

Planning Commission Staff Report

File #5C22/CUP-000181-2022

**Public Hearing and Consideration of a Preliminary
Nonadministrative Conditional Use Permit and
Preliminary Site Plan to Construct Office/Warehouse Space
at 4202 S. Riverboat Road, in Taylorsville, Utah.**



Department of Community Development

Date:	July 20, 2022
Meeting Date:	July 26, 2022
Agenda Item:	Public hearing and consideration of a preliminary nonadministrative conditional use permit and site plan to construct office/warehouse space at 4202 S. Riverboat Road, in Taylorsville, Utah.
Subject Property Address:	4202 S. Riverboat Road
Applicant:	John Buckel, Badiiee Development
Applicant Agent:	Jason Boal, AICP & CFM, Snell & Wilmer
Author:	Jim Spung, AICP, Senior Planner
Parcel #:	21022260070000
Applicable Ordinances:	Including, but not limited to Chapter 13.02; 13.08; 13.15; 13.16; 13.23; 13.24; 13.25; 13.27; 13.28; 13.32; 13.33; and 13.37
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Attachments:

Exhibit A: Zoning Map

Exhibit B: General Plan Map

Exhibit C: Subject Property Aerial Image

Exhibit D: Subject Property Vicinity Map

Exhibit E: Site Plan (06-29-2022)

Exhibit F: Sensitive Area Overlay Zone Map

Exhibit G: Hydraulic Analysis Report (04-12-2022)

Exhibit H: Wetland Delineation Study (04-14-2022)

Exhibit I: Geotechnical Study (12-16-2021)

Exhibit J: Traffic Impact Study (01-27-2022)

Exhibit K: Photometric Study (02-25-2022)

Exhibit L: Landscape Plan (04-14-2022)

Exhibit M: Review Comments (07-13-2022)

Exhibit N: Public Comments (06-05-2022)

Exhibit O: Existing Site Topography (04-12-2022)

Exhibit P: Mass Grading Plan (05-05-2022)

Exhibit Q: Master Utility Plan (05-05-2022)

Exhibit R: Building Elevations (06-29-2022)

Exhibit S: Draft Subdivision Plat (07-06-2022)

Summary:

Jason Boal, on behalf of Badiee Development, is requesting Planning Commission review and approval of a preliminary nonadministrative conditional use permit and site plan to allow the construction of an industrial office warehouse project located at 4202 S. Riverboat Road, in Taylorsville, Utah. The development proposal (Exhibit E) includes five buildings that would create 37,800 square feet of office space and 267,026 square feet of warehouse space on the currently undeveloped 23.95 acre site.

This application was first introduced to the Planning Commission on May 10, 2022 as a discussion item. A public hearing was held and no formal action was taken; meeting minutes are available on the City's website, or can be accessed by clicking [here](#). Among other things, the following items were discussed:

1. Introduction of the application and development proposal to the Planning Commission;
2. A Public hearing was held;
3. Staff reviewed the Planning Commission's decision-making authority related to the request;
4. The Planning Commission asked the developer questions; and
5. The Planning Commission provided general feedback to the developer regarding the request.

Site Description

The subject property (parcel ID# 21022260070000) is approximately 23.95 acres of land adjacent to the Jordan River. The site is currently undeveloped, except for a high-voltage transmission powerline which runs north/south through the site along the western property line. The Jordan River Parkway Trail runs generally in a north/south direction along the east boundary adjacent to the Jordan River. Salt Lake County-owned and -operated Meadow Brook Golf Course is adjacent to the property on the west.

The development proposal would expand the currently developed area to the south (Sorensen Research Park) and multi-family residential property (Maison's Landing). The only vehicle access to the subject property is via South Riverboat Road. The subject site is primarily flat open land with mixed vegetation.

Surrounding zoning designations are as follows:

North	South	East	West
Millcreek City Jordan River	RM-12 (Maison's Landing apartments)	Jordan River Murray City Millcreek City	Open Space (OS) and Research and Development (RD)

There are several existing constraints affecting the property that will influence its developable area and site design. These constraints include but are not limited to: flood hazards; wetlands; geological/geotechnical hazards; limited site access; existing easements; and established recreational amenities. Each is briefly summarized below.

