

Planning and Development Services

2001 S. State Street N3-600 • Salt Lake City, UT 84190-4050 Phone: (385) 468-6700 • Fax: (385) 468-6674 https://msd.utah.gov/msd-home/pds/

Kearns Planning Commission

Public Meeting Agenda

Wednesday, January 3, 2024 5:30 P.M.

Location

Join meeting in WebEx

Meeting number (access code): 961 841 420

https://slco.webex.com/meet/wgurr

Join meeting in WebEx (download available at https://www.webex.com/downloads.html for Windows, Android, and Apple devices)

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Join from a video conferencing system or application

Dial wgurr@slco.webex.com

You can also dial 173.243.2.68 and enter your meeting number.

Need help? Go to http://help.webex.com

Anchor Location KEARNS ATHLETIC TRAINING AND EVENT CENTER 5658 SOUTH COUGAR LANE

MEETING ROOM

UPON REQUEST, WITH 5 WORKING DAYS NOTICE, REASONABLE ACCOMMODATIONS FOR QUALIFIED INDIVIDUALS MAY BE PROVIDED. PLEASE CONTACT WENDY GURR AT 385-468-6707. TTY USERS SHOULD CALL 711.

The Planning Commission Public Meeting is a public forum where, depending on the agenda item, the Planning Commission may receive comment and recommendations from applicants, the public, applicable agencies and MSD staff regarding land use applications and other items on the Commission's agenda. In addition, it is where the Planning Commission takes action on these items, which may include: approval, approval with conditions, denial, continuance or recommendation to other bodies as applicable.

BUSINESS MEETING

- 1) Welcome and approval of the agenda. (Motion/Voting)
- 2) Election of Chair and Vice Chair 2024. (Motion/Voting)
- 3) 2024 Planning Commission Meeting Schedule. (Motion/Voting)
- 4) Approval of the September 18, 2023 Planning Commission Meeting Minutes. (Motion/Voting)
- 5) Other Business Items. (As Needed)

LAND USE APPLICATION(S)

CUP2021-000479 – Planning Staff, in cooperation with Shivam Shaw, is requesting an amendment to the original conditions of approval of an Office Warehouse project to align better with the updated Kearns Zoning Ordinance. **Acreage:** 3.47. **Location:** 5147 West Liberator Drive. **Zone:** M-2 (Manufacturing). **Planner:** Gordon Bennett (Motion/Voting)

PUBLIC HEARING(S)

OAM2023-001019 – Planning Staff is requesting an ordinance amendment to Table 19.32.030 to remove Self-Service Storage Facilities from the allowed uses list in the Commercial Zones. **Location:** Kearns Metro Township. **Planner:** Jeff Miller (Motion/Voting)

OAM2023-001050 – Proposed amendment to the Kearns Subdivision Ordinance, Title 18 of the Kearns Municipal Code, to comply with review timeframes, review cycle limits, land use authority designations and other amendments mandated by SB 174. **Planner:** Brian Tucker (Motion/Voting)

ADJOURN

Rules of Conduct for Planning Commission Meetings

PROCEDURE FOR PUBLIC COMMENT

- Any person or entity may appear in person or be represented by an authorized agent at any meeting of the Commission.
- 2. Unless altered by the Chair, the order of the procedure on an application shall be:
 - a. The supporting agency staff will introduce the application, including staff's recommendations and a summary of pertinent written comments and reports concerning the application
 - b. The applicant will be allowed up to 15 minutes to make their presentation.
 - c. The Community Council representative can present their comments as applicable.
 - d. Where applicable, persons in favor of, or not opposed to, the application will be invited to speak.
 - e. Where applicable, persons opposing the application, in whole or in part will be invited to speak.
 - f. Where applicable, the applicant will be allowed 5 minutes to provide concluding statements.
 - g. Surrebuttals may be allowed at the discretion of the Chair.

