

**City of Taylorsville
Planning Commission Meeting Minutes
May 10, 2022
Field Trip – 5:00 p.m. – Regular Session – 7:00 p.m.
2600 West Taylorsville Blvd – Council Chambers**

Attendance:

Planning Commission

David Wright – Chair
Lynette Wendel – Vice Chair
Don Quigley
Cindy Wilkey
Don Russell (Remote)
Marc McElreath
Gordon Willardson
David Young (Alternate)

Community Development Staff

Jim Spung – Senior Planner
Jean Gallegos, Admin Assistant/Recorder

CITIZENS/GUESTS PRESENT (For General Meeting): Ernest Burgess, Bob Knudsen, Angela Kirsling, Len Kirsling, Herb Jimenez, Angie Jimenez, John Buckel, Ben Badiee.

FIELD TRIP AND BRIEFING SESSION – 5:00 TO 7:00 P.M.

1. The Planning Commission and Staff met at the south entrance of City Hall at 5:00 p.m. and left together to visit the site at 4202 South Riverboat Road in Taylorsville, Utah, which was reviewed in the briefing session for Item #4 this evening.
2. Following the field trip, a briefing session was held to review the agenda for tonight's meeting wherein Mr. Spung answered questions posed by the Commissioners. 

GENERAL MEETING – 7:00 P.M.



Conditional Use

3. 23C22 – David Marbor. Public Hearing and Consideration of a Non-Administrative Conditional Use Permit to Operate a "Reception Center" on the property located at 2592 West 4700 South. (Karyn Kerdolff/GIS Planner)

- 3.1 **Ms. Kerdolff** presented this item.  The applicant is requesting a Non-Administrative Conditional Use Permit (CUP) to operate a reception center at 2592 West 4700 South, with an hours of operation extension. The applicant plans to host receptions, birthdays, small weddings, and community activities. Mostly will be on weekends from 6:00 p.m. until 1:00 A.M. **Ms. Kerdolff** advised the applicant plans to obtain an alcohol license from the State of Utah, with business license approval by the City of Taylorsville and because the structure is not within 250' of a residential area it will not require an extension of hours approval. A reception center is consistent with the General Plan Community Commercial designation. The land use is allowed per the Taylorsville Municipal Code with a Non-Administrative Conditional Use Permit. There are no site plan or development concerns with this request. 

3.2 **FINDINGS:**

- 3.2.1 This application was initiated by David Marbor.
- 3.2.2 Per 13.08.020, a Reception Center in the CC Zone requires a Non-Administrative Conditional Use Permit granted by the Planning Commission.
- 3.2.3 The applicant will be serving alcohol and is requesting an alcohol permit at this time.
- 3.2.4 Conditional Use Permits are governed by Utah State Code and must meet the provisions outlined in 10-9a-507

3.3 **CONDITIONS OF APPROVAL:**

- 3.3.1 The applicant complies with all requirements of all applicable reviewing agencies.
- 3.3.2 The Conditional Use Permit is subject to review and revocation upon substantiated complaint or citation.
- 3.3.3 Any changes to the structure will require a building permit.
- 3.3.4 The applicant shall remain compliant with all business licensing requirements
- 3.3.5 All parking must be on site unless a shared parking agreement is documented with the City.
- 3.3.6 The business must conform to Salt Lake County's Noise Ordinance.

3.4 **STAFF RECOMMENDATION:** Staff recommends approval with the conditions of approval stated above.

- 3.4.1 **APPLICANT ADDRESS:** **Mr. Marbor** advised that places available to rent are presently very pricey and his thought in this development was to accommodate the community with a quality affordable place in which to hold social events. **Commissioner Quigley** asked what the square footage was of the building and **Mr. Marbor** replied that it was 3,600 square feet. **Commissioner Quigley** asked if he had signed a letter of intent with the landlord or was he just exploring this, to which **Mr. Marbor** advised he has signed a letter of intent. **Commissioner Wright** asked how much parking was available to make sure there is enough and **Mr. Marbor** explained there will be parking on the east and north sides, which would accommodate about 100 cars.

- 3.4.2  **Ms. Kerdolff** said there was not a specific number amount available but if the patrons parked anywhere off site there would need to be an agreement in place with that property's owner to do so. For existing reception centers the parking ratio is determined by the Planning Commission. If it were a new center, it would be assigned a specific number for parking allotment. **Commissioner Wilkey** asked what the maximum capacity was for the facility and was informed by **Mr. Marbor** said it was about 200 people. She then asked if a manager would be on site during the events and **Mr. Marbor** said there would be. **Commissioner Young** asked if there would be food services available and **Mr. Marbor** said only if something is brought in and served there by the clients.

- 3.5 **Commissioner Wright** opened the public hearing, and no one came forward to speak either in favor or opposition. He then closed the public hearing and opened it up to the Commission for discussion or a motion.

- 3.6 **MOTION:** **Commissioner Wendel** -  I move that we approve File #23C22 for a request for a conditional use permit to operate a reception center with Findings and Conditions of Approval as stated in the staff report, for the property located at 2592 West 4700 South.
SECOND: **Commissioner Willardson**
ROLL CALL VOTE: **Commissioner Quigley** – YES, **Commissioner Wilkey** – YES, **Commissioner Young** – YES, **Commissioner Wendel** – YES, **Commissioner Willardson** – YES, **Commissioner McElreath** – YES, **Commissioner Wright** - YES. Motion passes unanimously.

