Memo

TO: **Planning Commission**
CC: **Jared Francis, Senior Engineer**

FROM: **Damir Drozdek, Planner III**

DATE: November 26, 2025
SUBJECT: Almond Dental Building 2 Time Extension Request

The Planning Commission reviewed application PLSPR202400093 at a public hearing on August 26, 2025. The application proposes construction of a new commercial building at the southeast corner of South Jordan Parkway and 2200 West, located at 10433 South 2200 West.

The site currently contains one commercial building occupied by a dental office and a dance studio. The property owner intends to construct an additional building and relocate the dance studio into the new space. The existing building's vacated suite is planned to be leased to an office user, while the dental office will remain.

During its review, the Planning Commission expressed concerns regarding parking and site access. The two properties on the site do not have a shared access and parking agreement, and the proposed new building has no direct access to public streets and no on-site parking. Additionally, based on City Code requirements for the proposed uses and square footage, the site does not currently meet minimum parking standards. Due to these issues, the Commission tabled the application until the end of the year and requested that the applicant:

• Execute and record a shared access and parking agreement between the two properties; and
• Either propose uses that comply with City parking requirements or petition the City Council for a reduction in parking standards.

Since then, the applicant has submitted a draft shared parking agreement to staff, and staff has completed an initial review. The agreement has been returned to the applicant with requested revisions. The applicant has also paid the required fees to initiate a parking study to determine projected parking demand for the proposed uses and the new building, and to compare those findings with City Code requirements.

Because the applicant has been actively working to address the parking issues, staff supports the request for the Planning Commission to grant an additional extension. The Planning Commission minutes from the August 26, 2025 meeting are attached.

E. COMMENTS FROM PLANNING COMMISSION MEMBERS

Chair Gedge said I attended city council meeting last week and they did appointed our new Commissioner Bryan. Farnsworth, so that was unanimous, which is always a good sign when it's unanimous. Also, they had the public comment for the Bess Dental which we had heard two weeks ago in our meeting. They did table that item because at the last second an adjoining property owner joined that is part of this parcel, Jordan Valley Water Conservancy District. They will hear this at the next city council meeting, there will be no further public comment, and they will just have their deliberation on that hopefully. One other item they did pass is a parking lot size reduction for the new Bingham High School seminary. So if we do see that come before us in the future that did pass five in favor by the city council. So we have our city council direction that there was a change in parking lot requirement.

F. SUMMARY ACTION

G. ACTION

H. ADMINISTRATIVE PUBLIC HEARINGS

H.1. **NEW TWO STORY COMMERCIAL BUILDING SITE PLAN "ALMOND DENTAL PHASE 2"**
Address: 10435 S. 2200 W.
File No: PLSPR202400093

Applicant: Jordan Dejarnett; Mint Architecture

Planner Andrew McDonald reviewed background information on this item from the staff report.

Commissioner Harding said so the grass section that comes off of South Jordan Parkway is that a required length of “no parking” so if I'm reading correctly, that sign can be moved. Could additional parking be put between where that sign is?

Planner McDonald said possibly.

Commissioner Harding said and then at the same time if you go to the corner where the image shows all of the parking off of 2200 South, is there any requirement to have so many feet to the street there?

Planner McDonald said there is a public utility easement that runs along double frontage, and Rocky Mountain has one in that lentire left corner.

Commissioner Harding said could they move the garbage over there and add parking to that?

Planner McDonald said they wouldn't be able to occupy that easement. It has active services in it, there are actual junction boxes installed there as well.

Commissioner Harding said so if I heard you right, there is a provision to allow for 69 spots.

Planner McDonald said the provision in city code that was referenced, staff does not support in this application. The requirement is for an assembly and recreation use. In this case, the dance studio is one parking stall per 100 square feet, or if you were to have four seats, doesn't matter if they're fixed or not, then you can have one stall per four seats and that is the provision that staff does not support given the issues identified in that report. The number that you're referring to is if we were to modify their original one per 250 approval for the whole development, which is both phases. It would still result in a number that is higher than the existing 64 stalls on site.

Commissioner Harding said and the change of the parking lot across the street doesn't affect it. We can't take that into accountability at the high school.

Planner McDonald said no. They must retain on their own property within this development.

Commissioner Catmull said what is the deficit then? Is it a five parking stall deficit? 64 current, 69 with that 250 number, using the 250 square foot per stall.

Planner McDonald said if we were to adjust the numbers, they would be roughly four to low 20s. Short.

Commissioner Catmull said how many?

Panner McDonald said number four to the low 20s short adjusting those ratios.

Commissioner Catmull said depending on what use goes in there?

Planner McDonald said correct. The extra five is based upon the current use as the medical clinic and the Empowered Dance size of their spaces.

