## CITY OF SOUTH JORDAN PLANNING COMMISSION MEETING AGENDA CITY COUNCIL CHAMBERS

TUESDAY, MARCH 12, 2024 at 6:30 PM



Notice is hereby given that the South Jordan City Planning Commission will hold a Planning Commission Meeting on Tuesday, March 12, 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. Note, attendees joining virtually may make public comments through video conferencing, and participant must have their video on and working to speak. Attendees who wish to present photos or documents to the Planning Commission must attend in person. Those who join via phone may listen, but not comment.

In the event the electronic portion of 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 other any action deemed inappropriate.

Ability to participate virtually is dependent on an individual's internet connection. To ensure comments are received regardless of technical issues, please have them submitted in writing to City Planner, Greg Schindler, at 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 March 12, 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. February 27, 2024 Planning Commission Meeting Minutes
- D. STAFF BUSINESS
- E. COMMENTS FROM THE PLANNING COMMISSION MEMBERS
- F. SUMMARY ACTION
- G. ACTION

#### H. ADMINISTRATIVE PUBLIC HEARINGS

#### H.1. THE COMBINE ON REDWOOD SITE PLAN AND CONDITIONAL USE PERMIT

Address: 11196 S Redwood Rd

File No: PLCUP202300209, PLSPR202300204

Applicant: Nate Reiner, CIR Engineering

#### **H.2.** THE MIX AT SOUTH JORDAN SUBDIVISION PRELIMINARY SUBDIVISION PLAT

Address: 11147 S. Redwood Rd

File No: PLPP202300178

Applicant: Justin Jones, Civil Science

#### I. LEGISLATIVE PUBLIC HEARINGS

#### 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 <a href="https://www.sjc.utah.gov">www.sjc.utah.gov</a> and on the Utah Public Notice Website <a href="https://www.pmn.utah.gov">www.pmn.utah.gov</a>.

Dated this 7th day of March, 2024. Cindy Valdez South Jordan City Deputy Recorder

# CITY OF SOUTH JORDAN ELECTRONIC PLANNING COMMISSION MEETING COUNCIL CHAMBERS February 27, 2024

Present: Chair Michele Hollist, Commissioner Nathan Gedge, Commissioner Steven

Catmull, Commissioner Laurel Bevans, Commissioner Ray Wimmer,

Commissioner Sam Bishop, Assistant City Attorney Greg Simonsen, City Planner Greg Schindler, City Recorder Anna Crookston, GIS Coordinator Matt Jarman, IT

Director Jon Day, Meeting Transcriptionist Diana Baun, Planner Andrew

McDonald, Planner Miguel Aguilera

Others: Jeff Seaman, John Warnick, Craig Bonham, Robert Hilsinger

Absent:

#### 6:35P.M.

#### **REGULAR MEETING**

#### A. WELCOME AND ROLL CALL - Chair Michele Hollist

Chair Hollist welcomed everyone to the Electronic Planning Commission Meeting.

#### B. MOTION TO APPROVE AGENDA

Commissioner Gedge motioned to amend tonight's agenda as published. Chair Hollist seconded the motion; vote was unanimous in favor.

#### C. APPROVAL OF THE MINUTES

**C.1.** February 13, 2024 - Planning Commission Meeting Minutes

Commissioner Bevans motioned to approve the February 13, 2024 Planning Commission Meeting Minutes as published. Chair Hollist seconded the motion; vote was unanimous in favor.

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

#### E. COMMENTS FROM PLANNING COMMISSION MEMBERS

Chair Michele Hollist shared concerns over Commissioners Wimmer and Bishop not having access to their city emails. Staff instructed them to talk with Director Day on getting that remedied.

Commissioner Sam Bishop attended the City Council Meetings last week but shared there were no actions taken that pertained to the Planning Commission.

Commissioner Nathan Gedge will not be present at the next meeting in March but noted that if it's needed for a quorum he can join via Zoom.

Chair Hollist shared that she and Commissioner Bevans will not be at the second meeting in March.

- **F. SUMMARY ACTION** None
- **G. ACTION** *None*

#### H. ADMINISTRATIVE PUBLIC HEARINGS – None

#### H.1. DAYBREAK NORTH STATION MULTI-FAMILY #1 SUBDIVISION 2<sup>ND</sup> AMENDMENT

Address: Lots 138 through 156 and Lots 166 & 177

File No.: PLPLA202300217 Applicant: LHM Real Estate

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

Commissioner Ray Wimmer sees no reason to deny this application, but had some issues with signage in the area. When approaching the school, on either side the roads are one way and feed out to South Jordan Parkway, which means you cannot enter once you've reached that point. In order to get to the school from the east you have to get off South Jordan Parkway earlier than you'd expect to avoid missing the school, and they could really use a sign there to indicate that. Also, with the townhomes going in, as you go by you will not be able to see the school to know where to exit South Jordan Parkway.

Deputy City Engineer Jeremy Nielson noted that the city does not typically put up signage for schools, but he understands Commissioner Wimmer's concerns.

Chair Michele Hollist asked the applicant's representative, John Warnick, what type of product needs this kind of change from a zig-zag to a more straight configuration.

**John Warnick** (**Applicant**) – this would be something that changes as the builder changes, and Sego's townhome design is different than the previous builder which led to the necessary changes. These lots are the only ones that were sold to Sego, and will be the only ones needing this change in this area.

Chair Hollist opened the public hearing for comments; there were no comments and the hearing was closed.

Commissioner Gedge motioned to approve File No. PLPLA202300217, Subdivision 2<sup>nd</sup> Amendment, based on the Staff Report and discussion this evening. 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.

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

Address: 6652 W Lake Avenue File No.: PLPP202300191

Applicant: Perigree Consulting on behalf of Miller Family Real Estate

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

**John Warnick** (**Applicant**) – This model village might serve some of the area in Village 15, but it will primarily serve Village 9, which is the watercourse. These are a new product they are working with the builders to be put in this location, right next to a future amenity, on top of the watercourse. This is called the Cove House, and is LHM's first Model Village launch. They are very excited about it and are hoping to see some of the builders entering these model homes in the parade. They have also been working with the school to get their site situated, and this has worked out really well for them as well. They are hoping to have the model home portion open by late July, and the school is supposed to start construction in the next couple months.

Commissioner Laurel Bevans asked if these are all single family homes, and if they are public or private alleyways/streets.

Mr. Warnick responded that he believes that is correct, as he doesn't think there are any townhomes in the mix. Regarding the roads, the main roads will remain public, but the internal lanes will be private.

Commissioner Bevans asked if the markings of the private roads being 24 feet wide were measured before curb and gutter, or if they were including that.

Mr. Warnick responded that the lanes are from edge to edge, and there is not necessarily curb and gutter inside those alleys. As planned they still meet the fire code laid out, with everything else outside of that being up to city standards.

Chair Hollist opened the public hearing for comments; there were no comments and the hearing was closed.

Commissioner Gedge motioned to approve File No. PLPP202300191, Preliminary Subdivision, subject to the following: that 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.

#### H.3. HARVEST POINTE WEST PRELIMINARY SUBDIVISION

Address 3773 W South Jordan Parkway

File No.: PLPP202300141 Applicant: Jeff Seaman

Planner Miguel Aguilera reviewed background information from the Staff Report. He added that after the Staff Report was published, it was brought to his attention that the internal addresses of the residences on the streets were incorrect; so the applicant will need to correct that before the final subdivision application. Apart from that, this plat complies with the Development Agreement and staff recommends approval.

Chair Michele Hollist noted that the commission usually gets a copy of the Development Agreement to review but did not with this application. She asked who reviewed this to ensure it met all the requirements laid out by City Council.

Planner Aguilera looked at all of that when reviewing the plat, but did not look at that when reviewing the site plan application because he did not do the whole site application. He noted that he just did not catch the address/coordinate errors before this meeting packet was published.

Chair Hollist noted they have the minutes from the last time the City Council reviewed this and it was a different product than what the commission originally saw and declined sending a positive recommendation for. She sees improvements with the lower density, but her main concern is that

they do not have access to the Development Agreement to review and determine whether this meets what City Council approved.

Planner Aguilera noted that he can share a copy of that agreement with the commission, but other than the address issue, everything looked to comply with the current Development Agreement.

City Planner Greg Schindler added that the Development Agreement does state the density and number of units allowed, and this plat has that. The addressing has nothing to do with the Development Agreement, and incorrect coordinates or address numbers can be easily corrected. If the errors have something to do with the site plan, that is the next item on the agenda. The plat itself has no issues with parking or anything like that, and any other issues like amenities would be addressed by the site plan application as well.

Commissioner Laurel Bevans noted that the pictures show the whole piece of land included in this Development Agreement, and this subdivision is only regarding a portion in the bottom half. She asked if the density of this property includes the entire land space, or just the portion the townhomes are sitting on and included in this specific subdivision.

Planner Aguilera responded that this area will be separate from the rest of the property so all calculations should be made based on the pertinent area only.

Chair Hollist noted that in the paperwork the acreage is listed as 3.16 acres, but asked to confirm that is not referring to this piece being looked at as a whole, it is only the portion developing the townhomes.

Planner Aguilera responded that the whole property is the 3.16 acres, the smaller piece is only a chunk of that at 1.91 acres, as confirmed by Planner Schindler.

Chair Hollist said that works out to 10.5 units per acre using the 1.91 acres of land to calculate the density.

Planner Schindler noted they were approved for up to 11 units per acre.

Chair Hollist discussed the Council's reasoning for approving the higher density with staff.

Deputy Engineer Jeremy Nielson read the following from the Development Agreement regarding density: "The overall density of the project will not exceed 20 residential units."

The commission and staff then continued discussing whether there was an implied or otherwise stated official density, other than just the allowed number of units.

Planner Schindler noted that it doesn't matter which land size calculation is used, the Development Agreement indicates they can have 20 residential units.

Commissioner Nathan Gedge expressed his concerns for both this item and the next one, stating that there is a lot of information the commission has not been given, and feels they may not be able to make a valid determination in their roles because of that. Due to that, he feels it may be prudent to table both items until they receive all the necessary information and before public comment and testimony is opened.

Chair Hollist agreed but is reluctant to hold off on public comment, as someone might have already joined the meeting with the intention of speaking and she doesn't like the idea of making them come back another time; she would like to allow any public commenters their chance tonight. She then invited the applicant up to speak.

Jeff Seaman (Applicant) – is with Peterson Development and noted that they have complied with everything in the Development Agreement with the exception of two minor items that have already been discussed with Planning Director, Steven Schaefermeyer. They originally thought they would get seven parking stalls behind the grass strip, but there are some utilities in there and instead they will only be able to have four stalls; Director Schaefermeyer said that would be resolved since the project still meets and exceeds the code requirements for parking. The other minor issue was square footage of the units. Due to a miscalculation on the coordinates, the Development Agreement indicates they would be 2100 square feet, but they are just under that at about 1900 square feet. This has been a long process, and there has been plenty of opportunities for public comment numerous times. Both the city and applicant have agreed to the Development Agreement, and he shared his frustrations with the suggestions of tabling this for another time.

Chair Hollist opened the public hearing for comments, noting that there was one public comment received prior to the meeting via email from a Mr. Hilsinger, and that is attached to tonight's minutes as Attachment A.

Robert Hilsinger (Resident) – My back porch looks over the park across the street and sees that. My comments are going to be nothing contrary to what I put in my email (Attachment A). I, for one, am all for additional housing; people need places to live. I do not think this is an adequate spot, I think the increased traffic due to the houses will pose a risk to the children that use that park, as well as the children that attend that daycare right next to the empty lot. I also noticed that the parking lot at Nielson's seems too small for the amount of business that they get, especially during the warmer months, so I think expanding their parking lot and maybe expanding the park or moving it across the street, adding more parking there instead would be a better use of the land.

Chair Hollist closed the public hearing.

Commissioner Bevans asked staff if the two admitted and approved changes to the site plan will be added to the Development Agreement as an amendment.

Planner Aguilera noted that those issues would be addressed during the site plan application presentation coming up next, but yes.

Planner Schindler suggested having six copies of the Development Agreement brought to the commissioners for them to review now, but understands that might be more than they are able to do tonight.

Commissioner Gedge responded to Mr. Hilsinger, noting that City Council has already entered into a Development Agreement for this property which instructs what they are now contractually obligated to build.

Chair Hollist motioned to take a recess to review the Development Agreement (Attachment B). Commissioner Gedge seconded the motion; vote was 6-0, unanimous in favor.

Chair Hollist motioned to reconvene the meeting. Commissioner Gedge seconded the motion; vote was 6-0, unanimous in favor.

Commissioner Bevans noted that, according to the Development Agreement (Attachment B) they have reviewed, the land included was the entire 3 acre property. The applicant is now subdividing that larger piece into smaller ones, one of which proposes to include the development being discussed tonight. She is wanting to ensure that in the future the developer can't develop additional residential properties on the remaining land.

Planner Schindler noted that the agreement states they are allowed 20 units throughout the entire 3 acre space, so if those 20 units are used here, they would have no more residential units allowed for additional development.

Commissioners and staff discussed what the agreement means with this new subdivision and that the whole piece of land is still subject to the same agreement, even with this subdivision.

Commissioner Gedge motioned to approve File No. PLPP202300141, Preliminary Subdivision, based on the Staff Report, public testimony and additional information provided this evening (Attachment B), with the following notes:

- The current addresses will be updated to reflect what is eventually determined to be the official addresses by the County.
- The amendment to Item 4b has been agreed to by the Authorized City Designee and the applicant.
- Item 5d amendment is entered into by both the Authorized City Designee and the applicant.

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.

#### H.4. HARVEST POINTE WEST TOWNHOMES SITE PLAN APPLICATION

Address 3773 W South Jordan Parkway

File No.: PLSPR202300053 Applicant: Jeff Seaman

Planner Miguel Aguilera reviewed background information from the Staff Report.

Commissioners and staff discussed the implications of the zoning in the area as a whole, versus just the residential portion, and what minor changes to the agreement would do in terms of the remainder of development in the future.

Chair Hollist invited the applicant up to speak.

**Jeff Seaman** (**Applicant**) – answered questions about the privacy windows and noted that, regarding the remaining land, the intention is at some point to extend the existing commercial into that space.

Chair Hollist asked Mr. Seaman to verify the landscaping plans to ensure that what was agreed upon, based on resident feedback, was being applied; it all matched what the commissioners were planning to see.

Mr. Seaman, when asked about the timeline for this project, responded that he didn't know as they are battling interest rates and other hurdles.

Chair Hollist opened the public hearing for comments; there were none and the hearing was closed.

Assistant Attorney Greg Simonsen also explained the legalities of the zone and Development Agreement, along with what to expect and what will be required in the future if part of the parcel sells to another party.

Commissioner Gedge motioned to approve File No. PLSPR202300053, Site Plan Application, based on the Staff Report and discussion this evening, as well as the Development Agreement provided during the meeting (Attachment B), with the following conditions:

- The current addresses will be updated to reflect what is eventually determined to be the official addresses by the County.
- The amendment to Item 4b has been agreed to by the Authorized City Designee and the applicant.

- Item 5d amendment is entered into by both the Authorized City Designee and the applicant.

Commissioner Catmull suggested to amend the motion that, in addition, the applicant and staff review the agreement together to ensure it will meet the additional development plans for the future commercial space.

Commissioner Gedge sustained the suggested amendment. Chair Hollist seconded the original motion with the amendment.

#### **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. WALMER REZONE

Address: 10593 S 3200 W File No.: PLSPR202300053

Applicant: High Country Homes & Development

Commissioner Laurel Bevans disclosed that she is a neighboring property owner to this property being discussed, and acknowledged that she has no financial stake in this property and will vote as per usual process barring any additional information brought forward that changes her association with the applicant or property. This was discussed before the meeting and approved by the city's legal counsel.

Planner Andrew McDonald reviewed background information from the Staff Report.

Commissioners and staff discussed the subdivision status of properties around the subject property, noting that there are still a few that are not part of a larger subdivision, like the subject property.

Commissioner Laurel Bevans noted that the applicant is not the property owner, and asked if the paperwork was in order to acknowledge the property owner's awareness and approval of these changes.

Planner McDonald responded that the city does have an affidavit from the property owners authorizing the applicant to handle this process on his behalf.

Chair Hollist invited the applicant up to speak.

Commissioner Bevans asked about water movement issues in the area and other properties beginning to sink in towards this one.