Conditional Use

4. 5C22 – John Buckel for Badiiee Development) – Public Hearing and Consideration of a Preliminary Non-Administrative Conditional Use Permit and Site Plan to Construct Approximately 311,000 Square Feet of Office/Warehouse Space at 4202 South Riverboat Road, Taylorsville, Utah. (Jim Spung/AICP/Senior Planner)

4.1 **Mr. Spung** presented this item.  He said that today's review is to introduce the proposal. He then did a project overview of the project. John Buckel (Baidee Development) is requesting Planning Commission review of a preliminary non-administrative conditional use permit and site plan to allow the construction of an industrial office warehouse project at 4202 South Riverboat Road, Taylorsville, Utah the development proposal includes five buildings that would create 58,250 square feet of office space and 244,851 square feet of warehouse space on the currently undeveloped 24.41 acre site. Given the size and complexity of the application, the Planning Staff does not recommend the Planning Commission take action during this meeting; however, it is intended that this item will be presented to the Planning Commission for formal consideration and action at a later date. The intent of the meeting this evening is to: (1) Introduce the application and concept development plan to the Planning Commission; (2) Hold a public hearing; (3) Review the Planning Commission's decision-making authority; (4) Allow the applicant to engage with the Planning Commission; and (5) Solicit feedback from the Planning Commission to inform design of the development proposal.

4.1.1 **Site Description:** The property is approximately 24 acres of land near the Jordan River. The project area is currently vacant except for a high-transmission powerline which runs north/south through the site along the western property line and the Jordan River Parkway Trail which also runs north/south along the east boundary adjacent to the river. Salt Lake County-owned and operated Meadow Brook Golf Course is adjacent to the property on the west. This development would expand the current developed area to the south which has a mix of businesses (Sorensen Research Park) and multi-unit residential properties (Maison's Landing). The point of access is the existing Riverboat Road, which is currently used to access the surrounding businesses. The project is primarily flat open land with mixed vegetation. There are several constraints affecting the property that will influence development potential and design. These constraints include but are not limited to: flood hazards; wetlands; geological/geotechnical hazards; limited site access; existing easements; and established recreation amenities. He then went on to discuss each issue.

4.1.2 **Flood Hazards.** The property has a FEMA Special Flood Hazard Area (SFHA) of Zone AE with a floodway and is located in the Jordan River meander corridor. Since the project is in a Zone AE with a floodway, fill will need to be placed and any buildings will be required to be above the Base Elevation (BFE) and no impacts on the floodway. This will also require either a letter of Map Revision based on Fill (LOMR-F) or a standard Letter of Map Revision (LOMR). If the proposed project will cause the water surface to increase by more than one foot or impact the floodway, a Conditional Letter of Map Revision (CLOMR) would be required. The applicant is working with a consulting firm to obtain a Conditional Letter of Map Revision based on Fill (CLOMR-F) be completed to obtain assurances that the project will be approved by FEMA before proceeding with final design, construction, and a LOMR-F. As the project is in the Jordan River meander corridor, lateral migration erosion protection will be required to protect future buildings from lateral erosion hazards. This could include adding protection to the banks of the river or other method such as buried riprap trench away from the banks that would stop the banks from eroding once it reached the trench. The applicant's consultant believes that adding a riprap trench adjacent to the Jordan River Trail would be the best option as it would protect the property and trail from erosion.

4.1.2.1 In addition to the FEMA requirements, a Stream Alteration Permit, Flood Control Permit, Floodplain Development Permit, Endangered Species Act (ESA) compliance, and other

permits may be necessary. The applicant is coordinating with their consultants, city staff, FEMA, and other relevant jurisdictional authorities to ensure proper permitting is in place prior to disturbance on the subject site.

- 4.1.2.2 There is a Hydraulic Analysis Report that documents the existing hydrologic design flows expected along the project site and summarizes the existing and proposed hydraulic analysis. This report includes data to illustrate the water surface elevation (WSE) with and without the proposed development. Importing significant amounts of fill dirt would be required for the proposed project to raise the elevation of the site to not be impacted by flooding events. The approximate current elevation of the site is 4,244 feet above sea level. The proposed finished floor elevation of the proposed buildings is between 4,249 and 4,250 feet above sea level.

4.1.3 **Wetlands:**

- 4.1.3.1 Due to the property's FEMA floodplain designation and its proximity to the Jordan River, the City required the applicant to provide a wetlands study/report to identify potential impacts to existing wetland areas. The applicant's consultant Bowen, Collins & Associates, prepared an "Aquatic Resources Delineation Report" for the site. The purpose of which was to identify channel boundaries of the Jordan River and any potential wetlands in preparation for permitting and construction on the property.
- 4.1.3.2 Aquatic resources were observed along the north and eastern edges of the project area. This is where the project area boundary based on parcel lines crossed into the Jordan River and the wetland fringe along parts of its banks. The portions of the Jordan River identified within the project area total 1,038 linear feet or 0.37 acres. This channel has hydrology year-round which was present at the time of the delineation field inspection. The emergent wetlands identified within the project area total 0.12 acres. These wetlands are along the bank of the Jordan River, from which they source hydrology. Based on current information, no wetlands exist west of the Jordan River Parkway Trail.

