

SOUTH JORDAN CITY PLANNING COMMISSION REPORT

Meeting Date: 11/12/2024

Issue: **BESS DENTAL OFFICE LAND USE AMENDMENT AND REZONE
Land Use Amendment from Stable Neighborhood (SN) to Economic Center
(EC); Rezone from Single-Family Residential (R-2.5) & Agriculture (A-5) to
Professional Office (P-O)**

Address: **9828 S Temple Drive and 9816 S Temple Drive**

File No: **PLZBA202400175**

Applicant: **Shea Bess & Ben Purdue**

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

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

- Resolution R2024-45 approving the “Bess Dental Development Agreement.”
 - Resolution R2024-44 approving the change in land use designation from Stable Neighborhood to Economic Center.
 - Ordinance No. 2024-09-Z approving the zone change from Single-Family Residential (R-2.5) and Agriculture (A-5) to Professional Office (P-O).
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| ACREAGE: | Approximately 1.1 acres |
| CURRENT ZONE: | Single-Family Residential (R-2.5) & A-5 |
| CURRENT USE: | Vacant/Utilities |
| FUTURE LAND USE PLAN: | Stable Neighborhood |
| NEIGHBORING ZONES/USES: | North – R-2.5/Single-family residential South – R-3/ Single-family residential West – R-2.5/Single-family residential East – R-1.8/ Single-family residential |

STANDARD OF APPROVAL

1. LAND USE AMENDMENT:

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

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

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

(City Code § 17.12.030)

2. REZONE:

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

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

(City Code § 17.22.020)

BACKGROUND:

The applicant is requesting a land use amendment and zone change for three properties located at 9828 S Temple Drive and 9816 S Temple Drive. The current land use designation is Stable Neighborhood (SN) and would be changed to Economic Center (EC). The current zone is Single-Family Residential (R-2.5) for the 9828 S Temple Drive property. It was also owned by the city and recently sold to the applicant Shea Bess. Agriculture (A-5) is the zone for the other two properties. All three properties would be rezoned to Professional Office (P-O).

The rezoning of the three properties would meet the one acre minimum size requirement for the P-O zone area. The applicant provided a sample site plan showing a dental office project. Only one building is proposed in the concept with the rest of the project proposed to be parking and landscaping. The sample concept also does not include development in the entire rezoned area. Only the properties owned by applicant Shea Bess of Spectrum, LLC are proposed to have development. The property owned by Jordan Valley Water Conservancy District (applicant Ben Purdue) are included in the rezone application, is developed as a “Utility Services” (see City Code § 17.18.060.C.4.), and is planned to continue to be developed for that use. Utility Services uses are permitted in the P-O Zone.

Development Agreement:

Although applicant initially proposed this rezone request without a development agreement, after receiving feedback from the public and staff, the applicant has agreed to enter into a development agreement. The draft agreement attached to this report will be finalized after staff

receives input from the Planning Commission and its recommendation to the City Council. Although there are natural limitations in the P-O Zone when projects comply with the various requirements of the zone (e.g. heights and sizes of buildings are limited on smaller properties because of the competing buffer and parking requirements), the proposed development agreement will provide some certainty of what can be built on the property. The proposed agreement limits the project and future use of the property to the following:

1. The building location will be as close as possible to the corner of 9800 South and Temple Drive.
2. Buildings will be limited to the lesser of 40 feet or two stories in height.
3. Uses will only be permitted for community services, vocational/professional, utility services, business support, financial institution, medical/dental clinic offices or clinics, offices, personal services, professional services, and research and development.

STAFF FINDINGS, CONCLUSIONS & RECOMMENDATION:

Findings:

- The properties zoned A-5 are considered nonconforming lots. With the new zone change, they will come into compliance as the P-O zone, which does not have a minimum lot size.
- To the north of the three properties associated with this application is a Questar Gas Company property. This will provide a 60 foot wide buffer between the proposed P-O zone and the residences to the north.
- The properties are currently listed in the City's 2017 South Jordan Parks, Recreation, Community Arts, Trails and Open Space Master Plan as the possible location for a small pocket park called the "Shields Entry Park." There is, however, an update to this plan that is underway, and the subject properties will not be part of the updated parks master plan. Even before the City sold its property, the location, size, property shape, and ownership of adjacent parcels created difficulties in establishing a park on the site.
- The application meets the rezone standards of approval of the City Code.
- The proposed development agreement will provide some certainty for how this property will be used and developed in the future.

Conclusion:

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

Recommendation:

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

ALTERNATIVES:

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

SUPPORT MATERIALS:

- Aerial Map
- Land Use Map
- Zoning Map
- Concept Plan
- Infrastructure Analysis
- Elevations and Pictures
- Salt Lake County Plat
- Ordinance No. 2024-08-Z
- Resolution R2024-43 (Land Use Amendment)
- Resolution R2024-44 (Development Agreement)

Approved by:

Miguel Aguilera
Miguel Aguilera (Nov 6, 2024 14:13 MST)
Miguel Aguilera
Planner I, Planning Department

Steven Schaefermeyer
Steven Schaefermeyer (Nov 6, 2024 14:27 MST)
Steven Schaefermeyer
Director of Planning