**Craig Bonham (Applicant with High Country Homes)** - Acknowledged that they will have to retain all water on the property, and that will have to be dealt with and figured out. The dirt that was dug up will also be used to fill other spaces on the property. There is already curb and gutter, so they will only have to run the sidewalk on Alexander, they will not be touching anything on 3200 W.

Chair Hollist opened the public hearing for comments; there were none and the hearing was closed.

Commissioner Bishop motioned to forward a recommendation to approve File No. PLZBA202400014, Ordinance 2024-04-Z, Rezone, based on the Staff Report and discussion this evening. Chair Hollist seconded the motion.

#### **Roll Call Vote**

**Yes – Commissioner Bishop** 

Yes - Chair Hollist

Yes - Commissioner Gedge

Yes - Commissioner Wimmer

Yes - Commissioner Catmull

Yes - Commissioner Bevans

Motion passes 6-0, unanimous in favor.

#### J. OTHER BUSINESS

Planner Schindler discussed the future meetings come up in March.

#### **ADJOURNMENT**

Chair Hollist motioned to adjourn the February 27, 2024 Planning Commission Meeting. Commissioner Bevans seconded the motion; vote was 6-0, unanimous in favor.

The February 27, 2024 Planning Commission Meeting adjourned at 8:47 p.m.

Meeting Date: 03/12/2024

#### SOUTH JORDAN CITY PLANNING COMMISSION REPORT

**Issue: THE COMBINE ON REDWOOD** 

SITE PLAN AND CONDITIONAL USE PERMIT

Address: 11196 S. Redwood Rd. PLSPR202300204 PLCUP202300209

**Applicant:** Nate Reiner, CIR Engineering

Submitted by: Damir Drozdek, Planner III

Jared Francis, Senior Engineer

**Staff Recommendation (Motion Ready):** I move that the Planning Commission **approve** application:

• PLSPR202300204 to allow for construction of two new commercial building; and

 PLCUP202300209 to allow for recreational uses and training activities within the two buildings.

**ACREAGE:** Approximately 5 acres

**CURRENT ZONE:** MU-South (Redwood Road Mixed Use – South

Center) Zone

CURRENT USE:
Undeveloped land
FUTURE LAND USE PLAN:
MU (Mixed Use)

**NEIGHBORING ZONES/USES:** North – A-5 / Single-family home

South – MU-South (PD) / Senior Housing West – R-2.5 / Single-family homes and

Equestrian Park

East – R-1.8 and P-O / Single-family homes and

Redwood Rd.

#### STANDARD OF REVIEW:

All proposed commercial, office, industrial, multi-family dwelling or institutional developments and alterations to existing developments shall meet the site plan review requirements outlined in chapter 16.24 and the requirements of the individual zone in which a development is proposed. All provisions of titles 16 & 17 of the City Code, and other city requirements, shall be met in preparing site plan applications and in designing and constructing the development. The Planning Commission shall receive public comment regarding the site plan and shall approve, approve with conditions or deny the site plan.

#### **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. *See* City Code § 17.84.060:A

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. *See* City Code § 17.84.060:B Further, City Code § 17.84.090 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 permitee's failure to commence or operate the conditional use in accordance with the requirements of subsection A of this section.

#### **BACKGROUND:**

The proposed development is located at approximately 11196 S. Redwood Rd. It encompasses three contiguous undeveloped parcels totaling 5 acres of land. The property is located immediately to the north of the South Jordan View Retirement Community (senior housing) project.

The project will consist of two multi-tenant commercial buildings. The buildings will top off at 35' in height. They will be single-story buildings with an option of having a mezzanine level as needed. The buildings' exterior will be finished with tilt-up concrete panels, metal panes and glazing. Building #1 will have a footprint of approximately 41,000 sq. ft. while building #2 will have a roughly 26,000 sq. ft. footprint.

The project will be accessed off Redwood Rd. This will be a right-in and right-out access only. All drives and parking areas within the project will be privately owned and maintained. Along Redwood Rd., existing sidewalk and parkstrip will be removed, and then replaced with a 12' parkstrip and 8' sidewalk. All other public improvements along the road are complete.

Other on-site public improvements include four fire hydrants and two culinary and one irrigation water meter between the two buildings. All drainage will be private. Two underground chambers will collect the storm water, and then release it at a controlled rate into an existing storm drain system in Redwood Rd.

There is an existing 6' masonry fencing along the south and majority of the west project boundary. The fencing will remain. A new 6' tall decorative masonry wall will go in along the north boundary, the remaining portion of the west boundary and around the two homes on Redwood Rd.

Landscaping will consist of various tress, shrubs and grasses. No sod will be installed with the project. Trees will be planted in the parkstrip on Redwood Rd., at the parking row ends and around the site. At the time of maturity, the plantings will cover at least 50% of the landscape area. The ground cover will consist of crushed rock in various sizes and colors.

#### STAFF FINDINGS, CONCLUSIONS & RECOMMENDATION:

#### **Findings:**

- Recreational uses and training activities are listed as "conditional uses" as per City Code §17.54.140.C.
- Operations plan and access and circulation plans are attached as part of the report. The plans show no detrimental impacts on the neighboring properties.
- The Architectural Review Committee reviewed the proposed building on February 14, 2024 and identified a couple of issues with the building design. Subsequently those changes were incorporated into the building design and the project was recommended for approval by a vote of 3-0. The meeting minutes are attached to the report.
- The project meets the Planning and Zoning (Title 17) and the Subdivision and Development (Title 16) Code requirements.

#### **Conclusion:**

• The proposed project will meet the requirements of the Subdivision and Development (Title 16) and the Planning and Zoning (Title 17) Codes. 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 adjacent properties. Therefore the planning 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 an amended Application.
- Deny the Application.
- Schedule the Application for a decision at some future date.

#### **SUPPORT MATERIALS:**

- Aerial Map
- Zoning Map
- Site Plan
- Landscape Plans
- Building Elevations

- ARC Minutes
- Operations Plan
- Access and Circulation Plan

Damir Drozdek, AICP

Planner III

Planning Department

Brad Klavano (Mar 6, 2024 10:22 M

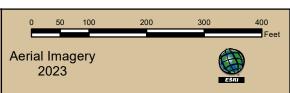
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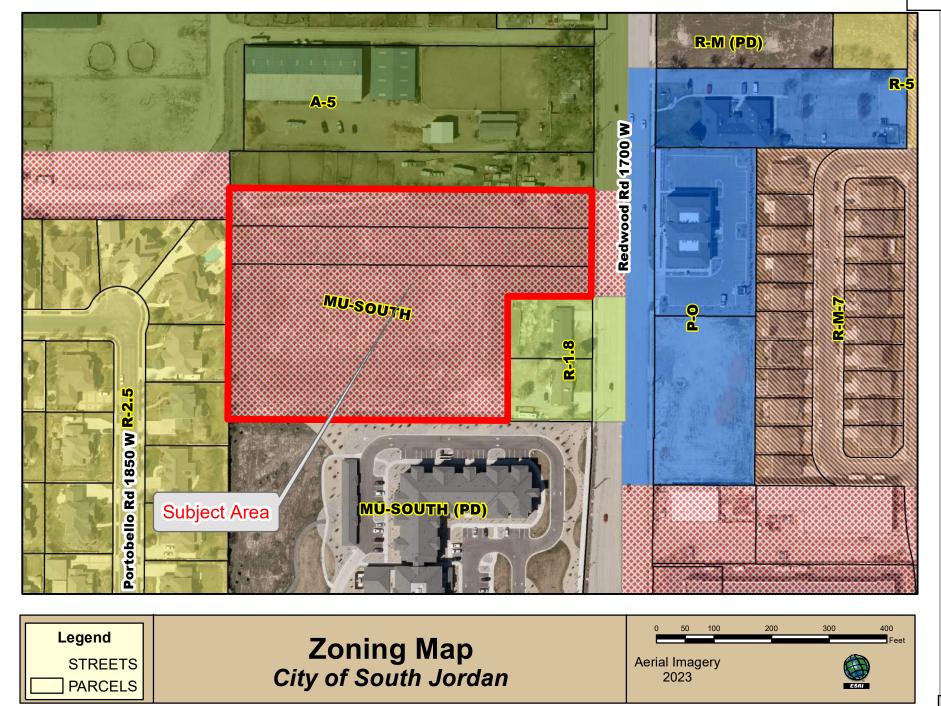
Director of Engineering Services/City Engineer

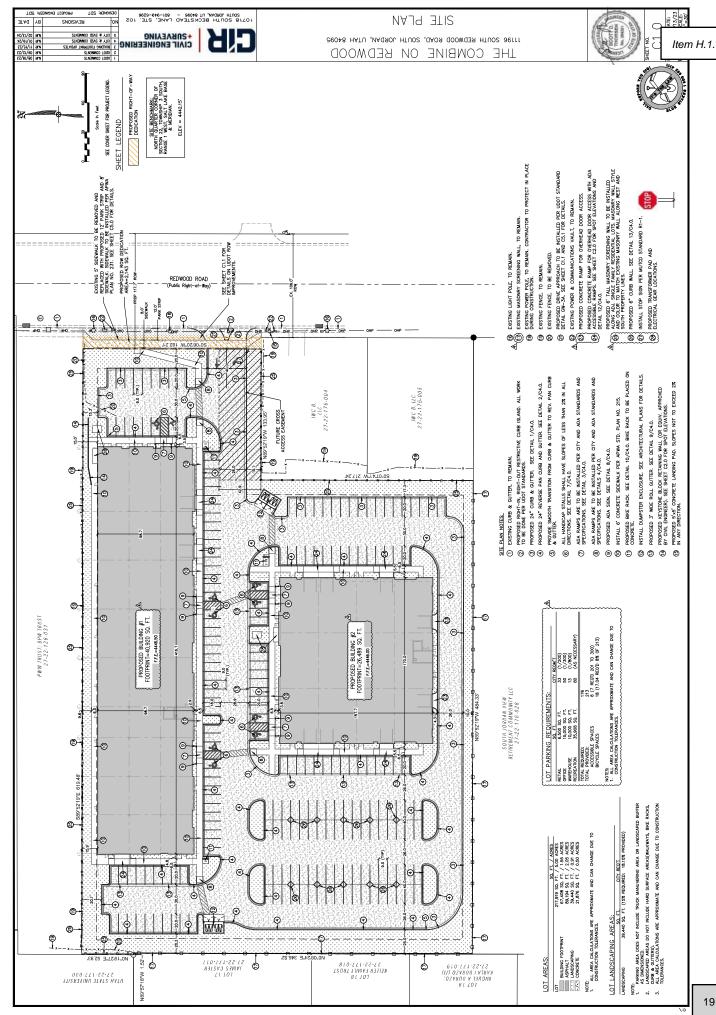


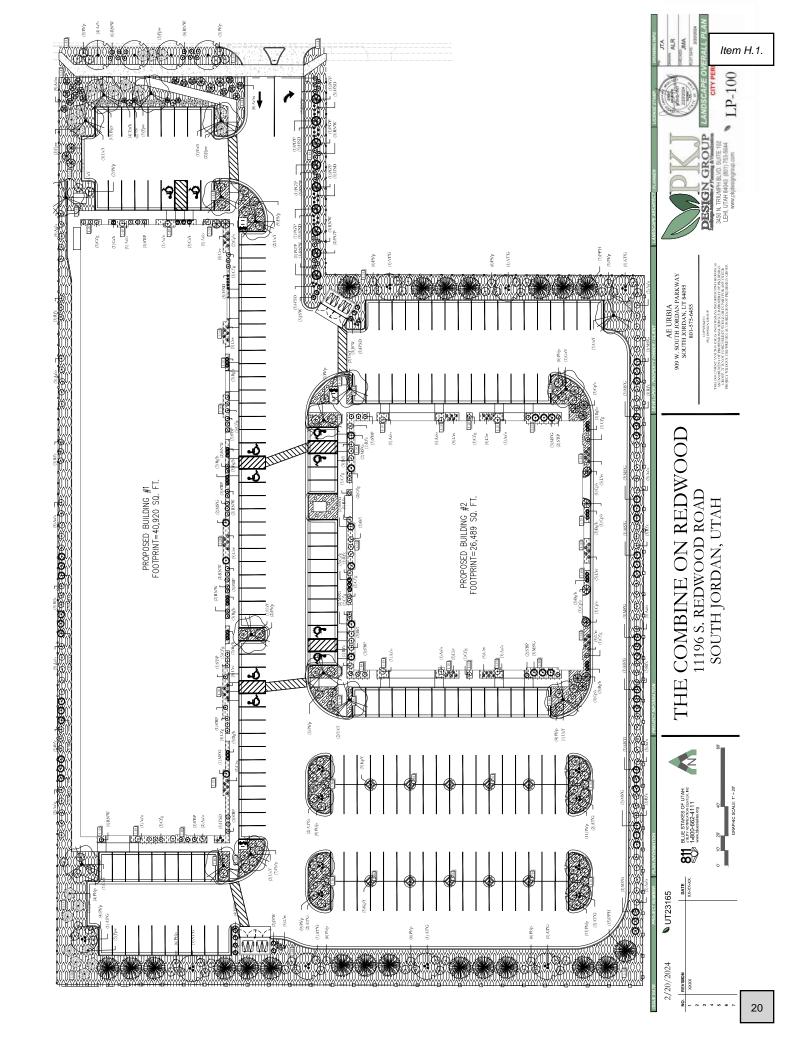
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Aerial Map
City of South Jordan









# LANDSCAPE PLAN SPECIFICATIONS

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mediands, LANDSCAPE NOTES

for one year warrant period. All trees not plumb shall be replaced. Stabed tree, y two (3) by eight (8) foot common pine subes used as shown on the detalls,

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ANDSCAPT CONTRACTOR SHALL HAVE ALL UTILFITS BLUE STAKED PROR TO DIGGING, ANY DAMAGE. UTILITIES SEALL BE REPAIRED AT CONTRACTORS EXPENSE WITH NO ADDITIONAL COST TO THE OWNEL

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BLUE STAKES OF UTAH
ULITY NOTFLATION CENTER, NO
1-800-662-4111
www.hluestakes.org DATE XX.XX.XX UT23165

2/20/2024

SIZE

CAL

B&B

BOTANICAL / COMMON NAME CONT

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CODE

SYMBOL

CONFERS

3,892 sd

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PLANT LEGEND

SITE MATERIALS LEGEND :::

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1-14

2"Cal Single Trunk

•:

31,754 sd

B&B

Acer campestre 'Metro Gold' Hedge Maple

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DECIDIOUS SHRUBS

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EVERGREEN SHRUBS

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STREET FRONTAGE REDWOOD ROAD 1 TREE330" (132 FT)	REQUIRED:	PROVIDE 4
"TREES SELECTED FROM THE RECOMMENDED SOUTH JORDAN CITY TREE LIST	DRDAN CITY TREE LIST	
INTERNAL TREE COUNT: 1 TREE PER 700 SQ.FT. LANDSCAPING (38,214 SQ.FT.) "EXCLUDING PARKSTRIP	REQUIRED: 55	PROVIDE 55

A MINIMUM OF THEITY PERCENT (20%) OF REQUIRED YARD AREA, TREES SHALL BE MINIMUM REPORTED TO TO THE MERCHEND SCHOOLOUS TREES SHALL BE MINIMUM TWO MO! (2") CALIPER. DECOLOUGS AND VERGENES TO THESE REQUIRED IN THIS SECTION SHALL BE DISPERSED THROUGHOUT THE REQUIRED YARD AREAS ON THE SITE.

REQUIRED: PROVIDED
MIN.18 EVERGREEN 43 EVERG ALL AREAS ARE BEING WATERED BY A DRIP SYSTEM. SEE IRRIGATION PLAN FOR DETAILS.

