



# Staff Report

**Meeting Body:** Kearns Planning Commission

**Meeting Date:** July 7, 2025

**File Number & Project Type:**  
REZ2025-001400

**Current Zone:** M-1 and M-2

**Proposed Zone:** M-2

**Address:** 5183 W Liberator Drive

**Planner:** Justin Smith

**Applicant:** Craig Wilde

**Key Findings:**

Finding 1: The proposal is in harmony with the applicable factors outlined in 19.16.080 of the Kearns code.

Finding 2: The current zone boundary between M-1 and M-2 on the property was based on an old right of way which has been vacated through an amended subdivision plat.

**Staff Recommendation:**  
Recommend approval

**Exhibits:**

## DESCRIPTION

The applicant owns the property and is looking to change the zone to accommodate a future land use. The applicant is looking to use the lot as a storage yard or a contractor's yard. The reason that the applicant is applying for a rezone is that the property is currently split between two zones, and he proposes to consolidate into one zone.

## SITE & VICINITY DESCRIPTION

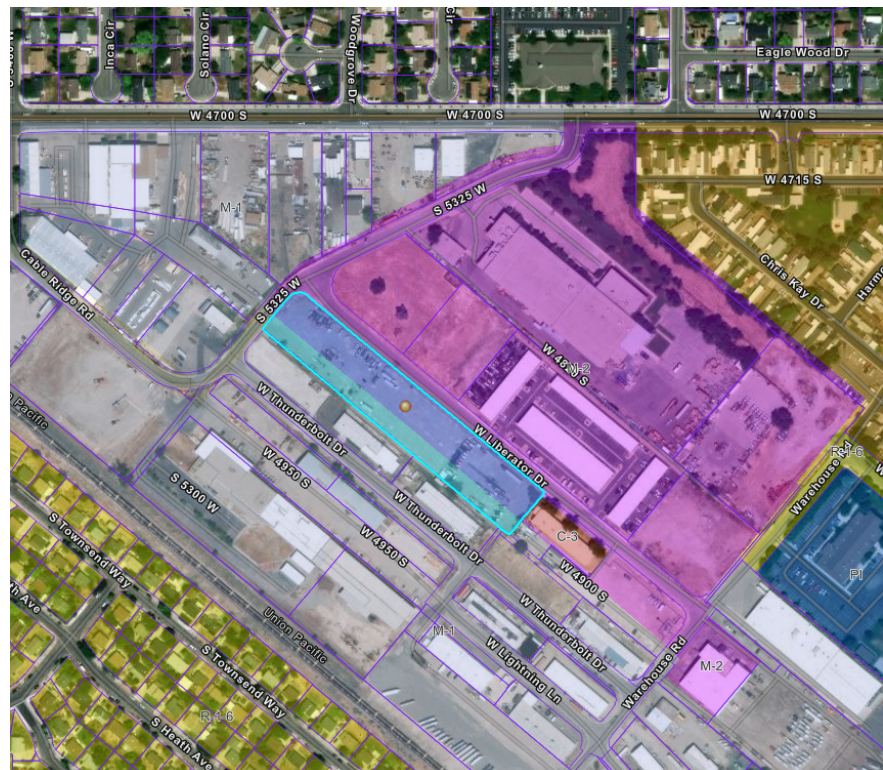
Corner of Liberator Drive and Camp Kearns Road

### Surrounding Zoning and Use

North	M-2
South	M-1
East	M-1
West	M-1

### Known Overlays/Site Constraints

Groundwater Protection Zone 3



## GENERAL PLAN CONSIDERATIONS

The Kearns General Plan was adopted in 2020. This property is located within the Warehouse District (p. 36), which is the industrial area of Kearns. The General Plan states that the vision for the Warehouse District is as an industrial campus with limited amenities for workers.