4.1.4 **Geological/Geotechnical Hazards:**

- 4.1.4.1 The property is within a "High Liquefaction Area", meaning there is a 50 percent probability of having an earthquake within a 100-year period that will be strong enough to cause liquefaction. Liquefaction takes place when loosely packed, water-logged sediments at or near the ground surface lose their strength in response to strong ground shaking, resulting in material that is ordinarily solid behave like a liquid.
- 4.1.4.2 Due to this site condition, the applicant has submitted a Geotechnical Study to evaluate the subsurface soil and groundwater conditions across the site. The results of this study inform appropriate foundation, earthwork, pavement, and geo-seismic recommendations for the design and construction of the proposed development. Boring samples were taken at 27 locations on the site and show liquefiable soils present across the site. To best mitigate the potentially liquefiable soil conditions, the geotechnical consultant (GSH Geotechnical, Inc) recommends that the proposed structures be supported upon soil reinforcement methods such as a grid of rammed-aggregate piers. A more detailed technical review ensuring compliance with all applicable building codes would take place prior to issuance of any development permits on the site.
- 4.1.4.3 The High liquefaction designation of the property means it is subject to the Sensitive Area Overlay Zone.

- 4.1.5 **Limited Site Access:** The subject property has one means of ingress and egress via Riverboat Road, which terminates as a stub street at the southern edge of the property. The proposed development plan includes the addition of a cul-de-sac to provide a proper terminus to the existing street. The cul-de-sac would be dedicated as a public street through the subdivision platting process. There are few opportunities to improve connectivity to the site because the property is bounded by the Jordan River to the north and east and a Salt Lake County-owned golf course to the west. Pedestrians and cyclists may access the property via Riverboat Road or the Jordan River Parkway.
- 4.1.6 **Amenities:** The Jordan River Trail runs parallel to the Jordan River and runs north/south along the eastern portion of the subject property. Portions of the Jordan River and nearly all of the Jordan River Parkway traversing the subject property are within the property boundaries. The Jordan River and Jordan River Parkway make up approximately 2.38 acres (103,628 square feet) of the subject property. The Jordan River parkway is the centerpiece of an extensive trail system in the City and also serves as the primary backbone of a regional transportation system, spanning approximately 44 miles from Utah Lake to the Great Salt Lake.
- 4.2 **RECOMMENDED CONDITIONS OF APPROVAL:** Staff recommends the Planning Commission consider establishing the following conditions of approval related to:
 - 4.2.1 **The Sensitive Area Overlay Zone development standards:**
 - 4.2.1.1 Require a minimum 100-foot no-build natural buffer from the west bank of the Jordan River to preserve native vegetation
 - 4.2.1.2 Approve a cul-de-sac exceeding 600 feet in length, as approved by the City Engineer
 - 4.2.1.3 Require berming on the development side of the 100-foot no-build natural buffer with native plantings/vegetation to further screen the large structures from users of the Jordan River Parkway.
 - 4.2.1.4 Revise the exterior color palette of the proposed structures adjacent to the Jordan River Parkway to use earth-tone colors that are compatible with the natural environment along the Jordan River corridor.
 - 4.2.2 **Public Trails and Amenities:**
 - 4.2.2.1 Proximity of the public parking area to the Jordan River Parkway trailhead.
 - 4.2.2.2 Design of the pedestrian pathway connecting the public parking area to the Jordan River Parkway trailhead.
 - 4.2.2.3 Proposed amenities (benches, planters, trees, lighting, etc.) along pedestrian sidewalks and pathways throughout the development site.
 - 4.2.3 **Buffering:**
 - 4.2.3.1 The wrought iron fence along the Jordan River Parkway trail be installed a minimum of 50 feet from the trail to maintain the natural environment and aesthetic and to enhance the experience of trail users.
 - 4.2.3.2 Install exterior lighting the length of the minimum 100-foot no-build natural buffer to allow for adequate lighting levels to enhance visibility and safety of users between the development site and the Jordan River Parkway trail.
- 4.3 **FINDINGS:** (Note: All references to the Land Development Code are “LDC” in the next section.)
 - 4.3.1 The subject property is made up of one parcel with a cumulative area of approximately 24.41 acres.
 - 4.3.2 The subject property is in the Industrial (ID) zoning district.
 - 4.3.3 The subject property is in the “Business Park” designation in the City’s General Plan.

