

**CITY OF SOUTH JORDAN  
PLANNING COMMISSION MEETING AGENDA  
CITY COUNCIL CHAMBERS  
TUESDAY, AUGUST 26, 2025 at 6:30 PM**



Notice is hereby given that the South Jordan Planning Commission will hold a meeting at 6:30 p.m. on Tuesday, August 26, 2025. The meeting will be conducted in person in the City Council Chambers, located at 1600 W. Towne Center Drive, South Jordan, Utah, and virtually via Zoom phone and video conferencing. Persons with disabilities requesting assistance should contact the City Recorder at least 24 hours prior to the meeting. Times listed are approximate and may be accelerated or delayed.

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

If the meeting is disrupted in any way deemed inappropriate by the City, the City reserves the right to immediately remove the individual(s) from the meeting and, if necessary, end virtual access to the meeting. Reasons for removal or ending virtual access include, but are not limited to, posting offensive pictures or remarks, making disrespectful statements or actions, and other actions deemed inappropriate.

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

Instructions on how to join virtually are provided below.

**Join South Jordan Planning Commission Electronic Meeting:**

- Join on any device that has internet capability.
- Zoom link, Meeting ID and 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 Nathan Gedge**
- B. **MOTION TO APPROVE AGENDA**
- C. **APPROVAL OF THE MINUTES**
  - [C.1.](#) August 12, 2025- Planning Commission Meeting Minutes
- D. **STAFF BUSINESS**
- E. **COMMENTS FROM PLANNING COMMISSION MEMBERS**
- F. **SUMMARY ACTION**
- G. **ACTION**
- H. **ADMINISTRATIVE PUBLIC HEARINGS**

**H.1. NEW TWO STORY COMMERCIAL BUILDING SITE PLAN "ALMOND DENTAL PHASE 2"**

Address: 10435 S. 2200 W.

File No: PLSPR202400093

Applicant: Jordan Dejarnett; Mint Architecture

**I. LEGISLATIVE PUBLIC HEARINGS**

**I.1. LEGISLATIVE UPDATES ZONING CODE TEXT AMENDMENT**

Address: 1600 W. Towne Center Drive, South Jordan, UT 84095

File No: PLZTA202500173 Ordinance 2025-16

Applicant: City of South Jordan

**J. OTHER BUSINESS**

**ADJOURNMENT**

**CERTIFICATE OF POSTING**

STATE OF UTAH )

: §

COUNTY OF SALT LAKE )

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

Dated this 21st day of August, 2025.

Cindy Valdez

South Jordan City Deputy Recorder

**CITY OF SOUTH JORDAN  
PLANNING COMMISSION MEETING  
COUNCIL CHAMBERS  
AUGUST 12, 2025**

**Present:** Chair Nathan Gedge, Commissioner Lori Harding, Commissioner Sam Bishop, Commissioner Steven Catmull, Assistant City Attorney Greg Simonson, City Planner Greg Schindler, Planner Miguel Aguilera, Assistant City Engineer Jeremy Nielson, Director Brian Preece, Deputy Recorder Cindy Valdez, IT Director Matt Davis, GIS Coordinator Matt Jarman.

**Absent:** Commissioner Michelle Hollist

**Others:** Sheri Mattle, BenPerdue, Renee Christianeon, Tim Hansen, Vivian Wilson, Lynette Higley, Mark Higley, Eric Mattle, Leonard Browning, Scott Burnett, Winslow Krout, Michelle Langford, Gayle Evans, Kira Evans, James Nielson, Stephanie Hurst, Cindy Buach, Janett Robb, Kevin Phillips, Ryan Mackowaiak, Amber Mackowaik, Jane Walby, Mark Richardson , Errol Balfour, David Smith, Phil Dean, Leslie Thorup, John Thorup, Mary Ellen Allan, Ron Allen

**6:32 P.M.  
REGULAR MEETING**

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

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

**B. MOTION TO APPROVE AGENDA**

B.1. Approval of the August 12, 2025

**Commissioner Catmull motioned to approve the August 12, 2025 Planning Commission Agenda. Chair Gedge seconded the motion. Vote was 4-0 unanimous in favor; Commissioner Hollist was absent from the vote.**

**C. APPROVAL OF THE MINUTES**

C.1. Approval of the July 22, 2025 - Planning Commission Meeting Minutes.

**Commissioner Bishop motioned to approve the July 22, 2025 Planning Minutes. Commissioner Gedge seconded the motion. Vote was 4-0 unanimous in favor; Commissioner Hollist was absent from the vote.**

**D. STAFF BUSINESS**

Director Brian Preece said the City Council did interview a person for the empty spot on the Planning Commission, and it is on the agenda for the next City Council Meeting to appoint them to the Planning Commission.

#### **E. COMMENTS FROM PLANNING COMMISSION MEMBERS**

Chair Gedge said I know that staff had sent an email about the training in the fall for the Planning organization. Thank you for inviting us, but it looks like most of the Commissioner's have some conflicts this year, so maybe next year. I think they do it annually or bi-annually.

Planner Schindler said they do it annually in the fall, up in Northern Utah, they also have a Southern Utah one in the spring. The sessions are at least an hour long, and you would be able to get your hours of training in at that time.

Commissioner Catmull said do you happen to know if they record it and make it available post conference?

Planner Schindler said I don't know. I know that the National Conference does have it available later, but I can look into it and let you know. They might record it, but it might have a minimal fee because you didn't actually attend.

#### **F. SUMMARY ACTION**

#### **G. ACTION**

#### **H. ADMINISTRATIVE PUBLIC HEARINGS**

#### **I. LEGISLATIVE PUBLIC HEARINGS**

I.1. BESS DENTAL OFFICE REZONE AND LAND USE AMENDMENT  
Address: 9828 S Temple Dr; 9822 S Temple Dr; 9816 S Temple Dr  
File No: PLZBA202400175  
Applicant: Shea Bess

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

Chair Gedge said I think three of us saw this in November, so I'm sorry if this is your first attempt at this one. I would like to confirm that because of a lot of the comments that we received previous this meeting, the rezone is for professional office and not commercial. Can you confirm that?

Planner Miguel Aguilera said that is correct. It's professional office, commercial is not part of the rezone.



Chair Gedge said what is the enforcement compliance mechanism if for whatever reason the commercial use, or the uses that you listed in the development agreement were not being followed?

Planner Aguilera said they would not have to be followed because no business licenses would be given to any businesses that do not fit under one of the categories listed here. This agreement does run with the land, so any future owner or anything like that would be bound by the uses in this.

Chair Gedge said I know there were several you mentioned in 2017, and this was on the park plan, but it has since been removed. I believe the city no longer is the owner of this property which might be part of that, but I don't know if staff can expound on why this was removed. Is it because of other parks in the area? Or can you just give a reason for the audience and us why this was removed from the 2017 park plan.

Planner Aguilera said I'm not 100% sure why it was removed. I was given information that said it had to do with the location, size and shape of the property that just made it difficult to put a park in that specific area with the intersection there and the shape of the parcel, it just wasn't feasible to have a park.

Chair Gedge said about the level of service of the roads in this area, Temple Drive and Shields Lane and the intersection. What is the current service level and what is the potential impact on vehicular traffic increase by the addition if this proposal were to go through currently?

Assistant City Engineer Nielson said the level of service for Shields Lane is Level C, but we try to keep it above level D. We try to keep it above level D, and the traffic does vary quite a bit especially right now with what's happening in Bangerter Highway and 1300 West. Keep in mind, this is a rezone, so we don't have all the details, but based on the square footage during the peak hours, we were looking at it with the information that we have, and using the the transportation manuals, square. We're estimating that during the peak hour, it'd be about less than one vehicle every two minutes, and so we didn't anticipate it having a big impact on any of our streets.

Commissioner Bishop said what exactly would be every two minutes, is that what the current usage would be?

Assistant City Engineer Nielson said the additional with this site, we estimated that in the PCAP, or in the the average daily traffic was about 100 to 180 trips per day. Now this is total estimate using the manuals, with very limited information we have for this free zone. In the peak hours, it was about 20 trips, which works out to be about one vehicle every two minutes during the peak hour.

Chair Gedge said just because of the residential area, this section of 1300 West is continuously under construction that experiences daily. Can you provide any update or future disturbances besides this potential construction on this site of that section of Temple Drive and Shields Lane?

Assistant City Engineer Nielson said the construction update in the area is Enbridge has had a gas line project that's been going on for a long time. They're telling us that they'll be out of that intersection mid September, and then we will have a resurfacing project, asphalt resurfacing project on shields lane, that'll, unfortunately start in September, but it will be done pretty quickly. It will take a few weeks to get that resurfacing done, and that will go from on Shields Lane, from Temple Drive down to Jordan, Gateway.

Chair Gedge said I don't know if you might have to get back to me on this one, but if you can confirm that there are currently no commercial, retail or professional office buildings along temple drive from the north border until you reach the 100 and fourth South Jordan Parkway intersection. Is that correct?

Planner Aguilera said I don't think there's any on the north border of Temple Drive. They are definitely down on South Jordan Parkway.

Chair Gedge said and then from the other east west direction there are some in the river bottom until you get to the merit medical property to the west. One last thing, and I'll turn it over to the others. Currently, I'm not sure if this is on the Questar property or on this property. As far as this evening, there are multiple green objects on the map. I don't know if they are vehicles or containers. Are those on this property and are those out of compliance currently?

Planner Aguilera said I don't know what those are actually.

Commissioner Gedge said just want to get that on the record. There's something to do with Questar in their project, and they don't have anything to do with this project proposal.

Commissioner Catmull said could you for the audience's benefit and for ours as well, talk about future development. A lot of the feedback from from that was to say if this could start, it could trigger multiple other rezones in the area. Could you just inform all of us, just the general way that an application comes before, and specifically a situation like this development agreement attached with it because of the special circumstances.

Planner Aguilera said so any development that somebody wants to do, a developer or resident that doesn't conform with the current zoning would have to go through right now. This is the only empty, immediately adjacent, empty space in this area. Everything else has single family residential homes on it. So in the in the future, if that ever comes to be where somebody wants to develop those properties, they would have to go through a rezone process similar to this. Whether or not they have to do a development agreement, it really is up to what happens at that time. The development agreement does run with the property, not the owner. So any future owners they would be binded by what's in here. They're limited to only one building, 35 feet tall, maximum. Any of the other uses not listed here, and if they want to change that, they do have to come before the city to do an amendment to it, which would have to be approved by the City Council at that time.

Commissioner Bishop said under the uses it says personal services, this would be within the development agreement. It says that under uses, personal services are prohibited as a primary use and are only allowed as an accessory. What would a personal service be?

Planner Aguilera said examples of personal services the code gives are, like a barber shop or like some something to do with beauty. That's what I can think off the top my head, those are not allowed here. But if there is a personal service that would be associated with like a medical service. In that case, as long as the medical service is primary and it's the principal use, then it's possible.

**Shea Bess (Applicant)** said I grew up in South Jordan and graduated from Bingham High School. I have lived just north of the high school for 20 years. I have practiced dentistry on 9800 South for 23 years, where it intersects Bangerter Highway, because my business partner, Dr Matt McGinnis and I provide top quality service to our patients. Our practice has grown so due to this growth, our current location does not have sufficient parking. Additionally, we currently have five operatories. We need to increase that to eight, and do not have the space. Also, my wife, Cindy, is a Doctor of Audiology. When our youngest son was old enough to go to school, she wanted to re enter her career. She decided the best use of her time would be to create her own business. Jaybird audiology functions inside my dental practice. She has no employees and uses our waiting room. Her practice is limited to hearing tests for military veterans. She's a patriotic girl and loves the vets. She sees patients three to six hours per week. Her hearing screenings provide the military with an unbiased opinion on hearing damage sustained to our veterans during their years of service. Some veterans are in wheelchairs, and she needs a larger space to accommodate them. She's practiced with us for six years now. We knew when she joined us it would make our already limited space a little tighter, but it was the right thing to do. We have no regrets about sacrificing some space for this important service. In April of 2024 I approached the city concerning the ground they owned on the corner of 9800 South and 1300 West. The city had owned the ground for nearly 20 years and did not know what to do with it. From that day to this, I have worked to acquire the ground and find a solution that would satisfy my needs, but also accommodate South Jordan City's desires and as many members of the community as possible. There has been a lot of compromise on my part to arrive at the proposal you have before you tonight, because of the odd shape of the ground. I needed to purchase land from the water district in addition to the piece I purchased from the city to have sufficient parking. The water district was willing to sell some ground, but required me to purchase all the ground that they did not want. The combined total of the two pieces is point nine acres, which is nearly twice what I need for my practice. Because of this, finances require me to have at least one other space available for one other business. I've wanted to be honest and upfront about this from the beginning. If the zone change is approved, I will immediately market the extra space. I will immediately market the extra extra space for lease or purchase. As you can see from the submitted renderings, the building will be very nice. The building is in the far southeast corner of the property, as requested. It is ground level. Occupancy only, as requested. It will not exceed 35 feet in height, as requested. It has only one entrance slash exit, as requested. The entrance slash exit is located exactly opposite the entrance to Costello court as requested. It has parking capability far beyond code requirements and far beyond what I believe will ever be needed as requested. It will have dark sky lighting to minimize disturbance to surrounding neighbors, as requested. It has severely

limited options of types of businesses allowed per our land use agreement, as requested. The architecture is of similar nature and quality to the surrounding structures. As requested. There will be no tall bushes or trees that will block the view of the entrance slash exit for the safety of pedestrians, bicycles and cars, as requested. A patient of mine that lives near this property shared with me, one concern of the neighbors is that I will just sell the profit property once the zone, change is made. I intend to practice in the space designated as my office on the site plan until my retirement or death, whichever comes first. A Google search showed the average age of retirement of a dentist in the United States is 69 years old. I'm now 52 if I'm average, I will practice for 17 more years. At that point, I intend to have another dentist take over and continue seeing patients at this location. I plan to own the building until my death. A Google search will show life expectancy for a white male in the United States is 77 if I'm average, I will own the building for 25 years. I returned to South Jordan immediately after graduation from dental school in 2002 and started my practice on 9800 South in 2003, establishing a practice from scratch would was not easy to do. After many years, I need a bigger space and more parking. I purchased the ground on the same road and have plans showing my dental office in it. I believe this is sufficient evidence to this council and the community of my intentions. As far as traffic is concerned. As of today, we average 44 patients per day. Monday through Thursday, we average 13 doctors and staff vehicles per day. Dr McGinnis and I overlap each of those four days and occupy our space for approximately 10 hours. If you add mail ups, trash pickup, etc, we have approximately 60 vehicles that will come to our office Monday through Thursday. Every other Friday, Dr McGinnis sees patients, so about half that number on those days on the week that he works Friday he does not work Monday. So about half that number on those days we do not work Saturdays or Sundays. Additionally, these approximately 60 vehicles will not come or go in groups. They will be spaced throughout that 10 hour period. Our appointment times range from 10 minutes to two hours. I am not a traffic expert, but 9800 South and 1300 West are according to the highway capacity manual, minor arterial roads and are designed to manage between 60 and 100 cars per hour per direction. It has been my observation over the many years I have lived in this area that both roads manage the traffic well, except at rush hour. I acknowledge there will be another business on the premises that will bring more cars. However, given the types of businesses allowed our practice and the unnamed business in the extra space will not concentrate groups of vehicles. If you divide the approximately 60 cars that will come to our office per day in a 10 hour period. That is six cars per hour. Of course, the vehicles will both arrive and then depart. This means approximately 12 cars per hour. If you figure the middle of the estimate by the Highway Capacity Manual of 600 to 800 and calculate 700 cars per hour per direction, our practice will increase the traffic 0.85% of capacity, four days per week. This does not account for the fact that I already practice on this road, and some of my patients are already driving through this intersection to reach me. It is also calculating for 9800 South only if you add 1300 west the percentage drops further to 0.43% in our previous planning commission meeting, a concern of large amounts of storage of hazardous waste was raised. I have for my entire career followed all OSHA, EPA and ADA standards. In 23 years, I have had exactly zero lawsuits filed against me, exactly zero complaints to the department of professional licensing, exactly zero complaints from the homes that are near my current practice. Furthermore, I offer my continued commitment to follow all laws, rules, regulations and ethical practices in my professional and personal life. The storage of hazardous materials would be terrible for me, personally, my staff,

my family and my patients. In the last 40 years, developers have scoured maps and knocked on farmers doors looking for ground to build the homes that we all live in, and yet this piece of piece of ground remains empty. One of the many reasons for this is that it is simply a terrible place for a house. Nobody has gone to the city in the last 18 years to purchase this ground to build their home on it. The yard would have been a ridiculous shape. Who would want a house on this ground? Obviously, no one here tonight, certainly not a home builder, the developer of the new Costello court neighborhood, directly across 9800 did not develop this ground. I know he looked at it closely. The fact that he didn't develop it at the same time says a lot about its desirability for homes. It financially does not make sense for single family homes. If it did, he would have come to the city and purchased the ground before I did. I've been asked if I would be willing to build a home there and live in it, maybe build a tall fence and block out the traffic. I'd rather not, just like everyone else, purchasing some of the ground from the water district has required extraordinary effort on my part. I'm now the owner of what they were willing to sell, and am in the process of combining them into one piece, which will make this piece usable. None of the rest of the ground on the lot is available for purchase. If you stand on the street and look at the ground, it looks like one big vacant lot. This is deceiving, and I think some in the community have not recognized this. There have been many suggestions or critiques of what the city should have done with the ground when they owned it, but the city never owned the whole lot there were, and always be, will be three landowners. This ground is very unusual. It is not connected to the surrounding stable neighborhoods. King Benjamin's court is surrounded by a masonry fence, making it exclusive. Castello court is across 9800, the streets are definite boundaries. The Gas Company and water districts separate it from houses on 1300 to the north, this property is not a part of any neighborhood. It is an island separated from those neighborhoods by city streets and utility owned property. In fact, if I'm able to move my practice to this location, I will be further from people's houses than my practices now, we currently share a fence line with five residential homes. It is my understanding that some in the community are suggesting that this whole area is residential, and changing the zoning of this point, nine acres is way out of line with the surrounding stable neighborhoods. Merit Medical sits on about 25 acres of ground on the southeast corner of 9800 and redwood, 900 feet away from my property. Of course, their main building faces redwood, and it's at an intersection, which makes it feel different. But Merrit Medical also owns about seven acres that lines the west fence of King Benjamin's court. It shares over 950 feet of fence line with residential homes with another 675 feet of fence line with the canal separating it from King Benjamin's court. Although it is currently a vacant lot, this seven acres is already zoned professional office, the same zoning I have applied for Merit Medical can without a planning commission meeting or city council approval, build multiple buildings much longer and much larger and much taller than what I'm proposing. This lot is 0.19 miles from my property, 900 feet on the same side of the road, but not at an intersection. Their seven acres only contacts residential property, and 9800 South is this seven acres of ground on the west side of King Benjamin's court somehow is not part of the stable neighborhoods. If so, how is that different than my ground that is on the south side of King Benjamin Court doesn't share one inch of fence line with residential property, and it is at an intersection. The change I've applied for is right in line with everything else that has happened and is happening on 9800 South, 1300 West has dentists practicing at each intersection to the north and to the south. As far as property values are concerned, a Google search will reveal that



vacant lots, particularly those that are poorly maintained, can negatively impact surrounding residential property values. But for as long as I can remember, this property has been full of weeds, rocks and dirt. In the summertime, it becomes a fire hazard, and now there's a huge gas line next door, creating a new safety concern. In 23 years of driving by this property, I've never driven by it and thought to myself, boy, that looks nice. A Google search asking the question of dental office impacts on nearby residential property values will show a neutral to slightly positive result in property values. I think it's a bit of a stretch to suggest that my office is going to add value to someone else's home. I also think it's a stretch to suggest that it will decrease values to homes. I do believe eliminating a poorly maintained vacant lot from the area is positive toward home values. If my application is approved, my office will be attractive and well maintained. The eyesore that has been on this corner for all these years will finally look nice. The truth is, South Jordan is a fantastic place to live. Because of this, the population has exploded since I moved here in the in the 1980s people require goods and services. Businesses arrive after the people to meet their needs. I provide one of those services that the population needs. As the population continues to grow, businesses will expand. More will arrive and need places to go. You can see this all along 9800 South, what a wonderful place to live with goods and services so close to home. I have knocked on many neighbors doors personally to discuss this with them, both last year and this year. I have met with city officials many times to learn and understand and do everything I can to accommodate their desires. I created a Facebook page to help community members understand my intentions. I've signed a land use agreement that severely restricts my use of my property. I am unaware of any request from South Jordan City officials that I have not accommodated. I have agreed to every request from neighbors that I'm capable of. I respectfully request that the Planning Commission approve my application.

Commissioner Catmull said I had a question for you about the development agreement, so it has as you have highlighted, it has some restrictions to your property and one one of those is the architectural requirements. So could you tell me about the factors that you consider, besides just the exterior materials slash skin of the building to make that building architecturally consistent with the surrounding neighborhood?

Mr. Bess said personally found that to be a challenge. If you look at the surrounding areas, you have homes that were built in the 1940's and you have homes that were finished yesterday. So how does one match that in discussions with various people. I was doing my best to try and make the look the building look nice and modern. I didn't want it to look too dated. I also didn't want it to look too space agey. I'm not a flashy, big attraction person. This is the most attention I've had in a long time. I would prefer not to have this much attention. I took it to an architect that was recommended to me that has worked with the City of South Jordan many times. And I said, this is this approximate space that I need. I gave him a layout on the inside of the building of where I wanted my operatory chairs lined up, and kind of a layout of the rest of my office, and I said, about 2000 square feet for the extra additional space, trying to make something that would make this financially feasible. And this is what he came up with. And when he came up with it, I thought it looked good. So I submitted it to the city.

Commissioner Catmull said did you have any discussions around the pitch of the roof being kind of the opposite of surrounding homes.

Mr. Bess said I believe that the architect told me that he took that design based on some of the roof lines in Castello Court. I am not an architect. I know nothing about architecture. I hired the guy, that's what he did. I said, I think it looks good. I am open. I have been open the entire process to suggestions from the city. Like I said, I'm unaware of any request that the city has asked of me that I have not submitted to if the city said to me they hate the roofline, well, I changed the roofline, I am not sold on the roofline.

Commissioner Catmull said I know we are not doing the site plan at this time, but there's a concept inside the development agreement, which is pretty close to what site plan looks like.

Chair Gedge said I want to make sure the three things that we're recommending to City Council's evening is a development agreement, which we've discussed, which, as Commissioner Catmull says, may include a preliminary or a concept plan. Number two, a future land use plan, map change of the general plan number three, the rezone, as presented.

Planner Aguilera said right, so the rezone, the land use Amendment and the development agreement are the three components of this application. The site plan details and all those civil drawings and specific architectural elements and all that would be submitted later during site plan and then building permit application.

Planner Schindler said I think the one that's on the screen right now is the conceptual plan. It's the concept plan that went with the B zone that was required.

Planner Harding said conceptually what will be between the parking lot and the easement? Because we have the nice fence behind the homes, but conceptually, will there be anything like a fence or anything from your property between the parking lot and that 50 feet of 60 feet.

Mr. Bess said that's owned by the gas company. Yeah, it is my understanding that I'm required to put up a fence. It can't be like a chain link fence. It has to be a nicer style fence. It's my office. I want it to look nice. I would like to send a message to those that pass by that I do quality work, and if you are a dentist and you have bad teeth, if you live we're practicing a rundown building, you send a message. And I don't want to send that message. My intention is to provide very high quality dental work, and I want to send that message by the building I'm practicing in. thank you.

Chair Gedge said because it's a dividing property, the city fence standard would apply. Is the utility Questar property, the water company? Are they a different zone?

Planner Aguilera said they are a different zone. They are residential R 2.5 zone. So the office zone code language on fencing says that any properties that's zoned office that is adjacent to a property zoned agricultural residential, the office zone developer does have to put up a six foot masonry or precast fence to divide the property.

Planner Bishop said some of the feedback we've received is has asked like, why don't you go somewhere else?

Mr. Bess said that that's an excellent question. When I started looking for a place to go, one of the things that I have observed in my 23 years of practice is when doctors move, we all like to think our patients love us, but if you move very far, they don't follow. So my little circle that I need to stay inside of is pretty small. Additionally, I need enough space for myself. Dr McGinnis and I would like to provide enough space for my wife to see the veterans that she sees. In order to do that and accommodate that, it is a challenge. Additionally, we require a fair amount of parking while we're there. That was one of the concerns from the neighbors, is that I would not have enough parking and people would be parking out on the street. That's why there's the ridiculous number of parking spots that are there. So to find all of those three things is very challenging when you start to look at the small circle that I need to stay inside of.

Commissioner Bishop said you mentioned that you signed a land use agreement. Isn't that separate from the development agreement.

Mr. Bess said forgive me, I am not a developer. I'm a dentist. This is my first time doing this. I will never again do this. I have not enjoyed this process. This is a nightmare for me. I'm sure I use the wrong words with site map and Land Use Agreement, whatever it is.

Chair Gedge said has anything been signed by the applicant or counter signed by the city as part of this application?

Planner Aguilera said no, the development agreement has not been signed.

Mr. Bess said please forgive me. I thought when I submitted it, it was signed. I'll sign it right now if you want me to.

Chair Gedge said we don't have that authority.

Planner Aguilera said it would be signed if approved during the city council.

Planner Bishop said in our packet, we received this property and traffic descriptions document that talked about your hours and near the end, it says that the property is currently vacant and currently being used by the gas company, with our permission, as a staging area. Can you talk about that? Is that still going on?

Mr. Bess said So the city owned the weird shaped piece, the .6 three acres. When I purchased the ground, the city manager had agreed with the gas company to allow the gas company to use the ground to park things on.. I was contacted by the city manager, and I was told, I agreed to this, but we don't own the ground anymore. I've given your name to the gas company. A short time later, I was contacted by the gas company. They said, is it okay if we still use this? I wanted to be a good neighbor. I was like, Yeah, I'm not doing anything with it. Don't light it on fire. But yeah, do whatever it is that you need. So I'm not opposed to what the gas company is using it for. Now, if it's a problem with the city, I would be happy to contact them and tell them to stop it, but I just don't feel strongly about it. It's a vacant piece of ground there. Obviously, they have a lot of guys working there. They need a place to park. It seems like it's better for them to park on that ground



than along the street. I don't know what those big green things are. Those are not parked on my property. Those are parked on their property. Clearly, they drove across my property and put them there. But I I'm okay with that, if I can be helpful and that whole gas thing work a little quicker, and get those guys out of there sooner, and that helps by parking on my ground. I'm fine with that. They're not hurting anything.

Planner Bishop said do you happen to have any idea how many like employees park there per day or right now?

Mr. Bess said I don't know the place is crawling with people. I don't know it looks like there's 15 or 20 trucks parked on the ground in addition to those big green things.

Planner Bishop said the reason I ask is that I know there's concern about traffic and if the development were to go through with this, I'm just curious about how much it would change compared to what's happening now.

Mr. Bess said My opinion on that is, those guys show up in the morning, they park their car, they go over there, they're working there, they're staying there. That would be the case for approximately 13 of us. We're going to pull in the parking lot and we're going to stay for seven ish hours, and then the other group is going to come and they're going to stay for seven ish hours. It'll be our patients that are coming and going at various times. So I don't know if that's a good comparison or not.

Commissioner Catmull said where I left off was someone had the diagram up the top half of the exhibit B that is the subheading under there is concept plan and elevation. So the parts that are part of Exhibit B are the elevations, and that's what the implemented needs to be basically in line with the concept. So to me that includes architectural elements because of requirement to be architecturally consistent with the neighborhood. Could you speak to that?