Commissioner Catmull said can you also remind me what is the requirement for accessible parking spots? How many per how many slots?

Planner Greg Schindler said I think they have to have one for every 40 spaces.

Planner McDonald said they do have two on the south side of phase two, and two on the east side. Those two on the east side have to be removed and relocated further north to meet those requirements of access distance to that entry on the northeast corner of that building.

Commissioner Hollist said included are a couple of notes in your staff report regarding code that prohibits medical clinic uses within the CN zone and buildings with footprints exceeding 5000. How is a dental office currently operating there? Is that something that was approved before that code.

Planner McDonald said it was missed by staff, and they got away with it, per se. So the new building still has to comply if those uses are going to occupy any space within it.

Chair Gedge said so the current use is a grandfather non conforming because it was missed by staff initially, correct?

Planner McDonald said but if they discontinue, they would not be allowed to come back.

Commissioner Hollist said is that why this next building is now just a little bit smaller in the footprint, to come right under that 5000 within the second story.

Planner McDonald said correct.

Commissioner Hollist said in the packet that you provided us, I assume this is what was presented to the Architectural Review Committee, they've claimed that they've got 74 existing stalls on site. Do we have a way to confirm which set of documents is correct?

Planner McDonald said what's been presented in the report, the 64 is the valid number. It's been confirmed on the counts, and it's the number from the original approvals. The 74 is either a miscount or a typo.

Commissioner Hollist said in reviewing all the notes, “thank you” that was very helpful to have the meeting minutes from when we previously visited this. We made a motion the last time we saw this for the final or the preliminary subdivision, and we made it very clear that our approval was pending both a shared parking, a shared access, and a shared stormwater plan being presented. So, I am not convinced that this is actually a complete application. I am not ready to review it based on that. I'm just gonna throw that out there.

Commissioner Farnsworth said in the December 12, 2023 minutes, it says there's 26 parking stalls required, 22 for the dance studio and four for the dentist office. Why is there such a discrepancy in that number versus the presentation of parking and all of the other minutes and presentations?

Planner McDonald said with the site plan application staff took a deeper dive into the original approvals and found more accurate numbers. So what's been shown in the report is more accurate based upon the extent of the entire developments existence from when it first came to be, from phase two today.

Chair Gedge said with the building that you presented this evening on the northwest corner of South Jordan Parkway at 2200 West and the two accesses. Are there any concerns with vehicular traffic, with the increased vehicular traffic coming in here, and the parking issues that might go especially along 2200 west and South Jordan Parkway, if they are under parked?

Assitant City Engineer Nielson said there are parking concerns if they're under parked, if they're not meeting the city's parking ratios, just because of the because of the parking issues that already exist with Bingham High School.

Chair Gedge said know Bingham High School is a different application, different property. However, I know they've made some improvements to parking in their southwest corner locally,

mostly for teachers and visitors. Do we have any numbers from the school district of how that will improve their parking situation along 2200 west or overflow into neighboring properties such as this?

Commissioner Hollist said I would like to point out that when we saw this previously, it was brought to our attention that this site was actually selling and encouraging parking by students.

Assistant City Engineer Nielson said think it's going to be tough to tell it. I mean, they were able to gain another 90 parking stalls, which is fantastic, but when you see how many vehicles are already parking on the public streets, there's still going to be a lot of on street parking.

Commissioner Catmull said on the arc committee vote, it was that unanimous.

Planner McDonald said yes.

Jeff Almond, (Owner) said I am the owner of the property, and this is Jordan. He's kind of helping with the development and so forth. So he'll probably answer a lot of the questions. But one thing I guess, that I'd like to state is on that first building, I feel like there needs to be a correction on whether that was missed. Andrew mentioned that there was something that was missed in the planning, and I don't think that there was. We still did the 5000 square foot building, which is the dance studio, and we had to have a zero setback. Well, we asked if we could put two separate buildings with a zero setback, and they said yes. So there's a separation between the dance studio and my office that has a firewall, whatever it is that we had to put in. So it was approved. I don't know why they're saying that they that was missed. I don't know where the correction is on that, but I specifically remember addressing that issue. They said that the first building could only be a footprint of 5000 square feet. So we did do that, and then we did the firewall proofing and did a zero setback on the second where my office is. I just kind of wanted to clarify that a little bit, and then the parking issue.