CONDUCT FOR APPLICANTS AND THE PUBLIC

- 1. Speakers will be called to the podium by the Chair.
- 2. Each speaker, before talking, shall give his or her name and address.
- 3. All comments should be directed to the Commissioners, not to the staff or to members of the audience.
- 4. For items where there are several people wishing to speak, the Chair may impose a time limit, usually 3 minutes per person, or 5 minutes for a group spokesperson. If a time limit is imposed on any member or spokesperson of the public, then the same time limit is imposed on other members or spokespersons of the public, respectively.
- 5. Unless otherwise allowed by the Chair, no questions shall be asked by the speaker or Commission Members.
- 6. Only one speaker is permitted before the Commission at a time.
- 7. The discussion must be confined to essential points stated in the application bearing on the desirability or undesirability of the application.
- 8. The Chair may cease any presentation or information that has already been presented and acknowledge that it has been noted in the public record.
- 9. No personal attacks shall be indulged in by either side, and such action shall be sufficient cause for stopping the speaker from proceeding.
- 10. No applause or public outbursts shall be permitted.
- 11. The Chair or supporting agency staff may request police support to remove offending individuals who refuse to abide by these rules.
- 12. After the public comment portion of a meeting or hearing has concluded, the discussion will be limited to the Planning Commission and Staff.

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Kearns Metro Township Planning Commission 2024 Regular Meeting Schedule

Meeting Place: Kearns Athletic Training and Event Center – 5658 South Cougar Lane Time: 5:30PM *Unless otherwise posted*

The Public is Welcome to Attend

Monday January 3, 2024

Monday February 5, 2024

Monday March 4, 2024

Monday April 1, 2024

Monday May 6, 2024

Monday June 3, 2024

Monday July 1, 2024

Monday August 5, 2024

Monday September 9, 2024

Monday October 7, 2024

Monday November 4, 2024

Monday December 2, 2024

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The Public May Attend. Meetings May Be Closed For Reasons Allowed By Statute.



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Notice of this meeting posted September 7, 2023 to https://www.utah.gov/pmn/sitemap/notice/856507.html and notices mailed out September 8, 2023

MEETING MINUTE SUMMARY KEARNS PLANNING COMMISSION MEETING Monday, September 18, 2023 5:30 p.m.

Approximate meeting length: 1 hour 18 minutes

Number of public in attendance: 8
Summary Prepared by: Wendy Gurr

Meeting Conducted by: Commissioner Taylor

*NOTE: **Staff Reports** referenced in this document can be found on the State and County websites, or from Planning

& Development Services.

ATTENDANCE

Commissioners	Public Mtg	Business Mtg	Absent
David Taylor (Vice Chair)	х	x	
Joy Nelson	х	х	
Joe Hatch (Chair)			х
Laura Koester	х	х	
Gray Thomas	х	х	

	Planning Staff / DA	Public Mtg	Business Mtg
	Wendy Gurr	Х	Х
I	Brian Tucker	х	
J	Curtis Woodward		
Ī	Kayla Mauldin		
	Nathan Bracken	х	

BUSINESS MEETING

Meeting began at -5:31 p.m.

1) Welcome and Approval of the Agenda. (Motion/Voting)

Commissioner Taylor read the Chairs Opening Statement.

Commissioner Thomas motioned to approve the agenda, Commissioner Nelson seconded that motion.

2) Approval of the April 3, 2023 Planning Commission Meeting Minutes. (Motion/Voting)

Motion: To approve the April 3, 2023 Planning Commission Meeting Minutes.

Motion by: Commissioner Thomas

2nd by: Commissioner Koester

Vote: Commissioners voted unanimous in favor (of commissioners present)

Approval of the June 5, 2023 Planning Commission Meeting Minutes. (Motion/Voting)

Motion: To approve the June 5, 2023 Planning Commission Meeting Minutes.

Motion by: Commissioner Thomas **2nd by**: Commissioner Koester

Vote: Commissioners voted unanimous in favor (of commissioners present)

Approval of the July 10, 2023 Planning Commission Meeting Minutes. (Motion/Voting)

Motion: To approve the July 10, 2023 Planning Commission Meeting Minutes.