Bontelous gracifis Blonde Ambinon Blonde Ambinion Blue Cenna Calamagrostis x acutibora 'Karl Foerster Fearber Reed Grass Miscanthus sinensis 'Gencillimus'

PERENNIALS

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PROVIDED THE WOUND OF THE BOARD STATES OF THE

PLANT COVERAGE: PROVIDE 50% COVER.
TOTAL SITE: 39,685 SQ FT LANDSCAPING
REQUIRED: 19,843 SQ FT COVERAGE
PROVIDED: 19,863 SQ FT COVERAGE

AE URBIA 909 W. SOUTH JORDAN PARKWAY SOUTH JORDAN, UT 84095 801-575-6455

DESIGN GROUP

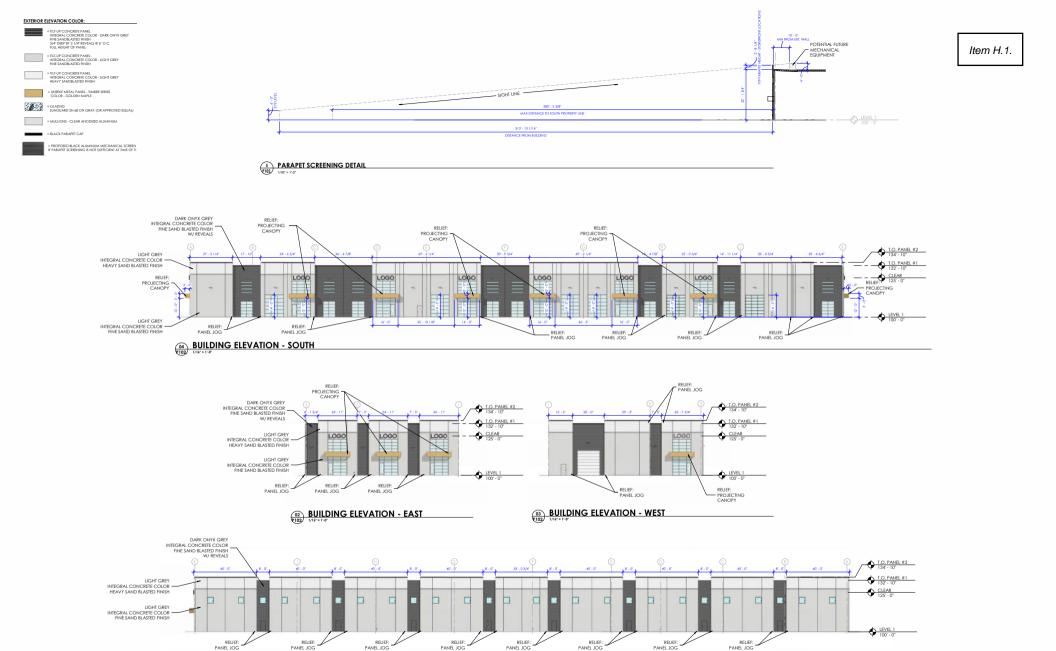
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Item H.1.

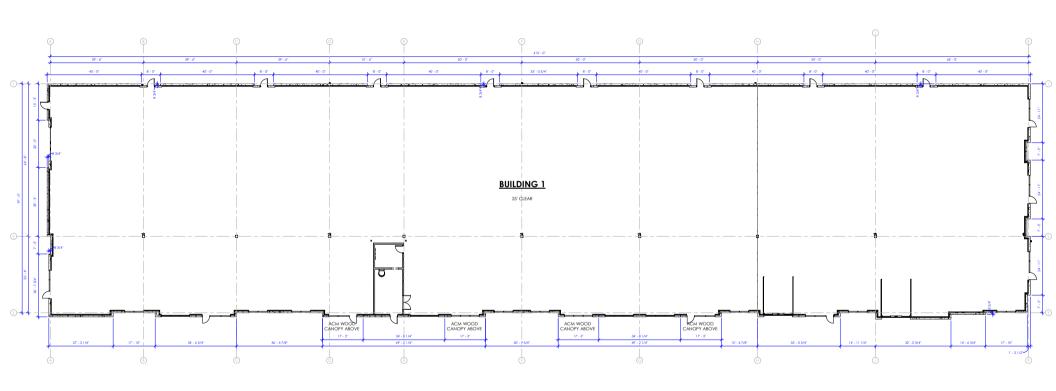
21

# THE COMBINE ON REDWOOD 11196 S. REDWOOD ROAD SOUTH JORDAN, UTAH



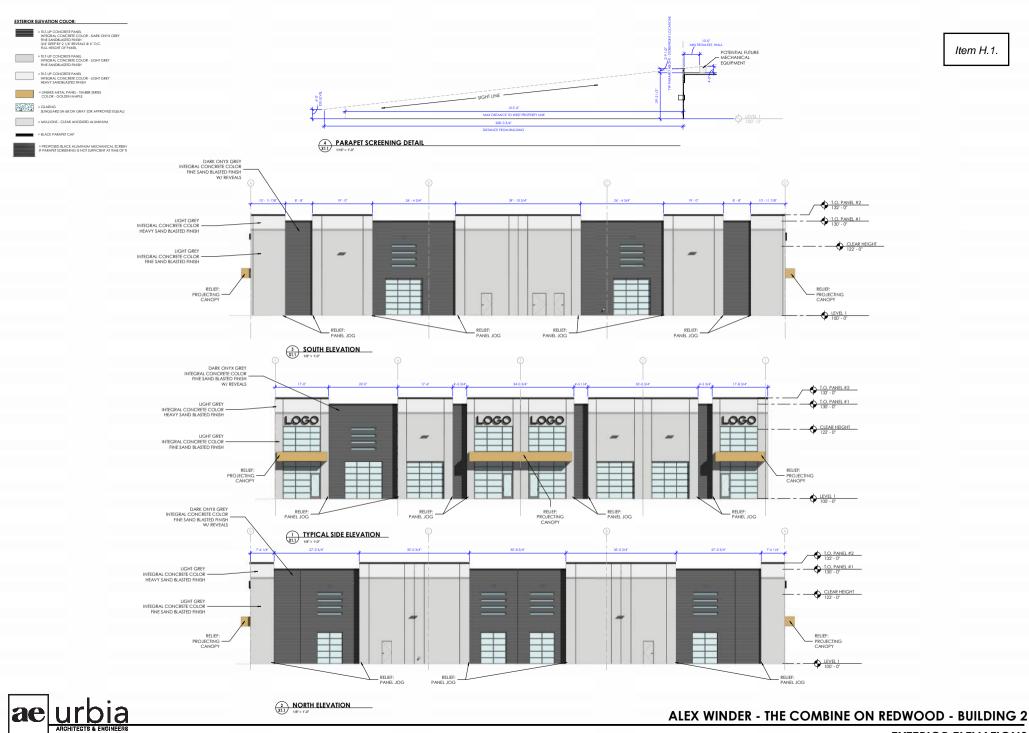


BUILDING ELEVATION - NORTH

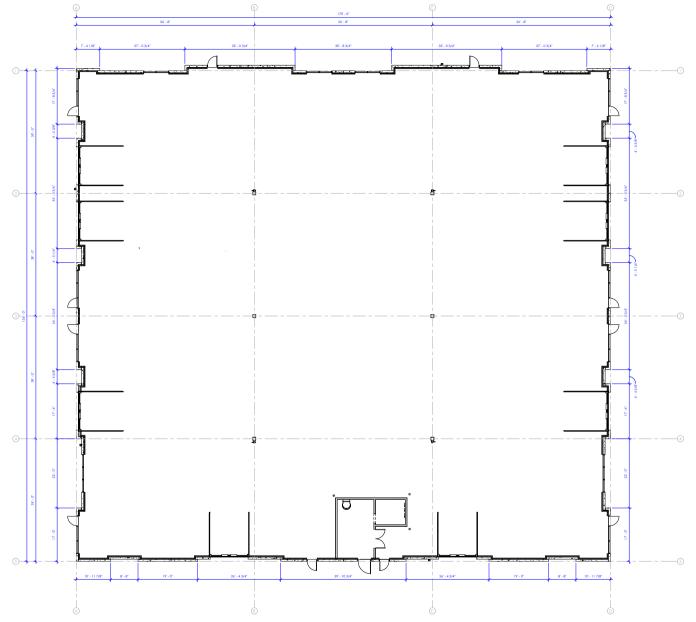














#### CITY OF SOUTH JORDAN ARCHITECTURAL REVIEW COMMITTEE MEETING MINUTES SOUTH JORDAN CITY HALL – MAPLE CONFERENCE ROOM WEDNESDAY, FEBRUARY 14, 2024



Minutes Prepared by: Rebecca Messer

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

Attendance Applicant(s): Alex Winder, Jesse Biggs

#### ARCHITECTURAL REVIEW COMMITTEE MEETING

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

#### A. GENERAL BUSINESS ITEMS

#### A.1 THE COMBINE ON REDWOOD

Location: 11196 S. Redwood Rd. Project No: PLSPR202300204

Applicant: Nate Reiner, CIR Engineering

Planner: Damir Drozdek

#### **Project description –**

This project will encompass the core and shell of two new retail, office, and warehouse buildings. The buildings are projected to be approximately 41,000 and 26,500 square feet.

#### What are the required steps to move the project forward with the project?

**Concerns with architectural proposal on this project**: Exterior walls – product and color that is being proposed, and the relief option on the back of the building is canopies on the windows.

City code requirements – color concrete, relief features every 40 feet, for all exterior walls.

The city code requires the exterior walls to be integrally colored.

Explanation of the city code by City Council member, Kathie Johnson: The thought process behind the code is maintenance, and painted buildings require more maintenance. Something that's integral the city would be guaranteed that 10 years from now it would still be the same building

Applicant will come back to the next ARC meeting on February 28, 2024 with updated architectural elevations to address the committee's concerns.

#### **ADJOURNMENT**

#### CITY OF SOUTH JORDAN ARCHITECTURAL REVIEW COMMITTEE MEETING MINUTES SOUTH JORDAN CITY HALL – MAPLE CONFERENCE ROOM WEDNESDAY, FEBRUARY 28, 2024



Minutes Prepared by: Rebecca Messer

Attendance City Staff: Damir Drozdek, Kathie Johnson, Ray Wimmer, Russ Naylor, Laurel Bevans, and Rebecca Messer

Attendance Applicant(s): Alex Winder, Jesse Biggs, Lynn Bowler

#### ARCHITECTURAL REVIEW COMMITTEE MEETING

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

#### A. GENERAL BUSINESS ITEMS

#### A.1 THE COMBINE ON REDWOOD

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Applicant: Nate Reiner, CIR Engineering

Planner: Damir Drozdek

#### **Project description –**

This project will encompass the core and shell of two new retail, office, and warehouse buildings. The buildings are projected to be approximately 41,000 and 26,500 square feet.

### Follow up on the previous ARC meeting on February 14, 2024 ARC Committee's recommendations steps to move the project forward with the project to be presented to Planning Commission and City Staff concerns:

The applicant satisfied the previous concerns from the February 14, 2024 ARC meeting.

Committee approved the proposed architectural design for this project.

Water and sewer is being held up by the applicant's engineer and the city engineering review.

Drawings need to be signed and approved by City Engineer before it can go before Planning Commission.

#### **ADJOURNMENT**



In Regards to 11200 S Redwood Road building

#### www.RedlineAthletics.com

Redline offers a wide variety of speed and agility work, combined with sports-specific training sessions, Redline Athletics has emerged as a cost-efficient athletic performance training facility that offers individualized attention, holistic core, speed and sport-specific training and a very flexible schedule, which is a key appeal for parents and an important competitive differentiator.

#### **Hours of Operation**

Redline facilities are typically open for normal training sessions from 1PM – 9PM Monday through Friday and 9AM – 3PM on Saturday. Facilities can also operate during other hours for special events, team training, seasonal programs, tournaments, etc.

Members arrive at the top of the hour, participate in a supervised, scripted work-out session, then depart. Athletes are typically dropped off by a parent and picked up immediately after their session.

All sessions are timed and have capacity limits based on a reservation system that athletes reserve in advance.

#### **Products and Services**

**Semi-Private:** Redline Athletics' core service offerings are built around speed, strength and performance training, with small group training as the foundation of the program. These semi-private sessions give athletes the same effect as individual, private training because of the class size, while also exposing youth to other like-minded athletes striving to improve their athleticism and master similar skills, pushing them in a way that is unequaled in any other fitness concept.

These services are provided through monthly, yearly, and flex memberships.

<u>One-on-One Training:</u> In addition to the foundational semi-private training, Redline also offers sport-specific one-on-one training. During these sessions trainers concentrate on sport-specific skills required to help their athletes make it to the next level. These sessions are typically scheduled in advance though they are often done immediately following the group training session.

<u>Team Training:</u> Redline can also work directly with teams and leagues to improve their players' fitness and athleticism. This is typically done through a pre-season conditioning camp or a comprehensive season-long training program. Partnering with Redline allows coaches to focus their limited practice times on strategy, execution and teamwork, relying on Redline's customized workouts to improve the team's overall level of fitness, help reduce injuries, and add value to the program by helping create more prepared athletes.

#### **Aeris Aerial Arts**

8496 Harrison St. Sandy, UT, 84047 (801) 427-0968

New Building Proposal **6**<sup>th</sup> **December 2023** 

#### **HISTORY**

Aeris Aerial Arts, founded by professional cirque performer, Darla Day, has been helping youth and adults learn the aerial arts for more than a decade in Utah. We started in Sandy in 2012, and opened a second location in Kaysville in 2020.

We teach our students the aerial silks, lyra, straps, and hammock, as well as acro, tumbling and contortion.

We have more than 300 students in total, with around 150 students in each studio.

#### **BUSINESS MODEL AND HOURS**

We have classes from 4pm to 9:30pm, with 20 students in the studio at a time in our Sandy location. We are hoping to get a larger building for our Sandy location and increase the number of students that can come every hour. There will be around 45 students and 5 teachers in the building at a time at full capacity in this new building.

Parents do not stay during class hours, they drop off their kids at the beginning of class and pick them up at the end.

Students pay monthly for two classes a week. As they learn and develop their skill they can move up into performance companies, where they learn more advanced apparatuses and tricks and get the chance to perform at a professional level.

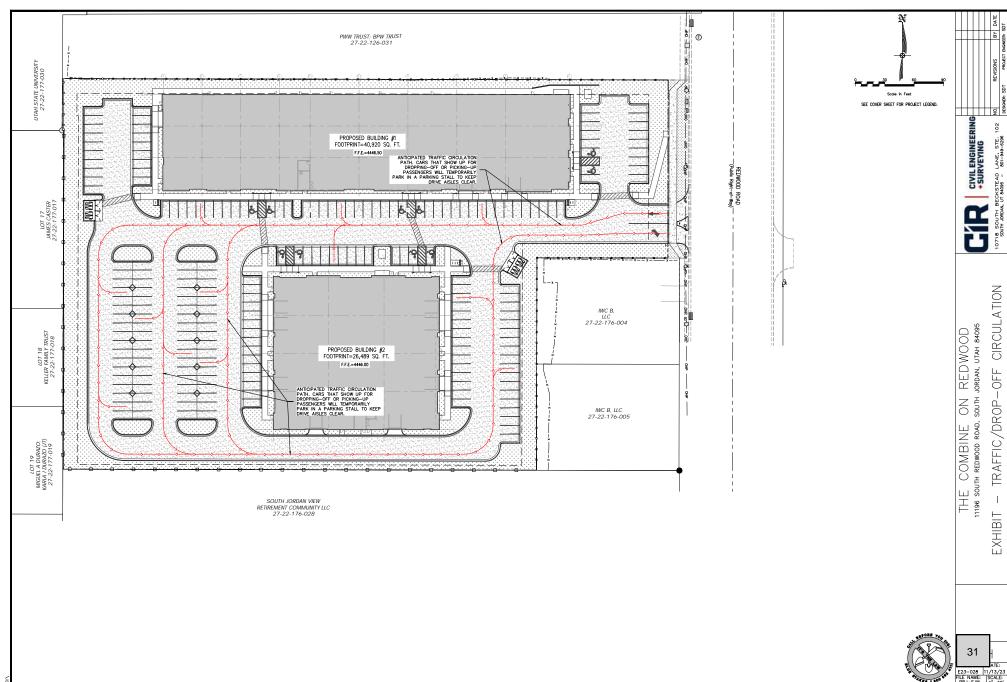
The price for our aerial programs starts at \$179 a month with a downpayment of around \$250 when they sign up.

We have found a way to successfully advertise on Facebook, and we are confident we will be able to fill our new classes quickly. We currently have a long wait list which has pushed us towards getting a bigger space.

#### **BUILDING IMPACT**

For the buildout, we only need two bathrooms, a drinking fountain with water bottle accessibility, a storage closet, and an office area above the bathrooms and closet. At least two walls need to be load bearing or cement. We will also need a garage door to load in and load out equipment. The HVAC ducts and vents will need to be above the clear height of the trusses to not interfere with the hanging apparatuses.