Jordan Dejarnett, (Mint Architecture) said First of all, I would like to kind of address the few comments that Commissioner Hollist had. There was an updated storm water system that had been submitted, so that is now on record. And then in regard to the shared parking, in your last in that packet that you guys have there from the Assistant City Attorney Greg Simonson. He says that, since the owner is the owner of both lots that no shared access and or parking agreement is required and that's in page five at the last exhibit of what you guys had there with what Andrew had submitted. So with that being said, I don't feel that the owner is against doing a shared access agreement in the future. If he were to say, consider selling one of the lots and have that be an option with the parking as far as the one per 100 square feet for the dance studio right now it says in your code that it's also one per four seats. As Andrew had mentioned with that we have gotten confirmed numbers from the existing dance studio right now that they only have 16 seats, and so there would only be a requirement for four four stalls for their space currently, one thing to potentially consider is, although it's not written in the code, it would only be a requirement for four stalls for their space currently. Also, one thing to potentially consider is, although it's not written in the code, exactly what that portion of the parking kind of relates to, this isn't a performing arts theater. So there, it's just a rehearsal space where kids are getting dropped off

and for their dance class, and then they're getting picked back up. It's not a place where they're holding their recitals or anything like that. When they do that, they go off site and they host it at a very large a larger facility where family members and friends and people the community can come and watch those events. So that's where I think the one per 100 is suitable for something where it's more of an actual Recital Hall, rather than a place where they're rehearsing and it operates outside the hours of the existing dental clinic. With that, the owner has also mentioned that in talking with the dance studio that they would more than likely be considering to actually occupy the whole new building. And if they would like to expand the existing space that the dance studio is in just due to the current market, and what's kind of the best target audience for a new tenant would be someone that would be asking for office space. And so with that, that's one per 300 stalls, and he is planning on staying in his current location now. So with that, in this hypothetical situation, his current space and the square footage that he has requires 22 stalls in the office, if office was to occupy the existing dance studio space at the one per 300 that would require 13 stalls, that would then leave 29 stalls remaining for the dance studio. Which that would then, if you went with the route of one per four seats, that would give the dance studio an option to have 116 seats in that new facility, which is a massive amount of seats that the dance studio would ever put in that because they really only have, in this case, if they were to occupy both buildings.They would probably have two smaller lobbies, and that's currently just used for dancers that are either waiting for their class or waiting as their class to get out, or eating a snack after school before their class starts, type of thing. And that's really the only occupiable seating in the whole dance facility. So I guess with that, that's kind of our argument as to why we feel that with the current proposed 64 stalls it would be adequate, not only from the calculations that we've done, but then also from the standpoint of what is kind of going to be realistic for those because, they're not going to put 116 seats in the dance studio. The other thing with that too is, in the future, if the if the dance studio decides to vacate and he wants to then have office space for that whole new proposed building at the one per 300 that then puts the office building at requiring 64.9 stalls. So it'll really only requires us to at that point to then need one extra stall, which, by looking at the site plan, I'm confident we could accommodate.

Mr. Almond said someone had a question whether I'm still selling parking permits to Bingham students, and we have done this for eight years. We usually do about 30 parking spots. So I know that there is plenty of parking available for another building. We would never sell that many if we didn't feel like I have the space. I've had eight years of doing that with the experience of selling that it's never over parked. So I don't know if that's a way to put your mind at ease a little bit, because, I mean, if you look at the map there on the back side, on the east side, and then going north, against the building on the north side of that handicap, there's 28 parking stalls. And now, that’s basically what we sell to the high school students, because we know that those parking are just free. They're never used. And we did that for my first year I was in there, just the whole basically East Side sat vacant. And so we have the idea, well, let's just sell to get some of the congestion off of 2200 let's sell some of those parking spots. So we've been doing that now for six years and there's never been a parking issue at all.

Commissioner Hollist said when do you anticipate that you'll begin construction on this, if it were approved?

Mr. Dejarnett said if I had to take a guess, we upon approval. Let's say you guys vote to approve tonight, and the owner chooses to then move forward with the continuation of the drawings. We're probably three, four months out from even submitting for permit, and then from there, there's going to obviously be one, two, maybe three rounds of comments in that turnaround period. And then each jurisdiction is different, but roughly it's about two weeks that the city has to be able to turn around city comments back to us, and then from there, we then schedule when we would like to start construction. So by the time that all comes around, I mean, we could also make sure that we coordinate with the owner, and we have it permanent and ready, but that we don't kind of forego the agreement that he has with those students, and then we don't potentially start construction until after the school year is over.

Commissioner Hollist said are you still letting the dance studio sublease to a preschool? I know that that was contributing to the build up on 2200 W.

Mr.Almond said no.

Commissioner Hollist said why the second story? Why the change? I guess, in what was presented previously.

Mr. Almond said the change from the original proposal of the just a single floor. I just wanted to max out the earning potential of the property. I was approached by another dentist in the South Jordan area. We were going merge our practices and so we just thought, with the design and the calculations, we could just do a two story and do more per square footage mainly just to maximize the property.