Planner Aguilera said so what's submitted in there does have to be generally consistent with what's detailed in section four of the developer obligations, which is not going to be the most specific thing. The Office zone also doesn't have specific architectural requirements or materials in the language there, as long as he does meet that the language in there and he's consistent with his concepts and renderings.

Commissioner Catmull said that's what I'm getting with regarding the renderings, is roof pitch and things like that would be important enough, but that's not something that the city could just overlook. If the large shape of the building changed, or would that?

Planner Aguilera said so are you asking if they were to change some architectural elements of the building, or later on, during site plan, or something like that? I'm not sure if that would be okay.

Mr. Bess said it seems to me, if I changed the roof pitch that would make the building much taller, which I know that the neighbors do not want. And so when I was asked by the the

architect, what can I do, I just said, don't make it taller than it needs to be. I would like to have friends, right? I don't want to upset anyone.

Chair Gedge said whatever is in the development agreement the city council would agree to, if there need to be minor modifications to what's in there for the architectural standards, what is that process?

Planner Schindler said I don't know what the specifics say in the development agreement, but whatever is in the development agreement, if it's that specific that it has to be exactly what they're submitting, then they have to build it exactly that way. Otherwise they have to go back to the city council to amend the agreement.

Okay, but they but I don't, I don't think, not necessarily, right now, I'm not sure that that is in the development agreement.

Planner Aguilera said that section of the development agreement reads as follows; the developers agreed to construct a one story office building. The maximum building height shall be no taller than 35 feet. Architectural materials will be high quality, durable and architecturally consistent with the design of nearby residential neighborhoods. That's the language.

Commissioner Catmull said where's the reference to exhibit B in the development agreement.

Planner Aguilera its in part four under development of developer obligations. That's Section D of the terms.

Chair Gedge said I will read it. It says, section D2 concept plan developers agree to construct a project consistent with the concept plan and renderings Exhibit B, and the requirements set forth in this agreement in city council.

Chair Gedge said you mentioned in your your report that you'd have one exit entrance, just confirm you will have emergency exits in case of a fire.

Mr. Bess said we talked about an exit or an entrance off of 13t00 West. The city said that they do not want that. They want the one exit in and out. I assume that the city's okay with that. I did what the city asked. When I first came, we talked about an exit or an entrance off of 13th West. The city said that they do not want that. They want the one exit in and out. I assume that the city's okay with that.

Chair Gedge said we received a bunch of emails, and so they will be part of the public record. So If I mispronounce your last name, I apologize in advance. But we received emails from Smith Kane Kaiser, Christian Walker, route Arnell Roberts, Madeleine Wilson, Allred Walker, Ballard, heynder Guard re read or read J poor H, poor Nelson, Jensen, blood spanton Langford, Goff Hanks Peterson, Searle, Robertson, Burnett, Ballard, mcilwiak Price, Thomas Langford, Mattel, Joplin, Lewis, gargono, Osler, Smith, Sevy, D, Sevy, K, Sevy and Kelsey. We also received a petition from, I believe Mr. and Mrs. Brown exhibited that it had 356 signatures that we had reviewed when we saw this item in November. So if I missed your email I am sorry, there were a

bunch. This is a record for me in 12 years, but thank you for your participation. Those will be read into the public record.

Chair Gedge opened the Public Hearing to comments.

**Michelle Langford, South Jordan** – said my house is on the map, and as a fellow South Jordan Canadian, whatever we want to call ourselves, and a Bingham High School patron. We are all excited for the success and the work over the past years of Dr. Bess to build a thriving and successful business, because I think it speaks to who we are as residents of South Jordan and as business owners of South Jordan. But, let us be clear that his new found problems due to his hard work and success are not our problems, our concern or our responsibility to fix and resolve for him. They are especially not required to be dropped off on our front porches, which my house is two doors down from the property. I think he would like us to believe that he has been and will continue to be compliant as he went through the list of as requested. But let's not be confused or misled in understanding the difference between as requested versus as required. If this was to be rezoned, which let us be clear, it has not. Traffic, of course is always a concern. I live on Shields Lane, and Shields Lane is not a thoroughfare. It's been told to me by the commissioners that it is not a thoroughfare, which is why the Shields Lane corridor has been constructed as it should be in the future, moving forward, and the fact that my my front door points on the street of Shields Lane. So, whether 600 or 800 cars are going through or two more cars per minute or hour, there's two more opportunities for my kids to get hit by cars as they cross Shields Lane. So I think we really need to take into concern the traffic and the the impact that that does have on people living in and around Shields Lane. No one is here questioning his accomplishments or his integrity, only the amount of risk that he knowingly took on to try and jerry rig this practice into a dental practice. If he is just a dentist and can turn this piece of property into a viable and successful dental practice, I wonder what we could come up with if we put our best city planners on this, what we could turn it into? Finally, I'm a little concerned over the preparation of the staff in knowing the ins and outs of this property traffic is a concern, and it has been a concern forever before we had the gas line going through, it was Google Fiber going down there. It was Redwood Road causing traffic. It is always a concern, and has always been a concern, and adding more traffic is just going to be a bigger problem. And finally, I would recommend we just end everyone's nightmare here and deny the rezoning, which means we can all be done with this headache and move on.

**Sherry Mattle, South Jordan** – said I did write the letter as well, but I want to encourage you to vote against this. The city plan says they like stable residential neighborhoods, and this is a stable residential neighborhood. It hasn't been a vacant lot for 25 years, because I have lived here for 33 years, and it used to be two houses there, and the road didn't go through. But even after the road went through, there was still a house there that I believe was owned by the Water Conservancy, and I think they rented it out and I think they just got tired of that. In 2008 there was a plan that came forward. Someone wanted to put a dance studio on that lot, and it was brought to the city council, and it was denied. At that time is when the city purchased that land and it was added to the parks plan, but the property was sold. I'm not saying anything was done wrong, but the property was sold and removed from the parks plan without any notification to the neighbors, and so I thought we were just being patient with the city. I can see that that we should have been

more insistent on getting something done there and not been as patient. I think the dividing line at the canal is a good dividing line between residential and the commercial property or office building. Even if it says it's office building, it's still a commercial endeavor and not a residential one. I think the canal would be a good dividing line, because all of Merit Medical property that Dr. Bess cited in his thing is west of that Jordan canal. Anyway, that's what I have to say. I would encourage you to vote no against the reason.

**Leonard Browning, South Jordan** – said I live right across the street, kitty corner from the lot that Dr. Bess plans on putting his dentist office. I would just like to clarify the definition of what a dental office is, a dental office is considered a commercial property. This area that we live in is a residential neighborhood. If you look at the flyer that was sent out to all the neighborhood, everything around it is all residential homes. You can look at the canal, you can look at the everything around it and twist. Just little ways, but there's nothing but homes around this property, and it will encroach on our neighborhood. I wrote this letter here, and I want to read it real quick. It says, this is the concern of our residential neighborhood about the rezoning. I'm against the rezoning. The petition that we have here, as it was stated, I don't want to repeat it too much. Is right here of all the names in this community on our block, deep in the city West Jordan, and it goes deep into the city of West Jordan to the river bottoms. It they do not want this because of the disruption of the neighborhood. Let's not overlook this fact, this is a residential neighborhood. The lot that the planning commission wants rezone commercial is in the middle of our homes. It would be used for financial gain in the middle of our homes. If you can put a driveway in for commercial professional office, the Dental Office is commercial office. It's both. Let's not overlook that fact there are homes on the north, south, east, west side of this lot. When I look out my window, I see nothing but homes and that lot, I don't see medical, I don't see any of that stuff. It will reduce the impact of it, and it will reduce the value of our homes. The homes that are super close will be packed, and more because distance matters. It'll change the character of the neighborhood. Any kind of commercial ability with commercial building would change. It introduce negative externalities, traffic, noises, and signs. What about the signs on my side of the street on 1300 West. He can have no signs on the north, but he can have signs right in front of ours on the north. It's a big block fence. They can hard to see. What about the east side? We get to wake up every morning to that sign. I'm a former Marine. I spent my time in the service. I came to this neighborhood for solace and for stability. If you let this dental office come in, I don't care if he's treating service members, it's going to disrupt my solace and my stability that I came into this neighborhood for 14 years ago. Also, I wanted to put in a building, 1000 square foot lot, which the city council denied me, no commercial, no businesses in that building. Then across the street, Benjamin Childs came in, I came in on that meeting on December 12, and I have the minutes right here, and you also stated to him that there will be no commercial buildings, no commercial buildings at all, anywhere in residential area in South Jordan, Utah. So how can you change the code when this is a residential neighborhood and allow this to happen? So I'm against it. It will definitely affect our neighborhood, and that's all I can say. It's just not good for us.

**Ryan Mackowiak, South Jordan** – said I would like to start by addressing Dr. Bess by saying, that development is a lot easier when you pick appropriate locations for your office buildings. We all welcome this opportunity. We recognize that you didn't ask us to be here. You're legally

required this rezone, and we are being ignored entirely. For all of you, this issue is a simple vote that happens in one evening, and after that vote, we all get to live with the ramifications of that vote. So I hope you certainly take this seriously. I'm glad to hear we've broken your 12 year record that should hold. That should mean something. The last time this applicant came here before this, with this same request, dozens of residents shared their strong opposition to it. No one other than the applicant was in favor of it. Hundreds of residents signed that petition. Regardless, very few of you seemed to listen to anything that we had to say. While the rezone was not granted, it wasn't denied either, the applicant was told to make a few changes and we'll approve you next time. He was not told, no, he was told, not yet. You may have thought that you've addressed our concerns by restricting the applicant via his development agreement, but changing the design of the building doesn't. There was nothing to address our concern. Building height was never the concern. Building Design was never the concern. The big issue was the presence of a commercial building in our backyards. Revising the development agreement only fights the flames while allowing the fire to burn. So here we are again with the same rezone request and the same group of residents voicing the same concerns, and we fully expect to be ignored again. We fully expect to be told that our opinions don't matter. We fully expect to be told that hundreds of neighbors opinions pale in comparison to one man. It's the prevailing opinion of most of us here that the decision to rezone this property has already been made, that the decision was made to rezone this property the day the South that South Jordan City sold this little piece of land. And we'd like to hear from each of you to know exactly when your decision was made on what criteria your decision was made? Were you under any political pressure to apply to approve this rezone? Are there unspoken agreements already in place that we're not privy to? Did you consider the effect that this would have on us, the residents who live here? You said you don't drive here very often. We drive here every day. What considerations did you have for our futures?

**Scott Bernett, South Jordan** – said I have never met Dr. Bess and to be on the record for him, I've known his family my whole life. I grew up with his father and grandparents in Murray, Utah, and this has nothing to do with Dr. Bess, in my opinion. For me, this started many years ago, has already been talked about of a dance studio. It was denied a gas station on the southwest corner that was denied for the purposes of why we're here today. You have an island in the middle of residential property. We got emails within the last year the South Jordan City wanting to make 9800 South a bicycle corridor, is that still part of the plan? Because we were still under the plan, an understanding that that Lot was a park unbeknownst to most of us here today. Nobody told us about it, nobody sent us a letter. Nobody sent us any kind of communication that says, the city is no longer going to make this a park. It's for sale. This sold under our feet because nobody knew about it until we were told there was a dentist office they wanted to be put on it. I don't care. It was a dance studio, dentist office, or whatever. We have not been told up front of anything's going on this place. The bicycle route, I guess it's still going in place. But the prevailing attitude for most of us is, as you stated, and it's been stated before, it is a stable neighborhood, no matter what you look at it. Across the street on the other corners of the house is the only place that doesn't have a house on this lot. There is no purpose for a dentist office, a professional counseling office, whatever it may be in that spot. If it's house is going in there, I would just assume you up my taxes and put a park back in as it's supposed to be a walkable park that people



can ride their bikes to, up and down all day long. There are bicyclists to go up and down this road. I'm all for putting 9800 South as a bike corridor, but now a park is no longer there. So I would say, in my opinion, and the majority of us here today, please deny this application.

**Vivian Wilson, South Jordan** – said just want to reiterate Mr. Bess was talking about how he is in this zone that is perfect for his office that faces Redwood Road. It is commercial over there, There are commercial buildings over on Southern Parkway that are in the appropriate zone. This is not the appropriate zone. I mean, as far as you know, according to the code chapter 17.62, the purpose of the PO Zone is to serve residentially compatible buffers to heavier uses, such as commercial, industrial businesses. You can say the gas line, but everything else is residential. And I understand he is not a part of our neighborhood. He's not a part of our residents. He doesn't understand that we want to keep our our residential area stable, and if a commercial use is allowed here, it opens the door to further erosion of the neighborhood fabric elsewhere. This decision could undermine long term planning consistency citywide. You know the the role of the commission is Guardians of the General Plan and the public interest. You know it's important for the residents to rely on the planning commission to uphold the general plan as a social contract that ensures predictability and fairness in land use decisions. To ignore it erodes trust. Approving this commercial use in a stable residential zone contradicts both the letter and the spirit of the general plan. It may seem like a small exception, but it has long term consequence for neighborhood stability and planning credibility. We urge you to uphold the general plan and deny this application. We look to you guys. We want to be able to trust you and you know, in the South Jordan General Plan there are indicators that we live in a high quality of stable neighborhoods. It says, although it's easy to monitor progress on new development, much of South Jordan is known for being diverse community with wide range of neighborhood types. It will be important to monitor the quality of these existing stable neighborhoods and preserve them where possible. We live in this neighborhood. We live in this and love this neighborhood. We want to keep it residential. We hope you can see that this is our neighborhood. This is our street. We have homes all around us. We don't need commercial or office, whatever you want to call it, we want to keep our neighbors. And if you can build an office building, you can build homes. I went to the Planning Department over at South Jordan City. They couldn't tell me how many homes, but we know for sure that there was at least one before, plus there's probably other room, but we that hasn't been analyzed. That would be the preferred route that we'd love to see, because this is our this is our area, this is our neighborhood.

**Amber Mackowiak, South Jordan** – said the overwhelming majority of the opinions shared by residents have been against this project. This is a stable residential neighborhood. South Jordan City has rightfully designed this area as a stable neighborhood. This is your own definition. These are your own words. Why create such a designated designation if it can be destroyed by simply filling out an application allowing commercial businesses to set up shop in our backyard, literally strips away our stable neighborhood. This is where we have our families. This is our safe place and it's a big deal to us. The purpose of the professional office zone is to buffer residential property from commercial use in the application process. To flip this purpose on its head, to rezone this property would create an island of office space from which we must all now somehow shield our homes. A dentist office or any commercial property simply does not belong in this location, there are plenty other lots within the city boundaries that are zoned for an office

building. Dr. Bess should find one of them and put his building there. The biggest concern we have is that the rezone will only be the first in the series of zone changes at this intersection. This is the first of our four corner properties once a single corner becomes commercial property, the other three corners, which will suddenly be less desirable residential properties because now they are adjacent to a commercial property, are much more likely to make the same request, a single rezone is all that's needed to set a precedent. After that reference this rezone will be the bias of future applicants. Once a precedent has been set, the city will have no grounds on which to deny these applications, to approve this rezone and to deny other similar requests will result in lawsuits. You will have forced your own hand by establishing the precedent, and you'll be forced to follow suit. One by one, the entire corner will be rezoned as commercial property. What may now may only look as a small island will soon redefine the entire intersection. What will this intersection look like in five years? If I were a real estate developer, I'd be licking my chops over this corner property and approving this rezone. The South Jordan City Commission has declared this intersection open for business, cheap residential land can be easily rezoned to become commercial property. Developers can come in with an arrow in their quiver. Real Estate Attorneys by passing the rezone, you made this attorney's job incredibly simple. The precedent will be established.

**Gail Evans, South Jordan** – said I've only lived here three years and I've loved living here. I've lived in South Jordan in three or four other homes, and I love this neighborhood more than any other, because it is strictly residential. There you can walk out. thing I can walk to the dentist office clear to 10600 S. This is spot zoning in the middle of a residential neighborhood, and that is something that a zoning Commission should not do. Spot zoning is really something that shouldn't be done. Another thing, the cars will be coming in and out on that curb. I can't cross the street on that curb. I can't see far enough to get out on that curb, so how can a car see to get out on that curb? The cars coming around that curve in front of the church, there's a crosswalk. The cars coming around that curve can't see the lights flashing and they don't stop, Quite a few cars coming in out right on that curve will be very, very dangerous for us, people who live there. And they talked about the people and trucks having no impact. The trucks are coming in and out on 1300 West. They are not coming on 9800 south. I see them every day. You seem to not want to hear our comments, and you seem like your minds are already made up. That shouldn't be the way it is. Spot zoning should not take place.

**Tim Hansen, South Jordan** – said I am opposed to this idea of rezoning. I'm going to try not to be redundant, because to tell you the truth, it is pretty redundant. You heard this months ago, now you're hearing it again tonight. I don't know why this keeps happening. We keep having to go over this. One thing about Dr. Bess, nobody's questioning his integrity in any way, shape or form, that's not even in question. The points being missed somehow are that we do not want this rezoned commercial, it will open up Pandora's box. Now you get this gentleman, this doctor, he gets his area rezoned, and someone else decides they want to sell their property and have it rezoned. Now, I know you have a city attorney right here, and you might ask him at some point in time, how in the world would you say yes to one or to another and skip some sort of legality issue? I don't know if that's possible. Another thing that kind of got me is this gentleman over here, there was some talk about personal services. Well, the doctor has got a clientele now, and he's had to move because he's out of space. Well, now he's got his wife, that's an audiologist.

He's going to get another doctor and possibly someone else to take some of the professional space in this building. Do you think there's a possibility that we could run out of space again and have to move. Yeah, I know he said he was going to be here until retirement or death, but all plans are subject to change, as you guys know. So, if that were to happen and he decided to sell that property and it was deemed something to where it had to be personal services, correct? Would Betty Lou's massage parlor be personal services? Would a tattoo shop be personal services? Just things like that. It's nothing against the dentist. We just need to get this behind us and forget this rezoning. A lot of people have said that they feel as though they're overlooked or not listened to. Well, I'm going to give you guys some credit here. I'm going to say, I think you will, because I think as a governed body of people who govern for the people. It's your responsibility to govern for the majority of the people. Well, I think you see a lot of people who are not for this, you only heard one that really is. So who do you govern for the majority of the people, or an individual?

**Windlow Kraut, South Jordan** – said I live at the corner lot adjacent to the subject lot to the south. And as Nathan Gedge said last meeting, everything changes right? And there's a lot of change that could happen and good change. I bought my house three years ago in this stable area with wide open spaces intentionally, so that I could intentionally bring my family here. I could have bought in Daybreak, where the density is much higher, and I could have had a walkable, stable area that has all of your services within a three second walk. But instead, my goal was to raise my young family where we have space, where we can walk out, go see animals, cows, horses, deer, whatever have you. That is my goal, and I intend on upholding that goal as a direct neighbor, I'm concerned about the property value loss. I know Mr. Bess gave some statistics, but I also understand that the loss could be considered between 5% and 20% based on the buildings that surround, that's a real financial burden on my family, who have invested long term to stay here. As stated in the code, a major reason for changing the zone would be for the benefit of the neighborhood. As of right now, I have not heard one reason that would be beneficial to this neighborhood at all. This change is inconsistent with the city's general plan, which commits to protecting stable residential neighborhoods from encroachment. There's no shortage of commercial space in South Jordan, as we all know, over 1.2 million square feet is available within a three mile radius of this lot, with plenty of vacancies, multiple dentists offices, offices within that same radius, the need simply does not outweigh the harm. I hope you will consider not only the policies and statistics but the very real day to day impact this would have on immediate neighbors like me and my family. For these reasons, I respectfully urge you to deny this rezoning request and preserve the integrity of our neighborhood.

**Aaron Alford, South Jordan** – said I also have property on 10519 South Temple Drive, which is also known as one of 520 Brooklyn View Drive. I've gone through this process, so I feel for Dr. Bess. I've lived in South Jordan since 1999 and I've sought to live in South Jordan ever since. I had my first house up in Glenmore, and except for when we were married for a year, we lived in Draper and we immediately came back when we could. But my concern is the inconsistency of the City. My property is in between Brooklyn View and Temple Drive and is a two lot subdivision. The owners of that property, before they subdivided it and sold part of it to us, were denied having it changed to professional office. They were told that the canal that borders the property was a natural barrier. And that property was more suited to be changed to commercial



or office than this property. It's contiguous with with Office. This property is not contiguous with Office. It would create an island. My concern is the consistency in decision making. I recently contacted the city who they've always been great to work with, about property on 2700 West and the ability to subdivide that it's a residential property. But they we were told that it was unlikely, because the density wouldn't be met, although you would have two properties that are a third of an acre each, and that property can't be changed.. So now you have this lot with a large lot that you can't use part of it, and so the city seems to be inconsistent in how they stay strict in this property. I don't have the same issues with the neighbors because I don't live right there, but it would change that one thing that I've just learned because of where my property is. We have a detention pond that the city was trying to sell, and they notified us that they wanted to sell that, I'm now learning that these people didn't get notified when this property was sold that borders them, and so that inconsistency, I kind of feel, for what they're going through. So that's that's my big concern, is the inconsistency in how the decision is being made, in what the city is doing and what they're willing to change.

**Phil Dean, South Jordan** – said this is really uncomfortable for me. Actually, I'm in a very different place and all of my neighbors, so I may be the one voice in support of this. I've never met Dr. Bess before. I don't know much about except for the flyers that I've seen come around that in my view contain a bit of hyperbole about the impacts that I have no concerns. But I think some of those are overstated in terms of what it would really be. So, I guess my three main points, 1) I'm my political philosophy is very oriented with private property rights, and I worry about government being too stringent in the way it restricts private property rights. Now, if a hog farm were going in here, I'd probably be right in the line with everybody else, but that's not what we're talking about here. 2) There's a dentist office in a really weird lot that has the Jordan Conservancy District pumps and all of that right there. There is Merit Medical right up the road, houses of worship that I attend, by the way, but we didn't see these same lines when those houses of worship within very close proximity went up. I think it's, in my view, there's just too much hyperbole about what the impacts will be. In my view, they're probably going to be pretty small. I think it actually adds to the character when we don't discreetly zone everything. In my case, when I was really young, lived in Sugar House, and we would walk down to the neighborhood store. Zoning has eliminated that and created a lot of other problems in the process, with traffic congestion and other things, where if some of this were located more closely to where the people were at, we'd have less of those impacts. 3) is even with the concerns that are there, which I agree there are concerns, I think marginal, but I think there's some there. Just everything I've heard, they work to minimize that in this proposal. So that concludes what I have to share, I'd recommend that you approve, or make the recommendation that the council approve the rezone.,

**Mark Richardson, South Jordan** – said I just wanted to bring up three quick points. Mr. Hanson kind of addressed one of them. The thing that's a bit of a concern is the perception that this is the only space that can accommodate Dr. Bess. We've learned he wants to rent out a big a chunk of it, even if it's a small chunk. I don't think that's going to be a strong reason for us to do that, because again, this is more than meets his needs. That's why he has to rent it out. Another thing I do want to point out, when I was younger, I used to tell my parents, my older brother did that. Your older brother's six years older than you Merit. Medical overflow parking lot I'm pretty sure was rezoned more than 14 years ago, so I don't like using that as a precedent because it

already happened. So let's just do it again. And I would like to caution everybody about that and just bring it up to attention. The other thing I do want to point out, as I've worked in construction before, all of this can be changed, right? We don't know what we don't know when we start getting into the construction aspect of this, and we realize, oops, fire marshal didn't think of this, so and so didn't think of this. We didn't expect this. Everything we've been promised is subject to change. So I think this is probably the bigger point. I want to address in front of all of us, is when we're going through that process, we all know things can change. We have to work around problems that we encounter. So thank you for your time.

**Keira Evans, South Jordan** – said we've lived there for six years, and when we moved there, there was a house on that corner, and people lived in it. So just wanted to point that out. That area is very quiet, it's one reason we love living there. You can go out, you always see people on bikes walking like constantly. Doesn't matter if it's Shields Lane or 1300 West, there are always people walking. And since we've lived there, we've seen many accidents at that intersection, seeing bikers hit things like that. So that's a concern I have. Along my street, the one next to it, down Shields Lane, there's a bunch of circles around there. So for us to go walking, you gotta go out, you have to go on 1300 west or down Shields, that's our neighborhood, so I have a concern. Just the increased traffic also, there's farmland kitty corner, two houses away. There's a big field, when that sells, is that going to be approved for commercial? Well, that's like right by our street, so that's another concern. If that is approved now for commercial, or whatever you want to call it, is this other land someday going to be turned into big business building or whatnot?

**James Nelson, South Jordan** – said I have two concerns. They just touched on one of them, and that is kitty corner to my house is a massive alfalfa field, and it's like if they can do that, they can rezone this one too. Second one is, down further south is a Nursery in West Jordan, in which there's cars all over the road. When he said there's more doctors going in, I know there's 52 but both me and my neighbor have been in accidents because they hit their brakes, because all sudden they realize they want to turn, they hit their brakes. I might have been tailgating a little too much, and so might my neighbor, but they hit their brakes, and there's accidents going into it. They are right about one thing, because I actually go to the church up there, you can't see around that corner, and so you got a blind spot where they're coming, and because it's a corner, it's a little hard, that's all I have.

**Annette Higley, South Jordan** – said I am not right by this. I'm around the corner, and I actually work at the dental office at the street on 1300 West and 10600 South, and the traffic is horrendous. I know Mr. Bess said there'd be 44 patients. So it's not 44 that's 88 because they come and they go. I worked for my dental office. I've never stayed for lunch, I come and go. There's deliveries, there's reps, all day long. It's horrendous. The parking is horrendous. We've had fights over parking at our office, and we have a lot of parking and three entrances in our office. I also want to say something about the design of Mr. Bess building. People keep saying it's consistent, but it's nowhere consistent with anything in the neighborhood. I know you said he wanted something modern, but it's in no way consistent with anything. There's nothing modern around there. I know he doesn't want a building that he said it was out of date, but it doesn't belong in here, because it's not consistent with the development in the area.

**Cindy Birch, South Jordan** – said I live on shields lane, so I see it, and I see it every day. My history with it goes back to 1972 when my parents initially purchased a property. It was an apple orchard. My father's ambition was to come home from the military and build his little patch of paradise. Well, the state came along and said, we're going to build a dam there and make a lake in the south of the valley. That didn't happen. My parents bought it back at triple the price, and then they came to the city of South Jordan, and the City of South Jordan said, we're going to put a road through there and a major pipeline. All the trees had to be ripped out. The place was just ripped apart for a year. And, you really can't tell me anything about having an awkward piece of property. What I was left with was really awkward piece of property, but it's mine. I built my house in 2004 and in that time, I have watched Shields Lane change. It came from a dirt road at the beginning, at the end of it they put in this road, and a big thing, and all of it was just ripped apart. And so we had to start over. I had to start over from the beginning to put my house in there, and I've lived there ever since. As I watched construction over here, construction over there, the big apartment complex over there, I have watched the road change. It went from a neighborhood road to an absolute thoroughfare, and every day I see trucks go by. They may not always be semi trucks, but there are a lot of Class B trucks that just cruise right on through now. When I first came here several years ago they sent out this DVD, it was awesome. It was the history of the city of South Jordan. I hope you guys have seen it at some time, because it was great. It was a telling about the people that came here, the heart they put into their farms and their homes to make this place an exceptional place to live. I was so proud to be a part of that. Well, since that time, it's changed, and instead of being something amazing, not so much. I don't agree with the plan of this office building, it's very eclectic. It would do so well out in Daybreak, where they have lots of interesting architecture, but it looks like a giant thorn in a little flower garden. It just doesn't fit. So I would ask you not to do that. The other thing is, please take care of South Jordan a little bit better, because I saw what it was in the video, and now it is just like anywhere else.