Motion by: Commissioner Thomas **2nd by**: Commissioner Koester

Vote: Commissioners voted unanimous in favor (of commissioners present)

3) Other Business Items (as needed) *No other business items to discuss.*

PUBLIC HEARING(S)

Hearings began at - 5:36 pm

REZ2023-000970 - Kearns is considering a re-zone of approximately eight acres, located at 5622 South 5600 West. This re-zone is being initiated by Kearns Metro Township in order to increase General Plan conformity and enhance compatibility with adjacent uses, including the new commercial development on adjacent land within West Valley City. Planning staff will give a presentation of existing conditions and considerations for the re-zone. The Planning Commission will be asked to make a recommendation on the re-zone, following a public hearing. **Planner:** Brian Tucker (Motion/Voting)

Greater Salt Lake Municipal Services District Planning Manager Brian Tucker provided an analysis of the Staff Report.

Commissioners, staff, and counsel had a brief discussion regarding 30 dwellings per acre, exceptions and subjective determination, parking minimum, maximum land use value, and limiting drive-thru's.

Commissioner Thomas motioned to open the public hearing, Commissioner Nelson seconded that motion.

PUBLIC PORTION OF HEARING OPENED

Speaker # 1: Citizen **Name:** Roger Snow

Address: 5977 South Parkwood Dr.

Comments: Mr. Snow said as far as general plan, these areas are common character areas and two more-character areas on 5600 west. Didn't know what else to do with them. Three years ago, there was talk of development mixed use with residential up top and commercial on the bottom. Since, west valley project, dynamics have changed and would not be a good idea and should go to all C-2 for all commercial and very little property left and need tax revenue. C-2 is not residential. Need restaurants and fit the area more with west valley project, revenue from Usana. Storage units are not a possibility, the metro limited to no storage units at all. A good sit-down restaurant for families to go to would be beneficial for the area and Kearns. CMU would be good for the downtown area.

Speaker # 2: Citizen **Name:** William Ward

Address: 5616 Plumbago Avenue

Comments: Mr. Ward said this is in his backyard. If there are all these units, he won't be able to park in his driveway. Won't be Kearns much longer and West Valley already tried to annex five years ago. Was happy to see commercial go in there, but apartments going in there will drive the property values down and

would like to see anything other than apartments go in there. Asked if they do go residential, how high can they go.

Speaker # 3: Citizen **Name:** Michael Reynolds

Address: 5702 Plumbago Avenue

Comments: Mr. Reynolds said he agrees with the direction of prioritizing the tax base. Sounds like Kearns has been skipped with its commercial and leaving a disadvantage. CMU or C-2 ordinance preferred. In favor of townhomes with tax base in the front.

Speaker # 4: Citizen **Name:** Holly Leany

Address: 5698 Suncrest View Place

Comments: Ms. Leany said she is for single housing and came to see what is happening. She would like a cement wall to her back fence. Doesn't know what the best option is, and Kearns needs the revenue.

Speaker # 5: Citizen **Name:** Beverly Goeller

Address: 5600 South 4430 West

Comments: Ms. Goeller asked if they didn't have commercial plus residential it would be hard to fill in the property. She said there is so much traffic and it is unbearable. Down in West Valley and in favor of more commercial than housing.

Mr. Tucker said filling up 8 acres of property to fill in could take some time and the proposal is something along the lines that could be approved. Anything without ground floor commercial and flexible options. A developer wouldn't have to put in residential.

Commissioner Thomas motioned to close the public hearing, Commissioner Koester seconded that motion.

PUBLIC PORTION OF HEARING CLOSED

Motion: To recommend file #REZ2023-000970 Kearns is considering a re-zone of approximately eight acres, located at 5622 South 5600 West. This re-zone is being initiated by Kearns Metro Township in order to increase General Plan conformity and enhance compatibility with adjacent uses, including the new commercial development on adjacent land within West Valley City. Planning staff will give a presentation of existing conditions and considerations for the re-zone. The Planning Commission will be asked to make a recommendation on the re-zone, following a public hearing to the Kearns Council for approval of Option 3 to rezone the property to Shopping Center Commercial (C-2) as initially requested.