- 4.3.4 The subject property is located within 250 feet of a residential district and is subject to non-administrative conditional use permit review, in accordance with Section 13.23.210 of the LDC.
 - 4.3.5 The applicant, John Buckel (Badiee Development), submitted an application for non-administrative conditional use permit and site plan review on February 23, 2022
 - 4.3.6 The City notified the applicant on February 8, 2022 that the submitted application was not complete and required additional information.
 - 4.3.7 Taylorsville City accepted the revised application on Feb 25, 2022.
 - 4.3.8 The applicant is requesting to construct five office/warehouse buildings that would create approximately 58,250 square feet of office space and 244,851 square feet of warehouse space on the currently undeveloped 24.41-acre site.
 - 4.3.9 The proposal will require right-of-way dedication through a subdivision plat and construction of a cul-de-sac to terminate Riverboat Road.
 - 4.3.10 The subject property has a FEMA Special Flood Hazard (SFHA) of Zone AE with a floodway and is located in the Jordan River meander corridor.
 - 4.3.11 The subject property is within a "High Liquefaction Area"
 - 4.3.12 The subject property is within the "floodplain Overlay Zone" and is subject to the standards in Chapter 13.16: Floodplain Overlay Zone of the LDC.
 - 4.3.13 The subject property is also within the "Sensitive Area Overlay Zone" and is subject to the standards in Chapter 13.15 of the LDC.
 - 4.3.14 The Jordan River Trail runs parallel to the Jordan River and traverses the site north/south along the eastern portion of the subject property.
 - 4.3.15 Section 13.33.040 of the LDC establishes the general review criteria for all conditional use permit requests in Taylorsville.
 - 4.3.16 The Jordan River and Jordan River Parkway are recognized assets and amenities in Taylorsville.
 - 4.3.17 Section 13.33.050 of the LDC summarizes the City's authority to impose conditions of approval on a conditional use permit application.
 - 4.3.18 Based on the information presented in the Staff Report, the LDC, and the City's General Plan, City Staff recommends the Planning Commission consider several conditions of approval associated with this application.
 - 4.3.19 The proposed application has been reviewed by City Departments and review agencies and there are several outstanding review comments that must be addressed prior to preliminary or final approval.
 - 4.3.20 Staff and review agencies have identified conditions of approval (listed in next paragraph), to be considered by the Planning Commission prior to preliminary approval.
 - 4.3.21 The Planning Commission is the decision-making authority for preliminary non-administrative conditional use permit review. Final review authority is granted to the Director, unless other directed by the Planning Commission.
- 4.4 **CONDITIONS OF APPROVAL:** Staff recommends approval of the request subject to the following conditions:
- 4.4.1 A minimum 100-foot no-build natural buffer, measured from the west bank of the Jordan River, be recorded on a subdivision plat to achieve the following:
 - 4.4.1.1 Promote the health, safety, and welfare of present and future City inhabitants and businesses by protecting recreational amenities.
 - 4.4.1.2 Minimize land disturbance (grading, vegetation removal, etc.) adjacent to the Jordan River Parkway.
 - 4.4.1.3 Preserve and protect the natural vegetation adjacent to the Jordan River.
 - 4.4.1.4 Preserve and protect wildlife habitat adjacent to the Jordan River.
 - 4.4.1.5 Provide a natural buffer from the Jordan River Parkway to enhance the user experience and visual aesthetics of the Jordan River Parkway.
 - 4.4.1.6 Provide usable open space, public features, and recreational amenities for Taylorsville residents.

- 4.4.1.7 Minimize noise impacts created by an industrial land use adjacent to the Jordan River Parkway.
 - 4.4.1.8 Minimize risk of flooding and related flood damage to public and private property
 - 4.4.1.9 Promote improved water quality to natural streams and rivers by reducing impervious surface coverage on the subject site.
 - 4.4.1.10 Reduce overall stormwater runoff through reduced impervious surface coverage on the subject site.
 - 4.4.2 Approve a cul-de-sac exceeding 600 feet in length as the terminus of Riverboat Road, as approved by the City Engineer.
 - 4.4.3 Require berming the length of the development side of the 100-foot no-build natural buffer with native plantings/vegetation to further screen the future buildings from users of the Jordan River Parkway
 - 4.4.4 Revise the exterior color palette of the proposed buildings adjacent to the Jordan River Parkway to use earth-tone colors that are compatible with the natural environment along the Jordan River corridor.
 - 4.4.5 The proposed wrought iron fence along the Jordan River Parkway trail be installed a minimum of 50 feet from the trail to maintain the natural environment an aesthetic and to enhance the experience of trail users.
 - 4.4.6 Install exterior lighting the length of the minimum 100-foot no-build natural buffer to allow for adequate lighting levels in the natural buffer area to enhance visibility and safety of trail users between the development site and the Jordan River.
 - 4.4.7 The proposal returns to the Planning Commission for Preliminary and Final review.
- 4.5 **STAFF RECOMMENDATION:** Staff recommends the Planning Commission continue File #5C22, a preliminary non-administrative conditional use permit and preliminary site plan to construct approximately 311,000 square feet of office/warehouse space at 4202 South Riverboat Road, in Taylorsville, Utah, to a future date, subject to the Findings and Conditions outlined in the Staff Report
- 4.6 **APPLICANT ADDRESS:**  **John Buckel** and **Ben Badiee**.
- 4.6.1 **Mr. Buckel** said he appreciated the Planning Commission visiting the site of this development proposal today. He said they are excited about the project and estimate even before doing extensive improvements their investment will be approximately 60 million dollars. It is a significant commitment on their part to the community of Taylorsville. They want to be good citizens and want to be here for the long haul. Some of the challenges are the easement areas that cross over the property. They had their civil engineer do a calculation regarding taking the 100' no-build zone and all the other easements, i.e., the power, water, sewer along the west property line and also the water line easement that runs along the south property line and the new Kearns Improvement District 60' sewer line that is going to cross along there also. That leaves 47% of the site covered by public easements. That is a struggle for them to make sure that the project continues to be economically viable for them. They are trying to fit it in to make it work out. One thing they would like strongly considered is flexing the 100' buffer to allow them to do the designed parking and the driveways around the buildings. One requirement from the Fire Department in the Fire Code is to be able to get all the way around the buildings. Another thing that Planning Staff is encouraging is to try to get enough parking close to office areas and so some of the parking on the east side