**Matt McIntire, South Jordan** – said I own the property on 1222, West shields lane. In the time period that I have owned that property, I couldn't tell you how many times my kids left the door open on the garage with the lights on all night, and it was never ransacked. I never had anything stolen out of it. My dad was a police officer for Salt Lake City Police Department for 23 years. Whenever you see increase in commercial zoning, you see increase in theft and crime. It's a fact. The engineering on that should be looked at. There should be a report put together for precedent on rezoning of properties like this in South Jordan, to provide an example, or multiple examples of that for the residents that you're here to listen to tonight. I haven't been involved in any of the communications with anybody here, so this was all new to me. I got a flyer on my door and I went What? What is going on over there? So, I think that the key word there is precedence, if there's any precedence in the in the City of South Jordan, to rezone something like this before now, I think we'd all like to see that to justify any kind of change in the rezoning, and then, if there is such precedent in place, where is the study that shows the effect on crime, traffic accidents, pedestrian problems, bicycle accidents, all of these things. That would be a mathematical way to statistically prove this is a good idea. So that's all I've got.

Chair Gedge closed the Public Hearing.

Chair Gedge said what's the current status of the bicycle corridor down shields lane that is that still a go, or is it a no go?

Assistant City Engineer Jeremy Nielson said yes we are proceeding with trying to secure funding so that we can start building that bicycle.

Chair Gedge said does this rezone future proposal impact any of that corridor?

Assistant City Engineer Jeremy Nielson said no, because there will still be the same number of lanes going in each direction, on shields lane.

Chair Gedge said there was one brought up by Miss Evans about spot zoning. I know we've made some allowances with uniqueness of properties, but was spot zoning considered in staff's review of this property, as you guys evaluated this application?

Assistant City Attorney Greg Simonson said the concept of spot zoning is a judicial creation, but it's not a barrier to this rezone. Spot zoning is in order to be a barrier to development, it has to be specific evidence introduced indicating a favoritism for a particular developer and that kind of situation. What we're looking at here, in my estimation, is we're hearing evidence, one way or the other, regarding the suitability of this property for residential or suitability for professional office. And that's a completely legitimate consideration for rezoning, to consider what the property is really best suited for. That's the job of the Planning Commission, and it's the job of the city council.

Chair Gedge said this park property is now removed, it's been sold by the city. What is the city's process of notification of property? So I know it has to be approved by the city council. I know that much. But is there a public noticing and is it just to the Utah Public Noticing Website or properties within a certain distance, similar to our meeting this evening, is there a noticing requirement with the sell city property? Or because when City Council has closed sessions to discuss property and nature of employees, is it fall under that privacy because of the contractual nature of the real estate sale?

Assistant City Attorney Simonson said 'm not specifically prepared to say anything on that one. I don't know what occurred. My understanding is that it was like eight years ago, but, and I didn't work for the city then, but I don't know what the requirements were then.

Planner Schindler said the one thing that I know, it's not in the zoning code, and so it's nothing to do with, really, the commission. All I know is, if it's a one acre site or larger, the city council has to make the decision, and I'm not sure how that's advertised. It's goes through a different department rather than planning.

Chair Gedge said I am glad you said one acre site size, because on our application this evening, it says 1.11 acres, and the applicant mentioned point nine acres. Can I just get a clarity on the actual size.

Assistant City Attorney Simonsen said I apologize when I said 2017 I was thinking of the change from the park.

Commissioner Catmull said when we started this question and answer that we just got into, it was around the plan, the public park plan. Is there any noticing requirement for park plan changes? Or is it part of the park general plans.

Director Preece said it's generally noticed through the whole city, but they don't notify specific property owners. Same as if a zone, a text amendment to a zone would notify specific people, they just put it out in general to the whole city.

Planner Schindler said That notification is basically done through the agendas that are posted every week, planning commission, one week, city council, next week. They also can get posted on the UPN Utah Public Notice Website and those kind of places. It used to be in the newspapers that we did, but nobody gets newspapers. So that's been changed. every for all

Chair Gedge said It was brought up about the traffic rating of the roads before. I'm assuming public safety is aware of, I'm sure there's been numerous collisions, because I personally witnessed some in this section, but the construction is probably a contributing factor, and they have steps to help mitigate and lower that accident collision rate in this area.

Assistant City Engineer Jeremy Nielson said I can't speak for public safety. I'm not sure what measures they're taking. I know they watch that closely. They watch accident rates, and they put plans together, but for this specific area, I don't know what they've done.

Chair Gedge said the next one is just consistency. Obviously, we are a recommending body this evening, city council will make the final decision, and would set the ultimate precedent of that so obviously any future applications could follow whatever decision the City Council could make, so we will make the recommendation, and would set the ultimate precedent of that so obviously any future applications could follow whatever decision the City Council could make. So, we will make the recommendation. I know one thing that got brought up in our meeting last November. I just want to remind you that the planning commission made a recommendation to deny to the city council. We've talked about the safety, some safety concerns were raised regarding pedestrian walking or bicycle access. You know, unfortunately 1300 West temple drive and or shields lane. I know shields lane is 25 miles an hour in this in this area, 1300 West is not it's not just for the public. I grew up in this neighborhood, six doors north. My family owned a farm that many people might be living on property that was rezoned for 60 years. I know this area well and have had pedestrian or bicycle issues. But you know, it's not when I was riding my bike in 1984 unfortunately, there's multiple religious buildings in this area and other traffic. And of course, with the current construction on bangerter people are looking for ways to bypass it right now. The reason I bring that up is just to make sure people are using sidewalks and the bike lanes. Unfortunately, it is an intersection, and that is managed by the city's traffic.

Assistant City Engineer Jeremy Nielson said correct, because it's not a UDOT road, that is maintained by the city.



Assistant City Engineer Jeremy Nielson said I don't know of any concerns that were raised about going west on shields Lane at the curve around right before you get to the medical or the church property. They're slightly west of this proposal. But hopefully some feedback could be pushed to look for any type of measures might be of help to improve sight line for that.

Chair Gedge said I don't know of any concerns raised about going west on shields lane, the curve around right before you get to the medical or the church property. They're slightly west of this proposal. But hopefully some feedback could be pushed to look for any type of I don't know what measures might be to help improve sight line for that.

Assistant City Engineer Jeremy Nielson said as part of the site plan review, we'd be looking to make sure the site line is planned accordingly and if it were an issue, we can restrict access at any time to mitigate that.

Chair Gedge said any other areas of the city where there is this type of spot. I could think of maybe across from the high school. There's a dental office with the high school, which is under residential and then two residential homes on the other side. That's a maybe because 11400 and 1300 has multi residential commercial and on 90000 S but that is a different city municipality. I I'm not aware of any, just on the east side of South Jordan, which is us, because that's the district. Are we aware of any other situations where a professional office and or commercial and or other zone was approved as a single lot completely surrounded by stable neighborhood residential in at least this part of the city or other parts of the city? Or would this be a true first timer.

Planner Schindler said other than the ones you mentioned, especially the one on South Jordan Parkway and 2200 West. There's actually both sides and those kind of happened because of the UDOT widening of the road, they left little remnant parcels that so they got zoned for commercial uses on those two corners. But I can't think of any other ones. The other thing we looked up is the State of Utah legislature has said that spot zoning is not illegal. So basically, they don't recognize anything as spot zone.

Commissioner Harding said can I address the 9800 South bike route. In the images that I've seen, it's on the south side. So I just want to make sure that the audience understands it's not on the north where the curve is in the line of sight issue, but it would be on the south side, is that correct?

Assistant City Engineer Jeremy Nielson said that's correct. The concept plan right now is for a 10 to 12 foot multi use path to be on the south side of shields lane.

Commissioner Harding said then someone brought up about precedent and then possibilities of lawsuits. Has the city had any lawsuits that come to them because of situations like this?

Assisant City Attorney Simonson said No.

Planner Schindler said if the city council approves a rezoning, they are the legislative body of the city. So there's no state codes that would prohibit them from approving this or denying it.

Assistant City Attorney Simonson said Commissioners if I could add something please. This has come up in training many times. What is the basis of decision and the evidentiary basis of decision in a legislative matter or versus? An administrative matter, and since this is a legislative matter, the standard is reasonably debatable. Is the evidence, no matter what way you go to recommend approval or recommend denial, can it be submitted or supported by evidence that you could reasonably debate and make that evidence and make a case on it. The evidence on an administrative matter where you are the final body is the substantial evidence standard, which we've discussed a bunch of times, and that's not applicable here, so you have quite a bit of discretion with that reasonably debatable standard, and good luck to you on making whatever decision you make.

Commissioner Catmull said I think we touched on it once, but could you just reiterate, or maybe talk about what is the difference between professional office and commercial? How is professional office and commercial different?

Planner Aguilera said so the uses are very different in both zones. One is intended to be more more retail, perhaps restaurant use, gas station activities with a lot of people. Sometimes, office zones tends to be a lot more heavy in traffic sometimes, but it depends on the use. The uses are more professional in that sense, where you could have like real estate service, consulting, architecture firms, whereas commercial is more geared toward retail and other similar

Commissioner Catmull said and is there a classification as to sometimes we think of like from industrial to residential, and there's some sort of heavier to lighter use? Do they fall in similar area as far as intensity of use.

Planner Aguilera said here are spots in the city where you will see commercial zones bordering professional zones that border residential areas. A lot of times there used to be buffers between commercial and residential areas, rather than having straight commercial right next to a stable neighborhood.

Chair Gedge said I just want to just follow up on that. When we do consider commercial zones, sometimes there are permitted and conditional uses that are prohibited. Does the professional office designation have similar allow in this situation? There's a development agreement where it's been mentioned, what would be the the permitted uses. Well, overall, if someone in the future wanted to come in and amend that, just to be for the underlying professional office zone, are there other designs? I guess, levels of designation for that professional office zone.

Planner Aguilera said there are some conditional uses. An example would be anything related to education.

Commissioner Catmull said none of the proposed is in the development agreement, it would be considered conditional use, correct? They're all permitted, right?

Planner Aguilera said there are no conditional uses permitted in the agreement, even though the dental medical use here that's mostly going to be most of the use in the building it is a permitted

use in the office, and it's not a conditional use. The rest of the uses are also except maybe utility services. But that one could be one that also appears to be a permitted use.

Commissioner Catmull said who reviews the concept plans and elevation from the city? I know as we get into site plan that will go before the fire marshal for these things where, again, this is an item where we're kind of compressing all three together, but not entirely.

Planner Aguilera said in an application like this rezone. The review is done by planning and sometimes input from other departments as well, but the more of the scrutiny comes in during the other applications like site plan and building permit process. The concept plan at that point will be a formal site plan with all of the details and necessary civil drawings that will be scrutinized by planning, engineering, fire, building, all the relevant departments. Those reviews for this are not as detailed. It is a concept, even though there are specifications in the agreement, as long as those specifications are met, then generally the concept details will be hashed out later on site.

Commissioner Catmull said in a development agreements that runs with an application such as this, if it's amended in the future, is that noticed? Is that item noticed to any surrounding neighbors, if that were to be amended, or do they have to kind of watch the general city wide agenda?

Assistan City Attorney Simonson said ll that depends on the terms of the development agreement, and very often we have a provision in our development agreements that say minor changes can be made between this with the city planner in consultation with the city manager. This particular development agreement as it sits before you, does not have that provision in it. You could make a recommendation if you wanted that to go in it, but it does not have that provision. So I would say that the way this thing sits in front of you today, that any change is going to have to go before the City Council.

Commissioner Catmull said just want to make sure I understand a couple of things that were talked about. So the proposed east elevation, it looks like there are two entries, is there one entry, or are there two?

Mr. Bess said that is correct. There will be two office spaces there. Looking at the proposed west elevation, my office will be on the right. The one on the left is the one that I intend to sell or rent.

Commissioner Catmull said and that will be a separate entrance.

Mr. Bess said a separate entrance from the front. I don't want anybody to go through my office to get to theirs.

Commissioner Catmull said would you be willing to have the lighting off or nearly off when you during non operating hours?

Mr. Bess said sure. That would save me money.



Commissioner Catmull said operating hours? There's not a restriction in the development agreement today, correct? Are you open to something like that?

Mr. Bess said I would prefer not to. There is one day of week the doctor is going to start seeing patients at 6am to accommodate people who go to work early. It's a little early for me. I'm a 7am first patient person. We typically go till 6pm. Sometimes he'll go till 7pm. So if you want to go from 6am till 8pm. However, I will say, I do get emergencies. So I have been at my office at 11 o'clock at night stitching a kid up that takes a nose dive into concrete. So I wouldn't want to be in trouble with the city for going over there. That would be my concern.

Commissioner Catmull said I think that would the way if we were to do anything in that space. It would be like scheduled, regular, non emergency.

Commissioner Bishop said I did have a question about signs and lighting and that kind of thing, and in the development agreement, it talks about a photometric plan shall be submitted showing no light intrusion onto adjacent adjacent properties. Would that disallow a sign on the south side, like a lit sign, or there was a concern raised about the sign on the south side of the building. I'm just curious.

Planner Aguilera said the south side of the building would be shields lane, so it wouldn't have an adjacent property on it.

Chair Gedge said the lighting there on shields lane at the 1300 S intersection, I'm assuming it's lit. I know it is, because I drive through there at night, but is that probably more than the photometric plan on the street lighting that's currently present on T temple drive and shields lane.

Planner Aguilera said I haven't been there to see that, but it's likely that it's probably more, it's going to shine more than what the proposal here is.

Commissioner Bishop said there was concern raised about the building design, and I agree it does look like something in day break. I think it would fit well in daybreak, but I don't think it would fit in this location.

Chair Gedge said my only argument for that having my grandfather in the pre war house. I grew up in a rambler there. There's homes that we're literally just finished on the other side of shields lane. There is a lot of diversity of what would be the established character design. How do we define what that would be? Because one side of 1300 West might be brick, the other side might be stucco, and then, like people mentioned, if you go further south, they are pre war homes. So there's just a lot of diversity in this section of town. So how do we define it in a recommendation, what's the most common?

Commissioner Catmull said I have spent hours looking at these sorts of things and trying to to find, enhance my understanding and try to find that right balance. And one of the things I did is, is keying off of the development agreement where it said the text that I mentioned earlier, where it has to be architecturally consistent with the surrounding neighborhoods. And that comes up

frequently for us. So I finally developed a little matrix, or a tool to help me and the factors that I've looked at so far. And then the reason I brought it up is form and massing. So that's kind of like the form, shape of the thing and how closely it is to other things, the exterior materials and texture, the roof design, like the shape of the roof, the location of windows and doors, the landscaping and site integration with its surrounding and the color palette. The two high weighted ones there for me are the roof design and the form and massing. Those are the ones that are hard to reverse, whereas, if you're talking color, you can paint something or or whatever. So roof design is much harder to change, but everything can change. So just adding to the architectural considerations and fitting in, as was mentioned, there's a wide range of surrounding in this area, and so for me, that's why I was asking questions around the roof design. Because it was the one that was the most different between all the surrounding properties that I could see, including the church, which is much larger, has much more traffic, potentially, and taller because of the steeple and because of the shape of the roof.

Commissioner Catmull said I would like to recommend that we also have the is it three or 400 foot noticing in an amendment. So if that simple thing doesn't get covered by that process, and there's a change required, I would like to see, given the sensitivity of this particular property and area that it be noticed with our standard distance.

Planner Schindler said I would agree with that.

Commissioner Catmull said I would like to see standard hours 6:00am to 9:00pm except for emergencies, and that the parking light's are off in the night hours.

Chair Gedge said my only concern with that would be security, because it's gonna be on the corner right there, and I don't want increased crime, because we have a dark lot.

Assistant City Attorney Simonson said can I ask a question about that? Since I'm ultimately responsible for making sure that the development agreement complies with what you and the council says right now. It reads that lighting shall be a photometric plan shall be submitted showing no light intrusion onto adjacent properties. Lighting used to highlight landscape features and walking paths shall be low to the ground and accent lighting. So tell me what you are recommending in addition to that?

Commissioner Catmull said it was more of a trying to keep it as close to a residential feeling thing overnight, you know, but with everyone putting lights on their houses, it's not as dark sky as it used to be, so I pulled that based on the safety issue.

Chair Gedge said does the city have a sign ordinance?

Planner Schindler said yes, there is. There's not one for every sign, but wall signs are pretty standard on the wall of the building, it's the same whether it's on a restaurant or a retail store, like a grocery store or the office building. They're limited based on the main entrances. The facade is allowed up to 10% assigned size, could be up to 10% of that facade. All other sides are restricted to 5% and in this case, there wouldn't be any signs on the north side, because it's in the

development agreement, they wouldn't have any. The ordinance requires them to be individual, pan channel letters. No cabinet signs are allowed there but they can do a lot of things with individual letters that can light from behind, or they can be lit internally as well, but cabinet signs are normally not allowed in any of the zones.

Assistant City Attorney Simonson said specifically, you're double protected on that the developer obligations specifically says that animated signs are prohibited. And the code also says animated signs, or signs with moving parts, flashing or intermittent lighting are prohibited.

Chair Gedge said some of the residents brought up, what is the purpose of the general plan. Obviously, some of us have been involved with the development of our most recent general plan, the future land use. This is probably when we take more seriously than others. We are considering moving this, this property from these three lots, from stable neighborhood to the lots that are listed here. So just any thoughts or conversation you guys want to have on the on that piece of the future land use, map, plat change, obviously it would make sense if there was to be a reason to have to amend that piece so it's an economic center. The only worry, I would have is the future owner of this property, might want to come in and say; This is now economic center, and so is that an easier pathway for future councils, future commissions, to rezone to another use. That's just my only hesitation. Hopefully, Dr. Bess lives 40 years, but you know if they sell it sooner than that, that's just my only hesitation.

Commissioner Catmull said I would probably add, that usually an economic center requires some sort of synergy, and I don't see that developing that way. But it's a risk.

Chair Gedge said it's not zoned. Is there another term in a section of the future land use map other than economic center that might be more applicable, because it really is not a center. It is one property.

Commissioner Catmull said it seems like it's the zone is the center here, and the the land use is having to be compatible.

Planner Schindler said they're changing, because it changed both the land use, which is currently stable neighborhood, to economic center is the most likely one. There might be some economic opportunity is another one that might be in there that they could do. But the zone itself would be the PO Professional Office Zone.

Chair Gedge said when he said the economic opportunity, some of the concern from the residents were, so if this one goes, is there a precedence now for the other corner lots in this area. We've rezoned it to a center, is this opportunity more applicable for this one lot?

Planner Bishop said I understood opportunity to be areas larger expected growth and that is no what we would want here.

Planner Schindler said the economic if opportunity would be, if it's expected to be economic but it isn't, so the economic center. It doesn't mean it's going to be the center point for a large economic development.

Chair Gedge said with the concerns raised, do other parcels surrounding them want to mirror this so it gets rid of all the agricultural left.

Commissioner Harding said is there a different code within the future land use plan map that would be better and more limiting than the EC?

Planner Aguilera said recalling some of our discussions in the beginning, when the applicant, came into the city for the first time to discuss the possibilities, I can recall one of the reasons the economic center was chosen is because the other one that was discussed Economic Infill, opportunity. The language in the general plan states that those are areas within existing economic centers. There isn't an existing economic center here, so this would be a brand new one. So that's why we chose economic center to go forward instead of the economic infill opportunity.

Commissioner Bishop said do want to talk about this one a little bit. This is, this is where I struggle the most. We call the term stable neighborhood. But it is my understanding is that applies to any neighborhood in the whole city. If we said that means no change, I think that pretty much stops South Jordan. I guess where we're at in terms horizontally, it would leave only vertical growth, given that I completely understand the desire for a strong, cohesive neighborhood and maintaining what you've got. Obviously you have a strong neighborhood, which is awesome, I just wanted to say that.

Commissioner Catmull said I would say mine are at the zone level, because of the application.

Chair Gedge said the third thing we're going to consider is the rezone. We're going from two zones, which is R-2.5 which is two and a half acres per unit residential and A-5 agricultural to a PO professional office zone. And of course, with the development agreement it would be limited to those specific uses that would be cited in the development agreement. So here's the rezone and this is where are we spot zoning these three parcels. I'm not worried so much about this commission/Council but maybe future councils/commissions might come in and consider changing it to something else like, commercial or industrial. They would never do industrial, but I don't know the future., and so is this the best buffer? It's the uniqueness of the property. It is in an intersection on temple drive and shields lane. Obviously, there are churches to the south and to the west Merritt Medical. Merritt medical is going to develop that seven acre site on there. So is this the best buffer, especially with the utility piece, that 60 foot buffer. It's just a unique property. We've already decided it's not going to be a park, so unfortunately, but something is going to go there. They have united rental that will be storing there trucks, so something will go there. I mean, this happened in my neighborhood. It was just a sagebrush field and now we have office condos. This is a single building, so I am inclined because it is a single story building, I do have concerns if he sells off half of it, like a condominium or subdivides that building, he doesn't have full control over the other use, other than what's in the development agreement. So there's a few concerns with a rezone. But I mean, this is the less of the evils, because honestly, if it stays

how it is today, it's it's an eyesore and it's not going to be maintained. So that's probably not what the residents want to hear, but it's the last of the evils. There's a very large farm there that ultimately, one day will be developed. In 2009 we sold our farm, and if you're living in the Holland Park neighborhood, you wouldn't have a house in the South Jordan if it wasn't for change. When I was born here in 1976 there was 2,000 residents, and we're close to 100,000 so unfortunately, I think this is the less evil.

Commissioner Harding said I am agreeing with what's been said. As far as the changes to development agreement, I also see this as a good solution to clear up an eyesore. I do hear from everyone, and at the same time too, we want to commit to you that all the information was reviewed. Decisions weren't made prior to meeting today, I know that was brought up because we wanted to hear first from you, and to also hear the entire story from the city, as well as the applicant. I live closer to the current location of his dental office, and I've been impressed of how it was been handled, the interaction with the community closer to Bangerter. And so I do have that experience to be able to speak to how he will be professional, have integrity and do the best that he can in that area.

Commissioner Catmull said last time we saw this, I may or may not have said that this is an incursion into a neighborhood zone, and that's when it was a professional office, without any restrictions. And so that is a, probably the key factor as to why I voted against that. When we look at what is before us tonight, there is an application, there is a property owner, there's an application to rezone, and there's a current zone and and then it's also one of the reasons. I asked the applicant if he was even be willing to sell, and I got very strong answer, no. And so I look at that and I say, what are our options? We've got an owner who is following the process that he has been asked to follow that is governed by at least state and municipal laws, and it's got a legislative body that you'll see next week. So I look at it from my perspective of what's before me is that application to rezone, change this and put a lock that goes with the land that transcends the owner and says this is what you'll get on this lot, unless that changes through the city council, but this is what you're going to get, and you won't get anything different unless that is amended. That is one of the reasons that I'm advocating for the changes in the development agreement, to make sure you stay notified when and if there are future changes to that. So I look at that, and I look at how long it was an abandoned house, and all the changes that happened because of shields lane and 98th and all that, and that's just not a desirable place to have a residential home, maybe condos, but that wouldn't be desirable for the neighborhood, it is just too small. I don't see that being developed. When I look at the applicant, and I look at the restrictions that are in place with the development agreement, I am in favor of that rezoning with the tightened restrictions, and perhaps some of the things that we talked about today, if we get some of those conditions or additions to our motion.

Commissioner Bishop said sometimes I wonder how I got myself up here. I think we all do. I moved around a lot in my life and wanted to settle down. I'm from Idaho originally, but I just want to make this city beautiful and keep it a beautiful place. That's how I got in this spot. But it's a tough decision. There was a gentleman that got up and seemed to been reading my mind in terms of, it's been my feeling that this is kind of a reasonable use of this land. And I I tend to lean towards the maintaining property rights for property owners. It's kind of my default position, I

suppose. One other little thing. I actually ride my bike to the dentist office. I actually surprisingly enjoyable, but I wish that the city was putting in a nice bike path between my house and the dentist office.

**#1**

**Commissioner Catmull moves that the planning commission recommend that the city council approve resolution R2025-41 authorizing the Mayor of the City of South Jordan to enter into a development agreement with spectrum LLC shape s, pertaining to property located at 9828 South Temple Drive and 9816 South temple drive as the addresses are consitant with the application before us and specified by the resolution, and request that city council add the following:**

**#2**

**In the development, that they restrict the regular operating hours from 6am to not 9pm not to exclude emergency situations, to allow minor changes to the concept and elevation in Exhibit B, with the working in conjunction with the city staff, as we have done in other development agreements, and that the amendments made to this development agreement be noticed within the same distance as rezones or other standard distance from the property. In the development, that they restrict the regular operating hours from 6am to not 9pm not to exclude emergency situations, to allow minor changes to the concept and elevation in Exhibit B, with tworking in conjunction with the city staff, as we have done in other development agreements, and that the amendments made to this development agreement be noticed within the same distance as rezones or other standard distance from the property. Chair Gedge seconded the motion. Roll Call Vote was 4-0 unanimous in favor. Commissioner Hollist was absent from the vote.**

**#3**

**Commissioner Harding moves that the planning commission recommend that the city council approve of resolution. R2025-42, amending the future land use plan map of the general plan of the city of South Jordan, from stable neighbor neighborhood. SN, to economic center. EC, on properties located at 9828 South temple drive and 9816 South temple drive ncluding all properties listed on the application. Chair Gedge seconded the motion. Roll Call Vote was 4-0 unanimous in favor. Commissioner Hollist was absent from the vote.**

**Commissoner Bishop moves that the planning commission recommend that the city council approve ordinance number 2025-06-Z rezoning property located at 9828 South temple drive and 9816 South temple drive, the properties listed in the how are we saying that in the in the application from zone a five and art 2.5 zones to professional office. Chair Gedge seconded the motion. Roll Call Vote was 4-0 unanimous in favor. Commissioner Hollist was absent from the vote.**



**J. OTHER BUSINESS**

**ADJOURNMENT**

**Chair Gedge motioned to adjourn. Commissioner Harding seconded the motion.**

**The Planning Commission Meeting adjourned at 9:30 p.m.**

DRAFT

# SOUTH JORDAN CITY PLANNING COMMISSION

## STAFF REPORT

MEETING DATE: AUGUST 26, 2025

### FILE OVERVIEW

Item Name	New Two Story Commercial Building Site Plan "Almond Dental Phase 2"
Address	10435 S. 2200 W.
File Number	PLSPR202400093
Applicant	Jordan Dejarnett; Mint Architecture
Property Owner	Jeff Almond; Miners Cove LLC.
Staff Contact	Andrew McDonald, AICP Planner II

### PROPERTY OVERVIEW

Total Acreage	0.24		
Subdivision	Minors Cove North; Lot 2		
Current Zoning	<u>C-N (Commercial-Neighborhood)</u>		
Neighboring Properties	<i>Current Zone</i>		<i>Current Land Use</i>
	<i>North</i>	R-1.8 (Residential Single-Family; 1.8 Units per Acre)	Bingham High School
	<i>East &amp; South</i>	C-N R-4 (Residential Single-Family; 4 Units per Acre)	Almond Dental Phase 1, Residential Single-Family
	<i>West</i>	R 1.8, C-N	Residential Single-Family and Wasatch Eye Care

### ITEM SUMMARY

The application is for the construction of a new two-story commercial building. The new building, considered phase 2, is proposed on Lot 2 of the Minor Cove North Subdivision (Attachment B). The building has a foundational footprint of 4,935 sf<sup>2</sup>, and will include a total floor area of 9,897 sf<sup>2</sup> between two levels (Attachment C). The application has unresolved parking issues that concern Staff, the Commission, and the surrounding residents. Staff's recommendation is that the Planning Commission deny the application.