Motion by: Commissioner Koester

2nd by: Commissioner Nelson

Vote: Commissioner Thomas voted nay, all other Commissioners voted in favor (of commissioners present). Motion passed 3-1.

OAM2023-000974 - Clean-Up of Chapter 19.36 of Municipal Code. Staff are proposing text amendments to the schedules of permitted uses in Chapter 19.36 Mixed-Use Zones. The amendment would remove new single-family detached homes from the list of permitted uses in the Neighborhood Mixed-Use Zone (NMU). Staff will give a brief presentation on this amendment. The Planning Commission will be asked to make a recommendation regarding the text amendments, following a public hearing. **Planner:** Brian Tucker

(Motion/Voting)

Greater Salt Lake Municipal Services District Planning Manager Brian Tucker provided an analysis of the Staff Report.

Commissioner Thomas motioned to open the public hearing, Commissioner Nelson seconded that motion.

PUBLIC PORTION OF HEARING OPENED

No one from the public was present to speak.

Commissioner Thomas motioned to close the public hearing, Commissioner Nelson seconded that motion.

PUBLIC PORTION OF HEARING CLOSED

Motion: To recommend file #OAM2023-000974 Clean-Up of Chapter 19.36 of Municipal Code. Staff are proposing text amendments to the schedules of permitted uses in Chapter 19.36 Mixed-Use Zones. The amendment would remove new single-family detached homes from the list of permitted uses in the Neighborhood Mixed-Use Zone (NMU). Staff will give a brief presentation on this amendment. The Planning Commission will be asked to make a recommendation regarding the text amendments, following a public hearing to the Kearns Council for approval of Option 1 to adopt the presented ordinance.

Motion by: Commissioner Thomas

2nd by: Commissioner Nelson

Vote: Commissioners voted unanimous in favor (of commissioners present)

Commissioner Thomas motioned to adjourn, Commissioner Nelson seconded that motion.

MEETING ADJOURNED

Time Adjourned – 6:49 p.m.





Planning Commission – January 3, 2024

CUP2021-000479

Conditional Use Amendment Summary and Recommendation

Request: Amend Conditions of Approval for Existing Multi-Tenant Industrial Office Building Parcel ID: 20-12-201-024 Current Zone: M-2 (Manufacturing Zone)

Property Owner: FS Kearns, LLC

Applicant/Representative: Shivam Shaw

Property Address: 5170-5176 W Liberator Drive

Property Area: 3.47 acres Planner: Gordon Bennett

Summary of Recommendation: Approval of amended conditions as outlined below

SITE DESCRIPTION



Request: Amended Conditional Use File #: CUP2021-000479

The property is located on 5170-5176 West Liberator Drive in Kearns Metro Township and covers a total of 3.470 acres. It is zoned M-2, which means it is Manufacturing Zone-Heavy. The four multi-tenant industrial buildings and associated parking use the entirety of those acres.

PROJECT DESCRIPTION

The project consists of 4 buildings, each of which has multiple office and manufacturing spaces. In 2022, when the project was approved, the Kearns code required conditional use approval for all developments over one acre. The proposed use was a mix of smaller industrial and manufacturing businesses within the individual units. Because of concerns raised by planning staff regarding the limited number of parking spaces proposed for the site, staff recommended approval with conditions to limit uses based on parking concerns. The four conditions of approval adopted by the planning commission based on staff recommendations were:

- 1. That the applicant works with staff and outside review agencies to correct the remaining issues with the engineering, construction and site development plans that do not yet meet the policies or ordinances that they administer.
- 2. Retail uses, restaurants, personal services, assembly uses, financial institutions and any other use for which Kearns Municipal Code requires 3 or more parking spaces is prohibited.
- 3. A signage plan must be submitted for technical review that complies with Kearns Municipal Code, Chapter 19.82.
- 4. Landscaping and irrigation plans must be submitted for technical review that comply with Kearns Municipal Code, Chapter 19.76.