Once we have access to the building, we will add rigging with pulleys to the trusses on the ceiling, and anchor the ropes to a cement wall. The ropes will run from the anchors to the pulleys and hold the apparatuses for the students. We also have soft gymnastics flooring and mats.



Meeting Date: 03/12/2024

#### SOUTH JORDAN CITY PLANNING COMMISSION REPORT

Issue: THE MIX AT SOUTH JORDAN SUBDIVISION

PRELIMINARY SUBDIVISION PLAT

**Address:** 11147 S. Redwood Rd. **File No: PLPP202300178** 

**Applicant:** Justin Jones, Civil Science

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

**Jared Francis, Senior Engineer** 

**Staff Recommendation (Motion Ready):** I move that the Planning Commission **approve** the Mix at South Jordan preliminary subdivision plat, File No. PLPP202300178.

**ACREAGE:** Approximately 2.6 acres

**CURRENT ZONE:** R-M (PD) (Residential – Multiple, Planned

Development)

CURRENT USE: Unimproved land FUTURE LAND USE PLAN: MU (Mixed Use)

**NEIGHBORING ZONES/USES:** North – MU-V / Single-family homes and

townhomes

South – P-O / Stillwater Academy boarding

school

West – A-5 and R-1.8 / Redwood Rd.

East – R-2.5 and R-5 / Unimproved land and

Beckstead Ln.

#### **STANDARD OF APPROVAL:**

Once all application requirements have been met, redline corrections made, revised plans and plat submitted and City staff approval given, the preliminary subdivision plat application will be scheduled on the Planning Commission agenda for a public hearing at which public comment will be taken. Notice of the public hearing shall be provided in accordance with chapter 16.04 of this title. The Planning Commission shall receive public comment at the public hearing regarding the proposed subdivision. The Planning Commission may approve, approve with conditions or if the project does not meet City ordinances or sanitary sewer or culinary water requirements, deny the preliminary subdivision plat application. (Ord. 2007-01, 1-16-2007)

City Code § 16.10.060

#### **BACKGROUND:**

The applicant is requesting that the Planning Commission approve a preliminary subdivision plat application pertaining to the Mix at South Jordan project located at 11147 S. Redwood Rd. The City Council approved a zone change and development agreement for this project on August 15, 2023. The development agreement is attached to this report.

This is a mixed use project consisting of a residential and commercial component. The commercial use will consist of two buildings on Redwood Rd. The remainder of the site will be occupied by townhomes. The subdivision plat will create two commercial lots and twenty-one (21) townhome lots.

The project will have access off Redwood Rd. as well as off Beckstead Ln. The roads will be privately owned and maintained. The subdivision plat will also create a common area for the benefit of the residents. All other site improvements will be discussed in more detail with the upcoming site plan application pertaining to the project.

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

#### **Findings:**

- The project is located in the R-M (PD) Zone. It meets the Planning and Zoning, as well as the Subdivision and Development Code requirements of the Municipal Code. It also meets the development agreement terms and provisions.
- The City Council approved a zone change at the City Council meeting on August 15, 2023, and then executed the development agreement the same day. The agreement was recorded at the Salt Lake County Recorder's office on August 22, 2023.

#### **Conclusion:**

• The proposed preliminary subdivision plat application meets the City Code requirements and development agreement terms and conditions 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:**

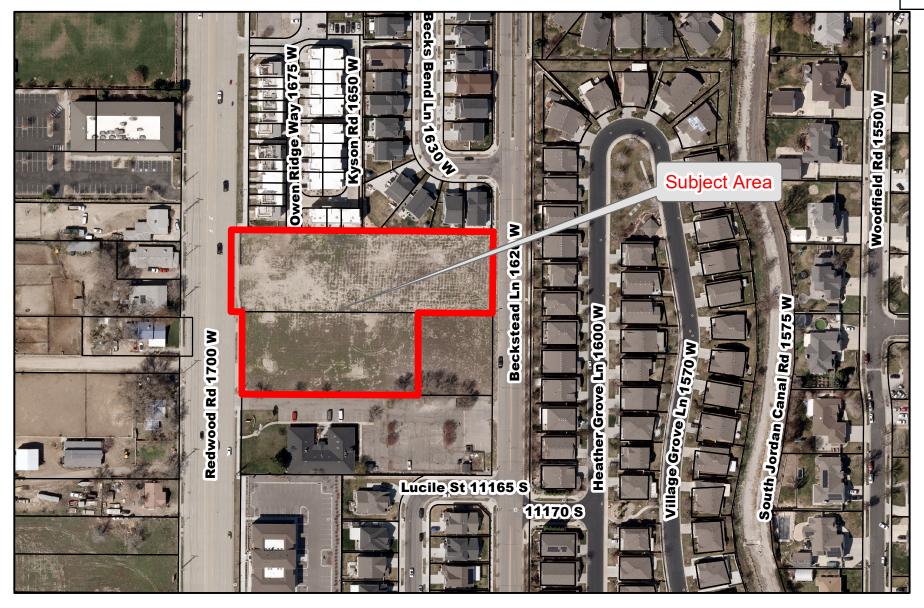
- Approve an amended Application.
- Deny the Application.
- Schedule the Application for a decision at some future date.

#### **SUPPORT MATERIALS:**

- Aerial Map
- Zoning Map
- Preliminary Subdivision Plat
- Development Agreement

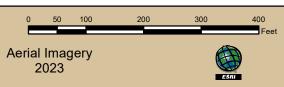
Damir Drozdek, AICP

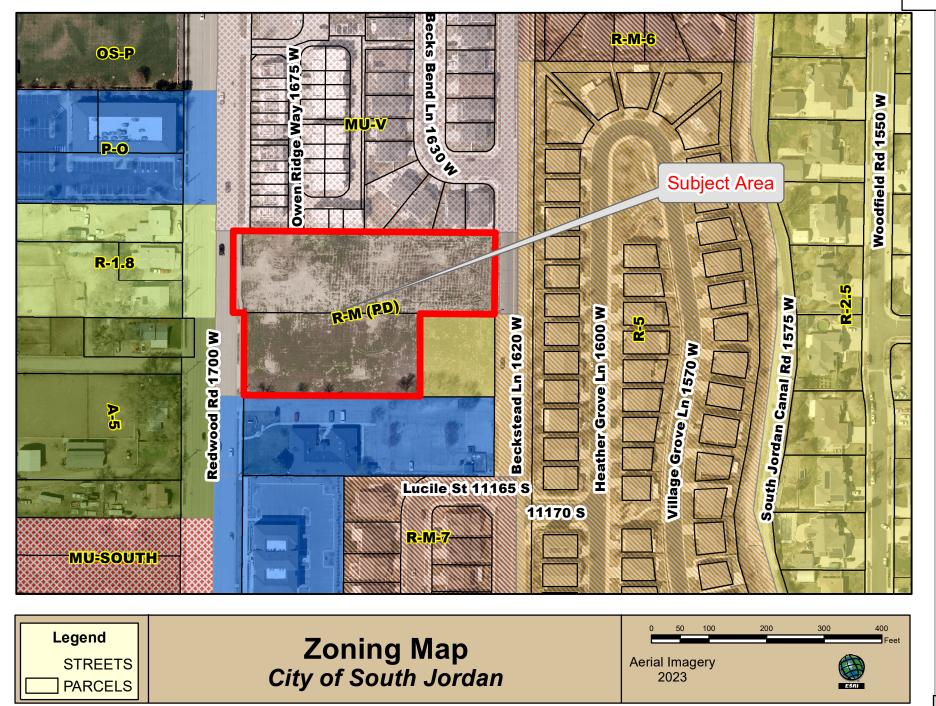
Planner III, Planning Department

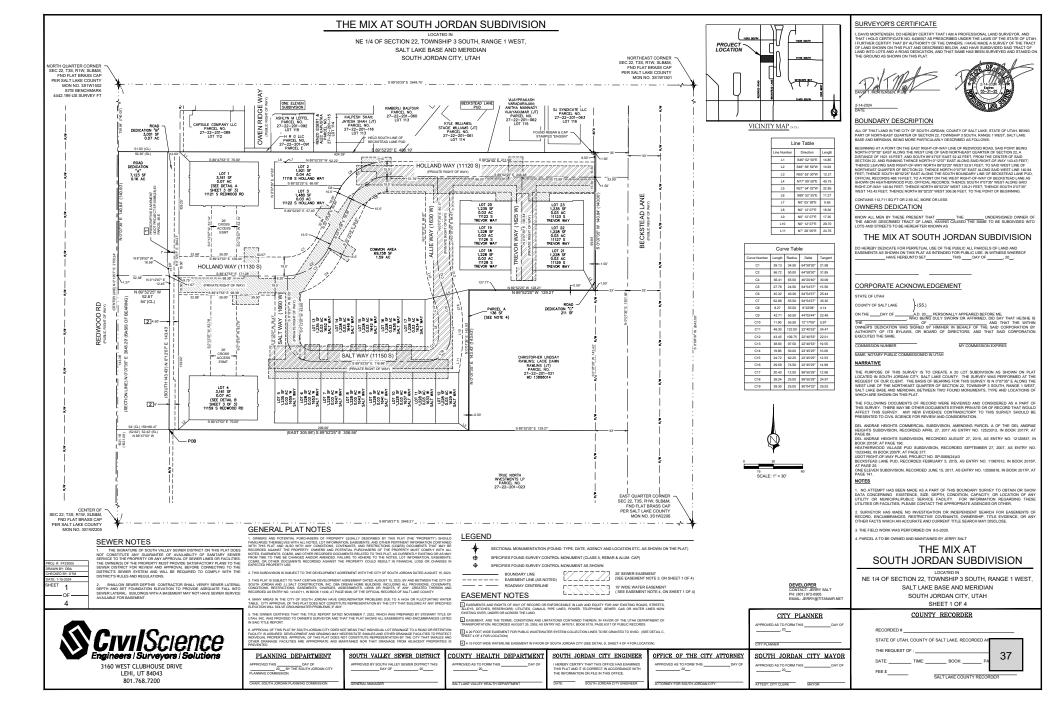


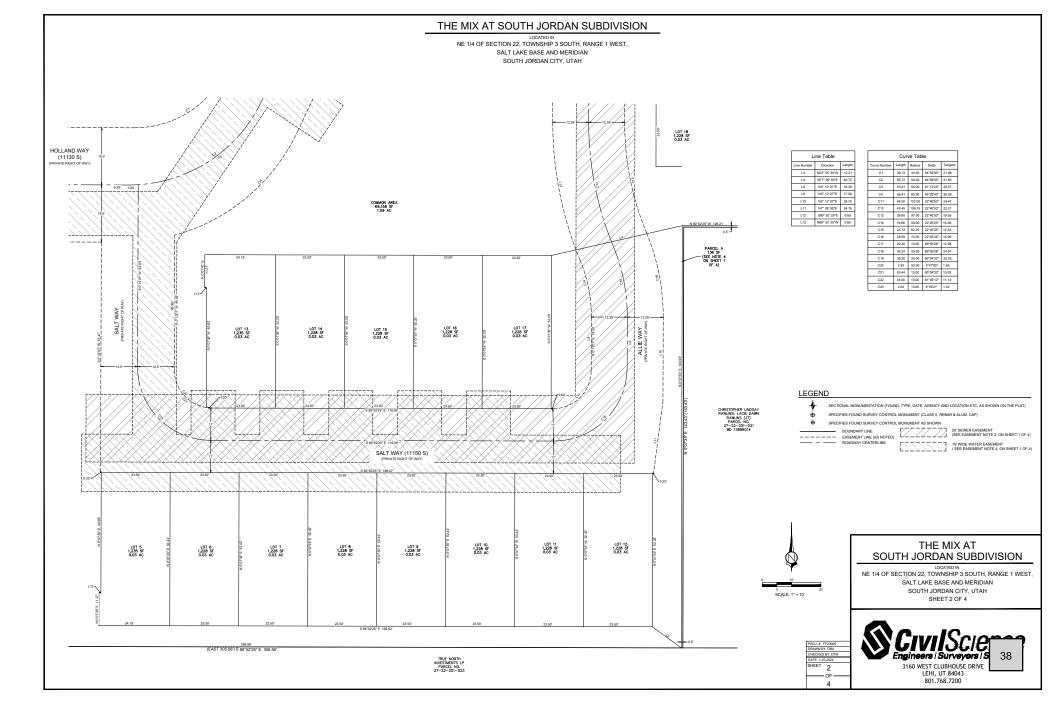
Legend
STREETS
PARCELS

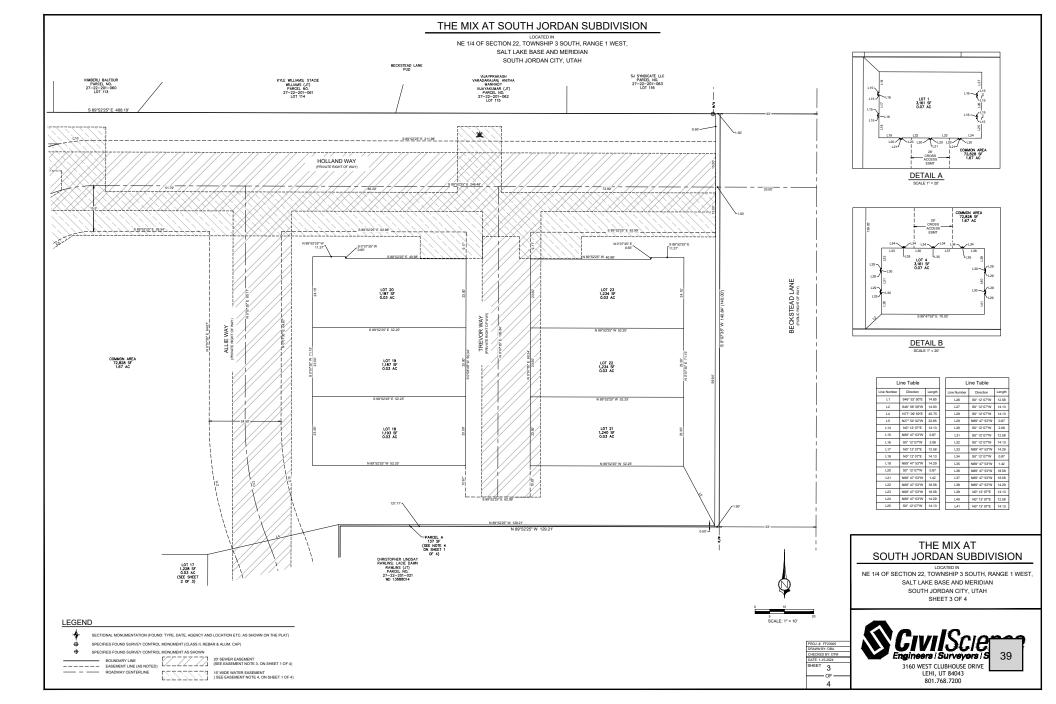
Aerial Map
City of South Jordan





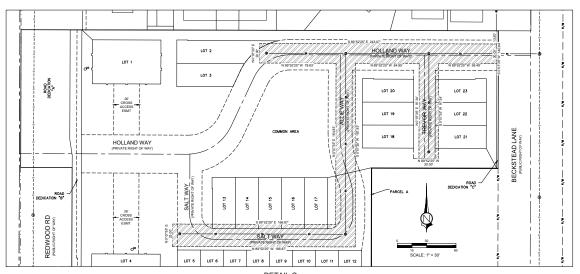




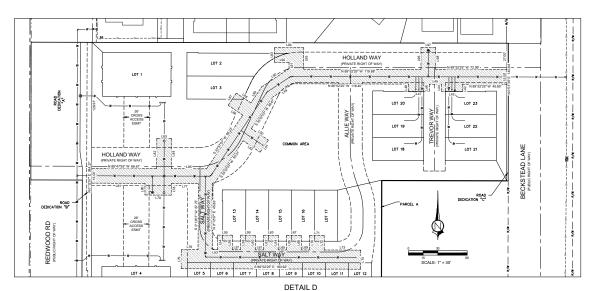


# THE MIX AT SOUTH JORDAN SUBDIVISION

NE 1/4 OF SECTION 22, TOWNSHIP 3 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN SOUTH JORDAN CITY, UTAH



DETAIL C 20 FOOT WIDE SEWER EASEMENT ( SEE EASEMENT NOTE 3, SHEET 1 OF 4)