The presence of flood hazard designations and high liquefaction potential subjects the property to the City's Floodplain Overlay Zone and Sensitive Area Overlay Zone. Additional analysis related to these overlay zones is included later in this report.

Flood Hazards

The subject property has a FEMA Special Flood Hazard Area (SFHA) of Zone AE with a floodway and is in the Jordan River meander corridor. The location of the property, river, and floodplains are shown in Exhibit F. Since the project site 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 Flood Elevation (BFE). This will also require either a Letter of Map Revision based on Fill (LOMR-F) or a standard Letter of Map Revision (LOMR). Land Development Code (LDC) [Section 13.15.040\(B\)\(2\)\(a\)](#) prohibits structures intended for human occupancy from being constructed in the 100-year floodplain; therefore, a Conditional Letter of Map Revision (CLOMR or CLOMR-F) is required prior to issuance of a building permit. The applicant is working with a consulting firm to obtain a Conditional Letter of Map Revision based on Fill (CLOMR-F) to obtain assurances that the project will be approved by FEMA before proceeding with final design, construction, and a LOMR-F.

Since the subject site 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 subject property and existing Jordan River Parkway trail from erosion.

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.

Exhibit G 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. Significant amounts of fill dirt would need to be imported to raise the elevation of the site to avoid impacts due to flooding events. The current elevation of the site is approximately 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, requiring approximately 5 to 6 feet of fill to construct the proposed buildings.

Wetlands

Due to the subject 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 secured a consultant, Bowen Collins & Associates, to prepare an "Aquatic Resources Delineation Report" for the subject site (see Exhibit H). The purpose of the delineation report was to identify channel boundaries of the Jordan River and any potential wetlands in preparation for permitting and construction on the subject property.

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 subject property total 1,038 linear feet and 0.37 acres. This channel has hydrology year-round which was present at the time of the delineation field inspection. The emergent wetlands identified on the subject property total to 0.12 acres and are located along the bank of the Jordan River, from which they source hydrology. This Aquatic Resources Delineation Report concluded there are no wetlands that exist on the subject property west of the Jordan River Parkway Trail.

Geological/Geotechnical Hazards

As illustrated in Exhibit F, the subject 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 a solid (e.g., the ground) behaving like a liquid.

The applicant has submitted a Geotechnical Study (Exhibit I) 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 proposed development on the site. Boring samples were taken at 27 locations across the site and show liquefiable soils present throughout. To best mitigate the potentially liquefiable soil conditions, the geotechnical consultant (GSH Geotechnical, Inc.) recommends proposed structures be supported upon conventional spread and continuous wall foundations supported upon soil reinforcement methods such as a grid of rammed-aggregate piers and geogrid matting. A more detailed technical review ensuring compliance with all applicable building codes will take place prior to issuance of any development permits or building permits on the subject site.

Limited Site Access

The subject property has one means of vehicle ingress and egress via South Riverboat Road, which terminates as a stub street at the southern edge of the property. The proposed development plan includes the construction of a cul-de-sac on the subject property to provide a proper terminus to the existing public street. In accordance with City Administration and the City Attorney’s Office, the cul-de-sac is required to be dedicated as a public right-of-way through the subdivision platting process. The applicant has submitted a subdivision application (File #9S22/SUB-000248-2022) that will be discussed as a separate item on the July 26, 2022 Planning Commission meeting agenda. The subdivision plat and associated right-of-way dedication is required to be recorded with Salt Lake County, prior to issuance of a building permit.

There are few opportunities to improve vehicle 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 South Riverboat Road or the Jordan River Parkway.

Existing Easements

There are several existing easements on the property – the most notable of which is an overhead high-voltage transmission power corridor running north/south along the western portion of the property. Major water and sewer lines also run parallel to the power line

easement. Water and sewer lines are also located along the south property line and a major water line runs north/south along the east side of the site between the Jordan River Parkway Trail and the Jordan River. The Jordan River Parkway Trail also includes an access and maintenance easement. Combined, these easements encumber approximately 11.5 acres of the 23.95-acre site. The location and impact of all easements on the property (existing and proposed) will be noted and illustrated on the subdivision plat document.