## APPLICABLE FACTORS FOR CONSIDERATION

Table 19.16.080 includes the following guidelines a planning commission and Council may consider in deciding zoning map and text amendments:

TABLE 19.16.080: GUIDELINES FOR CONSIDERING ZONING MAP & TEXT AMENDMENTS	
FACTORS	MAP AMENDMENTS
1. The proposed amendment is compatible with the Adopted General Plan.	X
2. The proposed amendment promotes the public health, safety and welfare.	X
3. The proposed amendment is a more suitable zoning classification for the property than the current classification.	X
4. The proposed amendment is compatible with the intent and general purposes of this Ordinance.	X
5. The proposed amendment corrects an error or omission, adds clarification to existing requirements, or reflects a change in policy.	X
6. The proposed amendment benefits the citizens of the Municipality as a whole.	X
7. The proposed amendment does not create a significant number of nonconformities.	X
8. The proposed amendment is compatible with the trend of development, if any, in the general area of the property in question.	X

## **PUBLIC INPUT**

As of the time of writing this staff report, staff have received no input from the public.

## **SUMMARY AND RECOMMENDATION**

### **Summary of issues:**

There are seven guidelines set in Chapter 19.16.080. The first guideline is whether the proposed zoning amendment is compatible with the Adopted General Plan. This zone change is to solidify the property as one zone instead of having split zoning. Both Industrial zones would be compatible with the Kearns General Plan.

The second guideline is whether it promotes the public health, safety and welfare of the community. There have not been any comments from reviewing agencies that are conceptually opposed to the rezone or have presented any concerns regarding the safety, health, or welfare. The Salt Lake County Health Department has provided comments stating that the uses may be restricted due to proximity to a groundwater source protection zone, but the applicant is not concerned about that comment due to the use that they are proposing. A permitted use application would be required after the rezone application to check for compliance.

The third guideline is whether the proposed zone is a more suitable zone than the current classification. Both of the zones are compatible with current property, but the M-2 zone would best suit the needs of the applicant.

The fourth guideline is whether the proposed amendment is compatible with the intent and general purposes of Kearns's land use ordinances. The Kearns General Plan lists five values, and the fourth one is "Quality of Life." Under that value, the general plan states that Kearns should promote a range of economic opportunities. Making the entire property one zone would make it simpler for determining what uses are permitted.

It is unclear if the fifth criteria would be applicable. The current boundary is based on a vacated right of way that has since been vacated, and property boundaries adjusted through plat amendment. This property boundary cleanup was not necessary based on an "error or omission," but on the history of boundary and right of way adjustments in Camp Kearns.

The sixth guideline is that the rezone benefit the citizens as a whole. Having the lot be one zone instead of a split zone is that it would make things simpler for applicants, planners and code enforcement regarding use of the lot.

The seventh guideline is whether the rezone creates a significant number of nonconformities. This rezone would not create any non-conformities and it would also unify the zoning of the property under one zone.