accomplishes that objective. Something that is always a challenge in development is having a lot of different masters and trying to satisfy them all becomes difficult. That is part of the job of the consultants and staff as well as the Planning Commission and his as being the applicant. The team they have assembled for this project have worked previously in Taylorsville with the exception of the architects who are from the west coast, are local and familiar with the site. **Mr. Buckel** said that hopefully a compromise can be achieved on the set back area along with working with Staff on some of the other requests they have made. **Mr. Badiee** asked that Mr. Buckel discuss the landscape plans before taking questions. **Mr. Buckel** said they have been working with Staff over the last few weeks to try and accommodate a number of things. The north point of the project formerly was for parking and they have reduced parking in that area to provide some more open space and also that is primarily the point to which the site will drain off. He went to the image map to speak.  He showed which area will be used for water quality which is an important factor in the "Clean Water Act". They reduced about 40 parking spaces in that area. He indicated an area where amenities will be added, i.e., benches, picnic tables, trash cans, etc. That will also be for future tenants in the project as well as users of the Parkway. There are pockets throughout the project to address the question about on-site amenities for employees, outdoor areas. He indicated where that was planned to be. One issue they have struggled with was the accessibility of the Trail. They wanted to provide that but wanted to make sure they didn't introduce situations where the public would essentially compete with business traffic, so they felt like something near the entrance could be marked with way-finding opportunities such as Jordan River Parkway Trail parking. That would include trash cans, benches, bicycle racks. He said once they have nailed down the site plan, they will add more features thereto to fill in the landscape and to show how there would be interaction with the site. He asked for questions at this point.

4.6.1 **Commissioner Quigley** appreciated the clarifications made and asked if this was a 24/7 operation or what could be expected as far as vehicular traffic in and out of there. **Mr. Buckel** said these units are being built on spec so at this point there are no tenants lined up. Most of the projects will be during regular business hours. **Commissioner Quigley** said Mr. Buckel had talked about the truck peak traffic and wanted to know if there was any ability in place to limit truck traffic to certain times only. His concern was based on the fact that there is only one road in and out of there and could see a problem with those trucks trying to exit with regular business/personal traffic.  He felt this would create a real bottleneck there and wanted to know what type issues he saw relative to that.

4.6.1.1 **Mr. Buckel** said he is not a traffic engineer and that is why they hired a professional engineer to look at this. What they recommended was resetting the timing at the intersection there on 4500 South and Riverboat Road. Their analysis was very extensive and did not express any concern with that issue. Should it eventually become a problem, the tenants could address that problem.

4.6.1.2 **Mr. Badiee** said that in general, the type of tenants would be companies that are high end. It is not suitable to be in Taylorsville and pay the kind of rent they are going pay in a general distribution and logistics type building. They would potentially go further west and north in the valley, nearer the airport to achieve lower rental costs. Typically there would not be a lot of truck trailers coming and going on this type of site.  His organization has designed an exact same model for their Draper site and one tenant took over the whole building for their corporate office. The balance of the space was used as a storage facility for their goods. In general, the traffic study looks at how long the trucks run and with the types of logistics issues are here. In general the truck drivers are in

demand with the shortage of drivers in this country, so there are very few left to sit empty.

Commissioner Quigley  asked as far as the trailers for the trucks are concerned would they primarily be at the docks while being unloaded, with there not being empty trailers left on the site. **Mr. Badiee** said that was exactly correct, it will only be dock parking allowed. **Commissioner Quigley** said he just wanted to make sure that this piece of land along the Jordan River Parkway doesn't become an industrial looking site with trailers parked everywhere. **Mr. Badiee** said they will make sure the parking spaces are specifically dedicated.

- 4.6.2 **Commissioner Wendel**  thanked the applicants for the amount of investment they want to make in this property and doing things to make sure the community is well served by providing a good business opportunity. She wanted to take the conversation in a different direction and discuss the environmental impacts. She was aware that these applicants have been very aware and sensitive and could not imagine what they thought upon receiving the length list of conditions of approval from Staff. She thanked Mr. Spung for having been so detailed and precise with the report. To the applicants she said the Planning Commission wants to make sure they have the best product that they can have in the City and at the same time it is a good investment for the citizens who will live here and raise their families. Preserving a space like the Jordan River Parkway is essential. Some of her concerns related to how does the Commission preserve that feeling they had while visiting the Parkway earlier today once the buildings are put there. She felt the applicants were trying to do a pretty good job addressing that in relationship to 47% of it being easements, trying to make sure that it is going to be profitable and attractive to the potential tenants. Without having tenants thus far, it is hard to answer Commissioners questions on what is to be seen happening with the property. She thought of their investment in the sensitive property and felt the need to ask them what might be some of the deal breakers that the Commission needs to know about so that they can navigate that conversation.

- 4.6.2.1 One example is when the necessary "fill" is discussed and her questions followed as to what the quality of the fill would be? How much is going to have to be brought in and how does that change the water level of the river? How does that impact the flood plain? She was aware that this is a huge investment for the applicant but she needed answers to those type questions.