On June 26, 2023, Kearns Metro Township repealed and adopted a completely new zoning ordinance. These conditions of approval conflict with the new zoning ordinance and should be revisited to give better guidance to applicants and staff regarding future uses of the property. Of particular concern are changes to the permitted uses in the M-2 Zone and the parking ratios in the parking chapter that impact condition number two. Further, the property owner has pointed out building's 'A' and 'D' on the approved site plan contain fenced and paved storage areas behind each unit that would facilitate business types not appropriate for buildings 'B' and 'C'. Because the Planning Commission was the decision-making body for the original conditional use permit and site plan, staff is bringing this back to the planning commission for consideration and approval.

NEIGHBORHOOD CHARACTER

Surrounding Properties	Zone	Land Use
North	M-2	Manufacturing
South	M-2 & C-3	Vacant Lot/Heating and A/C Business
East	M-2	Vacant
West	M-2	Vacant
General Plan Designation	Warehouse district character area	

PLANNING STAFF ANALYSIS

In comparing the original approval to the current Code, and in acknowledgement of the fact that the site has been developed and is partially occupied with tenants, planning staff offers the following observations about the original 4 conditions of approval:

Request: Amended Conditional Use File #: CUP2021-000479

Condition 1: That the applicant works with staff and outside review agencies to correct the remaining issues with the engineering, construction and site development plans that do not yet meet the policies or ordinances that they administer.

Now that the development has been built, the applicant will have to comply with the applicable codes enforced by the various reviewing agencies, including engineering, fire, health, etc. This condition could remain as originally stated to acknowledge that at the time of Planning Commission review in 2021, there were still some technical reviews pending by outside agencies.

Condition 2: Retail uses, restaurants, personal services, assembly uses, financial institutions and any other use for which Kearns Municipal Code requires 3 or more parking spaces is prohibited.

The three primary issues with Condition 2 were: first, the allowable land uses in the M-2 Zone were completely redefined in the new code and no longer completely match the verbiage used in the original condition. Second, the parking chapter of the zoning ordinance has different parking requirements than the 2022 code. And third, the original condition did not take into account the differences between buildings 'A' and 'D', and buildings 'B' and 'C'. Based on the limited parking on the site, staff feels that prohibiting retail uses, restaurants, and financial institutions is still appropriate. However, given the restrictions on accessory outside storage in the new code, the use of the storage areas behind buildings 'A' and 'D' the conditions of approval should be adjusted to align better with the new code. With controls in place, regulating these outdoor storage areas and prohibiting overnight parking in the parking lot, staff feels that additional uses including small vehicle repair businesses can be allowed in those two buildings. The planning staff has worked with the property owner on appropriate alternative conditions of approval to address the original concerns while acknowledging the above-mentioned changes.

Condition 3: A signage plan must be submitted for technical review that complies with Kearns Municipal Code, Chapter 19.82.

Because the signage plan has been submitted, we recommend this condition be changed to reflect compliance with the Kearns Sign Ordinance which is now in Chapter 19.52.

Condition 4: Landscaping and irrigation plans must be submitted for technical review that comply with Kearns Municipal Code, Chapter 19.76.

This condition should be changed to reflect compliance with the landscaping screening and water efficiency standards of the Kearns code, which are now in Chapter 19.50.

PLANNING STAFF RECOMMENDATION

Planning staff recommends that conditions 2, 3, and 4 of the conditional use permit for project CUP2021-000479 be amended, and two new conditions (5 and 6) be added to read as follows:

- 2. The following parking intensive uses are not allowed: Commercial Plant Nursery, Freight Service, Heavy Manufacturing, Meat or Poultry Processing, Resource Recycling Collection Point, Public Service Training Facility, Park and Ride, Storage Yard. Vehicle and Equipment Repair are only allowed in buildings "A" and "D" (also identified as 5170 W. Liberator Drive and 5176 W. Liberator Drive).
- **3.** The initial signage plan required by the planning commission approval was required to comply with Chapter 19.82 of the 2022 Kearns Code. Any new signage shall comply with the current code, found in Chapter 19.52.