### **Recommendation:**

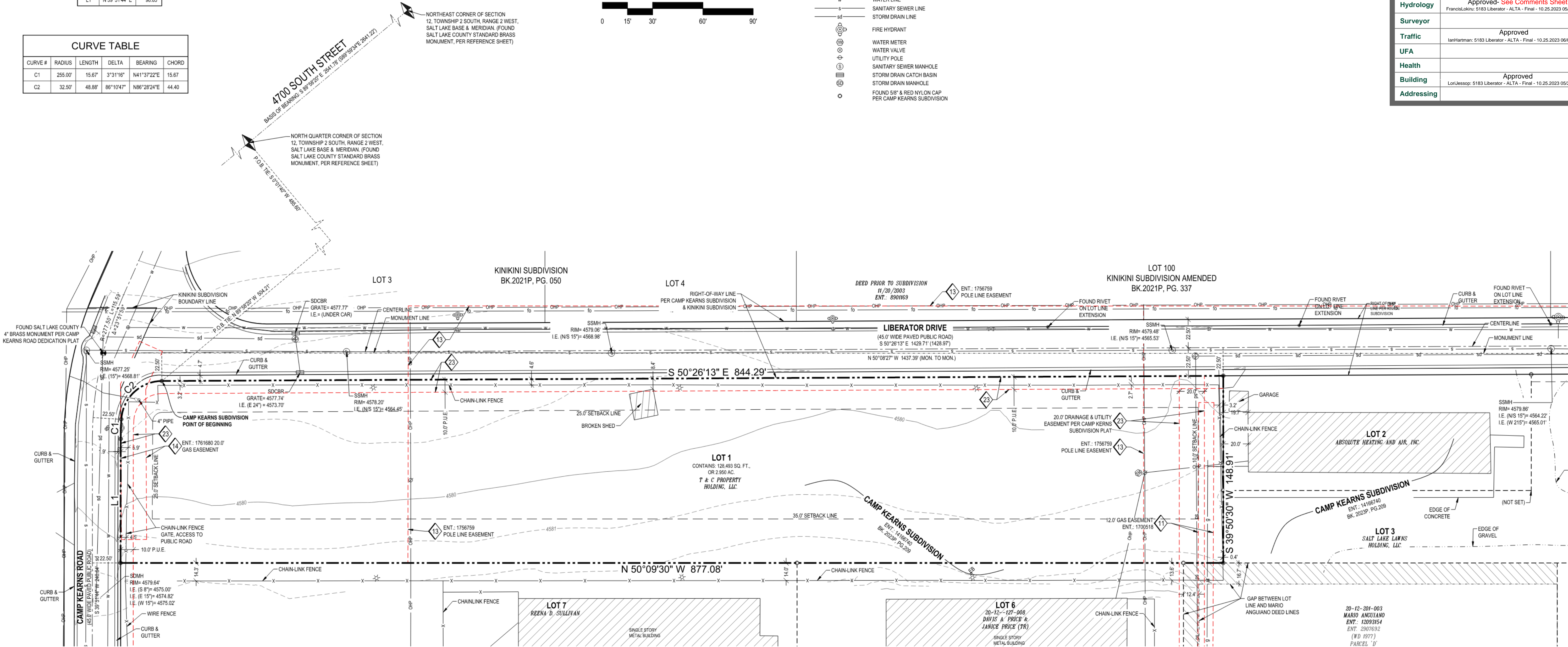
With the facts and findings that are stated above, the staff recommend that the Kearns Planning Commission recommend approval of the zone change to the Kearns City Council.



S:\2021 Files\21819.B\Survey\Prod\DWG\21819.B LOT-1 ALTA.DWG Kent Oct 25, 2023 - 12:17pm

LINE TABLE			
LINE #	DIRECTION	LENGTH	
L1	N 39°51'44" E	98.65'	

CURVE TABLE					
CURVE #	RADIUS	LENGTH	DELTA	BEARING	CHORD
C1	255.00'	15.67'	3°31'16"	N41°37'22"E	15.67'
C2	32.50'	48.88'	86°10'47"	N86°28'24"E	44.40'



#### SURVEYOR'S CERTIFICATE

TO: CCG LIBERATOR, LLC, A DELAWARE LIMITED LIABILITY COMPANY, ITS SUCCESSORS AND/OR ASSIGNS; T & C PROPERTY HOLDING LLC; CHICAGO TITLE INSURANCE COMPANY; & METRO NATIONAL TITLE COMPANY.

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLES SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 5, 6a, 6b, 8, 10, 13, 14, 16, 17, 18, & 19 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON: OCTOBER 12, 2023.

DATE OF PLAT OR MAP: OCTOBER 25, 2023



DENNIS K. WITHERS  
LICENSE NO. 6135190

#### LEGAL DESCRIPTIONS

ALL OF LOTS 1, CAMP KEARNS SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED IN THE OFFICE OF THE SALT LAKE COUNTY RECORDER IN PLAT BOOK 2023P:209 OF OFFICIAL RECORDS.

#### NARRATIVE

THIS ALTA/NSPS LAND TITLE SURVEY WAS PREPARED AT THE REQUEST OF DARCY GUNNELL, OF BRUTTEN GLOBAL, FOR THE PURPOSE OF ESTABLISHING THE BOUNDS OF THE HEREON DESCRIBED PARCELS OF LAND IN CONNECTION WITH A SUBDIVISION.

THE BASIS OF BEARING FOR THIS SURVEY IS SOUTH 89°58'20" EAST, ALONG THE NORTH LINE OF THE NORTHEAST QUARTER, BETWEEN SALT LAKE COUNTY MONUMENTS FOUND MARKING THE NORTH QUARTER CORNER AND THE NORTHEAST CORNER OF SECTION 12, TOWNSHIP 2 SOUTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, AS SHOWN HEREON.