- 4.6.2.2 **Mr. Badiee** answered by saying that the project has a lot of restrictions. 47% of it has easement problems. In general, an industrial building, in order to make sense, has to basically utilize 42% to 45% of the entire site or the number of buildings divided by the square footage of the lot is about 32%. That means they are already building at 28 ½% which is a very low number. A lot of developers would walk away from a property for that reason. When they decided to do this project they did not realize how much challenge it would be. He added they have to bring in 85,000 cubic yards of dirt to raise it above the flood plain requirements. That they could have mitigated that with a lesser amount but decided it was worth it to protect their tenants. The setback was initially a problem, so they redesigned the plan in order to comply. That they cannot afford to lose anymore square footage on the project. He asked that the Commission considers allowing them to extend buildings partway inside the 100' setback along with some of the driveway. If that is granted, they could accommodate the remainder of the conditions and build a beautiful, quality site. He invited the Commissioners to visit their web site to view some of their other similar facilities to see what Taylorsville will be getting.  The market for this type of product is extremely vibrant currently. The reason they don't want

to walk away from this project is that they can see this turn into a very successful, first-class facility site that will bring good tenants on board easily who will stay and generate good revenues for the City. **Mr. Buckel** agreed that the most important thing is to preserve the square footage that they have and felt that everything else could be fixed.

4.6.2.3 **Commissioner Wendel** said that she was happy with the shared interest displayed with providing the best experience and opportunity for the location that is possible. As she heard them talking about the tenants and employees that would be there, all she could do is sit back and say is all it takes is one of her Taylorsville's families to say that the experience isn't the same for them anymore on the Parkway and she would feel she failed at her job. That is where some of the Commission's thoughts and continued questions keep coming from. She would love for their tenants and clients to be the happiest people ever in this City. At the same time, she gave a little back drop saying that the City has experienced difficulty dealing with urbanizing and there is not a lot of recreational space, or open space left. So, the City is trying to hold onto that recreational experience. She added that there was nothing that the applicants have said to challenge her to think they are an amazing business partner in any way. She wanted the applicants to know what her position going forward is going to be, what can be done to try to navigate this opportunity for them to provide the best experience and not at all have it be at the sacrifice of the people who already live here. 

4.6.2.4 **Mr. Buckel** added that one thing to remember is not everybody when they walked the trail earlier could hear what was being said because of spacing. One thing that they as applicants are intentionally are doing is not doing anything on the east side of the Parkway for a couple of reasons; one they would rather not have to work with the Army Corps of Engineers because they operate very slowly. Another thing is it doesn't fit with their overall development so the condition of the Trail along that side will remain the way it is now. Then the challenge will be to work everything else on the west side of the trail to make it satisfactory. He felt the combination of some berming and moving the fence back away from the trail as much as possible and some enhanced landscaping along the backs of the buildings would help the situation greatly. 

4.6.3 **Commissioner Wilkey**  said she was conscious of the applicant's need to maintain that square footage and wondered how high Building 2 and 3 would be that back up against the Parkway. **Mr. Buckel** said they would be from an exterior prospective 42 to 43 feet at the edges. The Industrial Zone allows up to 80'. **Commissioner Wilkey** wanted to know if they could build higher and pull the buildings back a little. **Mr. Buckel** said that people don't generally like two story offices. **Commissioner Wilkey** said another question she had was the noise issue with the diesels coming in and out of that area. **Mr. Buckel** said it is a speculative development with no specific tenants at this point but most often when a truck comes in, they park and shut off their engine to save fuel.

 If it is just a small one-pallet delivery, they may leave their truck running but that would not happen very often. **Mr. Badiee** noted that across the United States trucks will come into a site and park their trailer because it may take a few days to fully empty them and then come back and pick the trailer up. As much as there are truck docks provided for this proposal, he doubted highly that it will become a logistics facility, with continuous warehousing because they cannot afford it. This would be part of ownership companies that want to have their headquarters and warehouse on one site. As in the case for Buildings 1, 4 and 5 there would be modern suites. He explained he would be surprised if they fully use the warehouses as open ceiling type units but rather perhaps including roll-up doors at the back and office cubicles in front and amenities for their employees.



4.6.4 **Commissioner Wright** asked how tall the floors would be and **Mr. Badiee** said they will be one story buildings. **Mr. Buckel** added that again the top of the building height is 42', with one floor. **Mr. Badiee** said that he is certain that these facilities will attract nothing but high-quality tenants that will stay. That the buildings will all have the look of really nice office buildings. **Mr. Buckel** said if someone were to want a mezzanine or two-story office then you would see a 15' floor to floor. There would be ground flooring, then the deck for the upper floor about 15' above that and then 6' above the "T" bar ceiling. He explained what the unit would look like with a second floor. He advised that still the height of the building would still be at 42'. **Commissioner Wilkey** commented that with the fill and mechanical equipment added it would be close to 50' in reality. **Mr. Badiee** said he lives 50% in his home in Park City and 50% in California and felt this would be a good market for some of his constituents both here and in California to come here. That he himself moved to Park City 18 years ago because he loved with the area and people here. He fully understood the need to preserve the natural environment as much as possible on this site and is willing to work with Staff to achieve that. He said this is the type of project built to achieve lasting ownership by tenants for years ahead. **Commissioner Wright** asked him what generally attracted him to the area. **Mr. Badiee** said the close access to the Jordan River Parkway was a plus, along with the many mature trees already in place and he felt with proper addition of vegetation and more trees and landscaping, it could be very unique. Along that line, **Mr. Badiee** said that they are willing to work with Staff to add anything they would like to see there and keep as many of the existing trees as possible. **Commissioner Wright** expressed concern that this will permanently change the area, however, realized it is the right of a property owner to do so but said he supported keeping the 100' buffer intact. **Mr. Badiee** said they would get their architects to work making all this happen. 