Established Recreational Amenities

The Jordan River Parkway Trail runs parallel to the Jordan River in a north/south orientation 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 Parkway is the centerpiece of an extensive trail system in Taylorsville and serves as the primary backbone of a regional transportation system, spanning approximately 44 miles from Utah Lake to the Great Salt Lake. Additional narrative regarding the Jordan River and related amenities are included later in this report.

Proposed Use and Operation

Leasing Space

The proposed land use of the project is professional office and warehousing. Buildings 1-3 would cater to companies requiring highly functional, efficient logistics spaces, while Buildings 4 and 5 would cater to companies seeking smaller, tech/flex space. The following table summarizes general information related to each building and its intended use.

	<u>BLDG. 1</u>	<u>BLDG. 2</u>	<u>BLDG. 3</u>	<u>BLDG. 4</u>	<u>BLDG. 5</u>	<u>TOTAL</u>
<u>SITE AREA</u>						
In s.f.						1,063,122 s.f.
In acres						24.41 ac
<u>BUILDING AREA</u>						
Office	6,000	8,000	9,000	6,000	4,400	33,400 s.f.
Office (2nd Floor)	0	0	0	0	4,400	4,400 s.f.
Warehouse	60,332	82,524	104,726	19,480	0	267,062 s.f.
TOTAL	66,332	90,524	113,726	25,480	8,800	304,862 s.f.
<u>COVERAGE</u>						28.7%

Due to the proposed development's speculative nature, it is difficult to anticipate all operational elements of the project. Based on similar projects, the applicant anticipates the project would attract branches of regional and national companies needing a local presence in the Greater Salt Lake City market. The applicant believes Taylorsville's proximity to regional centers of population, major arterials and freeways, in addition to its demographics will attract a wide variety of companies.

Employees

Given the speculative nature of this project, it is difficult to predict the number of employees who will be on site at any given time. Using industry standard metrics, the applicant has estimated that logistics space, on average, results in approximately 1 employee per 1,500 square feet, while office space results in approximately 1 employee per 300 square feet. Based on these metrics, the project could have at full occupancy:

Use	Industry Standard Metric	Estimated Employees
OFFICE/ FLEX SPACE	<i>37,800 square feet ÷ 300 square feet</i>	<i>= 126 employees</i>
LOGISTICS/ WAREHOUSE	<i>258,608 square feet ÷ 1,500 square feet</i>	<i>= 178 employees</i>
TOTAL		<i>= 304 employees</i>

Traffic impacts related to these proposed land uses is provided in the following section.

Traffic

Due to the size and scale of the proposed project, City Staff requested the applicant provided a Traffic Impact Study (TIS) (Exhibit J). The TIS analyzed traffic operations at key intersections for existing (2022) and future (2027) conditions with and without the proposed project and recommended mitigation measures, as needed. The TIS evaluated the traffic operational performance impacts of the project on the following intersections:

- Riverboat Road / 4500 South (S.R. 266)
- Levoy Drive / Riverboat Road
- Project Access / Riverboat Road

Trip generation for the development was calculated using trip generation rates published in the *Institute of Transportation Engineers (ITE), Trip Generation, 11th Edition, 2021*. The total trip generation for the development in the TIS was based on building use and square footages that has since been updated. The following table summarizes the trip generation data provided in the TIS as well as City Staff's adjustment to that data to reflect proposed use and square footages.

Use	Traffic Impact Study Estimate	City Staff's Adjusted Estimate
OFFICE/ FLEX SPACE	<i>35,055 square feet = 438 daily trips</i>	<i>37,800 square feet = 472 daily trips</i>
LOGISTICS/ WAREHOUSE	<i>276,203 square feet = 476 daily trips</i>	<i>276,100 square feet = 476 daily trips</i>
TOTAL	<i>914 daily trips</i>	<i>948 daily trips</i>

Based on the information provided in the TIS, the operating performance of existing roadways and intersections would not be significantly affected as a result of the proposed development. The TIS suggested that the northbound pedestrian timing at the intersection of South Riverboat Road and 4500 South be adjusted to accommodate additional southbound left-turn green time. Additional information related to the TIS can be found in Exhibit J.