THE SUBJECT PARCEL WAS ESTABLISHED PER THE OFFICIAL PLAT OF CAMP KEARNS SUBDIVISION, RECORDED IN BOOK 2023P, AT PAGE: 209 OF OFFICIAL RECORDS.

#### TITLE INFORMATION

THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY THE SURVEYOR. ALL INFORMATION REGARDING RECORD EASEMENTS, ADJOINERS AND OTHER DOCUMENTS THAT MIGHT AFFECT THE QUALITY OF TITLE TO TRACT SHOWN HEREON WAS GAINED FROM TITLE COMMITMENT NO. 55553, REVISION 'D', PREPARED BY METRO NATIONAL TITLE. EFFECTIVE DATE: OCTOBER 6, 2023, AT 7:45 AM.

#### ZONING NOTE

THE SUBJECT PARCEL IS LOCATED IN THE TOWNSHIP OF KEARNS ZONE M-2, HEAVY INDUSTRIAL, PER ZONING REPORT PREPARED BY PARTNER, DATED OCTOBER 16, 2023, PROJECT NO.: 23-44615.2. THE FOLLOWING ARE GENERAL PROVISIONS/RESTRICTIONS CITED THEREIN. FOR MORE SPECIFICS PERTAINING TO THE ZONE, USE OF PROPERTY, AND ALL OTHER INFORMATION NOT CITED BELOW, INTERESTED PARTIES SHOULD REVIEW WITH THE ZONING REPORT AND CONSULT WITH PLANNING STAFF PRIOR TO THE FUTURE DEVELOPMENT OF THIS PARCEL.

**YARD REQUIREMENTS:** FRONT: 25-FEET, CORNER YARD: 25-FEET, SIDE: 20-FEET, REAR: 35 FEET.  
**MAX BUILDING HEIGHT:** 80-FEET ABOVE GRADE. **MINIMUM BUILDING HEIGHT:** 15-FEET ABOVE GRADE.  
**MINIMUM DISTANCE BETWEEN STRUCTURES:** 10-FEET. **MINIMUM LOT AREA:** 25,000 SQ. FT. **MINIMUM LOT WIDTH:** 100 FEET; **MAXIMUM COVERAGE:** 80%.

**PARKING:** CONTRACTORS OFFICE **MINIMUM:** 2 SPACES PER 1,000 SQ. FT. OF OFFICE AREA; **MAXIMUM:** 3 SPACES PER 1,000 SQ. FT. OF OFFICE AREA. **VEHICLE AND EQUIPMENT REPAIR, COMMERCIAL AND INDUSTRIAL:** **MINIMUM:** 5 SPACES PLUS 1 SPACE FOR EACH EMPLOYEE DURING THE HEIGHT OF EMPLOYMENT SHIFT. **MAXIMUM:** NO REQUIREMENT.

#### GENERAL NOTES

- McNEIL ENGINEERING OR McNEIL ENGINEERING - SURVEYING L.C., MAKES NO REPRESENTATIONS AS TO THE EXISTENCE OF ANY OTHER RECORD DOCUMENTS THAT MAY AFFECT THIS PARCEL OTHER THAN THOSE SHOWN IN THE EXCEPTIONS OF SCHEDULE B-2 AS SHOWN HEREON.
- CORNER MONUMENT NOT FOUND WERE MONUMENTED WITH A 5/8" REBAR 2-FEET IN LENGTH AND A RED NYLON CAP STAMPED "McNEIL ENG." OR A NAIL AND WASHER BEARING THE SAME INSIGNIA, UNLESS OTHERWISE NOTED HEREON.
- THIS MAP MAKES NO ASSUMPTIONS AS TO ANY UNWRITTEN RIGHTS THAT MAY EXIST BY AND BETWEEN THE ADJOINING LANDOWNERS.
- COURSES AND DISTANCES SHOWN ON THIS MAP ARE MEASURED DIMENSIONS UNLESS SHOWN WITHIN PARENTHESES, INDICATING A RECORD COURSE OR DISTANCE. RECORD INFORMATION IS TAKEN FROM CITED TITLE COMMITMENT, DEEDS OF RECORD, SUBDIVISION PLATS, ROADWAY DEDICATION PLATS, CITY ALTA PLATS, FILED SURVEYS OR OTHER SOURCES OF RECORD INFORMATION.
- NO OBSERVED EVIDENCE OF CEMETERIES OR BURIAL GROUNDS.
- LOCATIONS OF UNDERGROUND UTILITIES, AS SHOWN HEREON, ARE BASED ON ABOVE-GROUND STRUCTURES ONLY. LOCATIONS OF UNDERGROUND UTILITIES OR STRUCTURES MAY VARY FROM LOCATIONS SHOWN HEREON. ADDITIONAL BURIED UTILITIES OR STRUCTURES MAY BE ENCOUNTERED. NO EXCAVATIONS WERE MADE DURING THE PROGRESS OF THIS SURVEY TO LOCATE OR VERIFY BURIED UTILITIES OR STRUCTURES. BEFORE EXCAVATIONS ARE BEGUN, NOTIFY BLUE STAKES. THERE MAY EXIST ADDITIONAL RECORD DOCUMENTS THAT WOULD AFFECT THIS PARCEL.