4.7 **Commissioner Wright** opened the public hearing and asked if there were anyone wishing to speak to this proposal to please come forward now.

4.8 **SPEAKING:**

4.8.1 **Angie Jimenez** (Owns the property directly across from this. She was concerned that there is all kinds of wildlife that will be gone once they start to build and did not feel industrial structures belong in this area. She asked for the Planning Commission to look at the big picture before reaching a decision. 

4.8.2 **Herb Jimenez** expressed support for maintaining the 100' buffer to protect the animals located along the river and Parkway and the natural existing vegetation. He said people like to walk the trail to get away from buildings and this would be taken away. He wondered if this would have any effect on the other side of the river. He was concerned about the increase in traffic in the whole area. He also questioned the amount of parking being proposed. 

4.9 **Commissioner Wright** closed the public hearing and opened the meeting for discussion by the Planning Commission. 

4.9.1 **Commissioner McElreath** asked Mr. Spung if the red portion of the map on display is the 100' buffer and asked if currently the building was on any part of that. **Mr. Spung** said it was not. That the site plan is the revised version that the applicant submitted keeping any structures outside of the 100' area. **Commissioner McElreath** then asked if parking, to be compliant, has to be outside the red zone. **Mr. Spung** said that was a topic for the Planning Commission to discuss, so historically the plats that had been referenced earlier have a no build zone for the 100' buffer from the bank of the river. Some of the plats had structures, some said no development. The

way that is interpreted is up to the definition of what those mean. Staff recommends that the buffer area be for no development, essentially undisturbed land (no parking lot). The applicant has voiced their concern about losing the square footage in the circulation and would drastically impact the financial moral for the project as well as the design. There are definitely competing interests there but from the bank of the river, the trail is about mid-way through that buffer zone so there would still only be about 50' from the trail to the developed area with the 100' buffer as a no build. The way it is proposed now, some of the parking and circulation routes would be relatively close to the trail, with it being at times 6' to 10' away. The red area indicates how big the 100' is and what is appropriate in that area.

4.9.1.1 **Commissioner McElreath** asked that the developer be given permission to come back up to answer questions. **Commissioner McElreath** said the question came to him when they talk about traffic is if they are talking about 53' tractor trailers coming onto this site to make deliveries, to which **Mr. Buckel** said that was the case. **Commissioner McElreath** said he then assumed it was designed for them to be able to back their trucks in. **Mr. Buckel** said it was, that the distance from the back of the building to the nearest obstruction is 135'. **Commissioner McElreath** said that caused him more concern about the single entrance with trucks lining up and parking out there. He did not see how the City could control that. **Mr. Buckel** suggested installing no parking signs. **Commissioner McElreath** said that would still require some type of enforcement.

4.9.1.2  **Commissioner McElreath's** other question was if the structures would all be fire-sprinklered to which Mr Buckel said they would be. Also that they had a preliminary review in November which was for a much larger development, which had to be reduced due to the 100' buffer. That made it so they could only develop 52% of the site, however, they felt they could still make it work but needed direction from the Planning Commission in order to do so. That they need a final plan in order to move forward. **Commissioner McElreath** asked if they now own the property and **Mr. Buckel** advised that they were going to close on it June 1, 2022. **Commissioner McElreath** commented that this is a very touch piece of property to develop. He would like to save some of the mature trees and for them to look at the amount of parking numbers depicted. **Mr. Buckel** advised the proposed parking ratio meets City Code requirements.

4.10 **Commissioner Wilkey** felt the fence was being proposed too close to the walkway.  That she uses the parkway a lot and would be scared if she were to have to walk that close to diesel trucks. She would like the "no build" area to be even larger than proposed.

4.11 **Commissioner Quigley**  said he appreciated all discussions regarding this and agreed everyone would love to see open space preserved but at the end of the day this is private property, which owners do have the right to develop. He agreed that this property is unique because it is up against a parkway and has been an established use as a pristine, fun place to walk and ride a bike and get out of the noise of the City. He said he is frustrated with the 100' setback. He felt there should be some give and take in that matter. There are certain sections where the 100' fits well for the developer and then there are a couple of corner/niches where that will not work for them. He felt a little flexibility in this area should exist. He was alluding to the far upper northeast corner of the site. In order for the developers to build the building they want they are not going to be able to meet the 100' requirement in all areas but in some areas it would be possible. He was supportive of the 100' requirement but felt some flexibility should also exist. The developers have done their best to make this work and felt the City should give them the benefit of being able to develop the property that they own. He appreciated the comments about the wildlife, but it is not for everyone. He lives in the neighborhood immediately to the west and could cite many complaints from neighbors about the raccoons and the migratory birds. He said he could favor giving a positive recommendation for the

conditional use permit and let them work out the conflicts with Staff. He offered that at some point there will be a development on this site unless the City or State wants to buy it but that has not happened yet.