Commissioner Hollist said I was not able to find the comment from our city attorney, but my biggest concern when we saw this previously was the change from having the number two lot have any parking specifically allocated to it? I know that it's currently owned both by you, so apparently no issues. But what happens in the future when you sell off building two and building one, whoever's in it operating at whatever says this parking is technically ours, we don't grant you any access or parking spots. That's where my concern is coming from is for the future, you can't promise that you'll always own the both of these or that the same owner will own both because you subdivided it. Right?

Mr. Almond said I don't know the ins and outs of shared parking agreements, butif that was contingent on a sale, it certainly would obviously sign something that would accommodate and be fair for both buildings.

Chair Gedge said what are your current dental hours of operation, days of the week, hours of operation, and then, of course, the dance studio?

Mr. Almond said Monday, Tuesday, Wednesday, was it. But I am looking to expand my practice, bring on associates, and there's the potential we'd be open five to six days a week.

Chair Gedge said do you know the dance studio’s hours of operation?

Mr. Almond said generally, they do Monday through Friday, I don't know exact time, but usually around 3:30 pm to probably 8:30 or 9:30pm.

Commissioner Catmull said my question is around the architecture committee, they made recommendations, and you heard staff say that they were not accepted. Could you give us some more details on why you chose not to accept the recommendation for further changes?

Mr. Dejarnett said the only thing that we didn't incorporate and or change was the issue about the parking. There was one prior iteration, and that was that we had less pitched roofs, and then it was brought to us that they would feel it's acceptable to then have 80% pitched roof and gabled or hit roofs and 0% flat, to be able allow screening of mechanical equipment for rooftop units and stuff. And so we went back in and addressed it and made that correction. In regards to the brick they didn't initially ask . We were planning on having a white painted brick, but that was another item that they didn't feel was acceptable, just because painted brick can be costly and you'd have to make it look good. It requires continual upkeep. So, that's why on that material board you have that other piece of brick there that would be the new proposed brick, that is a white brick that is not painted. Those are the only other items that really came from that meeting, per se, and even in the Architectural Review Committee meetings, they were more concerned about the architecture of the building rather than the parking. I know it was discussed a little bit, but it wasn't discussed at full length, like we were discussing it tonight. And then the other item was we had our main entry to the east towards the parking lot. But in order for us to encroach on or have a less setback towards South Jordan Parkway, we had to have our building entry towards the street facing side. Which we then updated our elevation to add in an entry, and adjusted the architecture to kind of accentuate that, this is the main entry, rather than facing east towards the parking lot. One other thing that I would like to add to in regard to the parking was, August 9, 2024 was when we submitted our third time of comments, and at that point was the last time that we had heard about the parking issue, per se. Now, there's more to that, and I'll get to that, but we ended up submitting three other times before being able to be before you guys. And at that point, other than September 4, 2024 when it was mentioned that there's still a potential concern, but nowhere in those city comments after that was there a parking question. So once we fulfilled that, once we addressed that comment after the third time, and then after the prior or the next three submissions, there was no city comments. We thought, we assumed it was resolved and that it was acceptable to the city. And then on September 4, 2024 is when we got a this letter that talks about the concern for the parking. Then on January 3, 2025 we got an email from the portal and that it had got pushed through, and our application was being deemed, either approved or accepted from the planning department to then move on forward to you guys. So from September to January, having those and still not addressing it in September, but then in January of this year, then basically deeming it accepted and allowing us to become before you. And if it wasn't accepted because of the parking then why are we here?

Commissioner Catmull said ust real quick follow up on that, because that was a mixture of several items. As far as the Architectural Review Committee, my understanding of what you said was that the brick was changed, and we see that reflection in there.The pitch and the percent of the roof that has to be pitched was set to 80% is what they wanted, is that where it is at?

Mr. Dejarnett said one of our earlier iterations of this building had less than 80% pitch roof, and the planning department then basically said that they would find it acceptable. If we were able to come to a new design where we were able to achieve 80% which is what we're at.

Commissioner Catmull said he architecture review committee was okay with your percentage, that was not a concern to them?

Mr. Dejarnett said correct.

Commissioner Catmull said so then I think the only thing I have on my list is the entrance was the sticky issue that was not resolved?

Mr. Dejarnett said it's resolved. That was one of the things that's updated in the package that you guys have, and what the city has is the main entry was changed to now be street facing, rather than East facing towards the parking lot.

Commission Catmull said I am just trying to reconcile what Planner McDonald's presentation said, because it said there was a remaining issue that was not resolved.

Mr. Almond said that 80% wasn't just a number that we thought up and then they said it was acceptable. It was one that the planning department brought to us and told us that if we could get to that, it was acceptable.