General Plan Analysis

The subject property is designated as “Business Park” on the Proposed Land Use Map ([Taylorsville General Plan, Map 3.1.1](#)). The [Taylorsville General Plan](#) includes the following statement describing the intent of the Business Park designation ([pg 3-4](#)):

“The Business Park (BP) designation differs from Professional Office (PO) in that traditional industrial uses are permitted, often in “hybrid” space for companies and organizations that do not fall neatly into one category of use. Uses may include headquarters management, research laboratories, prototype development, assembly and fabrication, light-manufacturing, and warehouse distribution facilities.”

The applicant’s proposal for “professional office” and “warehouse” is consistent with the Business Park General Plan designation.

As discussed later in this report, the proposed use requires nonadministrative conditional use review. [Section 13.33.040\(C\)](#) of the LDC states the following:

“The proposed conditional use shall promote and conform with the objectives of the general plan and shall not limit the effectiveness of land use controls, promote blight, or injure property values.”

City Staff recommends the Planning Commission consider several references from the General Plan related to the importance of the Jordan River and Jordan River Parkway in Taylorsville, summarized in the table below.

General Plan Page Number	Content Description
3-10	Jordan River Environs – information related to the sensitive environmental conditions that exist in close proximity to the Jordan River.
	<i>“Special Consideration should be given to all agencies having jurisdictional authority for the Jordan River and the preservation of remaining open spaces should be a priority. As a minimum condition, any development accruing in proximity to the River must provide necessary open space dedications and possible trail improvements. In areas where property is already developed, provisions should be made to acquire access or conservation easements that will provide public access and/or protection to this extraordinary feature of the community.”</i>
6-2	Parks, Open Space, Recreation and Trail Needs – references Taylorsville’s commitment to acquiring and developing additional park space within the City.
	<i>“Taylorsville will provide and maintain a diversity of parks, open spaces, recreational opportunities and trails dispersed throughout the City to help provide for the health and enjoyment of the community.”</i>

General Plan Page Number	Content Description
6-6	Open Space – summarizes the importance of providing quality open space to enhance the quality of life for Taylorsville residents. <i>“Open spaces within the community are those areas that typically are not improved with “active” recreational facilities but may include pedestrian and biking trails and natural vegetation. Open spaces are reserved from future residential and commercial development but may be transitioned into more traditional park spaces in the future. Traditional open space areas provide relief from the built environment and allow residents to experience the natural environment within the community. Open spaces also provide an opportunity to view wildlife in their natural habitat and protect natural resources. An example of open space is along the Jordan River, adjacent to the Jordan River Parkway.”</i> <i>The majority of the remaining open space areas in Taylorsville are located in proximity to the Jordan River. The environs of the Jordan River provide a unique feature and natural asset for the City. The Jordan River and its environs provide a variety of recreational opportunities, including walking, canoeing, bird watching, fishing, and biking. Because the Jordan River is a water course of federal, state, regional, and local importance a number of governmental agencies have jurisdictional authority for the River and it’s immediate area, requiring close coordination by Taylorsville with other governmental units to realize the full amenities of the Jordan River for the City.”</i> One of the best practice policies (P-6.2.1 (a)) established in the General Plan states: <i>“Require a minimum 100’ no build natural buffer for all developments adjacent to the Jordan River.”</i>
6-7 to 6-8	Trails – summarizes the importance of connected and convenient trail systems throughout the City. <i>“The primary trail system within the City is adjacent to the Jordan River, which is located along the eastern border of the City. Land located immediately adjacent to the river provides opportunities for open space and trail routes for Taylorsville residents. Significant portions of the “Jordan River Parkway” have already been preserved and protected to provide open space and trail amenities. The City of Taylorsville must commit to preserving open space as an amenity associated with the Jordan River and provide required trail and open space as an amenity associated with the Jordan River and provide required trail and open space connections to other portions of the Parkway. Working closely with Salt Lake County and other adjacent communities, Taylorsville can ensure the Jordan River Parkway provides a real quality of life benefit for its residents.</i> <i>The Jordan River Parkway should be the centerpiece of an extensive trail system in Taylorsville.”</i> Best practice policies from this section include: P-6..4.1(a): <i>“Require pedestrian linkages, as applicable, in all new development.”</i> P-6.4.1(b): <i>“Provide pedestrian amenities, such as garbage cans, benches, bicycle racks and lighting for new trail development.”</i>