4.12 **Commissioner Young**  said this area is adjacent to his neighborhood where they are dealing with many challenges such as homelessness, fires and the area is no longer safe. The problem is also a constant on the east side of the river too. He said he appreciated the comments on open space but was also sympathetic to private property rights. He felt asking for a larger buffer would almost amount to a “taking” by the City to a degree. That in a perfect world, it could remain open space with the City buying it but that is not likely to happen. He supported working with Staff to find out some of the areas that are within the 100’ to see what can be mitigated. He asked Mr. Spung how the project height of 42’ would compare to the buildings in Maison’s Landing. **Mr. Spung** said he was not sure of the answer to that. That if they are three stories it would probably be close to that.

4.13 **Commissioner Wendel**  she felt like she was trying to negotiate between her two favorite children – one is the private property owner who seem to be fantastic business folks to be working with, who she was so appreciative of with them considering their investment and consideration shown regarding this property. On the other hand, her loyalty was to the folks who live in Taylorsville and the generations to come. Her senses were trying to negotiate retaining the “the wild feel” of that urban interface in trying to preserve the one escape that those in Taylorsville feel that they have, which is the Jordan River Parkway.

4.13.1 She said that she was fortunate to have grown up in the Midwest where there was so much open space and places in which to play. She noted that Taylorsville was recently called the “island of inactivity”, meaning that there is not a lot of active transportation, not a lot of open space, not a lot of recreation destinations. Therefore, she feels obligated to provide that experience at every opportunity that she can. She felt like she was hearing from the Commissioners, applicant and what citizens would feel is, that the Planning Commission needs to find a way if going forward with this project and not make it a deal breaker for the applicants. That is why she previously asked the applicant what that breaking point was. She felt the sense of wild can be retained, and sense of destination from the public perspective. As much as she wanted the applicants to appreciate having a wonderful office space and to feel good about wanting to locate here but she was also multiplying by 100,000 plus people who also need that. She felt she was weighing the applicant’s benefit as a private property owner against the public resource. She agreed that it is too bad the way the parkway itself navigates through between the bank and this property, reducing the experience of the “wild” through the easement.

4.13.2 She offered for consideration to keep walking it a little bit and see where the parkway is and what needs to be retained for that sense of “wild”. She offered she would fight for a sense of wild over beautification in that realm. That if she wanted to walk down a nice suburban street she could get the sense of planted grass, so she wanted to protect the wild space experience as far as is possible.

 She again expressed appreciation for the willingness the applicants have expressed to address concerns and issues.

4.14 **Commissioner McElreath**  felt that private property is the issue, and that no government entity is going to buy this piece of land. Property owners have the right to develop. He felt that the easement issues should be taken into consideration and possibly trigger some flexibility in the setback issue. He was supportive of what the developer is proposing to do. 

4.15 **Commissioner Willardson** said he agreed with that but would like a limit on what can go in the 100' setback space. He would also like all removed landscaping to be replaced in kind or better.

4.16 **Commissioner Wright**  commented that this definitely is a speculation type site with no tenants yet. However, it is the last undeveloped site in Taylorsville, so he wanted it done right. He felt the 100' buffer should remain in place for this development as being not negotiable to change. He also asked that the developer look closely at the existing trees with the mind set to save as many as possible. Also, to keep the existing native landscape vegetation and wildlife living within the area intact. He suggested hiring an Ecologist to offer their suggestions regarding all possibilities.  (Commissioner Wright continued with his input but the recording was very sporadic and distorted from then on and not audible).

4.17 **Commissioner Young**  noted that during the field trip on the east side of the trail between there and the river he noticed a lot of junk dumped in that area such as concrete, etc. He asked Staff if the developer could be asked to beautify that area or is that beyond the scope of the Planning Commission's authority to ask. **Mr. Spung** said he would need to look into that further because it is private property. He felt that if it is cleaning up and remediating things to restore it, it probably would be fine with some coordination with whatever body is in charge, either the State of Utah, Salt Lake County, the Jordan River Commission, or the City of Taylorsville. He agreed that it would be desirable to initiate that type action but at this point could not say who has jurisdiction to do that. **Commissioner Young** felt this could be a real nice development with some restorative effort initiated first to make the area look nicer and be safer.

4.18 **Commissioner Quigley** said he lives in this area and knows that people do not walk this area of the trail because it is currently very dangerous.  Along the parkway there are multiple cities involved and police jurisdiction is confusing. The area is left trashy and contains not just raccoons, foxes and birds but also rats. That is the main reason he is a proponent for this development. Right now, it is a forgotten part of Taylorsville and this proposal is a definite improvement to what is currently there.

4.2 Discussion on this item ended at this point. The item will be brought back at a future date for another hearing and decision per recommendation of the City Staff.

CITY COUNCIL MEETING DISCUSSION: **Commissioners Young** and **Wendel** gave their reports on the City Council meetings they attended. 

By Motion of **Commissioner Wendel** the meeting was adjourned at 9:20 p.m.

These minutes were prepared and presented by:

Jean Gallegos, Admin Asst/Recorder for the
Planning Commission

Approved in meeting held on June 14, 2022.