Chair Gedge opened the Public Hearing to comments.

Regina Pikus, South Jordan said I actually didn't come here for this, I am the applicant on a different item. I live right off 2200 W and I have a high schooler at Bingham, so I'm definitely familiar with this. The parking situation right now,and the traffic is a nightmare at Bingham. If the way I'm interpreting this, maybe I'm interpreting it wrong. If there's an additional almost 10,000 square feet, and right now there's 28 parking spots that are available to flux. I don't know how 28 parking spots are going to do for 10,000 additional feet. I definitely have big reservation because Bingham is a massive part of that parking equation. The kids at Bingham are still in a lottery system, and for sophomores are not allowed parking passes. Juniors are in a lottery system, and then seniors are the only ones that are guaranteed. So opening up the 90 new spots has been great. My child got a lottery Pass, which I feel like we hit the jackpot and but most of the new ones in the front everybody has to be gone by three o'clock, and you guys probably know that, but they use that space for for driving lessons, and so everybody has to vacate in the front, where every spot that's marked as blue. So during the morning commute, it's very, very congested.. Years ago, people were allowed to park on 2200 W and across 10400 S, wich is South Jordan Parkway, but that has been cleared. Nobody's allowed to park there anymore. So it's it's tight. That's what I'm saying, I definitely have concerns with that.

Chair Gedge closed the Public Hearing.

Commissioner Harding said Andrew can you confirm those numbers that we heard with the future planning? We know it's all hypothetical, right now, but if the entire amount went to office,

that would only be one more needed. He has agreed to do a shared parking agreement. I just like the city to confirm that.

Chair Gedge said and that's the one per 300 square feet, correct?

Commissioner Harding said this is what I heard. If the dance takes a whole building, they would take 29 based on the seats, dental would be 22 and if office took over from the original building phase one, that would only be 13. But then, if the dance doesn't take all of that and it goes to Office, it would only be an additional one. I just want to make sure we're all on the same page based on code.

Planner Andrew McDonald said referring back to the report, staff cannot confirm those numbers because that is future speculation, so we can't engage with that. What we know is that there is a problem right now, and that is the whole basis for what's been presented to you. We will require what's required of code for those uses, as they are defined and how they apply in the chapters ratio. This is a 9897 square foot area building, and as that code applies, that is per floor area. If the applicant, slash property owner, wants the whole building to be occupied by the dance studio, that one per 100 ratio will apply to that whole building that calculates the 99 parking stalls required for that building alone. So again, referring back to the staff report, we can't speculate. What we do know has been reviewed and presented before you, there is an issue it remains unresolved, and that the applicant has not met that burden of proof to demonstrate that any potential that they want to bring into the property with any parking studies or analysis would provide a basis to have those conversations, which they haven't done.

Commissioner Hollist said as a mom that takes girls to dance studios, I've been thinking about this a lot. I think I agree with the applicant that we might not have a great metric for what a dance studio requires that cannot put on a recital. The number of chairs actually in there, again, really doesn't signal how many people might have parked there. I would actually think the number of studios might be more appropriate. You probably have a teacher and two parents per studio. And I know that's not in the code, so we can't go by that. I don't know if they were able to provide you a picture of their lobby and showed how many chairs would they fall under that definition of the recreation and assembly use well.

Planner McDonald said regardless if there's recital performance or not. This is a dance studio as defined under recreation and assembly, subcategory instruction and training, primarily engaged in the personal or group instruction of cultural sports or recreational activities such as dance, gymnastics, martial arts, music and similar activities. Whether or not they have recitals there or not that would bring in more traffic, our report and conclusion still stand that we have an issue with the parking in ithat use, and that that whole development as it currently is.

Commissioner Hollist said so why were we talking about the number of chairs at a previous meeting? There seemed to be another metric that the city was open to using for interpretation.

Planner McDonald said it was a conversation not pertaining to the standard of approval for that application. We did have to cycle around and clear up that yet that time you were focusing on the

standard of approval for the preliminary subdivided application, and then coming at tonight's site on application, you could circle around and bring back those concerns which staff has referenced. For the record, we still don't support the use of that reduction in this application. And if there's any questions, it would defer back to the director of the department for interpretation on the historical context of this project and property.

Commissioner Hollist said we talked about a traffic study potentially being a part of this final site plan. I don't know, visiting and confirming that during the daytime there are spots available, and at nighttime there are not. I'm very sensitive to the parking issue. Mr. Gedge lives right by a business development that we have a lot of heartburn over every time it comes up, because they are always under parked based on what's gone in. And apparently, once, historically, something's been there, you can never revoke that use. And I understand exactly why you're doing your due diligence here. And so I guess I'm trying to understand, I tend to agree with the applicant. I don't think I ever drove by it during preschool time, where we did receive testimony that can back up onto 2200 West and around the corner to the neighborhood. But when I go by during the day at Bingham, even with Bingham students there, I see spots available when I go by during dance hours. It does look busy, but I would have thought I could probably get in and still get a spot. But again, my biggest concern, which I stated right at the beginning, is a shared parking and access to ensure that the future property owners business providers have a designated number of spots allocated for their use. I think there might have been a question in there for him, like what would it take for the city staff to review on this particular case basis.