Requiring a minimum 100-foot no-build natural buffer for all developments adjacent to the Jordan River is a best practice identified in the General Plan. This has been common practice in Taylorsville since the City's incorporation in 1996. All properties adjacent to the Jordan River that have been platted under Taylorsville's jurisdiction include no-build areas in accordance with the General Plan best practice, as summarized in the table below.

Property Address (approximate)	Subdivision Plat Name and Recording Date	Related Jordan River Standard
775 W. Bayport Way	Bayport Way (August 2021)	Parcel A and B (adjacent to Jordan River): <i>"Non-Buildable, Wetlands, and Floodplain Permanent Open Space"</i>
861 W. Rockhill Point Cove	Taylor's Cove Phase 1 (March 1998)	Parcel adjacent to Jordan River: <i>"Open Space"</i>
		Lot 13, Lot 14, Lot 17, Lot 18, Lot 19, Lot 20 (adjacent to Jordan River): <i>"50' no development buffer zone"</i>
1001 W. Waters Edge Circle	Meadows at Hidden Cove Phase 4 (November 2004)	The parcel immediately adjacent to the Jordan River (id# 21112540250000) is approximately 50 feet in width and is owned by Salt Lake County. The combination of the SL County-owned parcel and the Lots referenced above total an approximate 100-foot no development buffer zone from the Jordan River.
5003 S. Meadow View Drive	Shire at Gale Hollow (September 2012)	Lot 1, Lot 2, Lot 3 (adjacent to Jordan River): <i>"50' fence setback line"</i> <i>"100' no-build line"</i>
5105 S. Old Millrace Lane	Kevin's Ranch Lot 2 Amended (May 2007)	Lot 2B (adjacent to Jordan River): <i>"100' setback line from west bank of Jordan River (see Note #3)"</i> Plat Note 3: <i>"No build area within 100' of Jordan River (Lot 2B)"</i>
1108 W. Old Millrace Lane	Millrace Meadows (October 2006)	Lot 3, Lot 4, Lot 5 (adjacent to Jordan River): <i>"50' set back from west bank of Jordan River"</i> <i>"100' set back line from west bank of Jordan River"</i> <i>"no-build zone" between 50' and 100' setback lines.</i>
5171 S. 1130 W.	Evans Subdivision (February 1992)	Lot 1 (adjacent to Jordan River) <i>"150 foot river maintenance easement"</i> (measured from the centerline of the Jordan River)
5189 S. 1130 W.	Robinson Subdivision (May 1991)	Lot 1 (adjacent to Jordan River) <i>"150 foot river maintenance easement"</i> (measured from the centerline of the Jordan River)

City Staff recommends the Planning Commission consider establishing a minimum 100-foot no-build natural buffer, measured from the west bank of the Jordan River, in accordance with the policies and best practices established in the General Plan. Additional analysis and information supporting this recommendation is included later in this report.

Land Development Code Analysis

Vehicle and Bicycle Parking

[Chapter 13.24](#) of the LDC includes minimum off-street vehicle parking requirements for specific land uses. The “office, professional” land use requires a minimum of five (5) vehicle parking spaces per 1,000 square feet of building floor area and “warehouse, wholesale, storage” requires a minimum of one (1) vehicle parking space per 1,000 square feet of building floor area. The following table summarizes the off-street vehicle parking requirement for each proposed building.