#### OPTIONAL TABLE 'A' ITEM NOTES

THE FOLLOWING ARE OPTIONAL TABLE 'A' ITEMS FROM THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS THAT ARE ADDRESSED ON THIS MAP.

- CORNER MARKERS FOR PROPOSED LOT 1, WERE SET IN CONNECTION WITH PROPOSED CAMP KEARNS SUBDIVISION AND WERE RECOVERED AS PART OF THIS ALTA/NSPS LAND TITLE SURVEY, AS NOTED HEREON.
- THE ADDRESS OF THE SUBJECT PARCEL IS 5183 WEST, LIBERATOR DRIVE, AS DISCLOSED BY COUNTY RECORDS AND PROPOSED CAMP KEARNS SUBDIVISION. SEE AFFIDAVIT CITED AS EXCEPTION 22 THE SUBJECT PARCEL IS LOCATED WITH ZONE 'X'; AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE OF FLOODPLAIN, AND IS NOT IN A SPECIAL FLOOD HAZARD AREA, PER FEMA MAP NO. 4805C02765, WITH AN EFFECTIVE DATE OF SEPTEMBER 25, 2009.
- THE EXISTING SURVEYED PARCEL CONTAINS: 114,106 SQ. FT., OR 2.620 ACRES (PROPOSED LOT 1, OF CAMP KEARNS SUBDIVISION CONTAINS: 128,493 SQ. FT., OR 2.950 ACRES).
- CONTOURS ARE REPRESENTED AT 1-FOOT INTERVALS AND ARE BASED UPON NAVD83 ELEVATIONS. ZONING REPORT PURSUANT TO OPTIONAL TABLE 'A' ITEM 6 NOT PROVIDED AT THIS TIME.
- ZONING REPORT PURSUANT TO OPTIONAL TABLE 'A' ITEM 6 NOT PROVIDED AT THIS TIME.
- SUBSTANTIAL FEATURES OBSERVED, SHOWN HEREON.
- NO PARTY WALLS OBSERVED AND NONE SPECIFIED.
- NAMES OF ADJOINING OWNERS SHOWN HEREON.
- NEAREST INTERSECTION STREET IS CAMP KEARNS AND LIBERATOR DRIVE AT THE NORTHEASTERLY CORNER OF THE SUBJECT PARCEL.
- AT THE TIME OF THIS SURVEY THERE IS NO OBSERVED EVIDENCE OF RECENT EARTH MOVING WORK, BUILDING CONSTRUCTION, OR BUILDING ADDITIONS.
- AT THE TIME OF THIS SURVEY A PROPOSED SUBDIVISION IS PENDING RECORDATION, WHICH WILL AFFECT THE STREET RIGHT-OF-WAY LINES. AT THE TIME OF THIS SURVEY THERE IS NO OBSERVED EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION.
- PLOTTABLE EASEMENTS CITED IN COMMITMENT FOR TITLE INSURANCE SHOWN HEREON.