Planner McDonald said we would need to know and not speculate, which we wouldn't know until permit applications come in, where we have actual documents and complete applications to review and apply our code to. Outside of that, it's speculation, and we will stand by what we have gone on record with and what's in our code to support what we will apply.

Chair Gedge said so as we continue our deliberation, we're focused on what we should be doing as a commission to either approve, conditionally approve or deny. Can you help us with that?

City Attorney Ryan Loose said from from the standpoint of the legal requirements. The legal requirements are what they are until we know what the use is. Then you go on what the potential use could be. If the applicant wants to say that they will not invite hemselves into not leasing to those higher parking uses, then any application for the higher parking uses would be rejected until such parking was created on site, which after building there's difficult, very difficult. So from that standpoint, the approved use, or the approval of the parking, would start to then stop any other use from coming into the building just by function. So if you approve the parking like it is now, with the building like it is now, that's what you approve, then uses that take more parking will not be allowed because they just functionally can't go into that space. And so what planning staff is advising is that, until you know the use, don't approve a parking, deny the request, have them cement their uses, then approve it that way so you know what the parking is.

Chair Gedge said another avenue for the applicant is if we were to go down that route, they could then apply to the city council for a code change to a different definition to allow the parking to be allowed on the use that they're proposing. Is that an option if we were to deny?

Director Brian Preece said they could also apply for a parking reduction, which is what the seminary across the street. The city council allowed to do a parking reduction with evidence.

Commissioner Harding said do we have the ability to put that stipulation in to avoid coming back? Meaning, if the city council approves a reduction, and verifies residency or type of use, so it avoids coming back here, or we don't.

City Attorney Loose said It would be a complicated motion, because you'd have to anticipate what the what you have to anticipate what the uses are that they would allow and reduce the parking for.

Commissioner Catmull said on the applicants questioning and answering of the Architecture Review Committee, as we went through those items, they did not identify an item that they felt like they refused to address, and they seemed to say so there was some sort of miscommunication somewhere in here. Can you illuminate some details as to what item is outstanding from the committee that they wanted addressed?

Planner McDonald said yes, to clarify, the Architectural Review, committee reviews the designs of the building. They do not review site plan issues, which includes the parking right? So there were no conversations in regards to the parking compliance issue that was being handled through staff according to code. The concerns that were initially discussed in the August 14th meeting, referring back to the presentation with a lack of main design entrances so they could utilize that setback reduction and be within 10 feet instead of having to be 20 on the South Jordan Parkway. Which (1) required redesigning the entryway to how you see it now and what you saw in the presentation on those slides is not what was presented at the recent one on the one before that on August 4th. They did make some changes, however, of the ones that were listed, the Committee on the 11th meeting did not recommend approval. They unanimously found that they were not adequate changes to address the concerns that they had expressed. They felt the applicant could have done more in the design to appease their concerns with the roofing issue, referring back to the presentation and discussion of how the CN zone does not allow it prohibits flat roofs, and explicitly states that all roofing shall be pitched or cabled in some fashion. Now, naturally, that means the entire roof. However, you're going to have rooftop mechanical equipment on this building. You do have it on phase one, the existing building, and it does need to be screened from line of sight. So reasonably with phase one and with the designs you see in phase two on that rooftop, calculation, what's left is flat spice for them to put their equipment and how they need to access it. And reasonably, it is screened from view, and the 80% was a strong majority determined by the Director of Planning at the time, Mr. Schaefer Meyer, that number, in reference to looking at phase one, is solid enough to determine that it could be considered compliant, while still being reasonable with the mechanical bridge, but flat space still being there, even though explicitly the code says it shall not be flat.

Commissioner Catmull said I'm trying to sort out in my mind, the process of taking these four buildings, but two structures anyway, taking these and considering their use through time. As I look at the parking ratios, and if my calculations are correct, wherever they are ,if it was all office space, it could require as little as 51 or 171 if it was all assembly, if that was the use. So,

as you know in 10 or15, years and new owners, new uses, how does the parking ratios get managed as new permits and uses come into a property?