## PROPERTY HISTORY

In 2017, the Planning Commission approved the existing 7,209 sf<sup>2</sup> multi-tenant, single-story building (Phase 1) for a mix of office, medical clinic, and retail use. Phase 2 was meant to be the same. Together, both Phases were to be 12,561 sf<sup>2</sup>. The approved 2017 Site Plan for Phase 1 is included (Attachment D). The parking required for approval was 1 parking stall for every 250 sf<sup>2</sup> of floor area. This is the average of the two parking ratios applied (1 per 200 sf<sup>2</sup> for retail/medical clinic uses & 1 per 300 sf<sup>2</sup> for office use). Both phases together required at least 64 parking stalls. The 64 parking stalls under parked the development at the time, and provided flexibility for future office and retail uses as defined in City Code.

Upon completion of Phase 1 in 2018, the building was occupied with Almond Dental (a medical clinic use) and the Empower Dance Academy Studio (a recreation & assembly use). These businesses still occupy Phase 1. For reasons only known to the Property Owner, Phase 2 was never constructed. The uses established in Phase 1 caused the development to become under parked which consequently limited the future business use potential for Phase 2.

The Planning Commission approved the Preliminary Subdivision Plat to subdivide the property in September 2023. This created two commercial lots. Phase 1 became Lot 1, and Phase 2 became Lot 2.

Although the Standard of Approval for the preliminary plat did not include consideration of parking, sufficient parking to existing and future uses was a prime focus of discussion for the Commission, and one of the biggest concerns raised during the Public Hearing. The approved meeting minutes and Staff Reports are included (Attachment E) for reference.

## TIMELINE

- **February 28, 2017:** The Planning Commission approved Phase 1.
- **June 1, 2017:** Phase 1 obtains building permit for construction.
- **August 18, 2018:** Phase 1 completes construction, and granted Certificate of Occupancy.
- **September 12, 2023:** The Planning Commission approved the preliminary subdivision application for Minors Cove North, subdividing the property into 2 Lots.
- **December 12, 2023:** The Planning Commission amended the September 12, 2023 approval.
- **June 13, 2024:** A complete Site Plan application for Phase2 was received for review.



## REPORT ANALYSIS

	Phase 1 (Existing Building)	Phase 2 (New Building)
<b>Building Footprint</b>	<b>7,209 sf<sup>2</sup></b>	<b>*4,935 sf<sup>2</sup></b>
<b>Number of Stories</b>	<b>1</b>	<b>2</b>
<b>Total Floor Area</b>	<b>7,209 sf<sup>2</sup></b> <ul style="list-style-type: none"> <li>• <b>Space A (Almond Dental): 3,595 sf<sup>2</sup></b></li> <li>• <b>Space B (Empower Dance): 3,614 sf<sup>2</sup></b></li> </ul>	<b>9,897 sf<sup>2</sup></b> <p><b>Level 1 Total: 4,920 sf<sup>2</sup></b></p> <ul style="list-style-type: none"> <li>• Space A: 4,306 sf<sup>2</sup></li> <li>• Level 1 Lobby: 614 sf<sup>2</sup></li> </ul> <p><b>Level 2 Total: 4,977 sf<sup>2</sup></b></p> <ul style="list-style-type: none"> <li>• Space B: 4,377 sf<sup>2</sup></li> <li>• Level 2 Lobby: 600 sf<sup>2</sup></li> </ul>
<b>Number of Suites/Units</b>	<b>2 Existing (Designed for 5)</b>	<b>2</b>
<b>**Building Height</b> <b>Maximum Allowed: 35 ft.</b>	<b>18 ft.</b>	<b>30 ft.</b>

\*City Code [§ 17.18.030.050\(B8-9\) “Commercial Use Regulations”](#) prohibits medical clinic uses in buildings within the C-N Zone that have building footprints exceeding 5,000 sf<sup>2</sup>.

\*\*City Code [§ 17.60.020.H7 “Commercial Zones Architecture Design Standards”](#)

#### Parking & Access:

- **Total Parking Stalls:** 64, all on Lot 1/Phase 1
- **Access Points:** 2 Existing, right-in/right-out only in Phase 1.
- **New Access Points:** None proposed. None allowed by the City or by UDOT.
- **Exclusive Parking:** None
- **Shared Parking:** All 64 stalls would need to be shared, No Shared-Parking Agreement has been recorded. Each use/Suite will have its own required parking ratio described in City Code [§ 16.26.040 “Parking Ratios”](#). The most applicable parking ratios for permitted uses are noted below and are based on total floor area:

**Office Use = 1 Parking Stall per 300 sf<sup>2</sup>**

**Retail Use = 1 Parking Stall per 200 sf<sup>2</sup>**

**Medical Clinics & Treatment Use = 1 Parking Stall per 200 sf<sup>2</sup>**

**Restaurant Use = 1 Parking Stall per 100 sf<sup>2</sup>**

**Recreation & Assembly Use = 1 Parking Stall per 100 sf<sup>2</sup>**



**Landscaping:** The landscaping plans meet the requirements of City Code [§ 17.60.020.J “Commercial Zones Landscaping Requirements”](#) and City Code [§ 16.30.040 “Outdoor Landscaping Requirements”](#). Lot 2 will be landscaped with the required 50% minimum plant coverage at full maturity.

**Lighting:** The lighting plan meets the requirements of City Code [§ 17.60.020.K “Lighting Requirements”](#). All new and existing lighting features direct the light down towards the ground, and are shielded to prevent glare into adjacent properties.

## FINDINGS AND RECOMMENDATION

### Findings:

#### Uses:

The current zoning (C-N) permits most low impact commercial retail and office uses noted in City Code [§ 17.18.020 “Allowed Uses in C-N Zone”](#), and defined in City Code [§ 17.18.060 “Use Definitions”](#). Both of the uses in Phase 1 (medical clinic and recreation & assembly) are permitted uses in the zone. The Owner has indicated that at least one of these two uses would locate into Phase 2. It is still unclear as to what new businesses/uses may locate into any vacant spaces in either Phase 1 or Phase 2.

#### Building Height:

**Phase 1:** From finished grade to the roof line is (18’-6”). The roof extends higher to screen the roof top mechanical equipment from line of sight, and to provide a non-flat roof over a majority of the building. To the highest point, the building is roughly 30’ with the pitched roof projections (See Attachment D). Without these projections, the roof would be flat which is prohibited in the zone.

**Phase 2:** From finished grade to the roof line/parapet is 30’. The elevation renderings (Attachment C) show the overall height of the building, from finished grade, being 35’. The height between the roofline and the highest peak is considered an architectural projection. These roof features fulfill no structural support requirement; however, they are necessary to meet the architectural requirements of the zone, and to screen the roof top mechanical equipment from line-of-sight.

**Signage:** The elevation renderings show signage locations; however, final signage will be reviewed separately as part of a Wall Sign Permit via the Building Department, and are subject to the requirements of City Code [§ 16.36 “Sign Ordinance”](#).

The existing monument sign is the only monument sign permitted to be located on any lot within this subdivision. A new monument sign requires a building permit and compliance with City Code [§ 16.36.060 “General Provisions”](#) & [§ 16.36.090 “Monument Signs”](#).



## Parking & Access:

The issue of adequate parking within the development has been ongoing, and remains unresolved. Attachment F is a letter Staff provided to the Applicant and Property Owner discussing the expectations of meeting parking requirements, and indicating that Staff cannot recommend approval of the application if it fails to meet the parking requirements applied towards the uses in the development.

Phase 1 presently requires 59 parking stalls of the existing 64 parking stalls within the development (Empower Dance =49; Almond Dental =10). This leaves 5 open parking stalls for new uses/businesses in Phase 2. There is a provision in City Code [§ 16.26.040 "Parking Ratios"](#) that allows a reduction in the minimum number of parking stalls required for the Dance Studio; however, Staff does not consider it an acceptable alternative for this development and does not support its application in this project.

Phase 2 is now designed to be roughly a 4,920 sf<sup>2</sup>, 2-Story, multi-tenant commercial building. This is roughly 432 sf<sup>2</sup> smaller than originally planned in 2017. Although Phase 2 has a smaller building footprint, the total floor area is now proposed to be roughly 9,897 sf<sup>2</sup>. This increases the planned floor area, between both Phases, from roughly 12,561 sf<sup>2</sup> to 17,097 sf<sup>2</sup>. This is approximately a 4,536 sf<sup>2</sup> increase in the total floor area that was planned in 2017. The proposed increase in size was not part of the original 1 stall per 250 sf<sup>2</sup> parking ratio approved and effectively impacts the development's compliance with current City Code parking requirements.

The proposed size of the project, the required parking ratios, the limited parking capacity within the development, the limited access points to the development, the size of the two properties, and the existing and future uses expected within the development have Staff concerned that the project is not adequately planning for the current & future parking needs of the development. Presently, the existing uses of Phase 1 operate polar to each other's operation hours; however, this is expected to change once additional businesses with "daytime" hours (similar to Almond Dental) locate into either Phase/building.

Staff shares the same concerns expressed by the Planning Commission and surrounding community in regards to the development's existing issue with parking and access. Although no official code enforcement complaints have been submitted, the City did receive resident testimony during the September 12, 2023 Planning Commission meeting (Attachment E). The testimony speaks to the concern that the existing parking lot inadequately provides for the uses in Phase 1. Staff must acknowledge the negative concerns received and consider how Phase 1 is currently impacting the surrounding residents. Staff is unable to support Phase 2 if it will further amplify the negative impacts expressed and currently experienced by surrounding residents.



It should be noted that there may be some scenario(s) where the development's 64 parking stalls adequately provide for the uses of the development. There may be an outcome where both Phases are fully occupied, parked according to the ratios required in City Code, and meet at least the minimum requirement. However, it should also be noted that Staff does not have enough information to discuss what may and may not be possible in either Phase regarding parking requirements and uses in the future.

Staff has reviewed the known facts, and has determined that the development continues to have an unresolved parking issue.

### Conclusions:

The application does not satisfy the requirements of City Code that constitute the Standard of Approval for this application. These requirements are listed as follows: [§ 17.60.020.F "C-N Zone Parking & Access"](#), City Code [§ 16.24.020.A "Site Plan Review"](#), City Code [§ 16.26.040 "Parking Ratios"](#), and City Code [§ 16.26.030.A "Parking Standards"](#).

As with any application for development, it is the Applicant's and/or the Property Owner's burden of proof to demonstrate that the development has adequately planned for the existing and future business uses that are occupying or will occupy the development, and the associated parking required. Staff concludes that the Applicant has not met this burden of proof.

### Recommendation:

Staff recommends denial of the application.



### Required Action:

Final Decision

### Scope of Decision:

This is an administrative decision to be decided by the Planning Commission.

### Standard of Approval:

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 City Code § 16.24 "Site Plan Review", and the requirements of the individual zone in which a development is proposed. All provisions of City Code Title 16, Title 17, and other City requirements shall be met in preparing site plan applications and in designing and constructing the development. Building permits may not be obtained nor shall any site work be performed prior to site plan approval.

### Motion Ready:

I move that the Planning Commission deny:

1. File PLSR202400093, New Two-Story Commercial Building Site Plan "Almond Dental Phase 2"

### Alternatives:

1. Approve the application as proposed
2. Approve an amended application with or without approval requirements
3. Schedule the application for a decision at some future date

## SUPPORTING MATERIALS

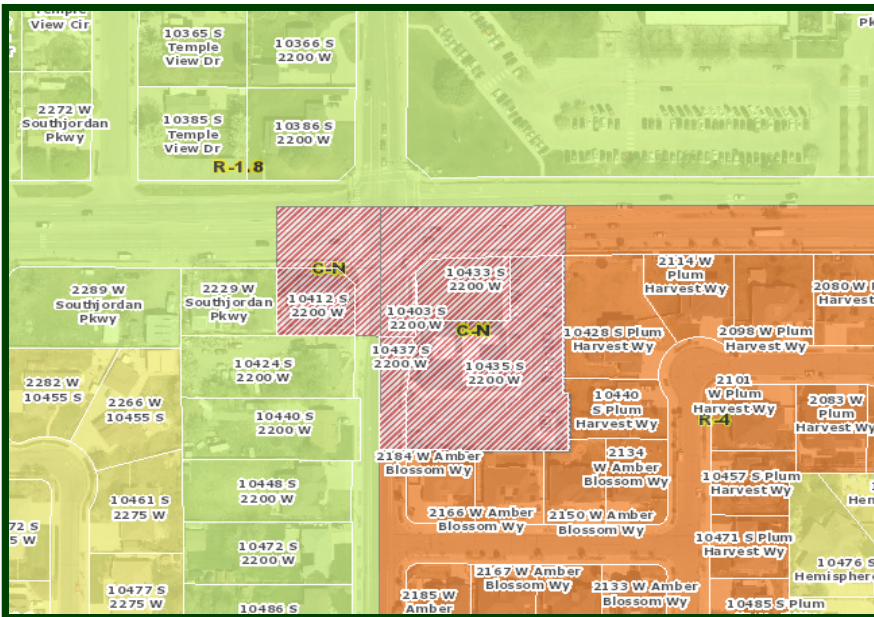
1. Attachment A, Location, Current Zoning & Land Use Map
2. Attachment B, Phase 2 Site Plan & Subdivision Plat
3. Attachment C, Phase 2 Elevations & Floor Plan Renderings
4. Attachment D, 2017 Phase 1 Approval for Existing Building
5. Attachment E, Preliminary Subdivision Staff Report & Planning Commission Minutes
6. Attachment F, Letter to Applicant & Owner regarding parking



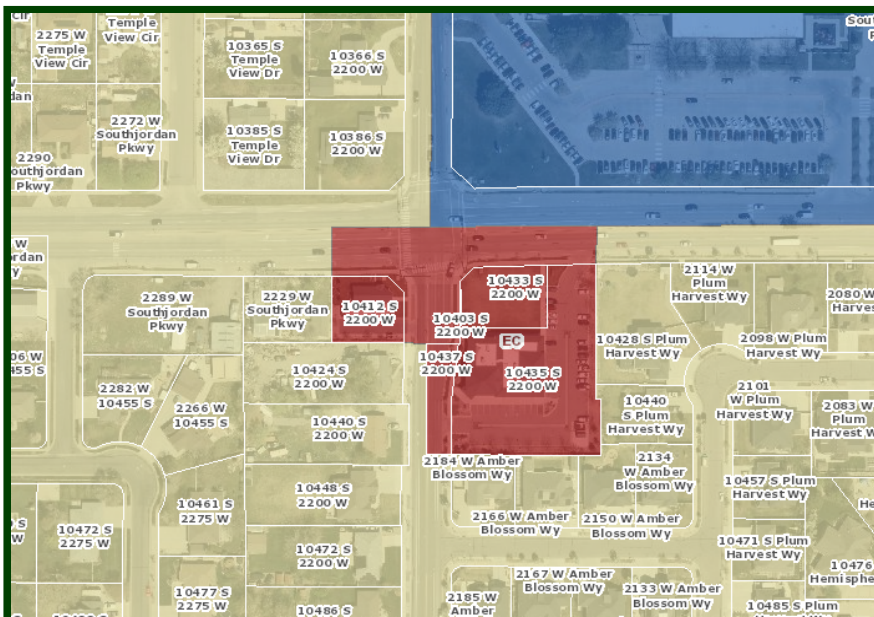




Location Map

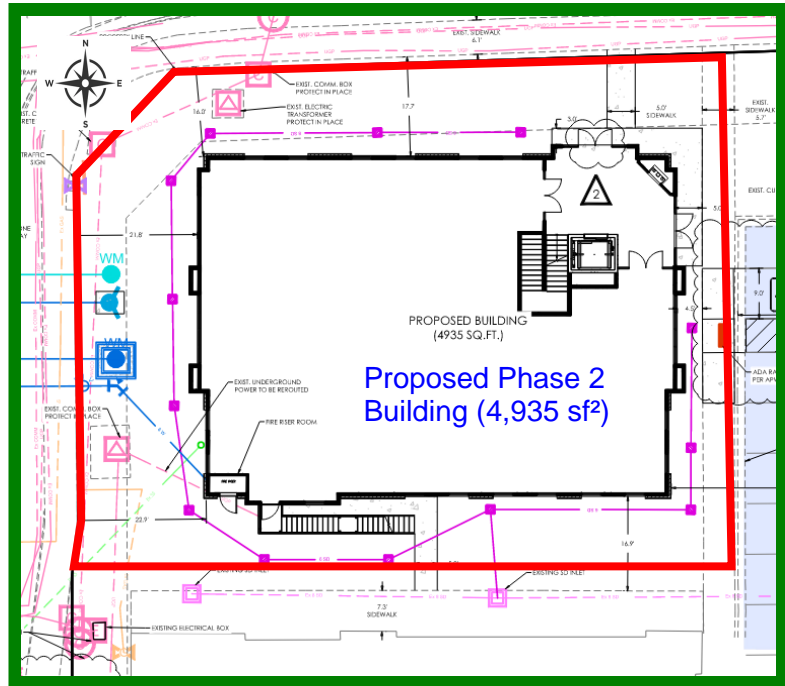
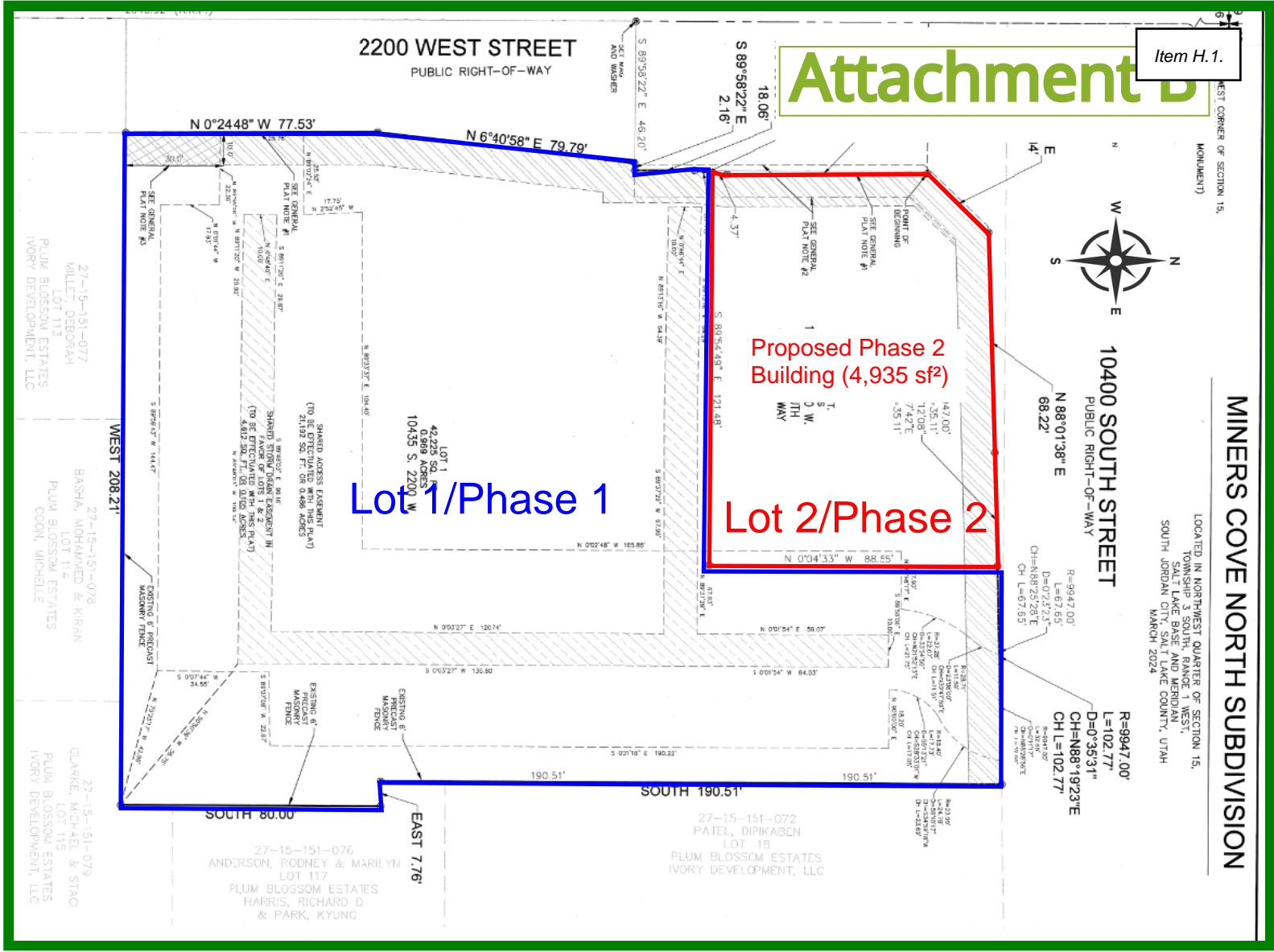


Current Zoning Map



Future Land Use Map

## Location, Current Zoning, & Land Use Map

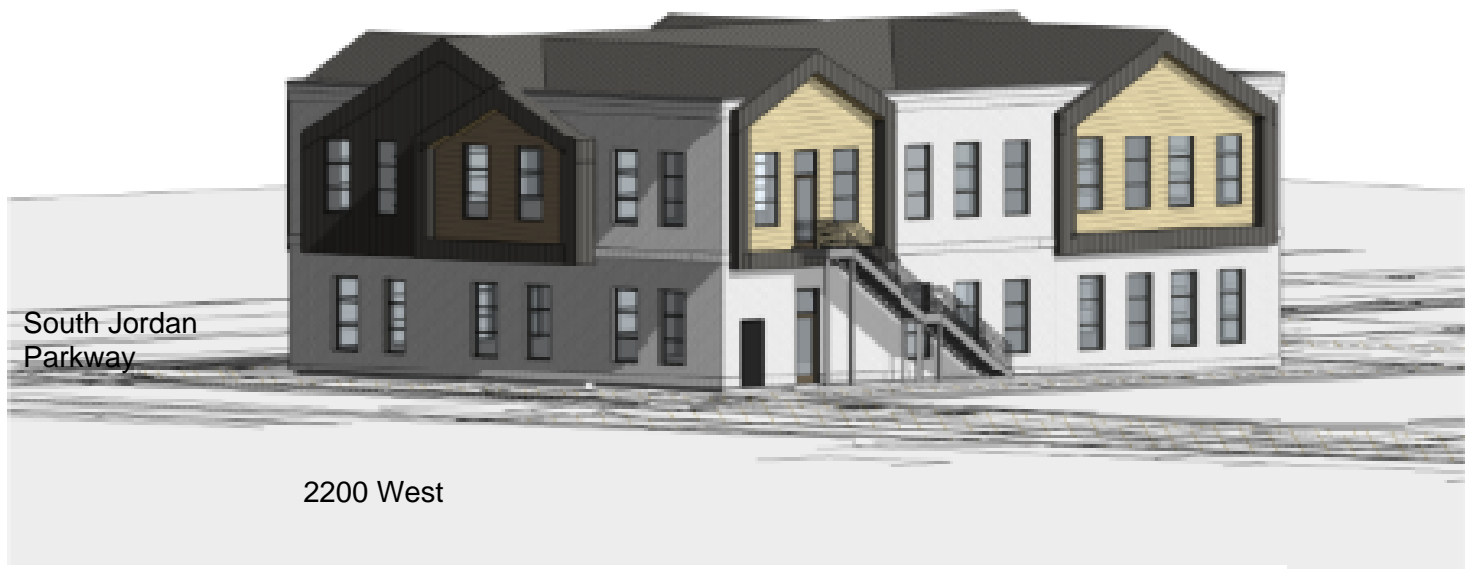


Source: Document created using the recorded subdivision plat, online South Jordan City GIS MAP, and Site Plan documents provided by the Applicant. Sourced documents require GRAMA request to view records. Document created August 2025.





View of Phase 2 looking South-West towards 2200 West



View of Phase 2 looking North-East towards South Jordan Parkway and Bingham High School

LEVEL 1

LEVEL 1 LEASE SPACE A	4,306 SF
LEVEL 1 LOBBY	614 SF
	4,920 SF

LEVEL 2

LEASE SPACE 1	4,377 SF
LOBBY	600 SF
	4,977 SF

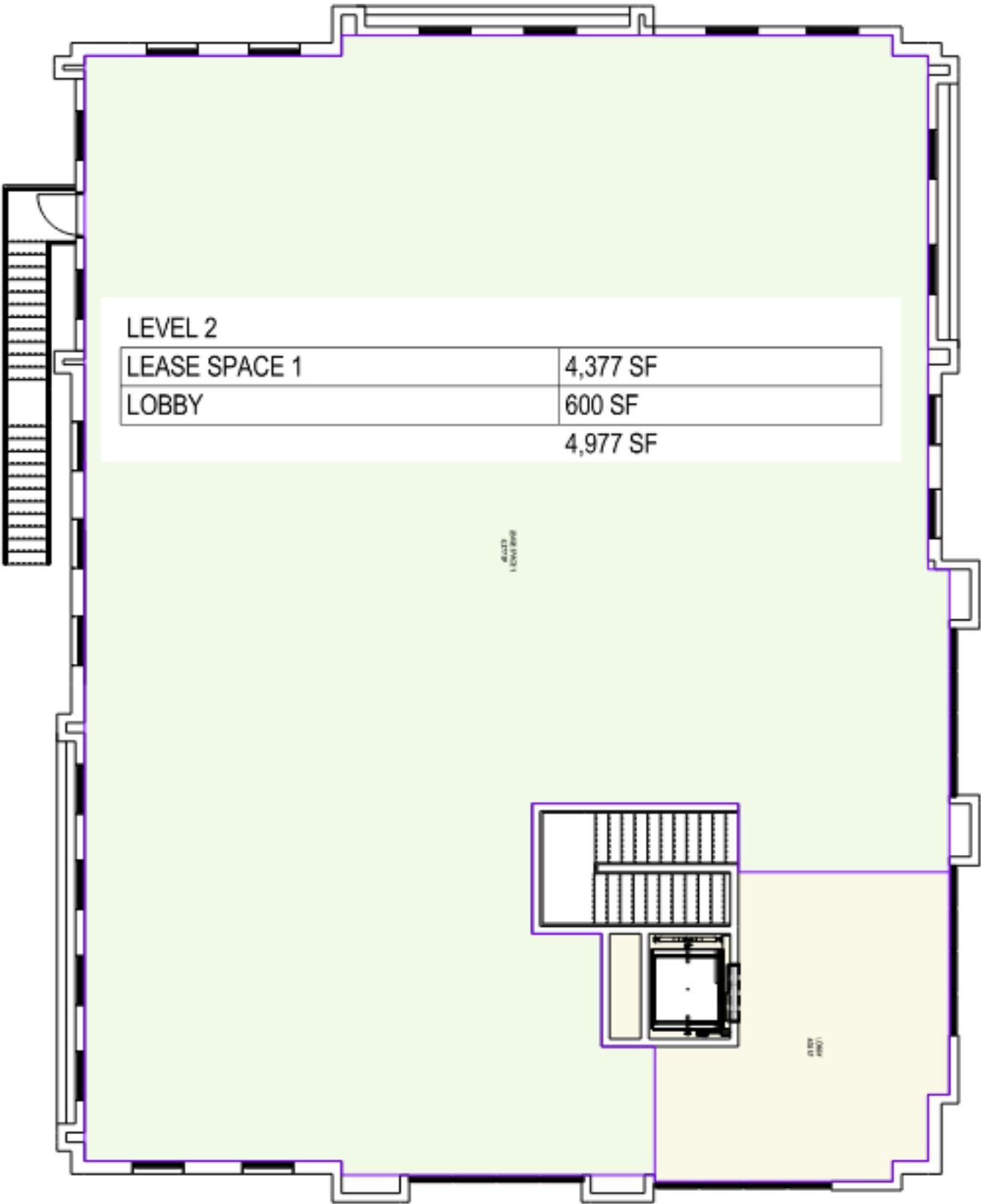
TOTAL 9,897 sf² Total Floor Area

*Item H.1.*



# 2nd Level

Item H.1.