	<u>BLDG. 1</u>	<u>BLDG. 2</u>	<u>BLDG. 3</u>	<u>BLDG. 4</u>	<u>BLDG. 5</u>	<u>TOTAL</u>
<u>AUTO PARKING REQUIRED</u>						
Office: 5/1,000 s.f.	30	40	45	30	44	189 stalls
Whse: 1/1,000 s.f.	60	83	105	19	0	267 stalls
TOTAL	90	123	150	49	44	456 stalls
<u>AUTO PARKING PROVIDED</u>						
Standard (9' x 20')						420 stalls
ADA standard (9' x 20')						18 stalls
ADA Van (12' x 20')						18 stalls
TOTAL						456 stalls

The proposed development satisfies the minimum number of vehicle parking stalls. The LDC also includes several standards that inform the general design and placement of vehicle parking areas on a site. City Staff’s review of the proposed development identified several elements of the project that do not comply with the City’s standards, as summarized in the table below.

Code Reference	Code Requirement Description
13.37.002(H)(4)	<i>Sites shall be designed to allow for safe pedestrian access from parking areas to the building, from building to building, from the building to adjacent developments and from buildings to the public sidewalk to minimize the need to walk within the parking lot among cars</i>
13.37.002(I)(2) and (3)	<i>On-site parking should be located primarily to the sides or rear of the building. Variations must be approved by the Planning Commission. The location of parking shall be determined not only from its visual relationship to the building and site, but also as it relates to safe and convenient pedestrian and vehicular circulation patterns</i>
13.24.050(B)(1)	<i>Parking facilities need not be located in one consolidated area of a particular site but may be separated by landscaping or building elements for reasonable safe pedestrian access to the building. However, all parking must be conveniently located to the entrances to all buildings.</i>

Code Reference	Code Requirement Description
	<i>Pathways should not deviate unnecessarily from a direct route or involve a significant amount of out of direction travel.</i>
13.24.200(C)	<i>Pathways should be free from hazards, have appropriate lighting levels, i.e., relative to the adjacent uses and considering natural surveillance, be suitable for people in wheelchairs, e.g., traction, not bumpy, etc., and/or people with visual impediments, and provide a reasonable route of travel between destinations. The pathway system shall comply with ADA requirements.</i>
13.37.002(A)(13)	<i>Building entrances must be generally aligned with pedestrian links, public plazas and major parking areas.</i>
13.24.200(C)(4)	<i>Pedestrian amenities such as benches, planters, trees, lighting, etc., are required along sidewalks and pathways to provide defensible space, crime prevention, pedestrian comfort, and accessibility.</i>
13.24.200(F)	<i>All new nonresidential construction shall provide bicycle parking. The amount of bicycle parking required for new construction and/or remodels is determined by multiplying the total number of automobile parking spaces required by 0.05 (5 percent).</i> <i>456 vehicle stalls x 0.05 = 23 bicycle parking spaces</i>
13.37.002(I)(7)	<i>Drive aisles shall be defined by nine-foot-wide parking lot planters (i.e. end caps) at the end of each row of parking. 9' x 18' planters shall include at least one tree; 9' x 36' planters shall include at least two trees and must include shrubs and ground covers.</i>
13.37.002(I)(8)	<i>Landscaped islands containing at least 300 square feet shall be provided for every 24 parking stalls. In addition, a five foot by five foot landscaped diamond shaped planter shall be installed for every 12 parking stalls or portion thereof. A combination of both planter types shall be utilized.</i>
13.37.002(I)(9)	<i>Single rows of parking abutting drive aisles shall include a minimum eight-foot-wide landscape strip the entire length of the row.</i>

The vehicle parking calculations required for each building indicate that Buildings 2 and 3 require 123 and 150 vehicle parking stalls, respectively. The proposed distribution of vehicle parking does not appear to provide parking conveniently located to the entrance of each building/unit.

City Staff has requested the applicant to provide a parking plan illustrating where parking for each building/unit will be located on the site and to identify safe pedestrian routes from said parking areas to building entrances, including the distance from the farthest parking stall to the building/unit entrance that it serves. This information is necessary for City Staff to determine compliance with the standards referenced above.

City Staff has also requested the applicant identify on the site plan where proposed bicycle parking will be located, as well as details to ensure compliance with bicycle parking standards.