Planner McDonald said the ratios are still applied as they're listed in the code, the requirement for 1626, parking ratios based upon how the uses are currently defined. So in this particular case, a dance studio is recreation and is simply one per 100 with the provision to reduce that which staff doesn't support the office use as city code defined which does not include a dentist office, despite that being in the name, dentist offices are medical clinic uses, by definition requires one per 200 which is the same as retail. All of these are permitted uses. So again, we can't speculate as to what the future could be, as we refer to in the presentation. We need to focus on what we do know. What we do know is that the uses that have been identified, and historically have existed, and the ratios have been applied, and those developments have been looked at and processed and etc. There's an issue that they are not resolving through their burden of proof to show what they are doing will meet that code. Here is a study that's looked at for the existing building and the size of the 17,000 that's being proposed on the floor space, and they've calculated using the uses and their ratios as is explained in the code, and has looked at the traffic flow and intake and those uses and whatever else the engineers and whoever prepares those, puts into it and can say that this is the intent. Here's the report, however, as it was recommended by Commissioner Hollist during at the end of those meetings, that would be considered part of their burden of proof, which they did not provide, even though it wasn't required of staff to provide, it still would have met or contributed to an evaluation of that burden of proof, which still overall, was not met.

Commissioner Catmull said the parking reduction, isthat something that is binding, bound to the property, or is that between the city and the current owner?

Director Preece said I am not sure why we're saying parking reductions, even by staff, the code says that it's one per 100 or one per four seats. To me, that doesn't make sense that you can choose to have the number of chairs, and then if somebody said, Well, we're going to have four chairs, so we only need one parking space. What happens if they bring in more chairs as a removal? My interpretation of that is fixed seating, and I agree that it is poorly written and we should probably straighten that out, I mean, that's a huge disparity from one per 100 to four. And so I don't think in my opinion that was the intent of that code, to be able to choose between, we're going to bring in a few chairs, versus what it actual says. And so,, my interpretation would be that it is fixed seating that's known. We know that that's we're going to fix those chairs. We deal with this with restaurants, which a restaurant is something that could happen here and they have booze. And if that's the case, then we say this is how many, but if they have movable chairs and what not, then we go by floor area. So I think this would be consistent with that. I think the reduction in parking by code is left up to the city council.

Commissioner Catmull said that's what I was referring to. I'm sorry, I may have miscommunicated. Is a reduction agreement going through the city council? Is that a binding agreement with the parties, or does it run on the land?

City Attorney Loose said It's not an agreement in my sense of the word, meaning the two party entering into it, it would be the council exercising their discretion to allow a lower limit, and that

would stand as to what the approval is. So if it's for a specific use, it would be for that use. So with the Bingham High seminary, it wasn't for an office building or a school, it was for a seminary use, or only teachers got to park there. That was explained in the terms, for lack of a better word or what exactly would happen. That was allk nown in the council that we will approve the lower limit for that. And so if an application was taken to the Council for this, they would have to do the same thing. They'd have to outline what they needed for why they needed less spaces. If the council found it reasonable, as long as they're not arbitrary, capricious or illegal, they can approve what they need to

Director Preece said they are replacing a building so they already had a number of parking spaces that was working. They also showed evidence of other seminaries at other schools around and how many worked for them. So they built their case to the city council.

Commissioner Hollist said I looked up the bingham seminary parking reduction request for their site plan application. This is a substantial reduction over what would normally be required for educational use and I think we all agree that it's reasonable. Let's say a homeschooling group came in and purchased that building in the future, obviously changing the use, potentially bringing a lot more cars. How do you balance that? Because it is my understanding that the land use, the underlying application would carry.

City Attorney Loose said they may not be able to get a business license, they may not be able to get tenant occupancy permits to change the inside, there's a lot that goes into when a new use comes in. I know what you're saying, is it still educational? The use wouldn't change, there would be a new tenant using the property in different way. Having people come there to park like the paradigm high school up on 3636 West, just behind the district. They're a private high school that has more cars. It's not the very big high school, but it's parking in this sort of scenario would be counted more, so we would deal with it that way. That's why it's really hard when you approve less.

Director Preece said and also, what was considered was it's only teachers that are parking there and that there is parking for students elsewhere.

Commissioner Hollist said my thoughts on that, and the city staff would probably have to tell the applicant how this would work, but potentially that we table this so that they can go in front of city council, present their evidence showing we're selling 30 parking spots.

Chair Gedge said that's where I'm leaning, because right now, based on our purview, we would have to deny, and so by giving them a pathway to table it, we're not denying it. We're not approving we're tabling until they can work something with the city council, that's up to our elected officials, and then maybe it can come back. We don't have to have the public comment again. We didn't have a clear direction on the number of stalls, not hypothetical anymore, which I understand staff's position, because we don't know what it might be, but you know, it could get built, and the next day it could be completely something different. We need to protect the future. I think that's one of our long term plan, our goals as the planning commission. So I'm in favor of table it.