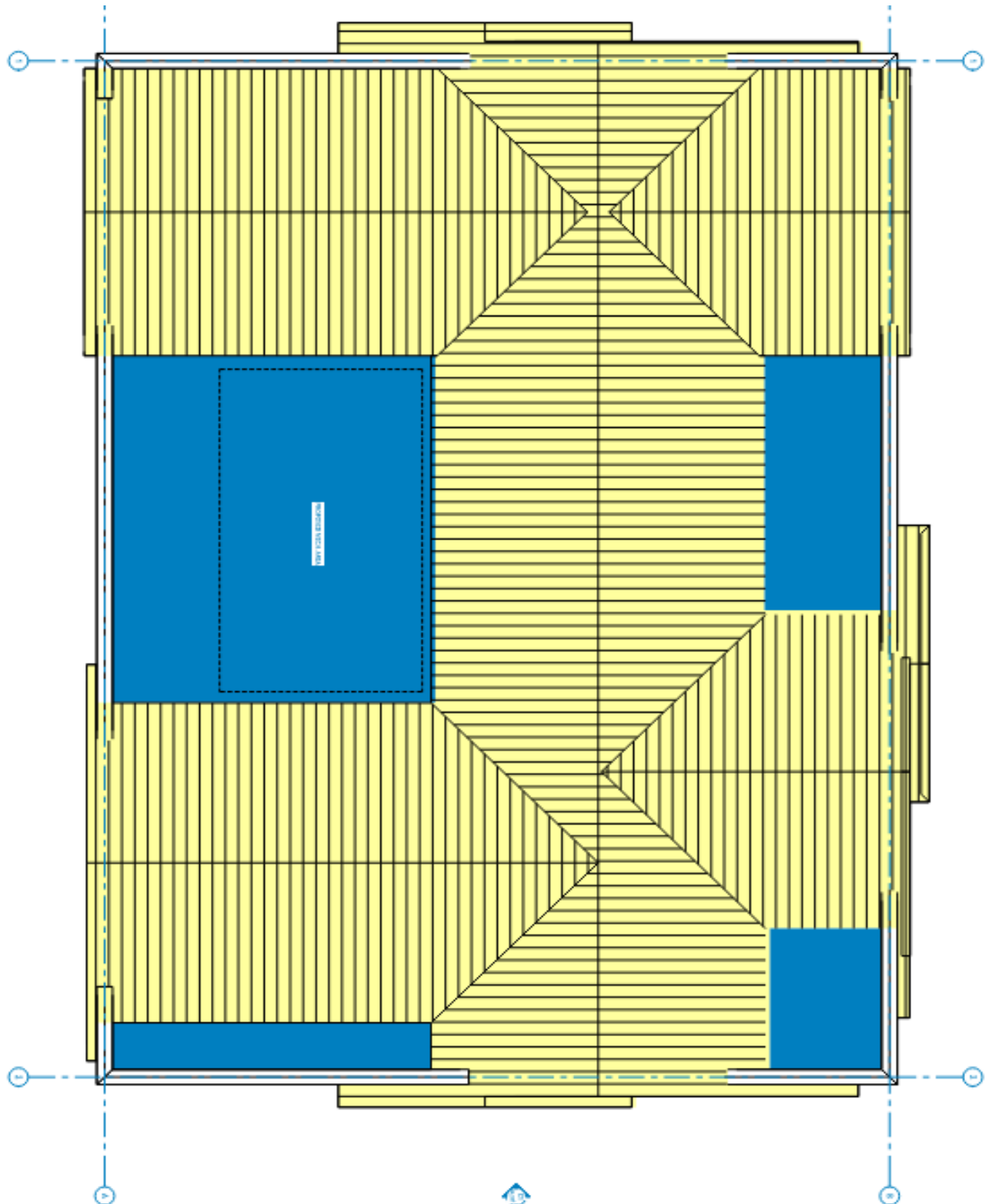


# ROOF PERCENTAGE BREAKDOWN

Item H.1.

PITCHED ROOF (YELLOW): 4,168 SQ/FT 80%  
FLAT ROOF (BLUE): 1,074 SQ/FT 20%

TOTAL ROOF SQ/FT: 5,242 SQ/FT







North Elevation



East Elevation



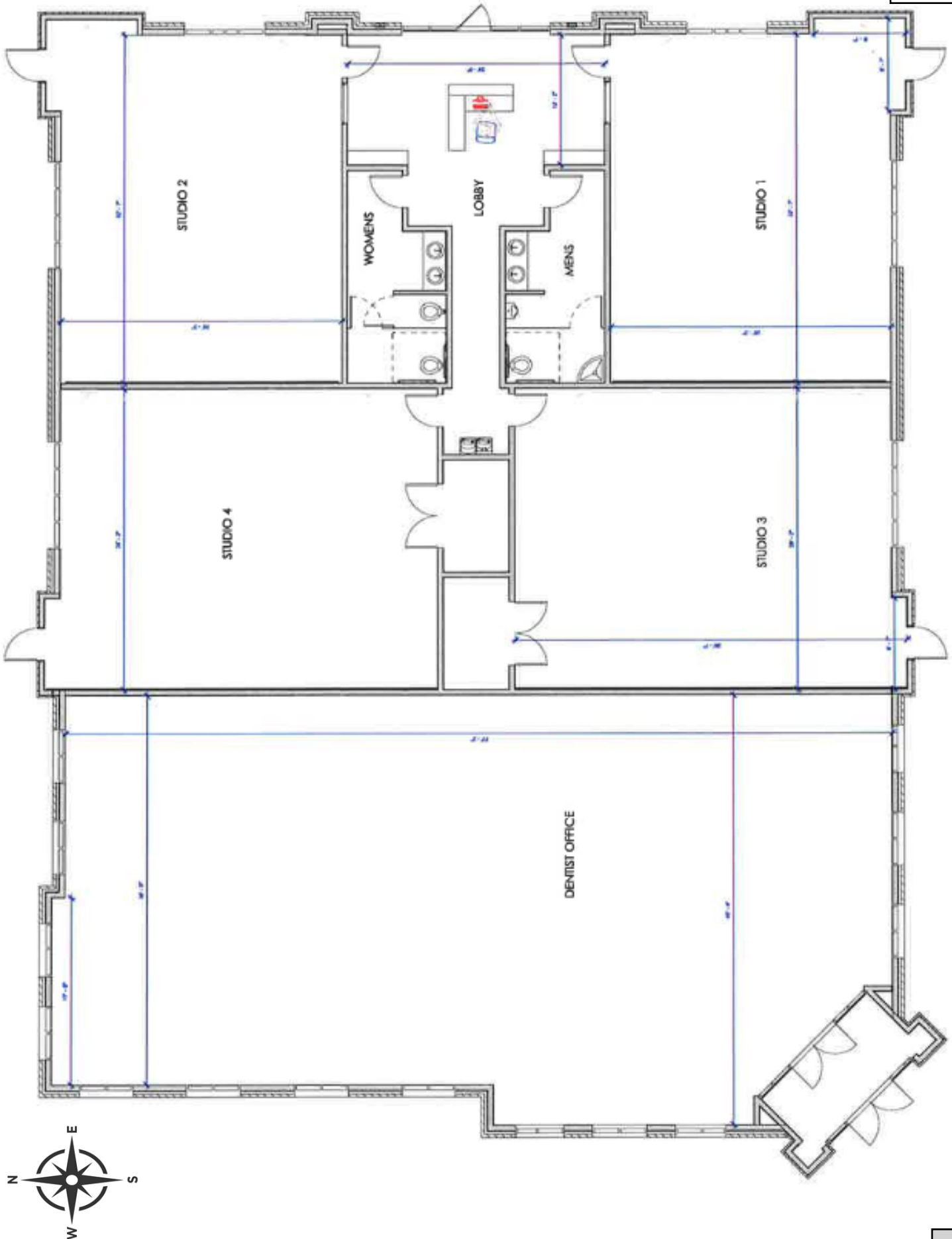
South Elevation



West Elevation



Figure 1 is a plan view of the archaeological site. It shows the layout of the main building and the location of the two phases. The plan is divided into two main areas: PHASE 1 (the larger, lower area) and PHASE 2 (the smaller, upper area). A north arrow is located in the bottom right corner.







North Elevation



East Elevation



STONE: BORAL - COUNTRY LEDGESTONE  
COLOR: ECHO RIDGE



BRICK: INTERSTATE 2-1/4" MODULAR  
COLOR: PLATINUM



BOARD AND BATTEN  
COLOR: SHERWIN WILLIAMS SNOWBOUND



STUCCO  
COLOR: SHERWIN WILLIAMS NETWORK GRAY



STOREFRONT  
COLOR: CLEAR ANODIZED ALUMINUM



BANDING VENEER:  
MELTONSTONE 85-05 CAST STONE



South Elevation



West Elevation



STONE: BORAL - COUNTRY LEDGESTONE  
COLOR: ECHO RIDGE



BRICK: INTERSTATE 2-1/4" MODULAR  
COLOR: PLATINUM



BOARD AND BATTEN  
COLOR: SHERWIN WILLIAMS SNOWBOUND



STUCCO  
COLOR: SHERWIN WILLIAMS NETWORK GRAY



STOREFRONT  
COLOR: CLEAR ANODIZED ALUMINUM

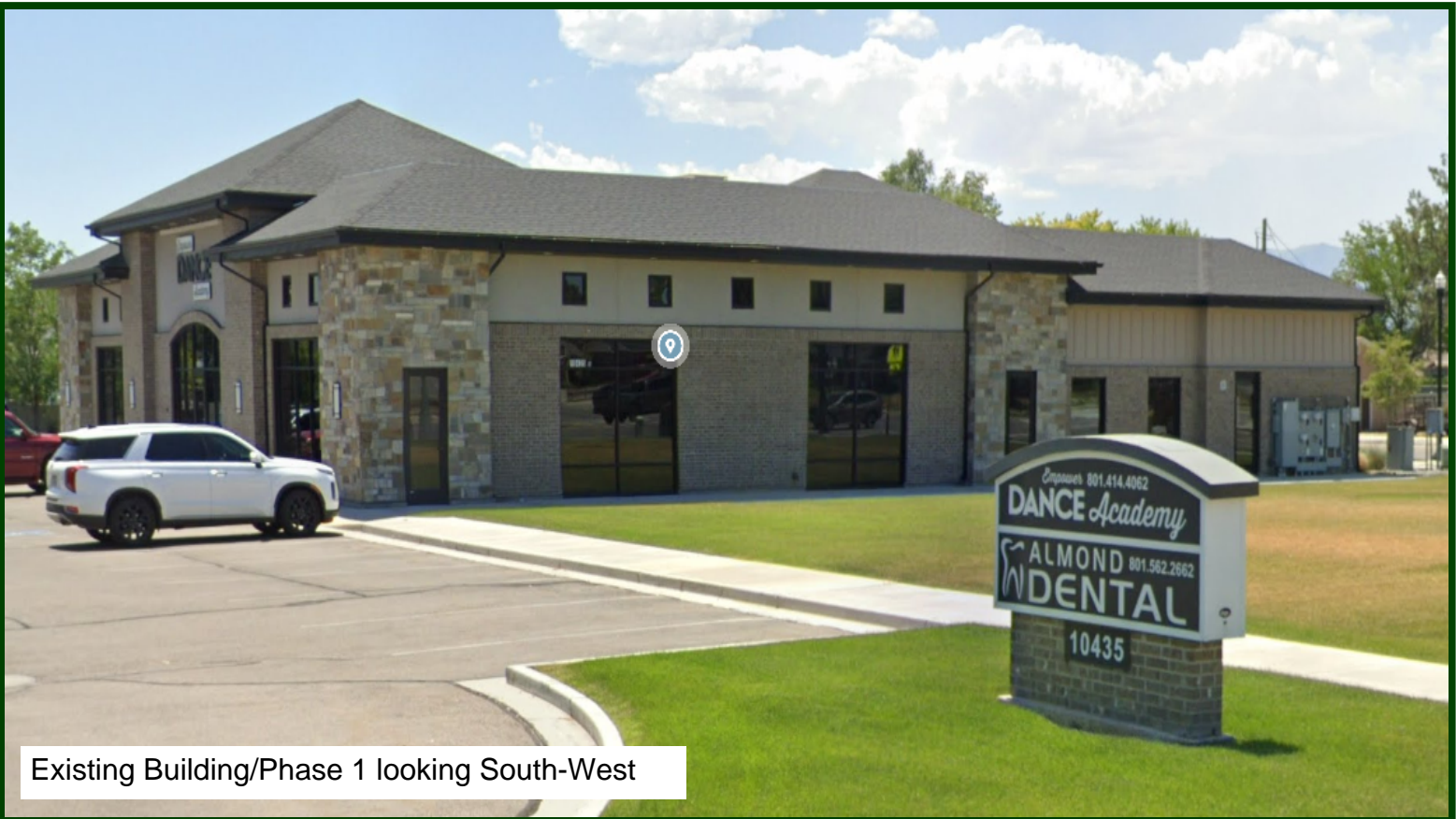


BANDING VENEER:  
MELTONSTONE 85-05 CAST STONE





Existing Building/Phase 1 looking North-East



Existing Building/Phase 1 looking South-West

\*Images of the existing Phase 1 building, identified on this page, were sourced from Google Maps street view, last updated July 2025. This page prepared August 2025.

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

**Meeting Date: 09/12/2023**

**Issue:** MINERS COVE NORTH  
PRELIMINARY SUBDIVISION PLAT  
**Address:** 10435 S. 2200 W.  
**File No:** PLPP202300048  
**Applicant:** Jeffrey Almond

**Submitted by: Andrew McDonald, Planner I  
Jared Francis, Senior Engineer**

**Staff Recommendation (Motion Ready):** I move that the Planning Commission **approve** the Miners Cove North preliminary subdivision plat, File No. PLPP202300048.

<b>ACREAGE:</b>	Approximately 1.21 Acres
<b>CURRENT ZONE:</b>	Commercial-Neighborhood (C-N)
<b>CURRENT USE:</b>	Commercial Office
<b>FUTURE LAND USE PLAN:</b>	Economic Center (EC)
<b>NEIGHBORING ZONES/USES:</b>	North – Residential (R-1.8) / Bingham H.S. South – Residential (R-4) West – Residential (R-1.8) East – Residential (R-4)

### **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 for the Miners Cove North subdivision located at 10435 South 2200 West. The property currently has an existing multi-tenant space building that was developed through a Site Plan

application in the early 2000s. The Record of Survey included shows the existing development of the property.

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

#### **Findings:**

- The subject property meets City Code requirements of the Municipal Code.
- The project meets the sewer and the culinary water requirements.
- Fencing will include an existing 6' precast masonry fence along the south and east boundaries.
- No landscape improvements are required with this project.
- The subdivision will use existing access off South Jordan Parkway and 2200 West.
- When Lot 2 develops, it will require a site plan application be submitted and approved by the Commission before building permits can be applied for.

#### **Conclusion:**

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

#### **Recommendation:**

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

#### **ALTERNATIVES:**

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

#### **SUPPORT MATERIALS:**

- Location Map
- Current Zoning / Future Land Use Map
- Record of Survey
- Preliminary Subdivision Plat

Andrew McDonald  
Andrew McDonald (Sep 5, 2023 15:46 MDT)  
 Andrew McDonald  
 Planner I, Planning Department

Brad Klavano  
Brad Klavano (Sep 5, 2023 16:40 MDT)  
 Brad Klavano, P.E.  
 Director of Engineering Services



**CITY OF SOUTH JORDAN  
ELECTRONIC  
PLANNING COMMISSION MEETING  
COUNCIL CHAMBERS  
September 12, 2023**

**Present:** Commissioner Michele Hollist, Commissioner Nathan Gedge, Commissioner Trevor Darby, Commissioner Steven Catmull, Commissioner Laurel Bevans, Assistant City Attorney Greg Simonsen, City Planner Greg Schindler, Deputy City Recorder Cindy Valdez, Deputy City Engineer Jeremy Nielson, GIS Coordinator Matt Jarman, IS Tech Phill Brown, Meeting Transcriptionist Diana Baun, Planner Andrew McDonald

**Others:** Jamie Mansouri, Troy, Todd Braithwaite, Rod Anderson, Marilyn Anderson, Jeff Almond, Kenyon Clark, Neil Smith, Travis Hiatt, Bart Hoenes, Betsy Hoenes, Lori Howa, Brent Howa, Lucynthia Rockwood, Jared Osmond, Devan Hatch, Josh Hatch, Mili Pioquinto, Kal Robbins, Tyler Robbins

**Absent:**

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

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

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

**B. MOTION TO APPROVE AGENDA**

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

**C. APPROVAL OF THE MINUTES**

**C.1. August 22, 2023 Planning Commission Meeting Minutes**

**Commissioner Darby motioned to approve the August 22, 2023 Planning Commission Meeting Minutes as published. Chair Hollist seconded the motion. Vote was unanimous in favor.**

**D. STAFF BUSINESS**

City Planner Greg Schindler shared that Commissioner Aaron Starks has resigned from the Planning Commission via email to the Mayor.

Chair Michele Hollist asked about training and staff shared that it is still on the schedule and will probably be at the end of the meeting.

**E. COMMENTS FROM PLANNING COMMISSION MEMBERS - *None***

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

**G. ACTION - *None***

**H. ADMINISTRATIVE PUBLIC HEARINGS**

**H.1. MINERS COVE NORTH PRELIMINARY SUBDIVISION PLAT**

Address: 10435 S. 2200 W.

File No.: PLPP202300048

Applicant: Jeffrey Almond

Planner Andrew McDonald reviewed background information from the Staff Report and noted there was an email received as public comment from a resident (Attachment A).

Chair Michele Hollist asked to clarify the parking ratios.

Planner McDonald responded that, based on the current floor space of the existing building, there are only five excess parking spots. With the dance academy, they could also calculate the parking based on the seats in the lobby.

Chair Hollist asked about permitted uses in the zone.

Planner McDonald responded that the Commercial-Neighborhood Zone would permit a daycare, another dental or medical clinic, an office, personal services, professional services, general retail and instructional training. It would also allow, with a conditional use, a gas station, a bank or credit union, lodging, telecommunication utilities, animal services, light services and repair, churches, public safety, community services and restaurants.

Chair Hollist invited the applicant up to speak.

**Jeffrey Almond (Applicant)** said that regarding the parking issue, he has been issuing parking permits to the high school over the last five years with at least 30 parking spots being rented out each year; they have never had an issue with parking, even with those spots being used.

Chair Hollist asked if he knew what might be going into the new building.

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Mr. Almond responded that the dance studio is inquiring about more space, and he also has been contacted by a daycare/minor school which subleases from the dance studio one day a week from 9:00 am to about 3:20 pm.

Chair Hollist asked if they would be able to accommodate a drive through drop-off and pick-up situation with the current layout.

Mr. Almond responded no, that's something he would have to look through with the planning department in the future. There were some issues in the beginning, but he has talked to the school and they appear to have resolved that. They manage it very well in the morning with someone standing at the 2200 W entrance, allowing only a small amount of cars in at a time to pick up or drop off a child and leave before allowing more cars. This prevents a long line blocking his patients, and it has never been an issue.

Chair Hollist noted that when driving by the dance classes appear to spend time out on the grass and asked for more information on that.

Mr. Almond responded it's not part of their class, he believes they go out there when they take a break; they have never held a class out there, it just gets a little crowded inside.

Chair Hollist asked if he knew the number of chairs in the dance studio's lobby.

Mr. Almond responded they have a number of benches, maybe enough for 15-20 people; there is also seating in each of the four studios.

Commissioner Nathan Gedge asked if the applicant would be agreeable to eliminating or rescinding the leases of parking spots to the high school students down the road.

Mr. Almond responded yes, saying that they have 33 leases this year, but he keeps track and there are usually only about 18-22 spots used per day.

Commissioner Laurel Bevans asked about a possible timeline for putting in the new building.

Mr. Almond responded there is not a timeline, the dance studio would like to have it done by next August or September if they commit to the space.

Chair Hollist opened the public hearing for comments.

**Todd Braithwaite (Resident)** – I am one of the houses behind this property, and this is probably just my ignorance, but is part of this property being sold off or just creation of a new building with the existing owner owning the entire property plus buildings? The current businesses seem to work very well with the community. The dance studio did have an activity out on the grass the other day that he saw and he thought it would be a shame when that's gone.



**Marilyn Anderson (Resident)** – our backyard backs up to Mr. Almond's property and I have to say he has been a great neighbor for several years. He has landscaped and it is beautiful. We do have some concerns about the smallness of the parking lot; I think he is being very optimistic about that as what we have seen from our backyard when the preschool is on, even when the dance studio is on, the cars are backed up down 2200 W and into our neighborhood. I have seen more than five cars in that parking lot dropping kids off, so I guess we have a concern about that. We absolutely have a concern about what will be in there. It is our neighborhood, he doesn't reside there, he works there, so we hear tattoo parlor and gas station and that concerns us as neighbors. For us, it would depend on what is there, but I will say he has been a great neighbor and we have enjoyed having it behind us, but I do think there is some issues with the parking that we aren't being realistic about.

**Bart Hoenes (Resident)** – When this was presented originally, they did mention that the plan was to put up another building there and it sounds like the building is being planned so that it will be the same sort of aesthetics and structure as the original one, which I think is very nice. I also did not know whether this was a sale of property to someone else or not because of how it was worded as being subdivided; I would also like that cleared up. I want the council to know I would be very opposed to a tattoo parlor, a gas station, a restaurant in this area; I don't think that's very appropriate for there. Do you know what the ordinances are on lighting that, the amount of light put out by commercial structures in a neighborhood area? It is quite bright all night, so I hope the new building doesn't add additional brightness to that, and I would prefer to see what is there toned down a bit. The use of the current property is just fine and Mr. Almond has been a good neighbor.

Chair Hollist closed the public hearing. She asked staff to address the concerns shared by the residents.

Planner McDonald shared that regarding lot ownership, staff is unsure if the applicant is setting himself up in the future to potentially sell off and recuperate some costs since this is creating two lots which would allow the owner to sell one of those lots in the future. Parking is based upon a ratio assigned to the use, so it would depend on who wants to come in with the tenant improvement permits and what would need to be done there. Based upon the description of the dance studios seating, the city would be able to reduce their parking requirement to one spot per four seats, opening up more spaces for all units on the property. The recording of the plat would establish shared access between the two existing points, which wouldn't change. There is no shared parking agreement in place, they still need to meet the requirements for all uses on the site.

Chair Hollist asked how many parking spots this new subdivision will have associated with it.

Planner McDonald responded there are currently 64 spots, with roughly 10 for the dentist's office and based on the floor ratio 49 for the dance studio; however, that could be reduced if staff got an exact number of seats on the inside. In terms of the new building, those numbers would depend on the use and that will be looked at in the future. Right now, the city hasn't been receiving complaints on activity at the location to cause concerns; if that changes, staff would

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circle back to the issue and possibly dig deeper into the daycare operations and plans they have to handle those situations as if they were going through the CUP process.

Chair Hollist asked, without a shared parking agreement, how do they determine which property owns which spots.

Planner McDonald responded that staff only looks at the ratio in relation to the use.

City Planner Schindler noted that it appears on the subdivision line that goes across the property there will be about 14 parking spaces on the new lot to the north, the rest will remain on the south lot. Without an agreement, technically the owner of the south lot could prohibit the owner of the new lot use of those parking spaces. He is unsure if that line includes the current handicapped spaces.

Chair Hollist noted that it appears with the changes, the current building will no longer meet their parking requirements since they currently only have five extra spaces.

Planner Schindler responded that if that is the case, then the current building will have to maintain the specific number of spaces required and subdivision could probably not occur without a shared parking agreement.

Assistant City Attorney Greg Simonsen explained the laws defining a subdivision. He also noted that if the same person owns both lots in this subdivision, they can allow parking across the property lines at any time because they own both.

Commissioner Trevor Darby asked if the owner were to develop this and in the future sell one of the lots, would they need to sign a shared parking agreement or each have their own assigned parking spots based on the subdivision.

Attorney Simonsen responded that either option would be correct.

Commissioner Steve Catmull asked if the discussion of potential uses is a normal part of a subdivision review at this stage. If they are here to basically divide this lot into two, creating two separate tax lots, can they encompass the previous operating business requirements into the subdivision.

Planner McDonald responded that the application satisfies the requirements of a subdivision. What Commissioner Catmull described sounds more like what they would discuss when they reached development. Most of what Planning, Building and Engineering look at have already been taken into account with the first site plan. With a smaller building anticipated on the second lot, depending on that application, they would start to look at how the site looks in relation to what is needed. The final subdivision site plan would come back to the planning commission and city oversight on the building permit for the new building.

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The commission discussed the issues with parking and that it's the biggest complaint received from residents, asking staff if they were aware that a business was queuing onto 2200 W and around the corner into the neighborhood.

Deputy City Engineer Jeremy Nielson responded he has not received any related complaints.

Chair Hollist asked staff to explain the steps for residents to go about complaints with traffic. Engineer Nielson responded that with traffic concerns, residents are always welcome to reach out to Engineering, him specifically, and he can look into it. The traffic committee ultimately reviews traffic issues and would respond to any concerns.

Commissioner Gedge asked if staff had any concerns for high school drop-off and pick-up times and access to the city streets in that area.

Engineer Nielson responded no.

Commissioner Catmull asked if the commercial site plan can encompass more than one subdivision.

Planner McDonald responded it would be for how they intend to develop Lot 2, but staff would be able to ask the applicant how they intend to incorporate into the existing lot to get a bigger picture.

Commissioner Catmull asked if Lot 1 was currently undeveloped but already subdivided, and this came before them, could the site plan for Lot 2 include the details for Lot 1. This was originally planned to be subdivided, but the site plan for the Lot 1 area had certain things addressed for the entire property and he wonders if they have to go back and compare to that original site plan when the site plan comes in eventually for Lot 2.

Planner McDonald responded that usually it's one site plan per lot or pad, sometimes there is a larger discussion with the applicant depending on the intended uses. If this was still residential property this would be done differently, like a circumstance where someone owns two adjoining lots and wants to build homes next to each other.

Chair Hollist asked for information on lighting ordinances, and a confirmation that Lot 1 had their lighting approved and measured to meet the city requirements.

Planner McDonald went over the code requirements, and all of that was approved back in 2017; no additional lighting is expected. The only changes anticipated with the site plan are an additional fire hydrant at this time to service the two buildings.

Commissioner Gedge noted that the current lot has what was originally approved on the landscape plan and green space. However, with subdividing this and getting rid of the grass field he asked if that eliminates the required city ordinance for the existing building in regards to open space.

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Planner McDonald responded that they should both still meet requirements as none of the street trees in park strips or landscape in the planter beds on site are changing, nor are they changing in the area the building would go. The site was developed as if the building was going to be there with no additional changes needed.