L42 80° 07' 35"W 7.50 L43 N89" 52" 25"W 21.22 L44 N0° 07° 35°E 7.50 L45 N89° 52' 25"W 12.54 L46 S0" 07' 35"W 7.50 L47 N89° 52° 25°W 21.22 L48 N0° 07° 35°E 7.50 L49 856° 27' 07"W 25.07 L50 S56" 02" 53"E 21.00 L51 833° 57° 07°W 15.00 L52 N56" 02" 53"W 21.00 L53 889" 52" 25"E 5.04 L54 N0" 07" 35"E 15.00 L55 889° 52' 25"E 15.00 90" 09' 06"W 15.00 L57 S89° 52° 25°E 8.46 L58 N0" 07" 35"E 15.00 L59 S89" 52" 25"E 15.00 L60 S0" 07" 35"W 15.00 L61 S89° 52' 25"E 8.50

Line Table

ne Number Direction Length

Line Table			L	ine Table	
Line Number	Direction	Length	Line Number	Direction	Length
L62	N0" 07" 35"E	15.00	L82	S0" 12' 07"W	31.00
L63	S89° 52' 25"E	15.00	L83	N89° 47' 53"W	15.00
L64	80° 07' 35"W	15.00	L84	N0" 12' 07"E	31.00
L65	S89" 52' 25"E	8.50	L85	N89° 47' 53"W	35.92
L66	N0" 07" 35"E	15.00	L86	856° 02' 53°E	18.00
L67	S89" 52' 25"E	15.00	L87	833° 57' 07"W	15.00
L68	80° 07' 35"W	15.00	L88	N56" 02" 53"W	18.00
L69	S89" 52' 25"E	8.50	L89	833° 57' 07"W	19.94
L70	N0" 07' 35"E	15.00	L90	856° 27' 07"W	33.45
L71	S89" 52' 25"E	15.00	L91	80° 07' 35"W	6.53
L72	80° 07' 35"W	15.00	L92	S89" 52' 25"E	15.00
L73	S89" 52' 25"E	37.42	L93	80° 07' 35"W	15.00
L74	N0" 07" 35"E	19.50	L94	N89" 52' 25"W	30.00
L75	80° 07' 35"W	19.50	L96	N0" 07" 35"E	22.00
L76	N89" 52' 25"W	17.21	L96	S0" 07" 35"W	22.50
L77	S89" 47" 53"E	27.51	L97	N89" 52' 25"W	15.00
L78	N0" 12' 07"E	12.00	L98	N0" 07" 35"E	22.50
L79	S89" 47" 53"E	26.98			

#### LEGEND

L80 S0" 12' 07"W 12.00

L81 S89" 47" 53"E 54.64

SECTIONAL MONUMENTATION (FOUND: TYPE, DATE, AGENCY AND LOCATION ETC. AS SHOWN ON THE PLAT) SDECIEIES ECUIND SUDVEY CONTROL MONUMENT (CLASS II DEBAR & ALUM CAR)

SPECIFIES FOUND SURVEY CONTROL MONUMENT AS SHOWN

- BOUNDARY LINE ---- EASEMENT LINE (AS NOTED)

- ROADWAY CENTERLINE

20' SEWER EASEMENT (SEE EASEMENT NOTE 4 ON SHEET 1 OF 4) 15' WIDE WATER EASEMENT (SEE EASEMENT NOTE 3 ON SHEET 1 OF 4)

#### THE MIX AT SOUTH JORDAN SUBDIVISION

LOCATED IN
NE 1/4 OF SECTION 22, TOWNSHIP 3 SOUTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN SOUTH JORDAN CITY, UTAH SHEET 4 OF 4





15 FOOT WIDE WATER EASEMENT ( SEE EASEMENT NOTE 4, SHEET 1 OF 4)

#### **RESOLUTION R2023 - 25**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, AUTHORIZING THE CITY AND THE DEVELOPER TO ENTER INTO A DEVELOPMENT AGREEMENT PERTAINING TO THE DEVELOPMENT OF THE PROPERTY LOCATED AT 11147 S. REDWOOD ROAD.

WHEREAS, the City of South Jordan is a municipal corporation and political subdivision of the State of Utah (the "City") and is authorized to enter into development agreements that it considers are necessary or appropriate for the use and development of land within the City pursuant to Utah Code § 10-9a-102, et seq.; and

WHEREAS, the City has entered into development agreements from time to time as the City has deemed necessary for the orderly development of the City; and

WHEREAS, the Developer now desires to enter into an agreement for the purpose of developing and changing the zoning designation on property generally located at 11147 S. Redwood Road (the "Property"); and

WHEREAS, the City Council of the City of South Jordan (the "City Council") has determined that it is in the best interest of the public health, safety, and welfare of the City to enter into a development agreement for the orderly development of the Property.

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

<u>SECTION 1</u>. Authorization to Sign Development Agreement. The City Council hereby authorizes the Mayor to sign the Development Agreement, attached hereto as **Exhibit 1**.

**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 hereby and shall remain in full force and effect.

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

[SIGNATURE PAGE FOLLOWS]

THIS 15 DAY OF				LOWING VOTE:	TAH, UN
		YES	NO	ABSTAIN	ABSENT
B D T	atrick Harris radley Marlor conald Shelton amara Zander ason McGuire	X X X X X Attest:		maCress	= = stan_
Approved as to form:	O		7.08	ū	
Gregory M Simonsen (Aug 11, 2023 08:28 MDT)  Office of the City Attorney		S A S	CORR	ORATE State Of State	

# **EXHIBIT 1**

(Development Agreement)

# WHEN RECORDED, RETURN TO:

City of South Jordan Attn: City Recorder 1600 West Towne Center Drive South Jordan, Utah 84095

Affecting Parcel Numbers: 27-22-201-020-0000

27-22-201-028-0000

# **DEVELOPMENT AGREEMENT**

This Development Agreement (this "Agreement") is between the City of South Jordan, a Utah municipal corporation ("City") and J.L. Salt Construction, Inc. dba Dream Home Builders ("Developer"). City and Developer are jointly referred to as the "Parties" and each may be referred to individually as "Party."

# RECITALS

- A. Developer owns certain real property identified as Salt Lake County Assessor Parcel Numbers 27-22-201-020-0000 and 27-22-201-028-0000, located at 11147 S. Redwood Road which is more specifically described in attached **Exhibit A** (the "Property").
- B. Developer intends to develop the Property consistent with the Concept Plan attached hereto as **Exhibit B** (the "Concept Plan"). The development of the Property as proposed on the Concept Plan is generally referred to as the "Project."
- C. The City, acting pursuant to its authority under the Land Use Development and Management Act (as codified in Utah Code Ann. § 10-9a-102(2) et seq., hereafter the "Act") and the South Jordan City Municipal Code (the "City Code"), and in furtherance of its land use policies, goals, objectives, ordinances, resolutions, and regulations, has determined that this Agreement is necessary and appropriate for the use and development of the Property within the City.
- D. The Property is currently subject to the Planning and Land Use Ordinance of the City and is within the City's A-5 (Agricultural, minimum 5 acre lot) Zone and R-2.5 (Single-family residential, 2.5 lots per acre) Zone, as depicted in the attached zoning map attached hereto as **Exhibit C**.

- E. The Developer desires to develop the Property in conformity with this Agreement and desires a zone change on the Property from A-5 and R-2.5 to R-M-PD (Residential-Multiple-Planned Development Zone, hereafter sometimes referred to as the "PD" Zone"), applicable provisions attached hereto as **Exhibit D**.
- F. The Parties acknowledge that the purpose of the PD Zone is "to allow for flexibility in the application of zoning regulations and development provisions of this title to advance a public interest through prescriptive requirements of a development plan and development agreement approved by the City Council." (See City Code § 17.130.050.010.)
- G. The Parties acknowledge that development in the PD Zone requires a development agreement specific to each area zoned as a PD Zone.
- H. The Parties acknowledge that the development and improvement of the Property pursuant to this Agreement will provide certainty useful to the Developer and to City, individually and collectively, in ongoing and future dealings and relations among the Parties pertaining to the development of the Project.
- I. The City has determined that the proposed development contains features which advance the policies, goals, and objectives of the City's General Plan; preserve and maintain the open and sustainable atmosphere desired by the citizens of the City; contribute to capital improvements which substantially benefit the City; and will result in economic benefits to the City and its citizens.
- J. This Agreement shall only be valid upon approval of such by the City Council and pursuant to Resolution R2023-25 a copy of which is attached as **Exhibit E**.
- K. The Parties acknowledge that the terms of this Agreement shall be enforceable and the rights of the Developer relative to the Property shall vest only if the City Council, in its sole legislative discretion, approves a zoning change from the A-5 and R-2.5 Rezone to the R-M Zone as the base zone and the PD Zone as a zoning overlay for the Property, and approves R2023-25 (see, Exhibit E).

L. The Parties, having cooperated in the drafting of this Agreement, understand and intend that this Agreement is a "development agreement" within the meaning of, and is entered into pursuant to, the terms of Utah Code Ann. § 10-9a-103(12).

**NOW THEREFORE**, based on the foregoing recitals and in consideration of the mutual covenants and promises contained and set forth herein, the Parties agree as follows:

# **AGREEMENT**

- 1. Recitals; Definitions. The recitals set forth above are incorporated herein by this reference. Any capitalized term used but not otherwise defined in this Agreement shall have the meaning ascribed to such term in the Act or City Code.
- 2. **Enforceability**. The Parties acknowledge that the terms of this Agreement shall be enforceable, and the rights of Developer relative to the Property shall vest, only if the City Council in its sole legislative discretion rezones the Property from the A-5 and R-2.5 Zones to the R-M-PD Zone and approves R2023-25 (*see*, **Exhibit E**).
- 3. <u>Effective Date</u>. This Agreement is effective on the date the last party executes this Agreement as indicated by the date stated under that party's signature line (the "Effective Date").
- 4. <u>Conflicting Terms</u>. The Property shall be developed in accordance with the requirements and benefits provided for in relation to the R-M-PD Zone under the City Code as of the Effective Date. If there is a discrepancy between the requirements of the City Code, including the R-M-PD Zone, and this Agreement, this Agreement shall control.

# Developer Obligations.

5.1. <u>Uses</u>. Developer shall develop and use the Property to develop up to 21 townhomes and two commercial buildings as depicted in the Concept Plan. Allowed uses in the two commercial buildings will be subject to the regulations of the Commercial Community Zone including the addition of "Business Support," "Office/Warehouse Flexible Space," and "Wholesale and Warehouse" as permitted uses, with all uses being conducted wholly

inside the building and no outside storage. A copy of the Commercial Community Zone regulations are attached hereto as **Exhibit D** and are incorporated herein by this reference. All uses, whether permitted or conditional in the Commercial Community Zone may only be established if Developer can demonstrate that the available parking is sufficient based on the required parking ratios of City Code Section 16.26.

- 5.2. Amenities. The Developer shall design and construct amenities on the Property as set forth in the Concept Plan. The tot lot will be completed prior to the City issuing all C/Os (certificate of occupancy) for the two adjacent buildings. If the tot lot is not complete due to weather or other inclement circumstance, the City will then obtain an improvement bond for the lot.
- 5.3. Architecture and Building Materials on Commercial Buildings. The Developer shall construct the commercial buildings depicted in the archtirectural renderings and elevataions attached hereto as Exhibit F. In addition to any other applicable design standards in the City's Code, Developer shall construct the commercial buildings no taller than 35 feet with the exterior consisting as per the renderings in Exhibit F, showing the combination uses below and above a 12' grade line of the buildings. Below the 12' shall be the combination of thin brick veneer and some stone along with smooth stone veneer resembling precast concrete panels all attached to the EIFS wall system. Above the 12' grade line of the buildings shall be the combination of the EIFS wall system faux brick, stone including smooth stone lintles resembling precast concrete. Each of the two commercial buildings will have approximately 4,000 square feet of space with the aggregate not to exceed 9,000 square feet. Developer agrees to present final architectural elevations and building materials for the commercial buildings to the City's Architectural Review Committee for review and approval.
- 5.4. <u>Architecture and Building Materials on Townhomes</u>. The Developer shall construct the townhomes depicted in the architectural renderings and

elevations attached hereto as **Exhibit F**. In addition to any other applicable design standards in the City's Code, Developer shall construct the townhomes no taller than 35 feet with the exterior consisting of fiber cement siding, stucco and brick veneer. The Townhomes will not have basements. Developer agrees to present final architectural elevations and building materials for the Townhomes to the City's Architectural Review Committee for review and approval.

- 5.5. <u>Fences</u>. Fences and all other public and private improvements will be constructed in conformity to City Code requirements and the concept plan.
- 5.6. <u>Landscaping</u>. Developer shall comply with the City's water efficiency standards and other applicable City landscaping requirements.
- 5.7. Parking. Developer shall provide a two-car garage and two-car driveway for each townhome unit as set forth in the Concept Plan and shall otherwise comply with all City requirements. Developer shall record a shared parking agreement between the residential dwellings and commercial buildings for the purpose of allowing the residents to use the commercial parking stalls after hours, on weekends, and on holidays observed by the occupants of the commercial buildings.
- 5.8. Setbacks. Building setbacks shall be as depicted in the Concept Plan.
- 5.9. Project Roads. All roads within the project will be privately constructed, privately owned and privately maintained in full compliance with City standards. Developer will dedicate all necessary public rights of way according to the City Code and City engineering standards.
- 6. <u>City Obligations</u>. City shall review development applications with respect to the Property in a timely manner, consistent with City's routine development review practices and in accordance with all applicable laws and regulations including Utah State Code § 10-6-160 et seq.
  - 7. Plat Language. The final plat for the Project shall contain the following language in

a note:

This plat is subject to that certain Development Agreement dated
, by and between the City of South Jordan and J.L.Sali
Construction, Inc., dba: Dream Home Builders, including all provisions,
covenants, conditions, restrictions, easements, charges, assessments,
liens or rights, if any, created therein and recorded on as Entry
No, in Book, at Page of the Official Records of Sala
Lake County.

8. <u>Minor Changes</u>. The Planning Department, after conferring with the City Manager, may approve minor modifications to the Developer Obligations which are necessary or advantageous in facilitating more desirable function and aesthetics of the Project.

# 9. Vested Rights and Reserved Legislative Powers.

- 9.1. <u>Vested Rights</u>. Consistent with the terms and conditions of this Agreement, City agrees Developer has the vested right to develop and construct the Project during the term of this Agreement in accordance with: (i) the R-M-PD Zone; (ii) the City Code in effect as of the Effective Date; and (iii) the terms of this Agreement.
- 9.2. Reserved Legislative Powers. Developer acknowledges that 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 City all of its police power that cannot be so limited. Notwithstanding the retained power of City to enact such legislation under the police powers, such legislation shall only be applied to modify the vested rights of Developer under this Agreement and with respect to use under the zoning designations as referenced in 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 Property shall be of general

application to all development activity in City and Salt Lake County; and, unless in good faith 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 Property under the compelling, countervailing public interest exception to the vested rights doctrine.

10. <u>Term</u>. This Agreement shall run with the land and shall continue in full force and effect until all obligations hereunder have been fully performed and all rights hereunder fully exercised; provided, however, that unless the parties mutually agree to extend the term, this Agreement shall not extend further than a period of ten (10) years from its date of recordation in the official records of the Salt Lake County Recorder's Office.

11. <u>Notices</u>. 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 registered or certified U.S. Postal Service mail, return receipt requested, postage prepaid to the following addresses 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 days before the date on which the change is to become effective:

If to City:

City of South Jordan

Attn: City Recorder

1600 West Towne Center Drive South Jordan, Utah 84095

If to Developer:

J.L. Salt Construction, Inc.

dba Dream Home Builders

P.O. Box 970

West Jordan, Utah 84084

12. <u>Mailing Effective</u>. Notices given by mail shall be deemed delivered seventy-two hours following deposit with the U.S. Postal Service in the manner set forth above.

13. <u>No Waiver</u>. Any Party's failure to enforce any provision of this Agreement shall not constitute a waiver of the right to enforce such provision. The provisions may be waived only in

writing by the Party intended to be benefited by the provisions, and a waiver by a Party of a breach hereunder by the other Party shall not be construed as a waiver of any succeeding breach of the same or other provisions.