#### SCHEDULE B-2 EXCEPTIONS

THE FOLLOWING ARE SCHEDULE B-2 EXCEPTIONS TO COVERAGE CITED IN THE COMMITMENT FOR TITLE INSURANCE THAT ARE ADDRESSED BY THIS MAP. ITEMS NOT LISTED BELOW ARE EITHER NOT PLOTTABLE, OR NOT A SURVEY MATTER.

- EASEMENT, AND THE TERMS AND CONDITIONS THEREOF: GRANTEE: MOUNTAIN FUEL SUPPLY COMPANY PURPOSE: A RIGHT AND EASEMENT 12 FEET IN WIDTH TO LAY, MAINTAIN, OPERATE, REPAIR, INSPECT, PROTECT, REMOVE AND REPLACE PIPELINES, VALVES, VALVE BOXES AND OTHER GAS TRANSMISSION AND DISTRIBUTION FACILITIES. RECORDED: FEBRUARY 11, 1960 ENTRY NO.: 1700518 BOOKPAGE: 1687/61 (AS SHOWN HEREON).
- EASEMENT, AND THE TERMS AND CONDITIONS THEREOF: GRANTEE: UTAH POWER & LIGHT COMPANY PURPOSE: A PERPETUITY EASEMENT AND RIGHT OF WAY FOR THE ERECTION, OPERATION AND CONTINUED MAINTENANCE, REPAIR, ALTERATION AND REPLACEMENT OF THE ELECTRIC TRANSMISSION DISTRIBUTION AND TELEPHONE CIRCUITS OF THE GRANTEE AND 4 GUY ANCHORS AND 12 POLES, WITH THE NECESSARY GUYS, STUBS, CROSSARMS, BRACES AND OTHER ATTACHMENTS AFFIXED THERETO, RECORDED: JANUARY 16, 1961 ENTRY NO.: 1756759 BOOKPAGE: 1775 / 271 (AS SHOWN HEREON).
- EASEMENT, AND THE TERMS AND CONDITIONS THEREOF: GRANTEE: MOUNTAIN FUEL SUPPLY COMPANY, A CORPORATION PURPOSE: A RIGHT AND EASEMENT FEET IN WIDTH TO LAY, MAINTAIN, OPERATE, REPAIR, INSPECT, PROTECT, REMOVE AND REPLACE PIPELINES, VALVES, VALVE BOXES AND OTHER GAS TRANSMISSION AND DISTRIBUTION FACILITIES. RECORDED: FEBRUARY 14, 1961 ENTRY NO.: 1761680 BOOKPAGE: 1780 / 170 (AS SHOWN HEREON).
- EASEMENT, AND THE TERMS AND CONDITIONS THEREOF: GRANTEE: MOUNTAIN STATES TELEPHONE AND TELEGRAPH COMPANY PURPOSE: THE RIGHT, PRIVILEGE AND AUTHORITY TO CONSTRUCT, OPERATE, MAINTAIN AND REPAIR ITS LINES OF TELEPHONE AND TELEGRAPH, INCLUDING UNDERGROUND CONDUIT, POLES, ANCHORS, CABLES, WIRES AND FIXTURES UPON, UNDER, OVER AND ACROSS THE PROPERTY. RECORDED: MAY 23, 1978 ENTRY NO.: 3112158 BOOKPAGE: 4571 / 437 (EXACT LOCATION NOT DISCLOSED, NOTHING SHOWN).
- EASEMENT, AND THE TERMS AND CONDITIONS THEREOF: GRANTEE: MOUNTAIN STATES TELEPHONE AND TELEGRAPH COMPANY PURPOSE: THE RIGHT, PRIVILEGE AND AUTHORITY TO CONSTRUCT, OPERATE, MAINTAIN AND REPAIR ITS LINES OF TELEPHONE AND TELEGRAPH, INCLUDING UNDERGROUND CONDUIT, POLES, ANCHORS, CABLES, WIRES AND FIXTURES UPON, UNDER, OVER AND ACROSS THE PROPERTY. RECORDED: JULY 31, 1978 ENTRY NO.: 3144934 BOOKPAGE: 4714 / 10 (EXACT LOCATION NOT DISCLOSED, NOTHING SHOWN).
- EASEMENTS(), SETBACKS, NOTES AND RESTRICTIONS, AS SHOWN ON THE SUBDIVISION PLAT OF CAMP KEARNS SUBDIVISION. RECORDED: OCTOBER 24, 2023 ENTRY NO.: 14166740 BOOK / PAGE: 2023P / 209 (AS SHOWN HEREON).