Commissioner Gedge asked if the current grass field is a flood retention basin.

Engineer Nielson responded no.

Chair Hollist asked if there was any sort of maximum coverage limit in this zone, like there is in residential zones.

Planner Schindler responded that there is no maximum coverage limit on commercial zones. There are certain setbacks and parking space requirements that have to be met, but otherwise there are no limits.

The commission and staff discussed parking requirements and possible future issues with approving this subdivision without a current shared parking agreement.

**Commissioner Gedge motioned to approve File No. PLPP202300048, Preliminary Subdivision Plat, based on this evening's discussion, staff report and testimony from the public with the following conditions: That all South Jordan City Requirements pertaining to site plan, parking regulations and standards are met.**

Commissioner Darby noted that this is a subdivision application, not a site plan.

**Commissioner Gedge amended his motion to replace "site plan" with "subdivision," and amend the conditions to read only that all South Jordan City requirements are satisfied. Chair Hollist seconded the motion.**

#### **Roll Call Vote**

**Yes - Commissioner Gedge**

**Yes - Chair Hollist**

**Yes - Commissioner Catmull**

**Yes - Commissioner Darby**

**Yes - Commissioner Bevans**

**Motion passes 5-0, unanimous in favor.**

Attorney Simonsen addressed the residents, noting their concerns voiced about what type of business might locate here. That was not an issue for tonight, as that is a zoning issue regarding what is permitted in each zone. This is a Commercial-Neighborhood Zone, and the public can go online under Title 17 in the city code to see the lists of permitted uses for each zone.

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Planner McDonald added that specifically Title 17.18.020 outlines what is permitted by right and by CUP in each zone. Additionally, Title 17.18.060 covers the definitions of those uses.

Chair Hollist highly recommended a parking and traffic plan be included in the site plan application in the future.

## **H.2. KINGS LANDING PRELIMINARY SUBDIVISION PLAT**

Address: 10828 S. 1055 W.

File No.: PLPP202300080

Applicant: Devan Hatch

Planner Andrew McDonald reviewed background information from the Staff Report.

Commissioner Nathan Gedge asked why they were pushing to get this on the agenda tonight.

Planner McDonald responded that this was a joint decision by the city engineer and the director of the planning department, to present the application with a list of the specific requirements that still need to be met.

Commissioner Gedge expressed his concerns with having this public hearing while still having issues that need to be resolved.

Chair Michele Hollist and Commissioner Bevans shared the same concerns. Chair Hollist asked a few specific questions about the grading and Planner McDonald was able to respond.

Commissioner Laurel Bevans asked about the type of retention basin on another subdivision of the applicant's property.

Deputy City Engineer Jeremy Nielson responded it is an open pond.

Commissioner Bevans asked about the other subdivision again, and where that will come off of 1055 W when it's developed.

Planner McDonald responded that the basin would require an easement with the owner, which would detail who is responsible for what infrastructure. Tonight the staff report is addressing the parcels on 10827 South only. The property lines have been adjusted and the top part of 10827 South has a 20 foot wide access, with the lot opening up in the back, which makes the bottom lot a bit wider to help with the development of the other properties. There will only be one home on each of those two lots.

Commissioner Bevans asked for the anticipated duration of construction for the road being closed and a temporary access provided.

Planner McDonald believes it will be two to three weeks.

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

**Meeting Date: 12/12/2023**

**Issue:** MINERS COVE NORTH  
PRELIMINARY SUBDIVISION PLAT  
**Address:** 10435 S. 2200 W.  
**File No:** PLPP202300048  
**Applicant:** Jeffrey Almond

**Submitted by:** Andrew McDonald, Planner I  
Jared Francis, Senior Engineer

**Staff Recommendation (Motion Ready):** I move that the Planning Commission **approve** the Miners Cove North preliminary subdivision plat, File No. PLPP202300048.

**ACREAGE:** Approximately 1.21 Acres  
**CURRENT ZONE:** Commercial-Neighborhood (C-N)  
**CURRENT USE:** Commercial Office  
**FUTURE LAND USE PLAN:** Economic Center (EC)

**NEIGHBORING ZONES/USES:** North – Residential (R-1.8) / Bingham H.S.  
South – Residential (R-4)  
West – Residential (R-1.8)  
East – Residential (R-4)

### **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.

City Code § 16.10.060

### **BACKGROUND:**

The applicant is requesting that the Planning Commission approve a preliminary subdivision plat for the Miners Cove North subdivision located at 10435 South 2200 West. The property currently has an existing multi-tenant space building that was developed through a Site Plan application in the early 2000s. The Record of Survey included shows the existing development



of the property. The unit is currently occupied by a Dental Office (medical clinic use) and a studio dance academy (a recreation and assembly use).

The Commission voted to approve a preliminary subdivision plat in September 2023. The approval was to subdivide the existing property into two separate lots. The applicant is requesting to make changes to this approval.

The approved property line, between Lots 1 and 2, is a straight east-west line. The new property line reduces the size of Lot 1 to just include the grass area, and include the whole parking lot as part of Lot 1. When the final subdivision plat records, it will establish a shared parking, access, and stormwater agreement between Lots 1 and 2.

The applicant will, for the time being, retain sole ownership of both Lots after they are officially subdivided. Lot 2 will be developed into another commercial building with two-tenant spaces. One, or both, of these spaces will become the new location for the existing dental office.

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

#### **Findings:**

- Fencing will include an existing 6' precast masonry fence along the south and east boundaries.
- No landscaping or infrastructure improvements are required or proposed with this project application.
- The subdivision will use existing access off South Jordan Parkway and 2200 West. South Jordan Parkway is a right-in/right-out only access.
- A site plan application and new commercial building permit will be required to develop Lot 2.
- The existing site currently has 74 parking stalls. The existing dental office and dance studio require 26 parking stalls (22 and 4 parking stalls respectfully).
- The dance studio has seating for 16 persons. City Code §16.26 allows the parking requirement to be reduced to one parking stall per four known seats.
- Shared-Parking Agreements allow for each parking stall to be shared and utilized non-exclusively by every tenant space in the project. Projects are still required to meet City Code in regards to the required parking stalls for each identified use in the project.

#### **Conclusion:**

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

#### **Recommendation:**

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

**ALTERNATIVES:**

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

**SUPPORT MATERIALS:**

- Location Map
- Current Zoning / Future Land Use Map
- Record of Survey
- Approved Preliminary Subdivision Plat from September 2023.
- Preliminary Subdivision Plat with requested changes.
- Public Mailing Notice

Andrew McDonald  
Andrew McDonald (UTC 5, 2023 03:31 MST)  
Andrew McDonald, AICP Candidate  
Planner I, Planning Department

Brad Klavano  
Brad Klavano (UTC 5, 2023 10:10 MST)  
Brad Klavano, P.E.  
Director of Engineering Services

**CITY OF SOUTH JORDAN  
ELECTRONIC  
PLANNING COMMISSION MEETING  
COUNCIL CHAMBERS  
December 12, 2023**

**Present:** Commissioner Michele Hollist, Commissioner Nathan Gedge, Commissioner Steven Catmull, Commissioner Laurel Bevans, Assistant City Attorney Greg Simonsen, City Planner Greg Schindler, Deputy City Recorder Cindy Valdez, Deputy City Engineer Jeremy Nielson, IS Systems Administrator Ken Roberts, GIS Coordinator Matt Jarman, IT Director Jon Day, Planner Damir Drozdek, Planner Andrew McDonald, Planner Miguel Aguilera, Meeting Transcriptionist Diana Baun

**Absent:**

**Others:** Connie Schreiner, Joan Harris, John Baranowsky, Bruce Devaul, Jackie Devaul, Ben Child, Mark Sontag, Gary Langston, Raymond Ellis, John Karas, Jeff Almond, Corey Middleton, Calvin Perfall, Darren Edman, Jason Treft, Samantha Waatti, Gil Osuna, Debbie Millet, Jeremy Starley, Ramona, David Babnigg – NORR, Debbie, Jennifer Andelin, Morgan Curtis, John Warnick, Greg Paling, Leonard Browning, Chad Lassig, Ryan Berry, Fred Lampropolous, Brady Olson, George Frio, Larry Sommer, Andy Grover, Rebecca Grover, Jason Quigley, Lynn Nelson, Tyler Ellis

**6:32 P.M.  
REGULAR MEETING**

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

Chair Hollist welcomed everyone to the Electronic Planning Commission Meeting.

**B. MOTION TO APPROVE AGENDA**

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

**C. APPROVAL OF THE MINUTES**

**C.1. October 24, 2023 Planning Commission Meeting Minutes**

**Commissioner Bevans motioned to approve the October 24, 2023 Planning Commission Meeting Minutes as published. Commissioner Gedge seconded the motion; vote was unanimous in favor with Chair Hollist abstaining from the vote.**

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Planner Aguilera responded that it appears to be one of only a few lots on the street that remains agricultural, the rest are zoned as R-2.5 and R-1.8.

Commissioner Gedge asked to confirm there are no water issues with this property in relation to the rest of the adjacent subdivision.

Planner Schindler and Engineer Nielson responded that no, they have not heard of any.

The commission discussed potential wording for the motion regarding the current window and future windows. They asked the applicant if he was amenable to a requirement that all future windows on that side of the structure be opaque and fixed; he responded that he was agreeable to that.

**Commissioner Gedge motioned to approve File No. PLCUP202300195, Conditional Use Permit, based on the staff report and discussion this evening; with a condition that all west side facing windows be opaque and stationary. Chair Hollist seconded the motion.**

#### **Roll Call Vote**

**Yes – Commissioner Gedge**

**Yes – Chair Hollist**

**Yes – Commissioner Catmull**

**Yes – Commissioner Bevans**

**Motion passes 4-0, unanimous in favor.**

#### **H.5. MINERS COVE NORTH PRELIMINARY SUBDIVISION PLAT**

Applicant: 10435 S 2200 W

File No.: PLPP202300048

Applicant: Jeffrey Almond

Planner Andrew McDonald reviewed background information from the Staff Report.

Chair Michele Hollist asked staff to address previous parking concerns, especially since the number of spots has changed.

Planner McDonald reviewed what parking is shown on the current application, as well as what would be required based on the current uses. There is a provision that allows the dance studio use to reduce its current required amount if staff can confirm seating inside the building. That was confirmed by both the property owner as the landlord and the tenant of the dance studio as having 16 seats, which allows a reduction to four parking stalls required for their use. There is still currently an excess of parking and it is anticipated that Lot 2 will have a similar size and use building, with potential relocation of the existing dental office into the new units, with another medical clinic use taking over the other space.

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There was a discussion between the commission and staff about the new calculations regarding the number of cars estimated per seat in the dance studio versus the original calculation based on square footage.

Planner McDonald added that whatever parking allocation is given, future businesses moving into the space would have to have uses that agree with the number of parking stalls allowed.

Commissioner Nathan Gedge asked the City Council to reevaluate how this parking was factored in based on seating, rather than square footage, as there are issues with daycare traffic and other studios throughout the city. He also added that in the past, many of these spaces were being leased to Bingham students, which would cut into the capacity of these stalls during school hours. There were also concerns from residents regarding car stacking in the streets.

Chair Hollist invited the applicant forward to speak.

**Jeff Almond (Applicant)** – He is aware of comments regarding some of the parking issues. This is because the dance studio subleases to a charter school one day a week, on Wednesdays. During pickup around 3:30, instead of blocking the access to his patients and business, they have some of the parents park along 2200 West; sometimes that does leak into the neighborhood just south of the location. If that is a major issue he could ask the dance studio not to sublease to the charter school, which would eliminate that concern. Regarding parking, there has never been an issue, other than the charter school on Wednesdays as mentioned above. There has never been an issue in regards to the dance studio as they are in the evening, and the most cars he has ever counted in that parking lot has been 8-10 max; no one stays and watches their kids, it's actually not recommended by the owner of the dance studio. Regarding the 16 seats, the dance studio owner said they never fill those, so parents don't come to sit and watch for two hours during the classes. Parking has never been an issue, and that's why he helps with the parking issue at the high school by leasing out 30 parking spots. Even with that, there has never been a parking issue at the facility.

Commissioner Gedge asked if the applicant is confident that any information he receives is being passed all the way down to the school as the subleasee, as he is ultimately responsible as the owner of the property.

Mr. Almond noted that he should have put more requirements on the ability to sublease in his contracts, and he will make that crystal clear in the future that any subleasing that affects the parking and would cause overflow would not be allowed. He added that the subleasing will probably end in May; if they have the approval to build the additional building he will no longer be selling permits to the high school. He would also inform the dance studio owner, at that point, that due to the second building she would not longer be able to sublease to the charter school.

Commissioner Steven Catmull noted that parking requirements aren't part of a subdivision plat, those are addressed more during a site plan application and approval. To keep things focused tonight, he suggested tabling the parking discussion for a more appropriate application.



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

**Commissioner Gedge motioned to approve File No. PLPP202300048, Subdivision Plat, based on the staff report, testimony and discussion presented this evening; subject to a shared parking agreement between the two properties on the current property, and recognizing the change in the lot line adjustment subject to IBC requirements.**

Commissioner Catmull was unsure that they were able to include parking requirements as part of this motion since it is only for a subdivision plat, and whether they needed to include the reason for the lot line adjustment.

**Commissioner Gedge amended his previous motion to approve File No. PLPP202300048, Subdivision Plat, based on the staff report, testimony and discussion presented this evening; subject to all South Jordan City requirements being met and recognizing the lot line adjustment presented this evening. Chair Hollist seconded the motion.**

#### **Roll Call Vote**

**Yes – Commissioner Gedge**

**Yes – Chair Hollist**

**Yes – Commissioner Catmull**

**Yes – Commissioner Bevans**

**Motion passes 4-0, unanimous in favor.**

#### **H.6. CONDITIONAL USE PERMIT FOR AN ANIMAL SERVICE USE IN THE COMMERCIAL-CORRIDOR (C-C) ZONE**

Address: 10479 S Redwood Road

File No.: PLCUP202300194

Applicant: Samantha Waatti

Planner Andrew McDonald reviewed background information from the Staff Report.

Chair Michele Hollist asked if there were limits on the kinds of animals allowed in this location.

Planner McDonald responded that that is specifically dog grooming services, and the applicant's representatives are available both online and in the chamber for questions.

Commissioner Nathan Gedge acknowledged the close proximity to a grocery store and asked if there were any health department concerns with that.

Planner McDonald responded no.

Dawn R. Ramsey, *Mayor*  
Patrick Harris, *Council Member*  
Kathie L. Johnson, *Council Member*  
Donald J. Shelton, *Council Member*  
Tamara Zander, *Council Member*  
Jason T. McGuire, *Council Member*

# Attachment F



PH: 801.446-HELP @SouthJordanUT

September 4, 2024

Jeffery Almond, Property Owner/Applicant  
3151 Alta Crest Drive  
South Jordan, UT 84095  
Drjalmond10@gmail.com

Corey Middleton, Principal Architect  
Jordan Dejarnett, Jr. Project Manager  
Mint Architecture  
7585 S. Union Park Ave. Suite 220  
Sandy, UT 84047  
corey@designwithmint.com  
jdejarnett@designwithmint.com

**RE: New Commercial Building Site Plan Application (PLSPR202400093)  
"Almond Dental Phase 2"**

Dear Almond Dental Project Team,

While reviewing Phase 2, Staff again looked at the approval and documents provided in Phase 1. Phase 1 plans show the one multi-tenant commercial building with two suites, next to a future phase 2 building. This development was established, in the Phase 1 documents, as primarily a mixed retail and office use building. However, Phase 1 documents indicated that Suite 1 would be a medical dentist office/clinic use (Almond Dental) and Suite 2 would be a Recreation and Assembly Use (Empower Dance Academy). These uses are not considered retail or office as they are defined elsewhere in City Code §17.18.060. However, Almond Dental and Empower Dance Academy are still permitted uses in the Commercial-Neighborhood (C-N) Zone, and can continue subject to the other requirements of City Code.

As Staff has noted in the past two Notice of Revisions Letters, and in the previous subdivision process, one of the main issues associated with this application is Phase 1 and Phase 2 both complying with the minimum parking requirements of City Code. Phase 1 was required to provide at least 29-parking stalls. Ultimately, Phase 1 provided 64-parking stalls based on Phase

1 and Phase 2 being of equal size, height, design, and having Office and Retail uses. The uses in Phase 1 left 10-parking stalls remaining for Phase 2 and its uses.

Now that an application for Phase 2 has been officially submitted, Staff once again evaluated the minimum parking requirements required for both Phases. This review concluded that the application currently does not comply, and provided a Notice of Revisions Letter listing the corrections necessary for compliance.

The C-N Zone does permit Phase 2 to be different than the completed Phase 1. However, the larger suites in Phase 2 require additional parking than what is required for the same uses in Phase 1. Phase 2 would require 66-parking stalls in addition to what would be required for uses in Phase 1. Staff has been consistent to note that the application cannot be approved without enough parking available on-site for both Phases.

To meet City Code requirements, the design of Phase 2 would need to change by either possibly by reducing the height, eliminating the second floor, redesigning the internal layout, or contain only medical clinic/dental, retail, and office uses. The Empower Dance Academy is not defined as any of these uses. The Empower Dance Academy is required to provide the minimum parking stall per square footage number noted in City Code §16.26.040 for Recreation and Assembly uses.

Furthermore, the uses in both Phases will be restricted to permitted uses in the C-N Zone, which does exclude office and dental/medical clinic uses from being allowed in any building, in the C-N zone, that exceeds a building footprint of 5,000 sf<sup>2</sup>. The City will not involve themselves in the leasing process between tenants and the landlord, but the City will deny the required business license applications if the associated use is not permitted and/or the minimum parking requirements for each use, in both Phases, cannot be adequately provided on-site.

Access to the referenced City Code Ordinances can be found by accessing the Planning Department webpage, or by accessing the South Jordan City Website to view the Municipal Code.

Respectfully,



Andrew McDonald, AICP  
Planner II, Planning Department

# SOUTH JORDAN CITY PLANNING COMMISSION STAFF REPORT

MEETING DATE: AUGUST 26, 2025

## FILE OVERVIEW

Item Name	Legislative Updates Zoning Code Text Amendment
Address	1600 W. Towne Center Drive, South Jordan, UT 84095
File Number	PLZTA202500173 Ordinance 2025-16
Applicant	City of South Jordan
Staff Author	Joe Moss, Long Range Planner

## ITEM SUMMARY

The proposed text amendments modify the zoning code to ensure compliance with changes in state legislation. The following chapters have modifications proposed:

- [§17.18 Uses](#)
- [§17.30 Agriculture Zone \(A\)](#)
- [§17.40 Residential Zones \(R\)](#)
- [§17.54 Redwood Road Mixed Use Zone \(M-U\)](#)
- [§17.72 Planned Community Zone \(P-C\)](#)

The proposed changes clarify the process around determining new and unlisted uses as described in [S.B. 179](#), complying with changes in state parking requirements for owner occupied affordable single family homes as described in [S.B. 181](#), and clarifications in organization for consistency.

## TIMELINE

- **September 5, 2025** City Staff discussed recommended zoning code modifications per the 2025 legislative session with the City Council at a study session.

## REPORT ANALYSIS

**Application Summary:** The proposed changes to the zoning code are intended to address changes in state legislation made in the 2025 legislative session.

**S.B. 179** establishes new requirements around how municipalities determine use classification and regulate new and unlisted uses. The legislation changes require the following:

- Municipalities must establish a formal process for applicants to request a determination of use for a use that is not explicitly included in the zoning code.
- Municipalities must establish a formal process for applicants to request a new use be added to the zoning code.
- Municipalities must establish maximum timelines for making use determinations and adding new uses.

In order to address these changes, the proposed zoning code text amendment modifies **§17.18 Uses** as follows:

- Clarifies the processes for determining an unlisted use is via a zoning compliance letter where the Planning Director can clarify if an unlisted use can be classified under an existing similar use in the zoning code. The maximum allowed time is 30 days from receipt of the request. The appeal for use determination decisions are heard by the Appeal Hearing Officer.
- Clarifies the process for requesting a new use that is not classified under the existing uses table is to request a zoning code text amendment that is ultimately approved by the City Council. The maximum allowed time is 90 days from receipt of the request to final action on the item.

The proposed amendments also modifies **§17.72 Planned Community Zone (P-C)** to make a required reference to those clarified processes in §17.18.

The proposed amendment also relocates the uses from the **§17.54 Redwood Road Mixed Use Zone (M-U)** to the uses in §17.18. This administrative change will align the uses in the M-U zones into the same table and align use language with all the other zoning districts. This will aid in administration of the code in a more uniform way.

**S.B. 181** establishes new requirements around parking requirements in residential developments. The legislation requires the following:



- The maximum parking size for enclosed or covered spaces is 10' x 20'
- The maximum parking size for uncovered parking is 9' x 20'
- Single-family developments that are owner occupied and affordable (80% AMI) cannot be required a garage, but can still be required off street parking
- Tandem parking cannot be prohibited from counting toward parking minimums

To accommodate these new requirements the proposed amendment modifies the following:

- [§17.30 Agriculture Zone \(A\)](#) and [§17.40 Residential Zones \(R\)](#) include changes to modify the required parking size for enclosed spaces and exempts owner occupied affordable single family dwelling from the garage requirement.
- [§17.54 Redwood Road Mixed Use Zone \(M-U\)](#) includes changes the required parking size for enclosed spaces and exempts owner occupied affordable single family dwelling from the garage requirement. Additionally changes to architectural standards to comply with a previous legislative update ([2021 H.B. 1003](#)) around minimum size for single-family dwelling and other architectural regulation prohibitions for single-family such as garage location and building materials restrictions. Other zones have already been updated to accommodate 2021 H.B. 1003.

## FINDINGS AND RECOMMENDATION

### General Plan Conformance

The proposed ordinance is in conformance with the following goals and strategies from the general plan:

- LIVE GOAL 1: Ensure development of well-designed housing that qualifies as Affordable Housing to meet the needs of moderate income households within the City

### Strategic Priorities Conformance:

The application is in conformance with the following directives from the Strategic Direction:

- BRE-1. Develops effective, well-balanced, and consistently applied ordinances and policies
- BRE-2. Implements ordinances and policies that encourage quality community growth and development

### Findings:

- The proposed modifications will help South Jordan's zoning code more closely align with Utah legislative requirements

- The proposed modifications are not major changes from existing policy and procedure, but does provide additional clarity to the zoning code.

### Conclusions:

- The application is in conformance with the General Plan and the City's Strategic Priorities.

### Planning Staff Recommendation:

**Staff recommends approval of the ordinance** based on the report analysis, findings, and conclusions listed above.

## PLANNING COMMISSION ACTION

### Required Action:

Recommendation for City Council

### Scope of Decision:

This is a legislative item that will be decided by the City Council. The decision should consider prior adopted policies, especially the General Plan.

### Standard of Approval:

Utah Code [§ 10-9a-102](#) grants the City Council a general land use authority to enact regulations that it considers necessary or appropriate for the use and development of land in the City. (See Utah Code [§ 10-9a-501](#) et seq.)

### Motion Ready:

I move that the Planning Commission recommends a favorable recommendation to the City Council for:

1. Ordinance 2025-16 Legislative and Technical edits to the Zoning and Development Code Text Amendments (Uses, Agriculture Zones, Residential Zones, Redwood Road Mixed Use Zone, Planned Community Zone)

### Alternatives:

1. Recommend approval with modifications
2. Recommend denial of the ordinance
3. Schedule the item for a decision at some future date.

1. Ordinance 2025-16
  - a. Exhibit A, Uses
  - b. Exhibit B, Agricultural Zones
  - c. Exhibit C, Residential Zones
  - d. Exhibit D, Redwood Road Mixed Use Zones
  - e. Exhibit E, Planned Community Zone

## ORDINANCE NO. 2025 - 16

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, AMENDING CHAPTERS 17.18 (USES), 17.30 (AGRICULTURAL ZONES), 17.40 (RESIDENTIAL ZONES), 17.54 (REDWOOD ROAD MIXED USE ZONES), 17.72 (PLANNED COMMUNITY ZONE) OF THE SOUTH JORDAN CITY MUNICIPAL CODE TO COMPLY WITH CHANGES IN STATE LEGISLATION.**

**WHEREAS**, Utah Code Section 10-9a-102 grants the City of South Jordan (the “City”) authority to enact ordinances that the South Jordan City Council (the “City Council”) considers necessary or appropriate for the use and development of land within the City; and

**WHEREAS**, the updated zoning code will enable the City to comply with changes in State of Utah legislation; and

**WHEREAS**, the South Jordan Planning Commission held a public hearing, reviewed the proposed text amendment set forth in the attached **Exhibit A, Exhibit B, Exhibit C, Exhibit D and Exhibit E**, and made a recommendation to the City Council; and

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

**WHEREAS**, the City Council finds that the proposed text amendment, set forth in **Exhibit A**, will enhance the public health, safety and welfare and will improve outdoor landscaping in the City.

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

**SECTION 1. Amendment.** Section 17.18 of the South Jordan City Municipal Code, as set forth in the attached **Exhibit A**, is hereby amended.

**SECTION 2. Amendment.** Section 17.30 of the South Jordan City Municipal Code, as set forth in the attached **Exhibit B**, is hereby amended.

**SECTION 3. Amendment.** Section 17.40 of the South Jordan City Municipal Code, as set forth in the attached **Exhibit C**, is hereby amended.

**SECTION 4. Amendment.** Section 17.54 of the South Jordan City Municipal Code, as set forth in the attached **Exhibit D**, is hereby amended.

**SECTION 5. Amendment.** Section 17.72 of the South Jordan City Municipal Code, as set forth in the attached **Exhibit E**, is hereby amended.

**SECTION 6. Severability.** If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance and all sections, parts, provisions and words of this Ordinance shall be severable.

**SECTION 7. Effective Date.** This Ordinance shall become effective immediately upon publication or posting as required by law.

[SIGNATURE PAGE FOLLOWS]

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2025 BY THE FOLLOWING VOTE:**

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

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

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

Approved as to form:

Gregory Simonsen  
Gregory Simonsen (Aug 20, 2025 14:58:44 MDT)  
Office of the City Attorney



**Chapter 17.18 USES****17.18.010 PURPOSE**

In order to implement the purposes and provisions of this title, this chapter is adopted to identify allowed uses, permitted and conditional, of zoning districts established within the City per chapter 17.20, "Zone Establishment", of this title and consolidate regulations pertaining to allowed uses. This chapter shall only apply to the zones listed in the allowed uses table in subsection 17.18.020C of this chapter.