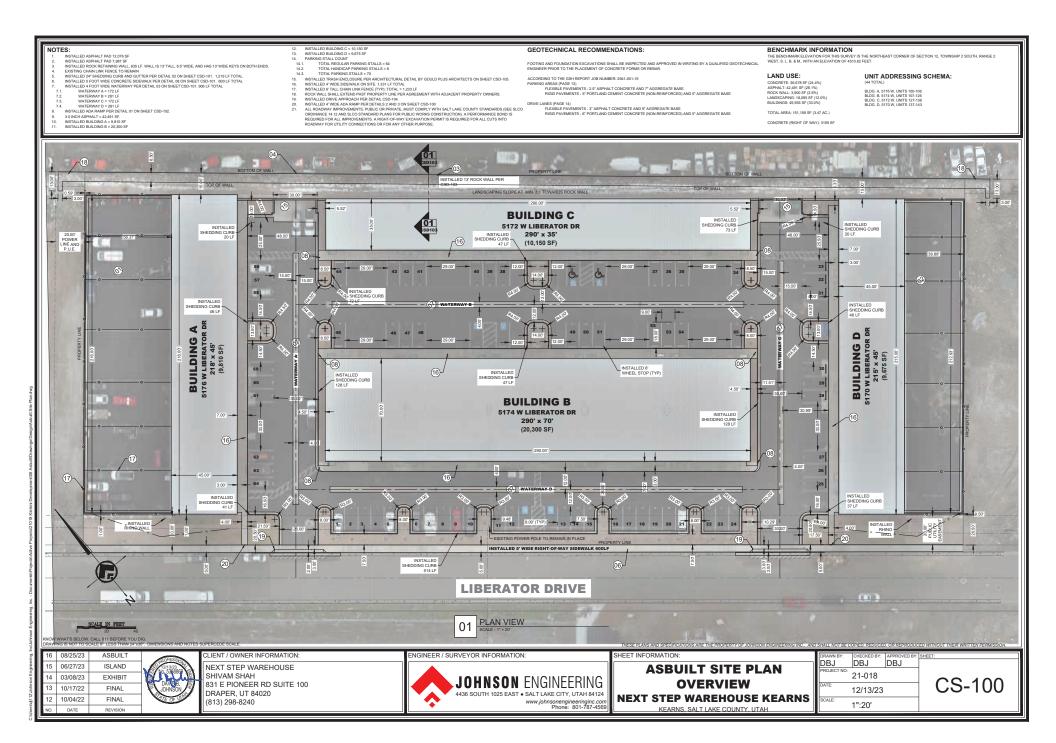
Request: Amended Conditional Use File #: CUP2021-000479