#### Conceptual Site Plan Review

Planning	
Grading	
Geology	
Hydrology	Approved- See Comments Sheet FrancisLohu: 5183 Liberator - ALTA - Final - 10.25.2023 05/28/2025
Surveyor	Approved
Traffic	IanHarman: 5183 Liberator - ALTA - Final - 10.25.2023 06/06/2025
UFA	
Health	
Building	Approved LoriJessop: 5183 Liberator - ALTA - Final - 10.25.2023 05/28/2025
Addressing	

## LOT 1, CAMP KEARNS SUBDIVISION

CCG LIBERATOR, LLC.  
5183 WEST LIBERATOR DRIVE, KEARNS, UTAH  
LOCATED IN THE NORTH HALF OF SECTION 12, TOWNSHIP 2 SOUTH, RANGE 2 WEST, S.L.B.&M.

#### REVISIONS

REV	DATE	DESCRIPTION
1	10/13/23	RELEASE TO CLIENT
2	10/18/23	UPDATE CERTIFICATE
3	10/19/23	ADD ZONING INFORMATION
4	10/25/23	REVISE TO RECORDED LOT 1

PROJECT NO: 21819.B

CAD FILE: 21819.B LOT-1 ALTA

DRAWN BY: HMM

CALC BY: DKW

FIELD CREW: MD/MDH

CHECKED BY: HD

DATE: 10/25/23

ALTA/NSPS  
LAND TITLE  
SURVEY

1 OF 1



**Applicant:** CCG Liberator LLC

**Property Address:** 5183 W Liberator Dr

**Parcel Number:** 20-12-128-007

**Current Zoning:** Split Zoned M-1 and M-2

**Proposed Zoning:** M-2

**Date:** May 14, 2025

## **Introduction**

We respectfully request the rezoning of the property located at 5183 W Liberator Dr, identified as 20-12-128-007, from its current split zoning of M-1 and M-2 to a unified zoning designation of M-2. This rezone is necessary to eliminate the inefficiencies and constraints imposed by the split zoning, enabling cohesive, economically viable, and community-oriented development that aligns with the city's planning objectives.

## **Property Description**

The subject property is a 2.950 acre parcel situated at the SE corner of Camp Kearns Road and Liberator Drive. The parcel is currently divided by two zoning districts: M-1 (Manufacturing Zone – Flex) on the southern 20% and M-2 (Manufacturing Zone - Heavy) on the northern 80%. This split zoning creates a fragmented regulatory framework that complicates development and limits the property's potential to contribute to the community's economic and social vitality.

## **Purpose of Rezone**

The split zoning of the property presents significant challenges to its productive use. The M-1 portion restricts development to uses that are inconsistent with the majority of the parcel. This division results in inefficient land use, as the parcel cannot be developed holistically without violating one of the zoning designations. For example, the best and intended use of storage yard is infeasible under the current zoning split.

By rezoning the entire parcel to M-2, the property can be developed as a unified whole. This cohesive approach will maximize the property's utility, enhance its aesthetic and functional integration with surrounding uses.

## **Conclusion**

The split zoning of the subject property hinders its ability to contribute meaningfully to the community's growth and vitality. Rezoning the entire parcel to M-2 will resolve these constraints, enabling a cohesive, consistent development that aligns with the city's planning goals. We respectfully request approval of this rezone application.

**Contact Information**

Craig J Wilde

Authorized Representative

Industrial Property Group, Inc.

991 Lomas Santa Fe Dr

Suite C PMB 469

Solana Beach, CA 92075

Grant Brutton

Applicant / Owner

CCG Liberator LLC

120 S Sierra Ave

Solana Beach, CA 92075

## Legal Description

ALL OF LOTS 1, CAMP KEARNS SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED IN THE OFFICE OF THE SALT LAKE COUNTY RECORDER IN PLAT BOOK 2023P-209 OF OFFICIAL RECORDS.