- 14. <u>Headings</u>. 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.
- authority. The Parties to this Agreement represent 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 it is fully formed and validly existing under the laws of the State of Utah, and that it is duly qualified to do business in the State of Utah and is in good standing under applicable state laws. Developer and City warrant to each other that the individuals executing this Agreement on behalf of their respective Party are authorized and empowered to bind the Party on whose behalf each individual is signing. Developer represents to City that by entering into this Agreement Developer has bound all persons and entities having a legal or equitable interest to the terms of this Agreement as of the Effective Date.
- 16. **Entire Agreement**. This Agreement, together with the Exhibits attached hereto, documents referenced herein and all regulatory approvals given by City for the Property contain the entire agreement of the Parties with respect to the subject matter hereof and supersede any prior promises, representations, warranties, inducements or understandings between the Parties which are not contained in such agreements, regulatory approvals and related conditions.
- 17. <u>Amendment</u>. 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 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.
- 18. <u>Severability</u>. If any of the provisions of this Agreement are declared void or unenforceable, such provision shall be severed from this Agreement. This Agreement shall otherwise remain in full force and effect provided the fundamental purpose of this Agreement and Developer's ability to complete the development of the Property as set forth in the Concept Plan

is not defeated by such severance.

- 19. Governing Law. The laws of the State of Utah shall govern the interpretation and enforcement of this 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. The Parties hereby expressly waive any right to object to such choice of law or venue.
- 20. <u>Remedies</u>. If either Party breaches any provision of this Agreement, the non-defaulting Party shall be entitled to all remedies available both at law and in equity.
- 21. <u>Attorney's Fees and Costs</u>. If either Party brings legal action either because of a breach of this Agreement or to enforce a provision of this Agreement, the prevailing Party shall be entitled to reasonable attorney's fees and court costs.
- 22. <u>Binding Effect</u>. The benefits and burdens of this Agreement shall be binding upon and shall inure to the benefit of the Parties 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.
- 23. **No Third Party Rights**. The obligations of Developer and City set forth in this Agreement shall not create any rights in or obligations to any other persons or parties except to the extent otherwise provided herein.
- 24. <u>Assignment</u>. Developer may freely assign this Agreement, in which case the assignor or successor-in-interest shall be fully liable under this Agreement. Developer shall remain obligated for the performance of this Agreement until it receives a written release from the City. The City shall grant a written release upon a showing that the Assignee is financially and otherwise capable of performing the obligations of the Agreement.
- 25. <u>No Agency Created</u>. Nothing contained in this Agreement shall create any partnership, joint venture, or agency relationship between the Parties.
- 26. <u>Dispute Resolution</u>. In the event of a dispute regarding the meaning, administration or implementation of this Development Agreement the parties shall meet and confer and attempt

to resolve the dispute. If this is unsuccessful the parties shall engage in formal mediation within thirty days of the unsuccessful meeting. The parties shall mutually agree upon a single mediator and Developer shall pay the fees of the mediator. If the dispute remains unresolved after mediation the Parties may seek relief in the Third District Court for Salt Lake County, State of Utah.

27. <u>Table of Exhibits</u>. The following exhibits attached hereto and referred to herein are hereby incorporated herein and made a part of this Agreement for all purposes as if fully set forth herein:

Exhibit A	Legal Description of Property
Exhibit B	Concept Plan
Exhibit C	Zoning Map
Exhibit D	PD, Residential and CC Zoning Provisions
Exhibit E	Resolution R2023-25
Exhibit F	Approved Architecture, Elevations, Materials, and Design

[SIGNATURE PAGE FOLLOWS]

To evidence the Parties' agreement to this Agreement, each Party has executed it on the date stated under that Party's name, with this Agreement being effective on the date stated in Section 3.

# CITY OF SOUTH JORDAN

Signature:

Print Name:

ritle: Mayor

Date: 08 15 2023

APPROVED AS TO FORM

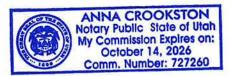
Gregory M Simonsen (Aug 11, 2023 08:28 MDT)

Office of the City Attorney



STATE OF UTAH		
	:s	
COUNTY OF SALTIAKE	`	

On this <u>15</u> day of <u>Pugost</u>, 2023, personally appeared before me DAWN R. RAMSEY, whose identity is personally known to me (or proven on the basis of satisfactory evidence) and who by me duly sworn/affirmed, did say that she is the Mayor of the City of South Jordan and that said document was signed by her in behalf of the City of South Jordan by authority of its City Council, and DAWN R. RAMSEY further acknowledged to me that said Corporation executed the same.



NOTARY PUBLIC

# **DEVELOPER**

J.L. SALT CONSTRUCTION, INC. DBA DREAM HOME BUILDERS

Signature:

Print Name: JERRY L. SALT

Title: PRESIDENT

Date: 8 · 11 · 2023

STATE OF UTAH

:ss

COUNTY OF SALT LAKE )

On this Way of August, 2023, personally appeared before me Levry Salt, whose identity is personally known to me (or proven on the basis of satisfactory evidence) and who by me duly sworn/affirmed, did say that he is the Manager of J.L. Salt Construction, Inc. dba Dream Home Builders and that said document was signed by him in behalf of J.L. Salt Construction, Inc. dba Dream Home Builders by authority of its governing body, and Juvy Salt further acknowledged to me that he executed the same.



# **EXHIBIT A**

(Legal Description for the Property)

27-22-201-020

BEG N 1621 FT & E 52.62 FT FR CEN SEC 22, T 3S, R 1W, SLM; E 305.98 FT M OR L; N 0°07'35" E 143.43 FT; W 305.98 FT M OR L; S 143.43 FT TO BEG. 1.0 AC M OR L. 9283-3137 9303-0070 9318-1978 9337-0277

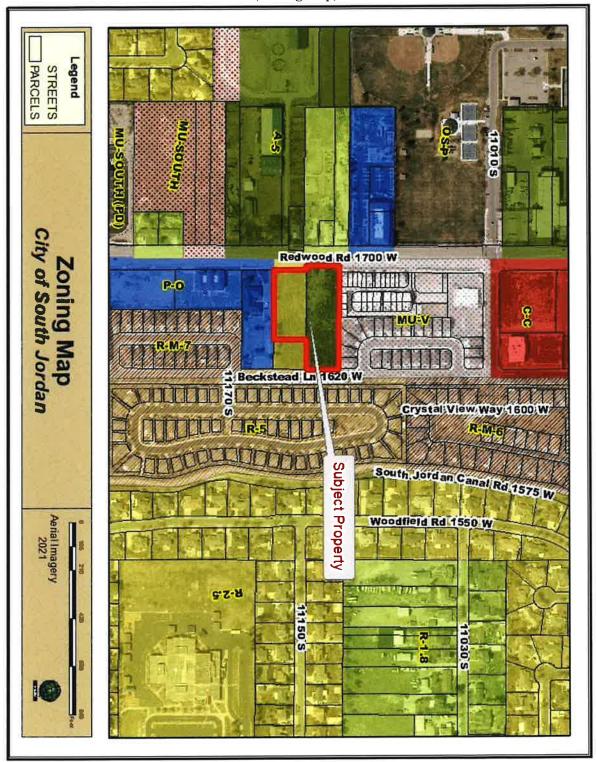
27-22-201-028

BEG S 740 FT FR N 1/4 COR OF SEC 22, T3S, R1W, SLM; E 488.19 FT; S 0°07'35" W 140 FT; W 485.74 FT; N 140 FT TO BEG. LESS ST. 1.47 AC.

# EXHIBIT B (Concept Plan)



EXHIBIT C (Zoning Map)



#### EXHIBIT D

(PD Zone Provisions)

17.130.050: PLANNED DEVELOPMENT FLOATING ZONE

17.130.050.010: PURPOSE

17.130.050.020: ESTABLISHMENT\ 7.130.050.030: AMENDMENTS

# 17.130.050.010: PURPOSE

The purpose of the Planned Development Floating Zone (PD) is to allow for flexibility in the application of zoning regulations and development provisions of this title to advance a public interest through prescriptive requirements of a development plan and development agreement approved by the City Council. The PD may be applied to specific geographical areas ("districts") in circumstances that address a unique situation, confer a substantial benefit to the City, or incorporate design elements or a mixture of uses that represent a significant improvement in quality over what could otherwise be accomplished by standard zoning and development provisions. Such circumstances may include, but are not limited to: improvements in open space and amenities, environmental and resource preservation, tree and vegetation protection, slope accommodations, improved infrastructure efficiency, exceptional and innovative site or building design, increased public benefits, and complementary integrated land uses. The City Council shall consider the purpose of the base zone and the impacts on and from surrounding properties when approving a PD District.

(Ord. 2016-05, 5-3-2016)

# 17.130.050.020: ESTABLISHMENT

#### 1. Procedure:

- 1. Concept: A concept plan, that includes a preliminary site layout, basic sketches of proposed buildings, and a general understanding of proposed uses, shall be submitted for City Council review. Applicants are encouraged to work with staff prior to application to achieve an understanding of the surrounding area, the purpose of the base zone, and the goals and policies of the City's general plan. The Council shall provide advisory comments and recommendation regarding the concept plan to assist in the preparation of the development plan according to subsection B of this section. No action will be taken by the Council, and comments and recommendations will not obligate, compel, or constrain future action by the Council.
- 2. Rezone: A PD District shall only be established upon approval by the City Council as a rezone according to the provisions of chapter 17.22, "Zoning Amendments", of this title and as may be required elsewhere in this title, except that the requirement for a conceptual plan in subsection 17.22.030D of this title shall be replaced with a development plan according to subsection B of this section. Except in those instances where the Applicant is the City of South Jordan the development plan shall be approved by development agreement in conjunction with the rezoning approval. If the Applicant is the City of South Jordan the development plan may be approved as part of the rezone without a development agreement.
- 3. Concurrent Site Plan Or Preliminary Subdivision (Optional): At the applicant's option and with the approval of the Planning Director, the applicant may submit a site plan application and/or preliminary subdivision application to be processed concurrently with a PD rezone. In the case of concurrent applications, Planning Commission approval of a concurrent site plan and/or preliminary subdivision shall be contingent on the City Council's approval of the PD rezone. (Ord. 2016-05, 5-3-2016; amd. Ord. 2019-01, 3-5-2019)

# 2. Development Plan Requirements:

- 1. A written statement shall be provided that explains the intent of the proposal, explains how the PD provisions will be met, and identifies the requested revisions to standard zoning and development provisions
- 2. A map and other textual or graphic materials as necessary to define the geographical boundaries of the area to which the requested PD District would apply.

- 3. A development plan shall also include:
  - 1. Site plan/conceptual subdivision plan;
  - 2. Circulation and access plan;
  - 3. Building elevations, materials, and colors;
  - 4. Landscape and open space plan;
  - 5. Signage plan;
  - 6. Lighting plan; and
  - Allowed uses.

#### 3. Prohibited:

- Sexually oriented businesses shall not be allowed in a PD District where otherwise prohibited by this Code.
- 2. A PD District shall not be approved in the P-C Zone or Single-Family Residential Zones (R-1.8, R-2.5, R-3, R-4, R-5).

#### 4. Effect Of Approval:

- 1. All of the provisions of this Code, including those of the base zone, shall be in full force and effect, unless such provisions are expressly waived or modified by the approved development plan and/or development agreement.
- 2. An approved PD District shall be shown on the zoning map by a "-PD" designation after the designation of the base zone district.
- 3. No permits for development within an approved PD District shall be issued by the City unless the development complies with the approved development plan. (Ord. 2016-05, 5-3-2016)
- 4. The Planning Director may authorize minor deviations from an approved development plan to resolve conflicting provisions or when necessary for technical or engineering considerations. Such minor deviations shall not affect the vested rights of the PD District and shall not impose increased impacts on surrounding properties. (Ord. 2016-05, 5-3-2016; amd. Ord. 2019-01, 3-5-2019)

### 5. Vested Rights:

- 1. A property right that has been vested through approval of a PD District shall remain vested for a period of three (3) years or upon substantial commencement of the project. A property right may be vested, or an extension of a vested property right may be granted, for a period greater than three (3) years only if approved by the City Council through an approved PD District. (Ord. 2016-05, 5-3-2016)
- 2. Substantial commencement shall be the installation of infrastructure, a building having started construction, or as determined by the Planning Director based on significant progress otherwise demonstrated by the applicant. A project that has not substantially commenced may, at the discretion of the property owner, develop according to the base zone. A project that has substantially commenced shall not deviate, in whole or in part, from the approved PD District, unless amended per section 17.130.050.030 of this section 17.130.050.

#### HISTORY

Amended by Ord. 2016-05 on 5/3/2016

Amended by Ord. 2019-01 on 3/5/2019

Amended by Ord. 2023-07 on 5/2/2023

# 17.130.050.030: AMENDMENTS

Any application to amend an approved PD District shall be processed as a zone text amendment, except that an application to extend the district boundaries shall be processed as a rezone. Except in those instances where the Applicant is the City of South Jordan any amendment to an approved PD District requires that the corresponding development agreement also be amended.

# **HISTORY**

Amended by Ord. 2016-05 on 5/3/2016

Amended by Ord. 2023-07 on 5/2/2023

#### **CHAPTER 17.40 RESIDENTIAL ZONES**

17.40.010: PURPOSE

17.40.020: DEVELOPMENT AND DESIGN STANDARDS

17.40.030: OTHER REQUIREMENTS

17.40.010: PURPOSE

This chapter is established to provide standards and regulations, consistent with the city's general plan and the purposes and provisions of this title, for single-family residential areas in the city. This chapter shall apply to the following residential zones as established in chapter 17.20, "Zone Establishment", of this title: R-1.8, R-2.5, R-3, R-4, R-5, and R-M zones. Uses may only be conducted in residential zones in accordance with the regulations of this code. Allowed use (permitted and conditional), accessory use, temporary use and other associated use regulations may be found in chapter 17.18, "Uses", of this title.

(Ord. 2016-05, 5-3-2016)

# 17.40,020: DEVELOPMENT AND DESIGN STANDARDS

- Development Review: Uses proposed in residential 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 residential
  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 otherwise allowed under state
  law.
- 2. Lot Area: The area of any lot in residential zones shall not be less than the minimum lot area requirement identified in the minimum lot area table below. Every portion of a parcel being subdivided shall be included as a lot or lots in the proposed subdivision plat, right of way or as common, limited common or private ownership.

Zone	Minimum Lot Area (Square Feet)
R- 1.8	14,520
R- 2.5	12,000
R-3	10,000
R-4	8,000
R-5	6,000

R-M	5,000

3. Lot Density: The maximum gross density (number of lots or primary dwelling units per acre) in any residential development in a residential zone shall not exceed the density shown in the lot density table below. The primary dwelling density of each area zoned R-M shall be determined, according to the densities established in the lot density table, with approval of a rezoning application per chapter 17.22, "Zoning Amendments", of this title and indicated on the official zoning map with a numerical suffix matching the approved density.

Zone	Maximum Gros Density	SS
R-1.8	1.8	
R-2.5	2.5	
R-3	3	
R-4	4	
R-5	5	
R-M- \ 5	5	
R-M- 6	6	

4. Lot Width And Frontage: Each lot or parcel in a residential zone shall have a minimum lot width not less than the dimension in the minimum width column of the lot width and frontage table below. The minimum lot width shall be measured at the minimum front yard requirement (see subsection F of this section) that shall be determined from a point which corresponds to the midpoint of the front lot line. Each lot or parcel shall abut the right of way line of a public street a minimum distance not less than the dimension in the frontage (standard) column of the lot width and frontage table below, except that lots with side property lines which diverge at an angle of at least twenty degrees (20°) shall abut the right-of-way or landscaped open space a minimum distance not less than the dimension in the frontage (diverged) column.

Zone	Minimum Width	Frontage (Standard)	Frontage (Diverged)
R-1.8	90'	90'	50'
R-2.5	90'	90'	50'
R-3	85'	85'	50'
R-4	80'	80'	50'
R-5	75'	75'	50'

R-M-5	65'	65'	40'
R-M-6	60'	60'	40'

5. Lot Coverage: The area of lot, parcel or private ownership area in a residential zone covered by buildings shall not exceed the percentage identified in the lot coverage table below of the total lot, parcel or private ownership area.