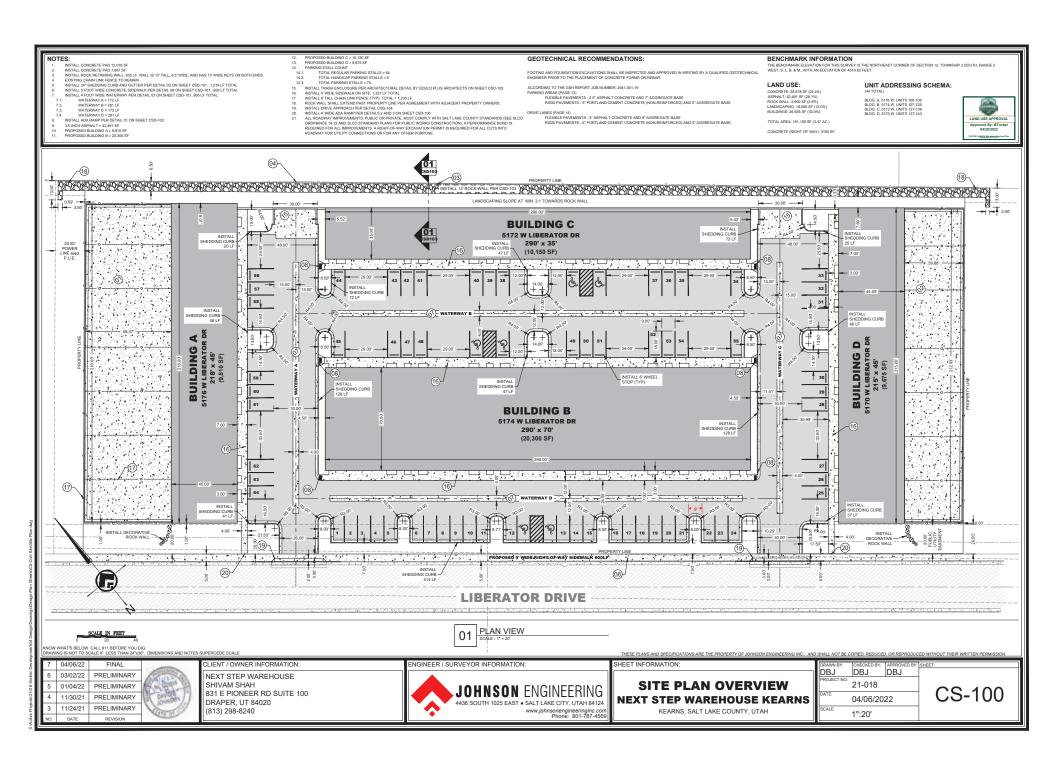
4. The originally installed landscaping was required to comply with Chapter 19.76 of the 2022 Kearns Code. Any proposed changes to the landscaping must comply with Chapter 19.50 of the current Kearns Code.

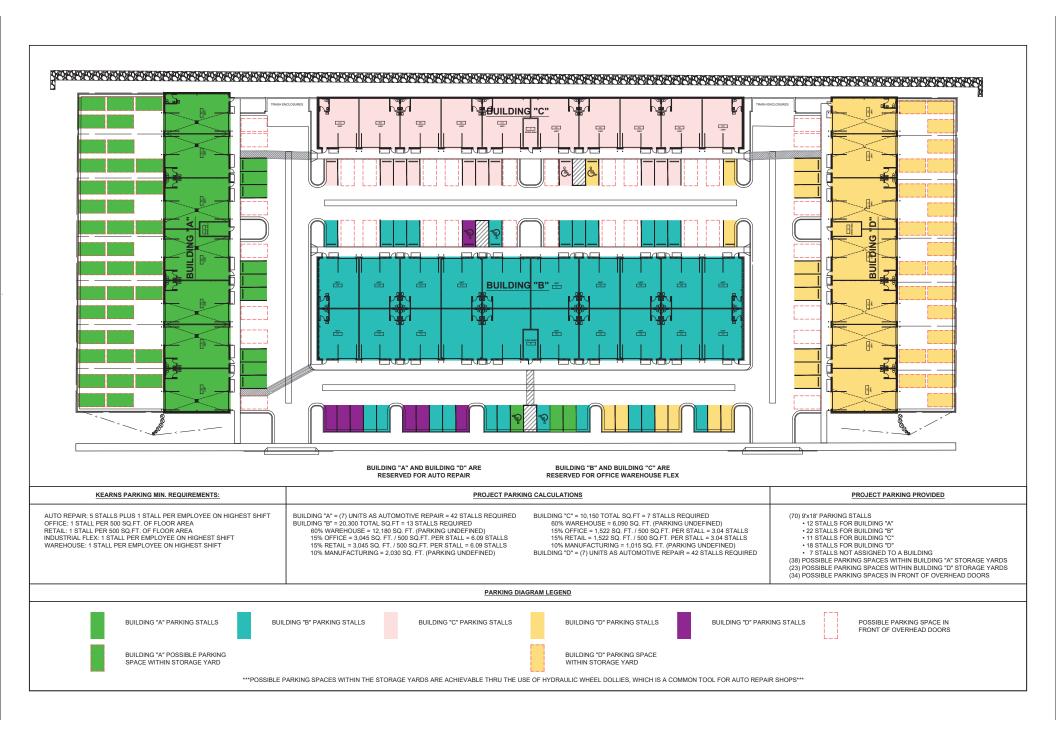
- **5.** Storage within the fenced areas adjacent to the buildings shall comply with section 19.42.040 Accessory Outside Storage, of the Kearns Code.
- **6.** No overnight parking of vehicles is allowed in the common parking lot or public street.

