GENERAL PLAN OF THE CITY OF SOUTH JORDAN FROM OPEN SPACE (OS) TO STABLE NEIGHBORHOOD (SN) ON PROPERTY LOCATED GENERALLY AT 10749 SOUTH AND 2200 WEST AS DEPICTED ON EXHIBIT A (LOT 1 ONLY); SOUTH JORDAN CITY (APPLICANT).**

**WHEREAS**, the City Council of the City of South Jordan (“City Council”) has adopted the Future Land Use Plan Map and the General Plan of the City of South Jordan (“Land Use Map”); and

**WHEREAS**, the Applicant requested that the City Council amend the Land Use Map by changing the land use designation on property located at 10749 South and 2200 West, as depicted on **Exhibit A** (Lot 1 only) from Open Space (OS) to Stable Neighborhood (SN); and

**WHEREAS**, the South Jordan Planning Commission reviewed Applicant’s proposed amendment and made a recommendation to the City Council; and

**WHEREAS**, the City Council held a public hearing concerning the proposed amendment; and

**WHEREAS**, the City Council finds that amending the Land Use Map as proposed by the Applicant will enhance the public health, safety and general welfare, and promote the goals of the General Plan.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH:**

**SECTION 1. Amendment.** The land use designation of the Land Use Map of property described in Application PLZBA202400043, located at 10749 South and 2200 West in the City of South Jordan, Utah, is hereby changed from Open Space (OS) to Stable Neighborhood (SN) as shown in **Exhibit A** (Lot 1 only).

**SECTION 2. Severability.** If any section, clause or portion of this Resolution is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby and shall remain in full force and effect.

**SECTION 3. Effective Date.** This Resolution shall become effective immediately upon passage.

[SIGNATURE PAGE FOLLOWS]

**APPROVED BY THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH,  
ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024 BY THE FOLLOWING VOTE:**

	YES	NO	ABSTAIN	ABSENT
Patrick Harris	_____	_____	_____	_____
Kathie Johnson	_____	_____	_____	_____
Donald Shelton	_____	_____	_____	_____
Tamara Zander	_____	_____	_____	_____
Jason McGuire	_____	_____	_____	_____

Mayor: \_\_\_\_\_  
Dawn R. Ramsey

Attest: \_\_\_\_\_  
Anna Crookston, City Recorder

Approved as to form:

\_\_\_\_\_  
Office of the City Attorney

## Exhibit A

(Property Description and Land Use Map)

A PARCEL OF LAND LOCATED IN THE SOUTHWEST 1/4 OF SECTION 15, TOWNSHIP 3 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EAST RIGHT-OF-WAY LINE OF 2200 WEST AS ESTABLISHED BY A WARRANTY DEED RECORDED AS ENTRY NO 13256591 IN BOOK 10935 AT PAGE 5270 - 5272 IN THE OFFICE OF THE SALT LAKE COUNTY RECORDER, SAID POINT BEING S 00°16'10" W 1319.78 FT AND S 89°41'25" E 33.00 FT FROM THE WEST QUARTER CORNER OF SECTION 15, TOWNSHIP 3 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN.

RUNNING THENCE ALONG SAID RIGHT-OF-WAY LINE THE FOLLOWING (4) COURSES:

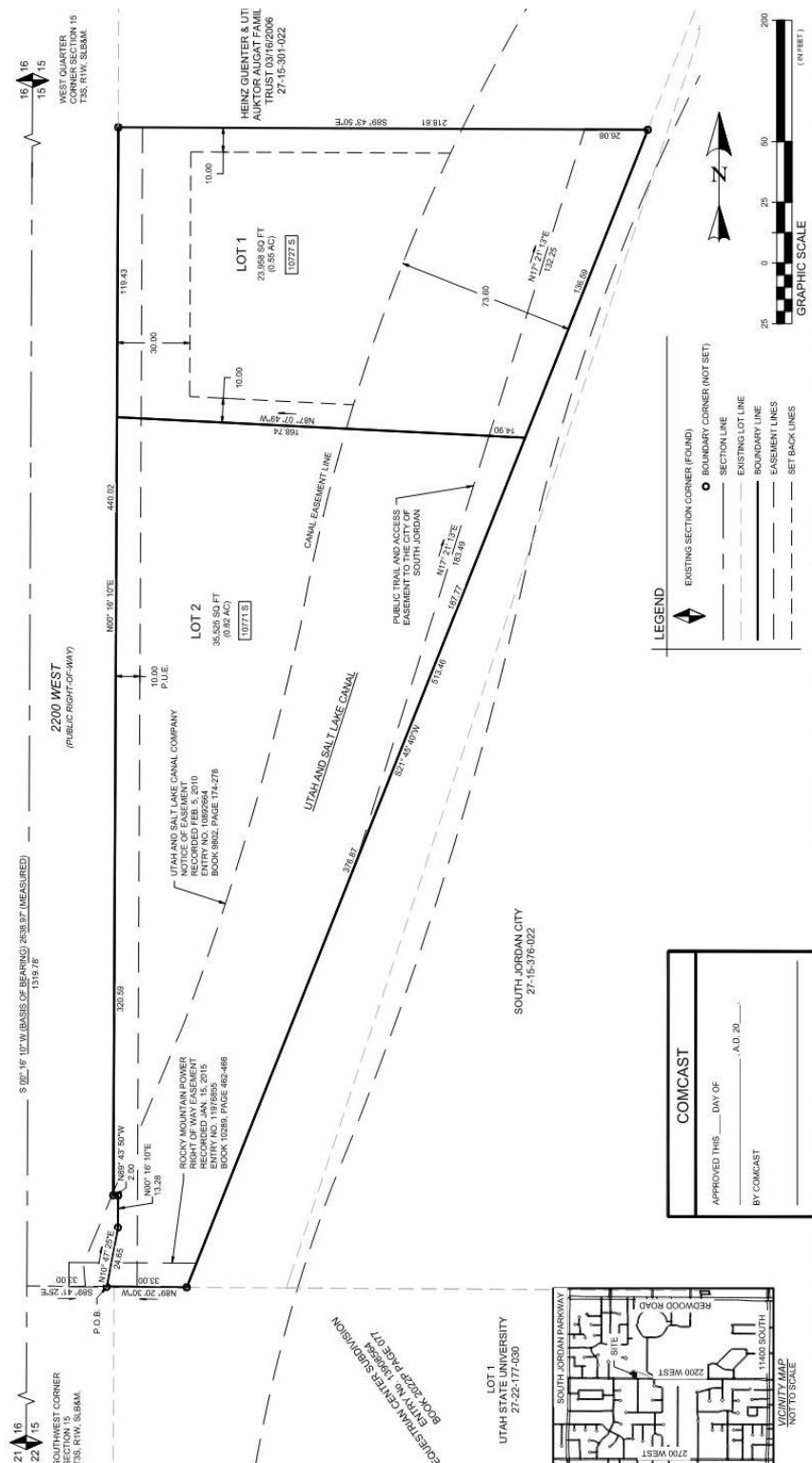
- 1) N 10°47'25" E 24.65 FT;
- 2) N 00°16'10" E 13.28 FT;
- 3) N 89°43'50" W 2.00 FT;

