

**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'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 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 be 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 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