ATTACHMENTS

- 1. Approved Site Plan for CUP2021-000479
- 2. As-built site plan/site conditions
- 3. Applicant's illustration of parking/storage areas













Greater Salt Lake Municipal Services District - Planning & Development Services 2001 S. State Street #N3-600 • Salt Lake City, UT 84190 • (385) 468-6700

File # OAM2023-001019

TITLE 19 USE TABLE UPDATE SUMMARY AND RECOMMENDATION

Public Body: Kearns Metro Township Planning Commission

Meeting Date: January 3, 2024

Request: Removing Self-Service Storage Facilities as an allowed use in Commercial Zones.

Planner: Jeff Miller

Planning Staff Recommendation: Recommendation of Approval

PROJECT DESCRIPTION

Planning Staff is requesting an ordinance amendment to Table 19.32.030 to remove Self-Service Storage Facilities as an allowed use in the Commercial Zones. There are limited commercial areas within the Kearns Metro Township (both developed and undeveloped). In coordination with Mayor Bush, planning staff has determined that it would be a best practice to reserve Self-Service Storage Facilities for the M-1 (Flex Manufacturing) Zone. This update will help to preserve commercially zoned properties for other needed services, which may provide greater economical benefits with more jobs and increased tax benefits. Self-Service Storage Facilities will continue to be a permitted use in the M-1 (Flex Manufacturing) Zone.

^{*}Continued on the next page.

Request: Removing Self-Service Storage Facilities as an allowed use in Commercial Zones.

STAFF ANALYSIS

As shown below, Self-Service Storage Facilities are being requested to be removed from Table 19.32.030:

			^
Mixed Use Planned Unit Development	С	С	С
Commercial Planned Unit Developments	С	С	С
SPECIALTY:	C-1	C-2	C-3
Crematorium	Р	Р	х
Laboratory, Medical or Dental	Р	Р	Х
Laboratory, Research and Development	Р	Р	Х
Mortuary or Funeral Home	Р	Р	Х
Nursing Home, Convalescent Care Center	Р	Р	Х
Rehabilitation/Treatment Facilities	Р	Р	х
Self-Service Storage Facilities, Enclosed	P	P	×
ACCESSORY USES:	C-1	C-2	C-3
Accessory Outside Storage	С	Х	Х
Home Occupation, subject to chapter 19.42	Р	Р	Х
Household Pets, not including kennels	Р	Р	Х
Nriva_Thru and Nriva_I in Facilities annurtanant to a normitted use	D	D	¥

NEIGHBORHOOD RESPONSE

Planning Staff has not received any comments from the general public as of the completion of this staff report. Any comments that are received will be forwarded to the planning commission for review and will be summarized on January 3, 2024.

PLANNING COMMISSION MOTION

The Planning Commission has three options with respect to this requested ordinance amendment:

Option 1: Recommend approval of the ordinance amendment as proposed; or

Option 2: Recommend approval of the ordinance amendment with the conditions as amended; or

Option 3: Recommend denial of the ordinance amendment as proposed.

CONCLUSION AND RECOMMENDATION

Planning Staff is requesting that the Kearns Metro Township Planning Commission provides a favorable recommendation to the Kearns Metro Township Council for the proposed ordinance amendment to Table 19.32.030 to remove Self-Service Storage Facilities as an allowed use in the Commercial Zones.

Ordinance Amendment Page 2 of 2