**17.18.020 ALLOWED USES**

- A. Regulations: Development or use of a property for primary uses not specifically allowed in the table in subsection C of this section or approved by the provisions of this chapter and this Code are prohibited, except as otherwise determined by the Planning Director according to subsection 17.18.030.010B of this chapter. Regardless of whether a primary use is allowed as a permitted or conditional use, the regulations of this title shall apply. Allowed uses shall be identified in the allowed uses table in subsection C of this section with a "P" for a permitted use and a "C" for a conditional use.
- B. Classifications: The classification of uses as agricultural, residential, public, commercial, and industrial, and associated grouping within each category, is for organizational and reference purposes.
- C. Allowed Uses Table:

Key:

P = Permitted

C = Conditional

		Zones																			
Category	Uses	A-1, A-5	BH-MU	C-C	C-F	C-I	C-N	I-F	MU-TC, MU-	P-O	R-1.8	R-2.5 R-3 R-4 R-	R-M	<u>MU-NGATE</u>	<u>MU-R&amp;D</u>	<u>MU-CITY</u>	<u>MU-HIST</u>	<u>MU-COMM</u>	<u>MU-SOUTH</u>	<u>MU-SGATE</u>	<u>P-C (See 17.72)</u>
Agricultural	Animal husbandry	P																			
	Horticulture	P																			
	Plant nursery	C	C	C	C						C										
	Public agricultural facility	C									C										
<b>Residential:</b>																					
Group living	Community residential facility		C							C			C			C					
	Dormitory																				
	Institutional facility																				
Household	Live-work		C																		
	Multi-family																				
	Neighborhood residential facility	P									P	P	P								
	Single-family, attached												P	<b>P</b>	<b>C</b>						

	Single-family, detached	P									P	P	P	<u>P</u>	<u>C</u> *						
<b>Public:</b>																					
Civic and community	Cemetery																				
	Community services	C	C	C	P	P	C	P	C	C	C	C	C	<u>C</u>		<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	
	Public safety	C	C	C	C	C	C	C	C	C	C	C	C	<u>C</u>		<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	
	Religious assembly and worship	C	C	C	C	C	C	C	C	C	C	C	C	<u>C</u>		<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	
Education	Elementary/secondary education	C	C	C	C				P	C	C	C	C	<u>C</u>		<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>		
	University/college		C	C	C			C	P	C				<u>C</u>		<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>		
	Vocational/professional		C	C	C			C	P	C				<u>C</u>		<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>		
Open space														<u>C</u>		<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	
	Natural open space													<u>C</u>		<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	
Utility and communication	Park open space		C						C					<u>C</u>		<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	
	Energy conversion	C				C		C													
	Telecommunication facility	C		C	C	C	C	C		C	C	C	C	<u>C</u>							
	Utility services	P		P	P	P	P	P		P	P	P	P	<u>C</u>							
<b>Commercial :</b>																					
Services																					
	Animal services			C	C	C	C														
	Business support		P	C	P	P		P	P	P				<u>C</u>		<u>P</u>	<u>C</u>		<u>C</u>		
	Daycare	P	P	P	P		P	P	P	C	P	P	P	<u>C</u>	<u>C</u>	<u>C</u>		<u>C</u>	<u>C</u>	<u>C</u>	
	Financial institution		P	P	P		C	P	P	P						<u>C</u>			<u>C</u>		
	Hospital		C		C					C											
	Light service and repair		C	C	C	P	C	P								<u>C</u>					
	Lodging		P	C	P		C	P	P	C						<u>C</u>	<u>P</u>		<u>C</u>		
	Medical/dental office or clinic		P	P	P		P	P	P	P				<u>C</u>		<u>P</u>					

	Mortuary/funeral home			C					P												
	Office		P	P	P		P	P	P	P				<u>C</u>	<u>P</u>	<u>P</u>	<u>C</u>	<u>P</u>	<u>P</u>	<u>P</u>	
	Personal services		P	P	P		P	P	P	P						<u>P</u>		<u>C</u>	<u>P</u>		
	Professional services			P	P		P	P	P	P				<u>C</u>		<u>P</u>	<u>C</u>	<u>P</u>	<u>P</u>	<u>P</u>	
	Restaurant		P	P	P		P	P	P	P						<u>C</u>	<u>P</u>		<u>P</u>		
	Self-storage			C	C	C				C						<u>C</u>			<u>C</u>		
	Vehicle repair					C		C								<u>C</u>			<u>C</u>		
	Vehicle services		C	C	C	P		P	C							<u>C</u>			<u>C</u>		
Recreation and assembly	Arts and recreation		P	P	P	P		P	P	P						<u>C</u>	<u>C</u>	<u>P</u>	<u>C</u>		
	Convention/reception center			C	C			C	C	C											
	Instruction and training			P	C	P	P	P		C						<u>C</u>			<u>C</u>		
	Outdoor recreation		C	C	C			C								<u>C</u>			<u>C</u>		
	Stadium/ theater/ auditorium		C	C	C			C	C							<u>C</u>			<u>C</u>		
Retail	Gas station		C	C	C	C	C	C	C							<u>C</u>					
	General retail		P	P	P	P	P	P	P							<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>		
	Kiosk, freestanding		P	C	C					P						<u>C</u>					
	Shopping center/department store		P	C	C			C	P							<u>P</u>		<u>P</u>	<u>P</u>		
	Vehicle sales and rental		C		C			C													
<b>Industrial:</b>																					
Manufacturing and production	Assembly					P		P													
	Fabrication					C		C													
	Manufacturing					C		C													
	Mining																				

Sales and service	Commercial service and repair					C		C													
	Food and drink preparation					C		C													
	Heavy equipment sales and rental					C		C													
	Office /warehouse flexible space					P		P							<u>C</u>						
	Research and development					P		P		C					<u>P</u>						
	Storage yards					C															
	Wholesale and warehouse					P		P													
Transportation	Aircraft transportation																				
	Parking facility									C											
	Passenger terminal/station			C	C	C		C	C	C											
	Railroad facility					C															
Waste	Refuse																				
	Salvage					C		C													

**\*See zoning district for limitations on use**

## 17.18.030 USE REGULATIONS

### 17.18.030.010 General Use Regulations

- A. Uses may be conducted within the City only in accordance with the regulations of this title, including, but not limited to, the use regulations of this chapter, chapter 17.04, "General And Supplementary Provisions", of this title, and the zone specific use regulations listed in the applicable zone ordinance of this title. A conditional use permit, where required, must be obtained prior to the establishment of the use.
- B. The Planning Director may provide interpretation of the provisions of this chapter to clarify words or phrases not otherwise defined, provide additional clarity necessary to apply provisions to specific cases, resolve the applicability of conflicting provisions, ~~determine the applicability of provisions to uses not expressly listed in the table in subsection 17.18.020C of this chapter or determine and impose limitations on accessory uses not otherwise identified.~~ If the Planning Director is unable to interpret the provision in question, a zone text amendment may be processed in order to clarify the zoning regulations.

**C. Classification Requests. To determine the applicability of provisions to uses not expressly listed in the table in subsection 17.18.020(C) of this chapter, an applicant may submit a zoning compliance letter application to the planning department for a classification of the use. If a use is determined to be aligned with existing uses, the use may be regulated under the existing code. The Planning Director shall make a determination on the classification of a proposed use in accordance to the following criteria:**

1. Said interpretation shall consider the goals of the general plan, the purpose and intent of the zoning district involved, the character (e.g., scale, impacts, activities, materials, and building types) of allowed uses identified in the zoning district involved, the character of a proposed use, and the potential to generate negative impacts on surrounding properties.
2. The Planning Director shall issue a written decision **of the classification** within thirty (30) days of ~~a request for interpretation~~ **receipt of submittal of the zoning compliance letter application.**
3. The Planning Director shall maintain all written decisions and uniformly apply those decisions.
4. **An applicant may appeal to the classification determination by filing an appeal application with the Appeal Hearing Officer in accordance with the appeal process as described in section 17.16.020.020 f this Code.**



**D. New and Unlisted Uses.**

4. **If a use is determined not to align with existing uses, it shall be considered as a new or unlisted use. New or unlisted uses shall require a zoning code text amendment to provide the following:**
  - a. **A classification category for the use.**
  - b. **A definition of use.**
  - c. **Identify if the use is allowed, conditionally allowed, or prohibited in each of the existing zoning districts.**
  - d. **Identify any specific regulations applicable to the use. These may include impact control measures, limitations, location limitations or other relevant regulations applicable to the use.**
5. **Zoning code text amendments for new and unlisted uses shall be heard at the Planning Commission for a recommendation and the City Council for a final decision. A final decision shall be issued within ninety (90) days of submittal of a zoning code text amendment application, unless additional time is requested by an applicant in writing.**
6. **If a new and unlisted use zoning code text amendment is denied, the City shall issue the applicant a written notification of denial within ten (10) days of the decision. This notification shall include:**
  - a. **Each reason for the denial.**
  - b. **Information on how an applicant may appeal the decision.**

**E.** ~~€.~~ It shall be unlawful to park, store or leave, or to permit the parking, storing or leaving of any vehicle of any kind, or parts thereof, that is in a wrecked, junked, dismantled, inoperative or abandoned condition, whether attended or not, upon any private or public property for longer than seventy two (72) hours, except as the following applies:

4. Where commonly associated with an approved use and in an area designated for parking or storage on an approved site plan.
5. Where up to two (2) such vehicles or parts thereof are stored completely within an enclosed building or within a six foot (6') obscuring fence enclosure that completely screens view of the vehicles from public streets and neighboring properties.

**F.** ~~Đ.~~ Commercial vehicles or earthmoving or material handling equipment, such as semitrailer trucks and trailers, trucks and trailers exceeding eight thousand (8,000) pounds curb weight, "truck" as defined in section 10.04.020 of this

code, delivery vehicles, dump trucks, backhoes, graders, loaders, cement trucks, bulldozers, belly dumps and scrapers, forklifts or other similar vehicle or equipment, may not be parked or stored on a residential lot or parcel for any length of time or on a nonresidential lot or parcel for not longer than forty eight (48) hours, except as the following applies:

4. In conjunction with and required for an active and approved development or construction project.
5. While loading or unloading said vehicle.
6. When commonly associated with an approved use on a nonresidential lot or parcel and in an area designated for parking or storage on an approved site plan or stored completely within an approved enclosed building or opaque fence enclosure.

**G.** ~~E.~~ Watercraft, trailers, campers, motor homes and other utility or recreational vehicles may only be stored within lawfully constructed buildings when associated with an allowed and approved use on the premises or in parking and storage areas shown on an approved site plan, except in conjunction with a single-family dwelling. Said trailers and vehicles on single-family lots or parcels shall be stored behind the front line of the main building and, when located in a street side yard, shall be eight feet (8') from the street right of way and behind a six foot (6') obscuring wall or fence, except that said vehicles may be stored temporarily in front or street side yards for no longer than seventy two (72) hours. Travel trailers, campers and motor homes may not be occupied as living quarters, except that a trailer or vehicle owned by a guest of the resident may be stored and occupied in the driveway located in the required front yard or street side yard of the permanent dwelling for no more than seven (7) days per calendar year.

**H.** ~~F.~~ Sexually oriented businesses are allowed in the C-F, C-I, and I-F zones. Sexually oriented businesses shall be located no less than five hundred feet (500') from the right of way line of South Jordan Parkway, Shields Lane, and 11400 South Street to any buildings, signage, or other activities associated with the applicable use.

**I.** ~~G.~~ Businesses shall comply with the requirements of title 5, "Business Licenses And Regulations", of this code.

**J.** ~~H.~~ Telecommunications shall comply with the requirements of chapter 17.112, "Wireless Communications Facilities", of this title.

**K.** ~~I.~~ Wind energy conversion systems shall comply with the requirements of chapter 17.108, "Wind Energy Conversion Systems", of this title.

- L.** ~~J.~~ All uses are subject to the impact control measures in section 17.18.040 of this chapter.

**Chapter 17.30      Agricultural Zones**

**17.30.030 Development and Design Standards**

- A. **Development Review:** Uses proposed in agricultural 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 agricultural 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.
- B. **Lot Area:** The area of any lot in agricultural 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.

<b>Zone</b>	<b>Minimum Lot Area (Acres)</b>
A-5	5
A-1	1

- C. **Lot Density:** Only one single-family primary dwelling may be placed on a lot or parcel of land in an agricultural zone.
- D. **Lot Width And Frontage:** Each lot or parcel in an agricultural 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.

<b>Zone</b>	<b>Minimum Width</b>	<b>Frontage (Standard)</b>	<b>Frontage (Diverged)</b>
A-5	100'	100'	60'
A-1	100'	100'	60'

- E. Lot Coverage: The area of lot, parcel or private ownership area in an agricultural 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.

<b>Zone</b>	<b>Maximum Building Coverage</b>
A-5	20%
A-1	30%

- F. Yard Area: The yard area (setback) requirements below shall apply in all Agricultural 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. Minimum Yard Area Requirements

<b>Zone</b>	<b>Front Yard (Interior and Corner)</b>	<b>Front Garage</b>	<b>Front Yard (Cul-De-Sac Lots)</b>	<b>Side Yard (Standard)</b>	<b>Side Yard (Corner Lot Street Side)</b>	<b>Rear Yard (Interior Lot)</b>	<b>Rear Yard (Corner Lot)</b>
A-5	30'	30'	25'	10'	25'	25'	10'
A-1	30'	30'	25'	10'	25'	25'	10'

#### 2. Minimum Yard Area Requirements For Accessory Buildings:

- a. 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.
- b. 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 no greater 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 or boundary.
- c. 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').

3. **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.
4. **Projections:** The following may be erected on or projected into any required yard space in Agricultural Zones:
  - a. Fences and walls in conformance with this Code.
  - b. Agricultural crops, landscape or garden elements, including trees, shrubs and other plants.
  - c. Utility or irrigation equipment or facilities.
  - d. Decks not more than two feet (2') high.
  - e. 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.
  - f. Chimneys, fireplace keys, box or bay windows or cantilevered walls attached to the building no greater than eight feet (8') wide and extending no more than two feet (2') into a side yard, or four feet (4') into a front or rear yard.
- G. **Parking And Access:** Parking areas and vehicle access in Agricultural 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.
- H. **Fencing, Screening And Clear Vision:** The fencing, screening and clear vision requirements of this section shall apply in Agricultural Zones.
  1. **Utility Screening:** In nonresidential and nonagricultural 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 an Agricultural Zone shall be constructed according to section 16.04.200 of this Code.
- I. **Architecture:** The following exterior materials and architectural standards are required in Agricultural Zones:
1. **General Architectural Standards:**
    - a. All building materials shall be high quality, durable and low maintenance.
    - b. The exteriors of buildings in Agricultural Zones shall be properly maintained by the owners or owners' association.
    - c. Signs shall meet the 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.
    - d. Main buildings shall be no greater than thirty five feet (35') high.
  2. **Architectural Standards For Main Buildings:**

- a. ~~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).~~ **Residential main buildings shall include a minimum two car garage. Each covered or enclosed parking space shall be a minimum of ten feet (10') wide and twenty feet (20') long.**
  - b. **Single family (attached or detached) owner occupied affordable housing as defined in Utah Code 10-9a-534, do not require a garage but shall at minimum provide two (2) off street parking spaces. Uncovered parking spaces shall be a minimum of nine feet (9') wide and twenty feet (20') long. Covered or enclosed parking spaces shall be a minimum of ten feet (10') wide and twenty feet (20') long.**
  - e. ~~d.~~ 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.
  - ~~d.~~ ~~e.~~ The front of the house shall be accessible by a pedestrian from the adjacent right-of-way.
3. Architectural Standards For Accessory Buildings:
- a. 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.
  - b. The footprint of an accessory building in Agricultural Zones shall not exceed the footprint of the main building, including the footprint of an attached garage, except as approved by the Planning Commission as a conditional use permit.
  - c. 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 subject 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.
  - d. Accessory buildings with a footprint exceeding two hundred (200) square feet shall be constructed with a minimum one to twelve (1:12) roof pitch over a majority of the structure.
  - e. 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.

- J. Landscaping: The following landscaping requirements and standards shall apply in Agricultural Zones. Landscaping in Agricultural 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. Improvements shall include 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.
  2. All collector street and other public and private park strips in Agricultural 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 at least 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 residential or agricultural, the following landscaping requirements shall also apply:
    - a. 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.
    - b. A minimum of one tree per one thousand (1,000) square feet, or part thereof, of landscaped areas, excluding landscaped sport or play areas, is required. At least thirty percent (30%) of all required trees shall be minimum seven foot (7') evergreens. 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.

- c. 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.
  - d. Minimum five foot (5') wide landscaped planters shall be installed along the street side of building foundations, except at building entrances.
  - e. 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 right-of-way areas 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.

**K. Lighting:**

1. A lighting plan shall be submitted with all new developments that have a principal use that is not agricultural or residential.
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.

- L. Streets: Streets in Agricultural Zones shall meet the requirements of section 16.04.180, "Streets", of this Code, except that private streets and gated communities are prohibited in Agricultural Zones.

## **Chapter 17.30 Residential Zones**

### **17.30.030 Development and Design Standards**

- A. **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.
- B. **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.

<b>Zone</b>	<b>Minimum Lot Area (Square Feet)</b>
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

- C. **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.

<b>Zone</b>	<b>Maximum Gross Density</b>
R-1.8	1.8
R-2.5	2.5
R-3	3
R-4	4
R-5	5
R-M-5	5

- D. **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'

- E. 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%

- F. 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:

<b>Zone</b>	<b>Front Yard (Interior And Corner Lots)</b>	<b>Garage Opening<sup>1</sup> (Front Or Street Side)</b>	<b>Front Yard (Cul-De-Sac Lots)</b>	<b>Side Yard (Standard)</b>	<b>Side Yard (Corner Lot Street Side)</b>	<b>Rear Yard (Interior Lot)</b>	<b>Rear Yard (Corner Lot)</b>
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'

Note: 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-de-sac.

2. Accessory Buildings: Minimum yard area requirements for accessory buildings are as follows:
  - a. 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.
  - b. 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.
  - c. 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').
3. 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.

4. Projections: The following may be erected on or projected into any required yard space in Residential Zones:
  - a. Fences and walls in conformance with this Code.
  - b. Agricultural crops and landscape elements, including trees, shrubs and other plants.
  - c. Utility or irrigation equipment or facilities.
  - d. Decks not more than two feet (2') high.
  - e. 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.
  - f. 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.
- G. 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.
- H. 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.
- I. Architecture: The following exterior materials and architectural standards are required in Residential Zones:
1. General Architectural Standards:
    - a. All building materials shall be high quality, durable and low maintenance.
    - b. The exteriors of buildings in Residential Zones shall be properly maintained by the owners or owners' association.
    - c. 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.
    - d. Main buildings shall be no greater than thirty five feet (35') high.
  2. Architectural Standards For Main Buildings:
    - a. 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).~~ **Each covered or enclosed parking space shall be a minimum of ten feet (10') wide and twenty feet (20') long.**

- b. **Single family (attached or detached) owner occupied affordable housing as defined in Utah Code 10-9a-534, do not require a garage but shall at minimum provide two (2) off street parking spaces. Uncovered parking spaces shall be a minimum of nine feet (9') wide and twenty feet (20') long. Covered or enclosed parking spaces shall be a minimum of ten feet (10') wide and twenty feet (20') long.**

~~e.~~ **d.** 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.

~~d.~~ **e.** The front of the house shall be accessible by a pedestrian from the adjacent right-of-way.

### 3. Architectural Standards For Accessory Buildings:

- a. 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.
- b. 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.
- c. 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.
- d. 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.
- e. 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.

- J. 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.
  2. 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:
    - a. 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.
    - b. 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.

- c. 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.
  - d. Minimum five foot (5') wide landscaped planters shall be installed along the street side of building foundations, except at building entrances.
  - e. 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.

K. 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.



- L. 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

## Chapter 17.54 Redwood Road Mixed Use (MU) Zones

### 17.54.010 PURPOSE

The Redwood Road mixed use (MU) zones are established to implement the land use element of the general plan and the Redwood Road centers map, as amended, which is included for reference in this chapter. The purpose of the MU zones is to establish unique and distinct districts in a succession of nodes along the Redwood Road corridor. These districts are defined by separate classes of uses and development standards which identify the character of the individual districts. The allowed uses and standards applicable to each district are set forth in this chapter and are intended to create a distinctive identity representative of the City's quality of life. The MU zones will encourage orderly, aesthetically pleasing development and a balance of uses while discouraging strip commercial with its attendant congestion, pollution and visual blight.

### 17.54.020 ZONING MAP DESIGNATIONS

The MU zones shall be established according to the boundary of the individual center indicated on the "Redwood Road centers" map and according to the land uses designated on the general plan land use plan map, as adopted or amended by the City Council. The MU zones shall be noted as follows on the official zoning map of the City:

MU-Ngate	Mixed Use-North Gateway Zone
MU-R&D	Mixed Use-Research and Development Zone
MU-City	Mixed Use-City Center Zone
MU-Hist	Mixed Use-Historic and Landmark Zone
MU-Comm	Mixed Use-Community Center Zone
MU-South	Mixed Use-South Center Zone
MU-Sgate	Mixed Use-South Gateway Zone

### 17.54.030 USES

Uses **are permitted as set forth in Chapter 17.18 of this Code. In addition** ~~may be conducted in the MU zones only in accordance with~~ the following regulations **apply**:

- A. Only allowed permitted, conditional or accessory uses as set forth in this chapter may be conducted in the MU zones. A conditional use permit must be obtained prior to the establishment of a conditional use. Sexually oriented businesses are prohibited in the MU zones.
- B. All uses established in the MU zones shall be conducted within completely enclosed buildings, except those uses deemed, through conditional use approval, to be customary "outdoor" uses such as recreation, garden nursery, lumberyards or other similar uses.
- C. Accessory uses and buildings are permitted in the MU zones only in conjunction with allowed permitted and conditional uses. Accessory uses include, but are not limited to, parking areas, utility and loading areas and other buildings and activities which are incidental and subordinate to the permitted or conditional use on the premises. Accessory buildings in residential developments shall meet requirements for residential zones found elsewhere in this title.
- D. There shall be no open storage of trash, debris, used, wrecked or neglected materials, equipment or vehicles in MU Zones. No commercial materials, goods or inventory may be stored in open areas in MU Zones, except for temporary display items which are removed daily and which may be located only on private property no closer than ten feet (10') from any public right-of-way. No more than twelve (12) small party balloons and six (6) weatherproof placards, each not exceeding two feet (2') square per business, may be attached to the displays and shall be removed daily with the displays. All other signs and devices are prohibited. Outdoor storage of inventory or products such as firewood, water softener salt, garden supplies and building materials is permitted only in screened areas approved for such purpose with site plan review.
- E. No vehicle, boat or trailer, or parts thereof, which is in a wrecked, junked, dismantled, inoperative or abandoned condition, attended or not, may be parked or stored in MU Zones for longer than seventy two (72) hours unless stored within a completely enclosed building or opaque fence enclosure which completely obscures said vehicle or parts from public view. No more than two (2) such vehicles may be so stored on a lot in MU Zones. No commercial vehicles such as earthmoving or material handling equipment, semitrucks or trailers or any commercial truck, trailer or vehicle may be stored in MU Zones for longer than seventy two (72) hours, except in conjunction with an approved use or approved development or construction activities on the property.
- F. Watercraft, trailers, campers, motor homes and other utility or recreational vehicles shall be stored within lawfully constructed buildings or behind the front line of the main building on the lot or parcel in an MU Zone, except that

said vehicles may be stored temporarily in front or street side yards for no longer than seventy two (72) hours. Recreational and utility vehicles may be stored permanently in the street side yard of a corner lot only if stored completely behind the front line of the main building and at least eight feet (8') from the street right-of-way line and if enclosed with a six foot (6') high solid vinyl or masonry fence. Travel trailers, campers and motor homes may not be occupied as living quarters in MU Zones, except that a vehicle owned by a guest of the resident may be stored and occupied in the required front yard or side yard of the permanent dwelling for no more than seven (7) days per calendar year.

- G. Home occupations may be licensed in any residence in MU Zones according to provisions of title 5, chapter 5.38 of this Code.
- H. Religious activities may be allowed in MU Zones with approval of a conditional use permit.
- I. **Commercial office PUD or condominium projects require a minimum site size of five (5) acres and must be considered for approval by the Planning Commission as a conditional use permit.**
- J. **All projects smaller than five (5) acres may only be approved by the Planning Commission with a conditional use permit.**

#### 17.54.040 SITE PLAN/PLAT APPROVAL

All uses proposed in the MU Zones shall be established in conjunction with an approved conditional use permit, site plan, subdivision plat or condominium map. Procedures and requirements of this title and title 16 of this Code concerning site plan, condominium map and plat approval shall be followed in the preparation and review of developments proposed in the MU Zones. All uses shall be conducted according to the approved site plan, condominium map or plat and any conditions of approval. Site plans or plats may be altered according to procedures set forth in title 16 of this Code.

#### 17.54.050 ZONE AND PROJECT AREA

The minimum area of any MU Zone shall be five (5) acres. The minimum area of any project in the MU Zones shall be five (5) acres. "Project" shall be defined as any residential, commercial, institutional, office or mixed use development for which preliminary plat, map or site plan approval has been proposed or granted. If a project is proposed to be smaller than five (5) acres, a concept plan shall be prepared according to section 16.24.030 of this Code with the involvement of the neighboring property owners and submitted for review by the Planning Commission. The concept plan shall facilitate future coordination of land use, access, parking, landscaping and building placement between the parcel proposed for development and neighboring parcels. The area for which the concept plan shall be prepared will be determined by

the Planning Department but shall include, at a minimum, all parcels within five hundred feet (500') of the subject parcel. After reviewing the concept plan, the Planning Commission may authorize the developer to proceed with the site plan application according to the concept plan, require modifications to the concept plan before proceeding with the site plan or reject the concept plan. If the applicant proceeds with the site plan application, the concept plan may be considered by the Planning Commission in approving or denying the site plan for the project. Any project under five (5) acres in area shall be a conditional use in the MU Zones.

#### 17.54.060 LOT FRONTAGE, WIDTH AND COVERAGE

- A. No minimum lot width is required for lots in MU Zones, except for single-family lots developed to R-2.5 standards which shall have a minimum width of ninety feet (90') measured at the minimum front yard setback at a point which corresponds to the midpoint of the front lot line.
- B. Each lot developed to R-2.5 standards shall abut the right-of-way line of a public street a minimum distance of ninety feet (90'), except that lots with side property lines which diverge at an angle of at least twenty degrees (20°) shall abut the right-of-way a minimum distance of fifty feet (50').
- C. All developments not meeting R-2.5 standards shall abut a public street a minimum distance of one hundred fifty feet (150').
- D. Side property lines shall be within five degrees (5°) of perpendicular to the front lot line.
- E. No maximum lot coverage by buildings is required in the MU zones, except for single-family (R-2.5 standards) residential development, in which case the maximum lot coverage shall be forty percent (40%).

#### 17.54.070 YARD REQUIREMENTS

The following minimum yard areas are required in the MU zones. The "project perimeter" yard area shall be measured from the exterior boundary of the preliminary plat or site plan. Yard requirements for self-storage facilities shall be determined with development review. Yards indicated as "landscaped" shall be landscaped with lawn, trees, shrubs or other plant material, except for necessary driveways and walkways.

- A. Single-family residential (R-2.5 Zone standards):

Front	30	feet (landscaped)
Side	10	feet

Corner lot street side	30	feet (landscaped)
Collector street side	35	feet
Rear	25	feet
Corner lot rear	10	feet
Collector street rear	35	feet

## B. Office and institutional:

Front and street side	20	feet (landscaped)
Project perimeter adjacent to office use	0	feet
Project perimeter adjacent to retail use	5	feet (landscaped)
Project perimeter adjacent to multi-family residential use	10	feet (landscaped)
Project perimeter adjacent to single-family residential or agricultural use	10	feet (landscaped)
Between buildings	20	feet (landscaped, may be partially paved)

## C. Retail:

Front and street side	20	feet (landscaped)
Project perimeter adjacent to office use	5	feet (landscaped)
Project perimeter adjacent to retail use	0	feet
Project perimeter adjacent to multi-family residential use	10	feet (landscaped)
Project perimeter adjacent to single-family residential use	15	feet (landscaped)
Between buildings	0	feet

- D. The minimum side and rear landscaped yards for office and retail buildings or structures adjacent to residential or agricultural zones or uses shall be an additional foot for each foot of building height over twenty five feet (25'). The minimum setback from property lines for accessory buildings and structures exceeding twelve feet (12') in height shall be increased by one foot (1') for each foot of height in excess of twelve feet (12'). At least fifty percent (50%) of additional required yard areas shall be landscaped.
- E. Projections into required yard areas shall be regulated according to the respective residential (R-1.8, R-2.5, R-3, R-M), commercial (C-C, C-N), industrial (C-I) and office (P-O) requirements found elsewhere in this title.
- F. Should an adjacent property have a future land use designation that is commercial, office or industrial, the required minimum interior side and/or rear yard may be reduced if approved by the Planning Commission with site plan review.