Zone	Maximum Building Coverage
R-1.8	40%
R-2.5	40%
R-3	40%
R-4	40%
R-5	50%
R-M	60%

Zone		Garage Opening <sup>1</sup> (Front Or Street Side)		Side Yard (Standard)		Rear Yard (Interior Lot)	Rear Yard (Corner Lot)
R- 1.8	30'	30'	25'	10'	30'	25'	10'
R- 2.5	25'	30'	20'	10'	25'	25'	10'
R-3	25'	30'	20'	10'	25'	25'	10'
R-4	20'	25'	20'	8'	20'	20'	10'
R-5	20'	25'	20'	8'	20'	20'	10'

R-M- 5	20'	25'	20'	8'	10'	20'	10'
R-M- 6	20'	25'	20'	8'	10'	20'	10'

- 6. Yard Area: The yard area (setback) requirements below shall apply in all residential zones. Minimum yard areas are measured from the corresponding front, side and rear property lines of lots or from the boundaries of private ownership areas. A land use permit shall be obtained prior to the construction of any accessory building for which a building permit is not required. An application form, lot plan showing streets, existing buildings, dimensions, easements and setbacks of the proposed accessory building and other information as needed shall be submitted for review.
  - 1. Main Buildings: Minimum yard area requirements for main buildings are as follows:

# 2. Note:

<sup>1</sup>The garage opening minimum yard area requirement shall apply to garages when the garage opening faces the street, otherwise the front yard minimum yard area shall apply. The garage opening minimum yard requirement shall be 25 feet to any street-facing garage opening in a cul-desac.

- 3. Accessory Buildings: Minimum yard area requirements for accessory buildings are as follows:
  - 1. Location: Accessory buildings may not be located between the front building line of a main building and the right-of-way that determines the front yard area.
  - 2. Side Yard: An accessory building may be located in a side yard, including a street side, if located no closer than the minimum side yard requirement for the main building pursuant to this subsection F, except that accessory buildings less than ten feet (10') in height and not containing habitable space may be located no closer than five feet (5') from the side property line.
  - 3. Rear Yard: An accessory building may be located in a rear yard no closer than three feet (3') from the side or rear property line or boundary and increased by one foot (1') for each foot of building height in excess of sixteen feet (16'), except that the setback shall be increased to no closer than five feet (5') from the side or rear property line or boundary when adjacent to a right-of-way, which shall be increased by one foot (1') for each foot of building height in excess of sixteen feet (16').
- 4. Buildings Used To Shelter Animals: Buildings used for the housing or shelter of animals shall be located a minimum distance of forty feet (40') from any existing dwelling or neighborhood street right-of-way or, if approved with a conditional use permit, a minimum of twenty feet (20') from any collector street right-of-way line.
- 5. Projections: The following may be erected on or projected into any required yard space in Residential Zones:
  - 1. Fences and walls in conformance with this Code.
  - 2. Agricultural crops and landscape elements, including trees, shrubs and other plants.
  - 3. Utility or irrigation equipment or facilities.
  - 4. Decks not more than two feet (2') high.

- 5. Cornices, eaves, sills, planter boxes, stairways, landings, porches, decks, awnings or similar architectural features attached to the building and not enclosed by walls, extending not more than two feet (2') into a side yard, or four feet (4') into a front or rear yard.
- 6. Chimneys, fireplace keys, box or bay windows or cantilevered walls attached to the building no greater than 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.
- 7. Parking And Access: Parking areas and vehicle access in Residential Zones shall meet the requirements of title 16, chapter 16.26, "Parking And Access", of this Code, chapter 17.18, "Uses", of this title, and title 10 of this Code (Traffic Code). A driveway may only directly access a collector or arterial street with approval of the Utah Department of Transportation ("UDOT") for UDOT streets or with approval of the City Engineer for City streets.
- 8. Fencing, Screening And Clear Vision: The fencing, screening and clear vision requirements of this section shall apply in Residential Zones.
  - 1. Utility Screening: In nonresidential developments, all mechanical equipment, antennas (where possible), loading areas, and utility areas shall be screened from view at ground level along the property line of the subject property with architectural features or walls consistent with materials used in the associated buildings. Exterior trash receptacles in nonresidential developments shall be enclosed by masonry walls that are at least as tall as the receptacle itself, but not less than six feet (6') tall, and solid steel access doors. The color of trash receptacle enclosures (masonry walls and access doors) shall be consistent with colors used in the associated buildings.
  - 2. Incompatible Land Use Screening: Incompatible land uses, including waterways, trails, parks, open spaces and other uses or zones shall be screened or buffered with fences, walls and/or landscaping as required by the development approval.
  - 3. Rear And Side Yard Fencing: A maximum six foot (6') high fence and/or hedge may be installed and maintained between a dwelling and a rear or side lot line.
  - 4. Front Yard Fencing: A maximum four foot (4') high, nonvisually obscuring decorative wrought iron, simulated wrought iron or nonobscuring vinyl picket fence may be constructed along a side lot line to the right-of-way line or sidewalk of a neighborhood street, except as regulated in Clear Vision Areas, according to Section 16.04.200 (J). A masonry or solid vinyl fence or hedge may also be constructed along lot lines to the right-of-way or sidewalk but may not be greater than three feet (3') high. Brick pillars may not exceed eighteen inches (18") square or be closer than ten feet (10') on center. Posts or pillars may not extend higher than four inches (4") above the fence panel.
  - 5. Clear Vision Area: Landscape materials within a Clear Vision Area shall comply with Section 16.04.200 (J).
  - 6. Collector Street Fencing: Any single-family residential rear or side yard fence erected or maintained roughly parallel to and within twenty feet (20') of a collector or arterial street right-of-way in a Residential Zone shall be constructed according to section 16.04.200 of this Code.
- 9. Architecture: The following exterior materials and architectural standards are required in Residential Zones:
  - 1. General Architectural Standards:
    - 1. All building materials shall be high quality, durable and low maintenance.
    - 2. The exteriors of buildings in Residential Zones shall be properly maintained by the owners or owners' association.

- 3. Signs shall meet requirements of title 16, chapter 16.36, "Sign Ordinance", of this Code and shall be constructed of materials that are consistent with the buildings they identify.
- 4. Main buildings shall be no greater than thirty five feet (35') high.
- 2. Architectural Standards For Main Buildings:
  - 1. Residential main buildings shall include a minimum two car garage (minimum twenty-two feet (22') by twenty-two feet (22'), or an approved equivalent area).
  - 2. The minimum total floor area, finished and unfinished, of any residential main building shall be one thousand (1,000) square feet not including a garage.
  - 3. The front of the house shall be accessible by a pedestrian from the adjacent right-of-way.
- 3. Architectural Standards For Accessory Buildings:
  - 1. Accessory buildings may not be higher than the main building, except as approved by the Planning Commission as a conditional use permit. In no case shall an accessory building be greater than twenty five feet (25') high.
  - 2. The footprint of accessory buildings in the R-2.5, R-3, R-4, R-5 and R-M Zones shall not exceed sixty percent (60%) of the footprint of the main building, including the footprint of an attached garage, except that the Planning Commission may approve a conditional use permit for an accessory building with a footprint that is greater than sixty percent (60%) but in no case shall exceed the footprint of the main building. In the R-1.8 Zone, the footprint of an accessory building, such as a barn or a stable, shall not exceed the footprint of the main building, except with a conditional use permit approved by the Planning Commission.
  - 3. Any portion of an accessory building within twenty feet (20') of a property line shall meet the following requirements, except as approved by the Planning Commission as a conditional use permit:
    - 1. Openings (e.g., windows and doors) that are visible from the property line shall not be located in an exterior wall when the floor height exceeds four feet (4') above grade.
    - 2. The average wall height shall not exceed sixteen feet (16') above grade.
  - 4. Accessory buildings with a footprint exceeding two hundred (200) square feet shall be constructed with a minimum one to twelve (1:12) roof pitch in the R-1.8 Zone, and a minimum three to twelve (3:12) roof pitch over a majority of the structure in all other Residential Zones.
  - 5. Applications for a conditional use permit under subsections I3a, I3b and I3c of this section shall demonstrate that the proposed accessory building is consistent with the character of the surrounding area, which analysis includes, but is not limited to, consideration of nearby structures and uses and applicable declarations of conditions, covenants and restrictions ("CC&Rs"). Written notice shall be provided to all property owners located within the subdivision plat of the subject property and to all property owners otherwise located within three hundred feet (300') of the subject property. Notice shall be provided no less than ten (10) days prior to the scheduled Planning Commission meeting.

- 10. Landscaping: The following landscaping requirements and standards shall apply in Residential Zones. Landscaping in Residential Zones is also subject to the requirements of Title 16, Chapter 16.30, "Water Efficiency Standards," of this Code.
  - 1. The front and street side yards of single-family lots shall be fully improved and properly maintained with not less than fifty percent (50%) of the yard area landscaped and not less than fifty percent (50%) of the required landscaped area covered in acceptable live plant material unless otherwise approved with a conditional use permit.
  - All collector street and other public and private park strips in Residential Zones shall be improved
    and maintained by the adjoining property owners according to specifications adopted by the City
    unless otherwise allowed with development approval.
  - 3. Where an adjacent park strip in a residential right-of-way is a minimum of five feet (5') wide, park strip improvements shall include one shade tree that is a minimum two inch (2") caliper, for every fifty feet (50') of frontage and spaced evenly throughout the landscaped portion of the park strip, except that park strip trees shall not be planted within thirty feet (30') of a stop sign. Park strip trees shall be consistent with the "Streetscape Tree Species for South Jordan City" list.
  - 4. In developments that have a principal use other than single-family, detached, the following landscaping requirements shall apply:
    - All areas of developments not approved for parking, buildings, recreation facilities, access, other hard surfaces, or otherwise exempted with development approval shall be landscaped and properly maintained with grass, deciduous and evergreen trees and other plant material approved in conjunction with a site plan or plat for the development.
    - 2. A minimum of one tree per one thousand (1,000) square feet, or part thereof, of landscaped areas, excluding landscaped sports or play areas, is required. At least thirty percent (30%) of all required trees shall be a minimum seven foot (7') evergreen. Deciduous trees shall be a minimum two inch (2") caliper. Deciduous and evergreen trees need not be equally spaced, except as required in parking areas and in park strips but shall be distributed throughout the required yard areas on the site.
    - 3. Curbed planters with two inch (2") or larger caliper shade trees and other approved plant/landscape materials shall be installed at the ends of each parking row. Planters shall be at least five feet (5') wide.
    - Minimum five foot (5') wide landscaped planters shall be installed along the street side of building foundations, except at building entrances.
    - 5. All landscaped areas shall be curbed.
  - 5. Developments that 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 area so included and perpetually preserved as open space may be counted toward required open 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 approval of any entity or agency having jurisdiction over said waterways.
  - 6. All required landscaping in yard areas and open spaces shall be installed prior to occupancy unless deferred pursuant to section 16.04.300, "Deferred Improvements", of this Code.
  - 7. Property owners shall properly irrigate and maintain all landscaped areas, including those in adjacent public rights-of-way that are not maintained by the City.

- 8. Required trees may not be topped and required landscape material may not be removed in Residential Zones without City approval.
- 9. Dead plant material shall be replaced in accordance with the requirements of this chapter and the conditions of site plan or plat approval.

# 11. Lighting:

- 1. A lighting plan shall be submitted with all new nonresidential developments in Residential Zones.
- 2. Lighting shall be shielded to prevent glare on adjacent agricultural and residential properties.
- 3. Lighting fixtures in all developments that have a principal use that is not agricultural or residential shall be architectural grade and consistent with the architectural theme of the development.
- 4. Lighting fixtures on public property shall be approved by the City Engineer.
- 12. Streets: Streets in Residential Zones shall meet the requirements of section 16.04.180, "Streets", of this Code, except that private streets and gated communities are prohibited in Residential Zones unless otherwise provided for in this chapter.

(Ord. 2016-05, 5-3-2016; amd. Ord. 2017-22, 7-18-2017; Ord. 2019-01, 3-5-2019; Ord. 2019-06, 3-19-2019; Ord. 2021-06, 2-16-2021; Ord. 2021-09, 5-4-2021; Ord. 2021-20, 10-5-2021)

#### HISTORY

Amended by Ord. 2022-16 on 12/6/2022

#### 17.40.030: OTHER REQUIREMENTS

- 1. Grading: All developments shall be graded as required by the City Engineer to provide adequate drainage. Buildings shall be equipped with facilities that discharge all roof drainage onto the subject lot or parcel. (Ord. 2016-05, 5-3-2016; amd. Ord. 2019-01, 3-5-2019)
- 2. Maintenance: All private areas of lots or parcels shall be properly maintained by the owners.
- 3. Phasing Plan: A project phasing plan shall be submitted for review at the time of plat or site plan approval. Development shall be in accordance with the phasing plan unless a revised phasing plan is approved by the City.
- 4. Common Areas: All common area improvements in developments, including, but not limited to, buildings, open space, recreational facilities, roads, fences, utilities, landscaping, walkways, streetlights and signs not specifically dedicated to the City or accepted for ownership or maintenance by the City shall be perpetually owned and maintained by the property owners of the development or their agents through a special taxing district or owners' association with power to assess and collect fees for maintenance or other assessment and maintenance mechanisms acceptable to the City.
- 5. Prior Created Lots: Lots or parcels of land that legally existed or were created by a preliminary or final plat approval prior to the establishment of a Residential Zone shall not be denied a building permit solely for reason of nonconformance with the requirements of this chapter.
- 6. Approval: Before building permits are issued, all projects shall have been approved according to the provisions and requirements of this Code and the applicable plat recorded with the Salt Lake County Recorder's Office.
- 7. Open Space: Any open space provided within a subdivision to be jointly owned, maintained and preserved by a homeowners' association and/or special assessment area acceptable to the City shall be labeled and

recorded as common area or as a perpetual open space easement. Private yard areas may not be counted as required open space. The City may determine the location of open space in a subdivision by considering topography, drainage or other land features. The City may require a cash bond or a letter of credit to guarantee installation of improvements.

- 8. Developer Requirements: Developers of projects that will include common area, private streets, shared private improvements, or shall otherwise include restrictive covenants shall submit a proposed declaration of conditions, covenants and restrictions ("CC&Rs") to the City for staff review. The CC&Rs shall be recorded concurrently with the final plat and, except where the City has agreed to and executed documents to guarantee the establishment of a special assessment area, shall include the following:
  - 1. An opinion of legal counsel licensed to practice law in the State that the project meets requirements of State law.
  - 2. Provisions for a homeowners' association, maintenance of all buildings, streets, sidewalks, other improvements and common areas, adherence to City conditions and standards applicable to the development at the time of approval, snow removal, and other items recommended by City staff and approved by the Planning Commission.
  - 3. Language consistent with section 17.04.300 of this title.

(Ord. 2016-05, 5-3-2016)

# **CHAPTER 17.60 COMMERCIAL ZONES**

17.60.010: PURPOSE

17.60.020: DEVELOPMENT AND DESIGN STANDARDS

17.60.030: OTHER REQUIREMENTS

# 17.60.010: PURPOSE

This chapter is established to provide standards and regulations, consistent with the city's general plan and the purposes and provisions of this title, for commercial areas in the city. This chapter shall apply to the following commercial zones established in chapter 17.20, "Zone Establishment", of this title: C-N, C-C, and C-F zones. Uses may only be conducted in commercial zones in accordance with the regulations of this code. Allowed use (permitted and conditional), accessory use, temporary use, and other associated use regulations are found in chapter 17.18, "Uses", of this title.

- 1. C-N Zone: The purpose of the C-N zone is to provide areas where small scale commercial retail and service uses may be located to accommodate the daily needs of local residents and passing motorists. Uses should be harmoniously integrated with surrounding neighborhoods and impose minimal detriment resulting from traffic, lighting, noise, or other negative effects.
- 2. C-C Zone: The purpose of the C-C zone is to provide areas for large scale community or regional retail and service uses. These areas will generally be located near major transportation hubs but should be designed to buffer neighboring residential areas. Coordinated circulation, architecture and landscaping and a balance of uses should be incorporated in developments.

3. C-F Zone: The purpose of the C-F zone is to provide areas along the interstate freeway for major commercial uses that are both compatible with and dependent on freeway visibility and access. Developments should be generally upscale with attention given to coordination of traffic circulation and building placement. Developments should provide a pleasing and functional environment that represents the quality of life in the city and also enhances employment opportunities and the retail tax base of the city.

(Ord. 2015-09, 12-1-2015)

#### 17.60.020: DEVELOPMENT AND DESIGN STANDARDS

- Development Review: Uses proposed in commercial zones may only be established in conformance with the
  city's development review procedures. Applicants shall follow the procedures and requirements of this code
  regarding development review in the preparation and review of development proposals in commercial 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.
- 2. Area Requirements: Commercial zones shall comply with the requirements in the area requirements table below. A C-N zone shall not be established when located within one-third (1/3) mile of another commercial zone (C-N, C-C, or C-F).