4) N 00°16'10" E 440.02 FT TO AN EXISTING FENCE AND THE SOUTH LINE OF THE AUGAT PROPERTY AS CONVEYED BY SPECIAL WARRANTY DEED RECORDED JUNE 8 2021 ENTRY NO 13685293 BOOK 11187 AT PAGE 2422; THENCE S 89°43'50" E 218.61 FT ALONG SAID SOUTH LINE OF THE AUGAT PROPERTY TO THE CENTER OF THE UTAH AND SALT LAKE CANAL AND THENCE ALONG SAID CENTER OF CANAL S 21°45'40" W 513.46 FT TO THE NORTH LINE OF THE EQUESTRIAN CENTER PARK SUBDIVISION; THENCE ALONG SAID SUBDIVISION LINE N 89°20'30" W 33.00 FT TO THE POINT OF BEGINNING.

CONTAINS 59,483 SF (1.37 AC), 2 LOTS

SOUTH JORDAN CITY PARK SUBDIVISION

LOCATED IN THE SOUTHWEST 1/4 OF SECTION 15,  
OWNSHIP 3 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN  
SOUTH JORDAN CITY, SALT LAKE COUNTY, UTAH







**ORDINANCE NO. 2024 – 07–Z**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, REZONING PROPERTY GENERALLY LOCATED AT 10749 SOUTH 2200 WEST FROM A-5 (AGRICULTURAL) ZONE TO R-1.8 (RESIDENTIAL) ZONE (LOT 1) AND TO OS-P (LOT 2); SOUTH JORDAN CITY (APPLICANT).**

**WHEREAS**, the City Council of the City of South Jordan (“City Council”) has adopted the Zoning Ordinance of the City of South Jordan (Title 17 of the Municipal Code) with the accompanying Zoning Map; and

**WHEREAS**, the Applicant, Jeremy Nielson, proposed that the City Council amend the Zoning Map by rezoning the property described in the attached **Exhibit A**; and

**WHEREAS**, the South Jordan Planning Commission reviewed the proposed rezoning and made a recommendation to the City Council; and

**WHEREAS**, the City Council held a public hearing concerning the proposed rezoning; and

**WHEREAS**, the City Council finds that the rezoning will enhance the public health, safety and welfare and promote the goals of the General Plan.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH:**

**SECTION 1. Rezone.** The property described in Application PLZBA202400043 filed by Jeremy Nielson, located at 10749 South and 2200 West in the City of South Jordan, Utah is hereby reclassified from the A-5 (Agricultural) Zone to the R-1.8 (Residential) Zone (Lot 1) and to the OS-P (Open Space-Parks) Zone (Lot 2), on property described in the attached **Exhibit A**.

**SECTION 2. Filing of Zoning Map.** The Official Zoning Map showing such changes shall be filed with the South Jordan City Recorder.

**SECTION 3. Severability.** If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance and all sections, parts, provisions and words of this Ordinance shall be severable.

**SECTION 4. Effective Date.** This Ordinance shall become effective immediately upon publication or posting as required by law.

[SIGNATURE PAGE FOLLOWS]

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024 BY THE FOLLOWING VOTE:**

	YES	NO	ABSTAIN	ABSENT
Patrick Harris	_____	_____	_____	_____
Kathie Johnson	_____	_____	_____	_____
Donald Shelton	_____	_____	_____	_____
Tamara Zander	_____	_____	_____	_____
Jason McGuire	_____	_____	_____	_____

Mayor: \_\_\_\_\_  
Dawn R. Ramsey

Attest: \_\_\_\_\_  
City Recorder

Approved as to form:

\_\_\_\_\_  
Office of the City Attorney

**EXHIBIT A**

(Property Description)

A PARCEL OF LAND LOCATED IN THE SOUTHWEST 1/4 OF SECTION 15, TOWNSHIP 3 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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CONTAINS 59,483 SF (1.37 AC), 2 LOTS