#### 17.54.080 OPEN SPACE

Open space is landscaped area, including required landscaped yard areas. Open space may include recreational improvements, including sports courts, swimming pools and walking paths. All open spaces shall be preserved and properly maintained by the owners. A perpetual open space easement or common area shall be recorded for developments by an owners' association with power to assess and collect fees for maintenance. Open space requirements for self-storage facilities shall be determined with development review. The following minimum landscaped open spaces shall be provided in the MU zones:

Multi-family residential	16 percent of gross area
Office, plant or institutional	15 percent of gross area
Retail	None
Single-family residential (R-2.5 Zone standards)	None

#### 17.54.090 MIXED USE-NORTH GATEWAY (MU-NGATE) ZONE

- A. Purpose: The Mixed Use-North Gateway Zone (MU-Ngate) is established to encourage primarily residential development which is representative of the residential character and lifestyle of the City. This zone will serve to identify and distinguish the City at the north boundary on Redwood Road.



- B. ~~Permitted Uses: The following use may be conducted in the MU Ngate Zone:~~  
Single-family residential development **shall follow the standards as set forth in the R-2.5 Zone.** standards.
- C. ~~Conditional Uses: The following uses may be allowed in the MU Ngate Zone with approval of a conditional use permit:~~  
~~Active parks, recreation facilities.~~  
~~Group daycare.~~  
~~Medical or dental office.~~  
~~Office or commercial PUD or condominium, minimum five (5) acres.~~  
~~Office service.~~  
~~Passive parks.~~  
~~Project smaller than five (5) acres.~~  
~~Public or quasi-public facilities.~~  
~~Schools.~~

#### 17.54.100 MIXED USE-RESEARCH AND DEVELOPMENT (MU-R And D) ZONE

- A. Purpose: The Mixed Use-Research and Development Zone (MU-R&D) is established to encourage primarily office, commercial and high tech laboratories and manufacturing development in a well landscaped campus environment. This zone will establish a visible area in the City for business and research facilities which promotes the use, open space and architectural standards of the community.
- B. ~~Permitted Uses: The following uses may be conducted in the MU R&D Zone:~~  
~~Office service.~~  
~~Research and development facilities.~~
- B. ~~Conditional Uses: The following uses may be allowed in the MU R&D Zone with approval of a conditional use permit:~~  
~~Group daycare.~~  
~~High tech light manufacturing, warehousing and distribution.~~  
~~Office PUD or condominium, minimum five (5) acres.~~  
~~Offices with customers on the premises.~~  
~~Project smaller than five (5) acres.~~  
~~Public or quasi-public uses.~~  
~~Residential with attached or detached s~~**Single-family residential uses must comply with the following:**
1. Attached dwellings may ~~dwellings~~, not **be** stacked,
  2. ~~m~~**Maximum density of** five (5) units per acre,
  3. ~~m~~**Minimum development size of** twenty (20) acres.

#### 17.54.110 MU-CITY CENTER (MU-CITY) ZONE

A. Purpose: The mixed use-city center zone (MU-City) is established to provide a centralized retail hub within the 10400 South Redwood Road vicinity. This center will help to meet the routine retail and service needs of local residents and motorists. Development should be geared toward commerce and demonstrate the high architectural standards of the city. "Postmodern" architectural style is encouraged in building design.

~~B. Permitted Uses: The following uses may be conducted in the MU-City zone:  
Health, beauty and fitness services.  
Offices with customers on the premises.  
Retail uses.~~

C. B. Conditional Uses: The following uses may be allowed in the MU-City zone with approval of a conditional use permit:  
Active parks, recreation facilities. Assisted living centers Community residential facilities are limited to a maximum two (2) stories.

~~C.~~ Automotive Vehicle repairs uses shall comply with the following:

1. Repairs must be entirely within enclosed buildings,

2. A maximum total of two (2) acres in the MU-City zone may be used as vehicle repair, {

3. n No outside storage of parts, supplies, equipment or damaged vehicles is permitted. }

~~D.~~ Automotive Vehicle services uses shall not store, including lube, tune-up, wash, inspection, tires, mufflers, minor repairs (no outside storage of parts, supplies or equipment).

~~Banks, credit unions, financial institutions.~~

~~Bed and breakfast inn.~~

~~Business services.~~

~~Care centers, maximum two (2) stories. Cultural facilities.~~

E. Drive-through facilities for allowed uses are permitted for allowed uses.

~~Educational and training activities.~~

~~Entertainment, amusement.~~

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

~~Fast food with no eating accommodations.~~

~~Gas stations, convenience stores.~~

~~Group daycare center.~~

~~Laundry.~~

~~Lumber, building materials and landscaping retail sales yards.~~

~~Office or commercial PUD or condominium, minimum five (5) acres.~~

~~Office service.~~

~~Passive parks.~~

~~Pharmacy.~~

~~Project smaller than five (5) acres.~~

~~Public or quasi-public facilities.~~

~~Restaurants.~~ Self-storage facilities **are limited to a** maximum ~~total~~ of three (3) acres **total** in the MU-City zone.

#### 17.54.120 MU-HISTORIC AND LANDMARK (MU-HIST) ZONE

- A. Purpose: The Mixed Use-Historic and Landmark Zone (MU-Hist) is established to preserve the historic and cultural heritage of the City while providing limited residential, commercial and office opportunities. Uses established in the MU-Hist Zone will reflect and be sensitive to the historic nature of this zone. Buildings should reflect the historic architecture of the State, possibly implementing Victorian characteristics. Historic buildings and sites shall be preserved as required by the City Council.
- B. ~~Permitted Uses: The following uses may be conducted in the MU-Hist Zone:~~  
~~Bed and breakfast lodging.~~  
~~Minor retail uses.~~  
~~Restaurants.~~
- C. ~~Conditional Uses: The following uses may be allowed in the MU-Hist Zone with approval of a conditional use permit:~~  
~~Active parks, recreational activities.~~  
~~Cultural facilities.~~  
~~Minor business services.~~  
~~Office or commercial PUD or condominium, minimum five (5) acres.~~  
~~Office service.~~  
~~Passive parks.~~  
~~Project smaller than five (5) acres.~~  
~~Public or quasi-public facilities.~~  
~~Schools.~~

#### 17.54.130 MU-COMMUNITY CENTER (MU-COMM) ZONE

- A. Purpose: The Mixed Use-Community Center Zone (MU-Comm) is established to encourage centralized civic facilities with supporting and compatible office and commercial development. This zone should be characterized by a campus like environment with pedestrian amenities.
- B. ~~Permitted Uses: The following uses may be conducted in the MU-Comm Zone:~~  
~~Cultural facilities.~~  
~~Office service.~~  
~~Restaurants.~~  
~~Retail business.~~

~~C. Conditional Uses: The following uses may be allowed in the MU Comm Zone with approval of a conditional use permit:~~

~~Active parks, recreational facilities.~~

~~Buildings for religious activities.~~ **B. Drive-through facilities are permitted for allowed uses** ~~Drive-through service. Group daycare.~~

~~Health, beauty and fitness services.~~

~~Office or commercial PUD or condominium, minimum five (5) acres.~~

~~Passive parks.~~

~~Project smaller than five (5) acres.~~

~~Public or quasi-public facilities.~~

~~Schools.~~

#### 17.54.140 MU-SOUTH CENTER (MU-SOUTH) ZONE

A. Purpose: The Mixed Use-South Center Zone (MU-South) is established to provide a retail hub at the 11400 South intersection. This center will help to meet the routine retail and service needs of residents in this vicinity and motorists passing through this major intersection. Development will be geared toward commerce and demonstrate the high architectural standards of the City. An equestrian theme is desired both in uses and architecture.

~~B. Permitted Uses: The following uses may be conducted in the MU South Center Zone:~~

~~Health, beauty and fitness services.~~

~~Offices with customers on the premises.~~

~~Restaurants.~~

~~Retail uses.~~

~~C. Conditional Uses: The following uses may be allowed in the MU South Center Zone with approval of a conditional use permit:~~

~~Active parks, recreational facilities.~~

#### **B. Vehicle repair uses shall comply with the following:**

**1.** Automotive **Vehicle** repairs **must be** entirely within enclosed buildings,

**2. A** maximum total of three (3) acres in the MU-South Zone **may be used for vehicle repair uses.**

**3.** No outside storage of parts, supplies, equipment or damaged vehicles visible from the street or from adjacent properties is allowed.

~~C. Automotive **Vehicle** services, including lube, tune-up, wash, inspection, tires, mufflers, minor repairs. No **shall not have** outside storage of parts, supplies, equipment or damaged vehicles visible from the street or from adjacent properties is allowed. Banks, credit unions, financial institutions. Bed and breakfast lodging.~~

~~Business services.~~

~~Cultural facilities.~~

**D. Drive-through service is permitted with associated permitted use.**

~~Educational and training activities.~~

~~Entertainment, amusement.~~

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

~~Fast food with no eating accommodations.~~

~~Gas stations, convenience stores.~~

~~Group daycare center.~~

~~Laundry.~~

~~Lumber, building materials and landscaping retail sales yards.~~

~~Office or commercial PUD or condominium.~~

~~Office service.~~

~~Passive parks.~~

~~Pharmacy.~~

~~Project smaller than five (5) acres.~~

~~Public or quasi-public facilities.~~ **E. Self-storage facilities are limited to a**  
maximum total of three (3) acres in the MU-South Zone.

#### 17.54.150 MU-SOUTH GATEWAY (MU-SGATE) ZONE

A. Purpose: The Mixed Use-South Gateway Zone (MU-Sgate) is established to encourage primarily office development which is representative of the character and lifestyle of the City. This zone will serve to identify and distinguish the City at the south boundary on Redwood Road. Architecture should be residential in scale and flavor.

B. ~~Permitted Uses: The following use may be conducted in the MU-Sgate Zone:~~

~~Office service.~~

C. ~~Conditional Uses: The following uses may be allowed in the MU-Sgate Zone with approval of a conditional use permit:~~

~~Active parks, recreation facilities.~~

~~Group daycare.~~

~~Office or commercial PUD or condominium.~~

~~Passive parks.~~

~~Project smaller than five (5) acres.~~

~~Public or quasi-public facilities.~~

### 17.54.160 LANDSCAPING

- A. The following landscaping requirements shall apply in the MU zones.  
Landscaping in the MU zones is also subject to the requirements of Title 16, Chapter 16.30, "Water Efficiency Standards," of this Code.
  - 1. Single-family residential: The front and side yards of single-family lots shall be landscaped and properly maintained with grass, trees and other plant material unless otherwise approved with a conditional use permit.
  - 2. Multi-family residential: Grass, shrubs, ground cover, two inch (2") or larger caliper deciduous trees, seven feet (7') or taller evergreen trees; approved plant/landscape materials and two inch (2") or larger caliper deciduous trees in public park strips.
  - 3. Office, plant or institution: Grass, shrubs, ground cover, two inch (2") or larger caliper deciduous trees, seven feet (7') or taller evergreen trees; approved plant/landscape materials and two inch (2") or larger caliper deciduous trees in public park strips.
  - 4. Retail business: Grass, shrubs, ground cover, two inch (2") or larger caliper deciduous trees, seven feet (7') or taller evergreen trees; approved plant/landscape materials and two inch (2") or larger caliper deciduous trees in public park strips.
  - 5. Park strip trees shall not be planted within thirty feet (30') of a stop sign.
- B. Areas of a development that are not covered by paving or buildings shall be landscaped. All required landscaping in yard areas and open spaces, except in R-2.5 developments, shall be installed or escrowed (due to weather) prior to occupancy.
- C. All landscaped areas, including adjoining public right of way areas, shall be properly irrigated and maintained by the owners unless otherwise allowed with development approval.
- D. Trees may not be topped nor may any landscape material be removed without city approval unless replaced in accordance with the requirements of this chapter and the conditions of site plan or plat approval.
- E. Curbed planters with two inch (2") or larger caliper shade trees and shrubs or ground cover shall be installed at the ends of parking rows. Planters shall be at least five feet (5') wide.
- F. 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.

- G. In commercial and institutional developments, minimum five foot (5') landscaped planters shall be provided along the street sides of buildings except at building entrances or drive-up windows. In office developments, said planters shall be provided around the entire building except at building entrances or drive-up windows.
- H. All landscaped areas other than in single-family residential developments shall be separated from driveways and parking areas with minimum four inch (4") high curbs.
- I. Minimum three (3) to four foot (4') high berms or hedges shall be provided in landscaped areas between public streets and parking areas of developments in the MU zones. Berms or hedges are not required where the entire area, excluding walkways, between the public street and a building is landscaped.
- J. Trees shall be planted on private property, except in R-2.5 developments, at the minimum rate of one per seven hundred (700) square feet of required landscaped area. At least thirty percent (30%) of all required trees, excluding public park strip trees, shall be evergreens.
- K. Trees are required in park strips along collector and arterial streets and shall be selected from and planted according to the city street tree plan. Trees shall be planted along the property side of the sidewalk on Redwood Road thirty feet (30') on center and six feet (6') from the sidewalk. Approved plant/landscaping materials shall be planted and maintained in the park strip along Redwood Road.
- L. Developments which are contiguous to canals, streams or drainage areas shall make reasonable efforts to include banks and rights of way in the landscaping of the project and the urban trails system. Any areas so included may be counted toward required open space for the development. Waterways which traverse developments may be left open if properly landscaped and maintained. Any entity or agency having jurisdiction over said waterways must grant approval for any redevelopment of said waterways.
- M. All development applications shall be accompanied by landscape plans prepared by a professional landscape architect.

#### 17.54.170 Architectural Standards

- A. The following architectural standards are required for the respective uses listed in the MU zones:



1. Single-family residential: ~~Brick or stone in the minimum amount of two feet (2') times perimeter of the foundation (including garage); minimum five to twelve (5:12) roof pitch; minimum two (2) car garage (minimum 22 feet by 22 feet, or approximate approved equivalent) per dwelling~~
    - a. ~~A;~~ minimum ~~two thousand four hundred~~ **one thousand** (2,400 **1,000**) square feet minimum dwelling unit size.
    - b. **Residential main buildings shall include a minimum two car garage. Each covered or enclosed parking space shall be a minimum of ten feet (10') wide and twenty feet (20') long.**
    - c. **Single family (attached or detached) owner occupied affordable housing as defined in Utah Code 10-9a-534 are not required a garage but shall at minimum provide two (2) off street parking spaces. Uncovered parking spaces shall be a minimum of nine feet (9') wide and twenty feet (20') long. Covered or enclosed parking spaces shall be a minimum of ten feet (10') wide and twenty feet (20') long.**
  2. Multi-family residential: Brick or stone in the minimum amount of two feet (2') times perimeter of the foundation (including garage) and stucco; minimum five to twelve (5:12) roof pitch; minimum two (2) car garage (minimum 22 feet by 22 feet, or approximate approved equivalent) per dwelling; minimum two thousand four hundred (2,400) square feet per dwelling.
  3. Small office, plant, institution or retail business (less than five thousand (5,000) square foot building): Minimum of fifty percent (50%) brick or stone; 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. Decorative accents and trim of other materials are permitted with planning commission approval. Roofs shall be hipped or gabled with minimum six to twelve (6:12) pitch. This subsection shall not apply if the small office, plant, institution or retail business (less than five thousand (5,000) square foot building) is part of a larger development containing other commercial buildings over five thousand (5,000) square feet and is designed to have similar architectural elements as the larger commercial buildings in the development, including a similar roof pitch and exterior finish building elements.
- B. All building materials **for multifamily and commercial uses** shall be high quality, durable and low maintenance. All buildings and structures in MU zones shall be maintained in good condition.
- C. Remodeling or refacing of buildings, except in R-2.5 developments, may not be commenced without the approval of the planning commission.

- D. **For multifamily and commercial uses,** All masonry and concrete materials, except minimal foundations, shall be integrally colored.
- E. Exterior walls of buildings, except for single-family dwellings, in excess of forty feet (40') in length, shall have relief features at least four inches (4") deep at planned intervals.
- F. All sides of multi-family dwellings containing more than four (4) units shall receive similar design treatment.
- G. Maximum height of all buildings in the MU zones shall be thirty five feet (35').
- H. Signs shall meet requirements of title 16, chapter 16.36 of this code according to P-O zone standards for office uses and according to C-C zone standards for commercial uses and shall be constructed of materials which are compatible with the buildings which they identify.
- I. All buildings and signs in individual developments shall possess a consistent architectural theme which reflects the character of the district in which they are located.
- J. All **multifamily and commercial use** buildings and structures shall be designed by a licensed professional architect.
- K. Any site or building in MU zones believed by the city council to have historical significance shall be preserved for a maximum period of six (6) months upon written notification to the city that a change in use, redevelopment or demolition of the property is desired. The owner or developer of the subject site or building shall request that the city make a determination on the disposition of the property. If the city council determines that preservation is desired, negotiations should be undertaken and finalized within the six (6) month period. If negotiations to preserve the site or building are not completed or continued in a mutually acceptable manner within six (6) months, the building or site may be redeveloped, remodeled or demolished in conformance with the provisions of this chapter.
- ~~L. Attached garages on single family residential corner lots may be located on the interior side of the lot or on the street side of the lot only if the garage is accessed directly from the side street.~~

#### 17.54.180 PARKING AND ACCESS

The following parking and access requirements shall apply in the MU zones:

- A. Parking areas and vehicle access shall meet the requirements of title 16, chapter 16.26 of this Code. Defined pedestrian access shall be provided between adjacent developments, buildings and parking areas as required by the Planning Commission. Sidewalks over which parked vehicles may overhang shall be at least six feet (6') wide on single parking rows and eight feet (8')

wide between double loaded rows. Sidewalks shall be at least six inches (6") higher than driveway and parking surfaces. An eight foot (8') wide sidewalk shall be required along Redwood Road and shall be set back a minimum of two feet (2') from the right-of-way line. The eight foot (8') sidewalk shall be considered landscaping for purposes of this chapter. Park strips (minimum 12 feet wide) between the sidewalk and the curb shall be landscaped and maintained with grass.

- B. If approved by the Planning Commission, cash may be paid to the City for future construction of improvements for roads which are designated for widening in the Transportation Master Plan.
- C. Access to public streets shall be approved by the City Engineer and, if a State road, by UDOT. Vehicle access to developments from collector and arterial streets shall be shared as required by the Planning Commission. Driveways and streets intercepting or intersecting the same collector or arterial street shall be separated by a minimum distance of three hundred feet (300'). Double frontage lots may be accessed only from a subdivision or neighborhood street, not from a collector or arterial street.
- D. Streets and related improvements shall be designed, constructed and dedicated according to State and/or City standards and according to the design widths established by the Transportation Master Plan and the Road and Bridge Design and Construction Standards of the City. Proposed streets on the Redwood Road Land Use Plan, or other acceptable alignments, shall be implemented with new development and shall be designed to right-of-way widths as specified by the City Council.
- E. New development shall make reasonable accommodation for mass transit facilities. The developer shall consult the State transit authority as required by the City.
- F. Easements, rights-of-way or improvements shall be provided for urban trails according to the City Trails Plan or as required by the Planning Commission.
- G. Loading areas shall be located at the rear of buildings and shall be separated from parking areas.
- H. Buildings shall be arranged in clusters to encourage pedestrian access. Areas between streets or parking areas and the building or at the center of the building cluster shall consist of sidewalks, plazas, landscaped planters with shade trees, benches, waste receptacles and other street furniture and amenities as approved and required by the Planning Commission. On street parking may be allowed in calculating the minimum parking requirement; provided, that sufficient street width is provided to accommodate said parking.

#### 17.54.190 FENCING, SCREENING AND CLEAR VISION

The following fencing, screening and clear vision requirements shall apply in the MU Zones:

1. All mechanical equipment, antennas, 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 high as the receptacle itself, but not less than six feet (6') in height, 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 uses shall be screened with six foot (6') vinyl, simulated wood or masonry fences as determined by the Planning Commission. A minimum six foot (6') decorative masonry wall is required between commercial or office zones and agricultural or residential zones. A higher fence or wall may be allowed or required by the Planning Commission in unusual circumstances. A building permit is required for fences or walls over six feet (6') high. Other fencing or landscaping techniques may be used to buffer waterways, trails, parks, open spaces or other uses as determined by the Planning Commission.
3. In residential developments and except for development perimeter fencing, no wall, fence or opaque hedge or screening material higher than six feet (6') shall be erected or maintained in any rear or side yard. Buffering and screening elements associated with a private recreation facility shall be exempt from this section.
4. In residential developments, no wall, fence or screening material shall be erected between a street side building line and a street, except as required in subsection A of this section.
5. Landscape materials within a Clear Vision Area shall comply with Section 16.04.200 (J).
6. Any wall or fence erected or maintained at the rear or side property line in residential developments adjacent to and parallel with a collector or arterial street shall be six feet (6') tall and shall be constructed in accordance with provisions for collector street fencing in section 16.04.200 of this Code. A building permit is required for construction of a collector street fence. Construction drawings and brick samples are required. Collector street fences shall be installed so as to prevent weed growth between the fence and the public sidewalk. Other fences may be installed no closer than twenty feet (20') from any street right-of-way line, except as otherwise prohibited in this title. Proposed modifications to collector street fencing must be consistent with adjacent fencing provided that the adjacent fencing meets requirements for

collector street fencing. Proposed collector street fences may not be installed until reviewed by the Planning Director or his designee.

#### 17.54.200 LIGHTING

The following lighting requirements shall apply in the MU Zones:

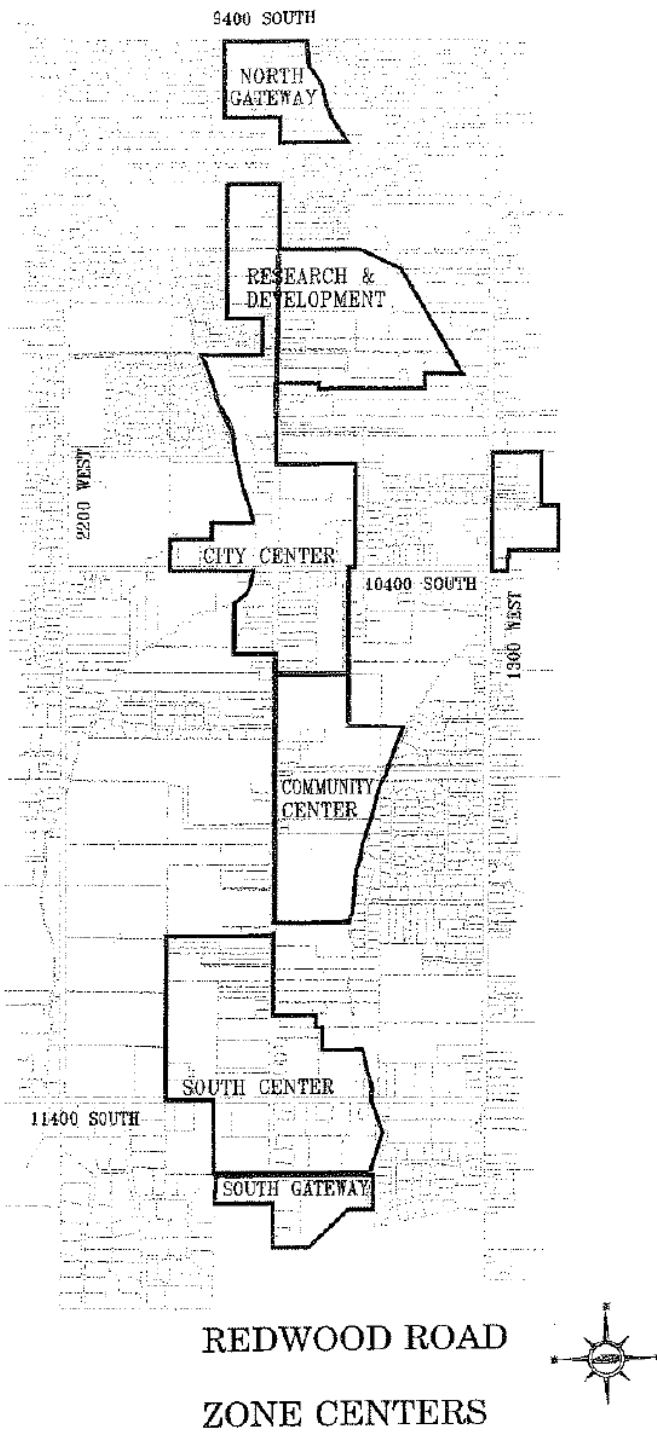
- A. A lighting plan shall be submitted with all new developments in the MU Zones. Site lighting shall be shielded to prevent glare on adjacent agricultural and residential properties.
- B. Lighting fixtures on private property shall be architectural grade and consistent with the architectural theme of the development.
- C. Lighting fixtures on public property shall be architectural grade. A single streetlight design, approved by the City Council and the Engineering Department, will be used on the same street.

#### 17.54.210 OTHER REQUIREMENTS

- A. Private Covenants: 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 City staff for 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.
- B. Grading And Drainage: All residential developments shall be graded according to the City's engineering and building requirements to provide adequate drainage in said developments. Buildings shall be equipped with facilities for the discharge of all roof drainage onto the subject lot or parcel.
- C. Maintenance: All private common areas in residential developments shall be properly maintained by the owners.
- D. Easements: Permanent buildings may not be located within a public easement.

- E. Phasing Plan: A project phasing plan shall be submitted for review by the Planning Commission 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 Planning Commission.

17.54.220 MAP



## Chapter 17.72 Planned Community (P-C) Zone

## 17.72.020 Land Use Designations

All land use designations, adopted or amended, are incorporated in this Code and referenced in the City Recorder's Office or on file with the City Recorder.

The P-C Zone shall consist of the following land uses, which shall be identified in the community structure plan as provided in this chapter. Land uses so identified are described in the land use element of the general plan. Various uses proposed in the P-C Zone may only be established in conformance with provisions of this chapter. **Use classification requests and new and unlisted uses shall be considered as described in subsection 17.18.030.030 of this Code.**

- A. Neighborhood: This category is designed for comparatively low density mixed use development that emphasizes residential (single- and multi-family) use, but also includes office, commercial, industrial, public/semipublic and recreation/open space uses. This category may accommodate gross residential density of five (5) units per acre.
- B. Village: This category is designed for medium density mixed use development that includes residential (single- and multi-family), office, commercial, industrial, public/semipublic and recreation/open space uses, without a predetermined emphasis on any single use. This category may accommodate gross residential density of twenty five (25) units per acre.
- C. Town: This category is designed for high density mixed use development that emphasizes office, commercial and recreational uses, but also includes residential (single- and multi-family), public/semipublic, industrial and open space uses. This category may accommodate gross residential density of fifty (50) units per acre.
- D. Business And Research Parkway: This category is designed to accommodate (but not require) a mixture of all uses: residential (single- and multi-family), office, commercial, industrial, recreational and public/semipublic uses. The principal land use in this category should be office, commercial and industrial.
- E. Open Space: Landscaped or natural area or farmland which is established to provide and preserve outdoor recreational, agricultural or other similar uses.