Commissioner Farnsworth said is there anything the applicant could do to get staff comfortable with the lowered parking number for the dance studio, such as building fixed seating or traffic study or having contracts signed that show the uses? Is there anything the applicant can do to get staff comfortable?

Director Preece said these are always difficult, because you don't know what the future tenants are, and the applicant does the best they can. We do the best we can to try to figure out a parking number, but we are bound by the code, so we're not the ones that can give relief. It's the city council. I guess there's things such as deed restrictions they could put out that certain uses wouldn't be allowed, but that would, again be a whole nother process. We probably err on the side of over parking, and that's one of the flaws cities have. Most parking ordinances are overkill because they were designed planned for the day after Thanksgiving for retail things, but their parking may be exactly right, we may be wrong, but that's what our ordinance says.

Chair Gedge said I would like to ask the applicant to come back up, and ask him how he feel about us tabling it.

Mr. Almond said yes, I'm open to that. I know being there eight years that there's plenty of parking, it's not an issue. So yes, I am totally open to that. We will do whatever we can to make everyone feel comfortable about this.

Mr. Dejarnett said so from here going forward, if you are going to table this, what is our process moving forward?

Chair Gedge said our City attorney has recommended to a date certain, I believe, so we would table our ultimate decision. I don't know, the ample amount of time that City Council needs, they will work with you on that.

Director Preece said we don't have control on when they can get on the city council agenda. So we'd suggest that you table it for like, three planning commission meetings, unless they've made an application before the city council, and then we will come back the first meeting after the City Council meets.

Commissioner Hollist said I think there's also room for them to provide uses to city staff and have their numbers recalculated without even going to city council. I don't think we are saying they have to go in front of city council.

Commissioner Hollist motioned to table File No. PLSPR202400097 New Two Story Commercial Building Site Plan "Almond Dental Phase 2" located at 10435 S 2200 West, pending the applicant working with staff to either provide site plan uses that are in compliance with current city parking codes, as well as to provide a joint parking access plan between the two subdivisions or going to city council and successfully petitioning for a reduction in parking requirements related to this site planChair Gedge seconded the motion.

Deputy Recorder said, you stated the wrong file No. in your motion.

Commisioner Hollist amended the motion and restated the motion with the correct File No. PLSPR202400093. Chair Gedge seconded the amended motion.

Commissioner Hollist motioned to amend the last motion and add the shared parking agreement or work with city council on an application for a parking reduction and hat it comes back to us by the end of the year. Chair Gedge seconded the motion.

Commissioner Hollist motioned to table File No. PLSPR202400093 New Two Story Commercial Building Site Plan "Almond Dental Phase 2" located at 10435 S 2200 West, pending the applicant working with staff to either provide site plan uses that are in compliance with current city parking codes, as well as to provide a joint parking access plan between the two subdivisions or going to city council and successfully petitioning for a reduction in parking requirements related to this site plan, and add the shared parking agreement or work with city council on an application for a parking reduction and hat it comes back to us by the end of the year.Chair Gedge seconded the motion; Roll Call Vote was 4-0 unanimous infavor. Commissioner Bishop was absent from the vote.

I. GENERAL PUBLIC COMMENT

Chair Gedge motioned to add item I. General Public Comment to tonight's agenda to allow for comments. CommissionerHollist seconed the motion.

Chair Gedge said there was an item that was mailed to residents within our public noticing requirement. It was supposed to be on our agenda this evening for a conditional use permit at 2306 West old Rosebud lane. We will hear that at a subsequent Planning Commission meeting when that is properly noticed and on the Agenda. However, any comment that we take this evening that might be referring to this project, we'll ask our city recorder to please enter that as public comment to that future meeting.

Chair Gedge opened the General Public to comments.

Regina Piku, South Jordan said I'm here about Mimi's cottage, the agenda item that was supposed to be on the agenda tonight. File No. PLCUP202500140 this is for an ADU that we're building in the backyard. The majority of it is an extension of our main house, and then 1500 square feet of it is allocated to an ADU that my mom is going to live in. It's called Mimi's Cottage. This is my house. This is an existing pool house that's going to be demolished, and this right here, this is my neighbor to the west and It's the only neighbor that's affected.. So their primary residence is up here. They built before the no windows on the second floor was a rule, so they have windows. It is on their top floor. Nobody wants to look at each other. We are very happy to do whatever we need, but we need light coming in from that direction. There's the section that is closest to where I'm pointing. Here is part of our main house, and if we need to put frosted windows on that part, I'm totally fine with doing that. The part that is over here where I'm pointing is the upstairs bonus room for my mom and it's only 115 square feet. It's just can be