Zone		Maximum Zone Area (Acres) <sup>1</sup>	Minimum Project Area (Acres) <sup>2</sup>	Minimum Lot Area (Acres)
C-N	1	10 <sup>3</sup>	1	n/a
C-C	5	n/a	1	n/a
C-F	5	n/a	1	n/a

Notes

- 3. Density: There is no restriction on the number of lots or parcels or the number of buildings on a lot or parcel, except as may be limited by other standards, regulations, or requirements of this title (planning and land use ordinance), in commercial zones.
- 4. Lot Width And Frontage: No minimum lot width is required for lots in Commercial Zones. Lots not fronting on a street must be accessible to the public via a recorded easement or right-of-way.
- 5. Yard Area: The following yard area requirements apply to lots or parcels in Commercial Zones:
  - The following minimum yard area requirements apply to main and accessory buildings: (Ord. 2015-09, 12-1-2015)
    - 1. The required yard area for front, side, and rear yards shall extend a distance of twenty feet (20') away from and along a property line adjacent to the edge of a public right-of-way (back of sidewalk for a typical street cross section). An alternative edge line to be used for

<sup>&</sup>lt;sup>1</sup>"Zone area" is defined as all contiguous lots or parcels that have the same zoning designation. A zone area intersected by a public right of way is considered as 1 zone area.

<sup>&</sup>lt;sup>2</sup>"Project area" is defined as a development for which preliminary plat or site plan approval has been proposed or granted.

<sup>&</sup>lt;sup>3</sup>A C-N zone area not traversed by a public right of way shall not exceed 5 acres.

- measuring the minimum yard area may be established where an atypical street cross section exists and when recommended by the Planning Director and approved by the Planning Commission. (Ord. 2015-09, 12-1-2015; amd. Ord. 2019-01, 3-5-2019)
- 2. The required yard area for front, side, and rear yards shall extend a distance of thirty feet (30') away from and along a property line adjacent to a Residential or Agricultural Zone.
- 2. The minimum yard area requirement may be reduced, when the reduction does not violate clear vision requirements of this Code, in the following circumstances:
  - 1. The required yard area of subsection E1a of this section may be reduced from twenty feet (20') to ten feet (10') for buildings designed with a public entrance to the building that is oriented toward and directly connected to the adjacent right-of-way by a pedestrian walkway and the side of the building that is oriented to the right-of-way includes architectural elements that distinguish it as the primary pedestrian access to the building.
  - Should an adjacent Residential or Agricultural zoned property have a future land use designation that is not residential or agricultural, the required yard area of subsection E1b of this section may be reduced if approved by the Planning Commission with site plan review.
- 3. The following may be projected into any required yard area in Commercial Zones:
  - 1. Fences and walls in conformance to City codes and ordinances.
  - 2. Landscape elements, including trees, shrubs and other plants.
  - 3. Minor utility or irrigation equipment or facilities.
  - 4. Decks not more than two feet (2') in height.
  - 5. Cornices, eaves, sills, planter boxes, stairways, landings, porches, decks or similar architectural features attached to a building that does not extend more than two feet (2') into a side yard area or four feet (4') into a front or rear yard area.
  - 6. 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.
- 6. Parking And Access: Parking areas and access in Commercial Zones shall comply with title 16, chapter 16.26, "Parking And Access", of this Code; chapter 17.18, "Uses", of this title; title 10, "Vehicles And Traffic", of this Code; and the following:
  - 1. Surface parking areas, except for approved street parking, shall not be located between a building and a public right-of-way on lots or parcels adjacent to a public right-of-way. This requirement shall only apply to one side of a lot or parcel that is adjacent to a public right-of-way on multiple sides.
  - 2. Surface parking areas, except for approved street parking, located within thirty feet (30') of a public right-of-way shall be screened by grading, landscaping, walls/fences, or a combination of these, to a height of three feet (3') above the surface of the parking area. (Ord. 2015-09, 12-1-2015)
  - 3. The Planning Director may approve an exception to the requirements of this subsection F if he or she determines that any of the requirements are not reasonably possible based on the unique characteristics of the site. (Ord. 2015-09, 12-1-2015; amd. Ord. 2019-01, 3-5-2019)

- 7. Fencing, Screening And Clear Vision: The fencing, screening and clear vision requirements of this section shall apply to all Commercial Zones: (Ord. 2015-09, 12-1-2015)
  - 1. All mechanical equipment, antennas (where possible), loading areas, and utility areas shall be screened from view at ground level along the property line of the subject property with architectural features or walls consistent with materials used in the associated buildings. Exterior trash receptacles shall be enclosed by masonry walls that are at least as tall as the receptacle itself, but not less than six feet (6') tall, and solid steel access doors. The color of trash receptacle enclosures (masonry walls and access doors) shall be consistent with colors used in the associated buildings. (Ord. 2017-22, 7-18-2017)
  - 2. The boundary of a Commercial Zone that is not in or adjacent to a public right-of-way and that is adjacent to a Residential or Agricultural Zone shall be fenced with a six foot (6') high, decorative precast concrete panel or masonry fence as determined with development approval. A six foot (6') solid vinyl boundary fencing may be used in unusual circumstances such as when the Commercial Zone is adjacent to property which is master planned for nonresidential uses. A higher fence may be required or allowed in unusual circumstances. A building permit may be required for fences and walls according to applicable Building Codes. Other fencing or landscaping techniques may be used to buffer waterways, trails, parks, open spaces or other uses as determined with development approval.
  - 3. No wall, fence or screening material shall be erected between a street and a front or street side building line in Commercial Zones, except as required by subsection G1 of this section.
  - 4. Landscape materials within a Clear Vision Area shall comply with Section 16.04.200 (J).
- 8. Architecture: The following exterior materials and architectural standards are required in Commercial Zones:
  - 1. Applicants for development approval shall submit for site plan review architectural drawings and elevations, exterior materials, and colors of all proposed buildings. In projects containing multiple buildings, the applicant shall submit a design book that includes an architectural theme, features, exterior materials and colors governing the entire project.
  - 2. All building materials shall be high quality, durable and low maintenance.
  - 3. In the C-N Zone, exterior walls of buildings shall be constructed with a minimum of fifty percent (50%) brick or stone. The balance of exterior wall area shall consist of brick, stone, glass, decorative integrally colored block and/or no more than fifteen percent (15%) stucco or tile. Other materials may also be used for decorative accents and trim in the C-N Zone with development approval. Roofs in the C-N Zone shall be hipped or gabled with a minimum six to twelve (6:12) pitch.
  - 4. Exterior walls of buildings that are longer than sixty feet (60') in length shall have relief features at least four inches (4") deep at planned intervals.
  - 5. All sides of buildings shall receive design consideration.
  - 6. Signs shall meet requirements of title 16, chapter 16.36 of this Code and shall be constructed of materials that are consistent with the buildings that they identify.
  - 7. Buildings and structures in Commercial Zones shall not exceed the height shown in the maximum building height table below unless otherwise allowed in this title.

Zone	Main Building	Other Structures

C-N	35 feet	25 feet
C-C	35 feet	35 feet
C-F	No maximum	No maximum

- 8. The exteriors of buildings in Commercial Zones shall be properly maintained by the owners. (Ord. 2015-09, 12-1-2015)
- 9. Grading And Drainage: All developments shall be graded to comply with subsection 16.10.040E9 of this Code and as required by the Planning Department to provide adequate drainage. Buildings shall be equipped with facilities that discharge of all roof drainage onto the subject lot or parcel. (Ord. 2015-09, 12-1-2015; amd. Ord. 2019-01, 3-5-2019)
- 10. Landscaping: The following landscaping requirements and standards shall apply in Commercial Zones. Landscaping in Commercial Zones is also subject to the requirements of Title 16, Chapter 16.30, "Water Efficiency Standards," of this Code.
  - 1. The area of front, side, and rear yards along an adjacent property line and extending away from the property line a distance prescribed in the requirements of this subsection shall be landscaped with grass, trees, and other live plant material.
    - 1. The required yard landscape area for a yard adjacent to a residential or agricultural zone shall be not less than ten feet (10'), except that no yard landscape area is required when a yard area reduction has been approved according to subsection E2 of this section.
    - 2. The required yard landscape area for a yard adjacent to a public right of way shall be twenty feet (20'), except that no yard landscape area is required when a yard area reduction has been approved according to subsection E2 of this section.
  - 2. All areas of lots or parcels in commercial zones not approved for parking, buildings, or other hard surfacing shall be landscaped and properly maintained with grass, deciduous and evergreen trees, and other plant material in conjunction with a landscape plan for the development that has been designed and prepared by a landscape architect and approved by the planning commission.
  - 3. A minimum of one tree per five hundred (500) square feet, or part thereof, of required landscaped yard areas is required in commercial zones 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') tall evergreens. Deciduous trees shall be minimum two inch (2") caliper. Deciduous and evergreen trees required in this section need not be equally spaced but shall be dispersed throughout the required yard areas on the site.
  - 4. All collector street and other public and private park strips in commercial zones shall be improved and maintained by the adjoining owners according to specifications adopted by the city unless otherwise allowed with development approval. Park strip trees shall not be planted within thirty feet (30') of a stop sign.
  - 5. Trees shall not be topped and required landscape areas shall not be redesigned or removed without city approval. Property owners shall replace any dead plant material in accordance with the requirements of this chapter and the conditions of site plan or plat approval.
  - 6. The following landscaping requirements shall apply to parking areas:

- 1. Curbed planters with two inch (2") or larger caliper shade trees and other approved plant/landscape materials 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.
- All landscaped areas adjacent to parking areas shall be curbed.
- 7. Developments that 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.
- 8. All required landscaping shall be installed (or escrowed due to season) prior to occupancy.
- 9. All landscaped areas, including adjoining public right of way areas, shall be properly irrigated and maintained by the owners.
- 11. Lighting: The following lighting requirements shall apply in commercial zones;
  - Applicants for development approval shall submit a lighting plan, which shall include a photometric analysis.
  - 2. Site lighting shall adequately light all parking areas, walkways, and common areas. Site lighting shall be designed and/or shielded to prevent glare on adjacent properties.
  - 3. Lighting fixtures on private property shall be architectural grade and consistent with the architectural theme of the development.
  - 4. Lighting fixtures on public property shall be architectural grade and consistent with a streetlight design approved by the city engineer.

(Ord. 2015-09, 12-1-2015; amd. Ord. 2021-09, 5-4-2021)

## HISTORY

Amended by Ord. 2022-16 on 12/6/2022

## 17.60.030: OTHER REQUIREMENTS

- Private Covenants: The developer of a condominium project in a commercial 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 plat for the project.
- 2. Maintenance: All private areas in developments shall be properly maintained by the property owners.
- 3. Easements: Buildings may not be located within a public easement.

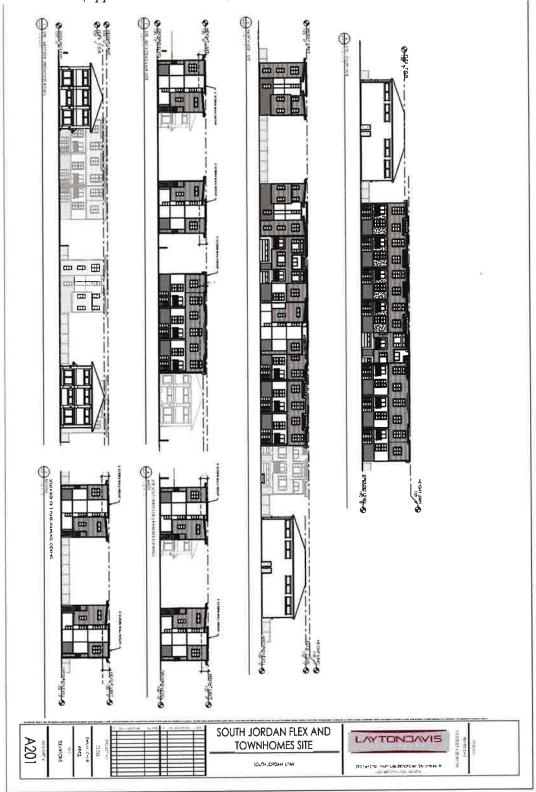
- 4. Phasing Plan: Applicants seeking development approval of a phased project shall submit for review at the time of preliminary plat or site plan approval a project phasing plan. Development shall be in accordance with the project phasing plan unless the city approves a revised project phasing plan.
- 5. Nonconforming Lots Or Parcels: Nonconforming lots or parcels of land that legally existed or were created by a preliminary or final plat approval prior to the establishment of a commercial zone shall be brought into conformance with the requirements of this chapter prior to development.

(Ord. 2015-09, 12-1-2015; amd. Ord. 2016-05, 5-3-2016)

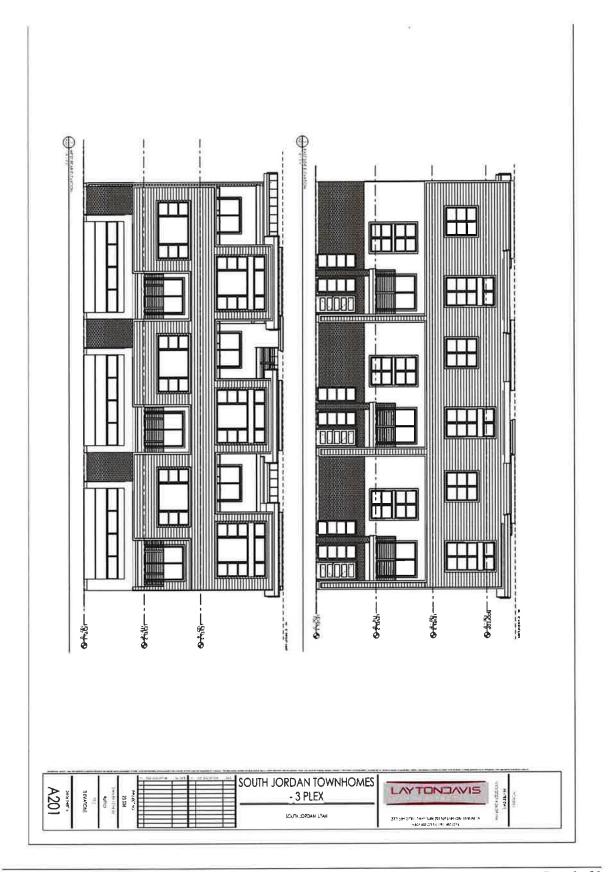
EXHIBIT E (Resolution R2023-25)

[TO BE INSERTED]

EXHIBIT F
(Approved Architecture, Elevations, Materials, and Design)







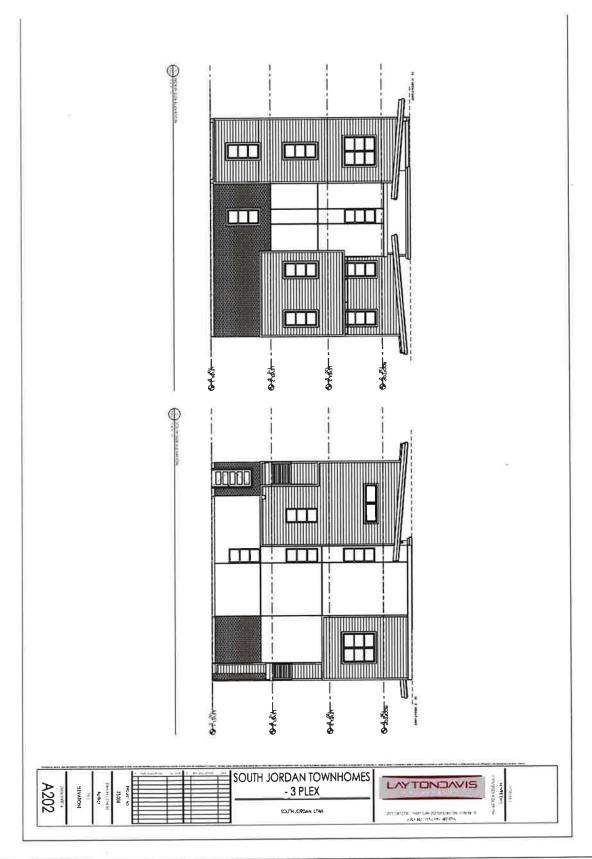


EXHIBIT F to Development Agreement – SJC TOWNHOMES @ Redwood