[Section 13.15.040\(B\)\(7\)\(g\)](#) of the LDC reads, “development sites which are adjacent to trails shall provide access to those trails. Parking areas at trailheads may be required by the Planning commission.” In addition to the off-street vehicle parking serving the private development, the applicant’s proposal includes a “public access parking area” with 12 vehicle parking spaces on the western edge of the property adjacent to the cul-de-sac. This parking area is intended to provide public parking for persons accessing the Jordan River Parkway Trail. City Staff recommends a minimum of 12 vehicle parking spaces be provided and reserved on-site for members of the general public who wish to access the Jordan River Parkway Trail.

Public Trails and Amenities

The proposed development plan also includes a 6-foot wide public pedestrian pathway along the southern property line connecting the proposed public access parking area to the Jordan River Parkway Trail. The pathway and associated amenities must comply with the pedestrian and bicycle access and circulation standards in [Section 13.24.200](#) of the LDC. Other pedestrian connections are proposed on the site plan with call-out notes along the proposed fencing that reads, “8-foot access gate;” however, the plans do not identify pedestrian/bike facilities connecting the Jordan River Trail to the proposed buildings. City Staff has requested the applicant provide additional details regarding the design and development of pedestrian pathways and amenity areas identified on the site plan.

Landscaping

[Chapter 13.25](#) and [Chapter 13.37](#) of the LDC include general landscaping standards for development in Taylorsville. City Staff’s review identified several elements of the proposed development that do not comply with the City’s standards, summarized in the table below.

Code Reference	Code Requirement Description
13.37.002(D)(5)	<i>All landscaping shall preserve and generally enhance desirable natural features, (i.e. topography, waterways, vegetation, etc.), enhance architectural features of the building, strengthen vistas, and provide shade for the project as well as its customers and employees.</i>
13.15.040(B)(3)(a)	<i>Vegetation shall be removed only when absolutely necessary for the construction of buildings, roads, and filled areas.</i>
13.15.030(B)(10)(b)	<i>Provide a vegetation and revegetation report that complies with the water efficient landscaping ordinance and that includes: location and identification of existing vegetation; the vegetation to be removed and the method of disposal; the vegetation to be planted; slope stabilization measures to be installed; analysis of the environmental effect of development including effects on slope stability, soil erosion, water quality, fish and wildlife, and fire hazard; and topsoil stockpile areas.</i>
13.23.140(A)	<i>A site plan with grading, drainage, and clearing plans (including proposed vegetation removal) shall be approved by the director before any such activities begin.</i>
13.25.010(A)	<i>The preservation of natural features that enhance the development and will benefit the community including trees, scenic points, view corridors, historic buildings or locations, unique geological formations, and other community assets shall be preserved and incorporated into the overall landscape plan.</i>

Code Reference	Code Requirement Description
13.25.020(K)	<i>The retention of existing healthy, desirable tree species on site is strongly encouraged. Buildings and parking areas should be designed around existing trees, wherever possible. A tree survey on an existing site may be required as determined by the director.</i>
13.24.040(B)(2)(b)	<i>A detailed planting plan shall be drawn at a scale that clearly identifies existing trees and plant materials to be removed or retained</i>
13.25.030(I)	<i>Tree surveys must identify both city and private trees or groves of trees of at least two inch (2") caliper and shall indicate which, if any, may be preserved or relocated. Where practically possible, site designs should be modified to accommodate significant tree cover. Proper care should be taken during the construction phase to protect tree root zones from compaction and excessive excavation. Clear cutting an area of trees on a site will not be allowed unless determined appropriate by the director.</i>
13.25.020(L)	<i>A minimum ratio of one tree per every five hundred (500) square feet of on-site landscaping shall be provided on the overall site plan.</i> <i>Based on landscaping square footages 468 trees are required.</i>
13.25.020(B)	<i>The use of berms (random sculptured mounds), twelve (12) to eighteen inches (18") high above the curb level, are required in all front landscape areas where found to be practical by the director.</i>
13.25.020(C)(1)	<i>Landscaping within all parking and driveway areas shall comprise a minimum five percent (5%) of the total square footage of those areas.</i>

City Staff has requested the applicant provide a tree survey to identify the location, size, and species of existing trees on the site. The proposed landscape plan (Exhibit L) does not identify existing vegetation intended to be preserved west of the Jordan River Parkway Trail. As noted from site visits, there are several mature cottonwood trees on the property and serve as a valuable asset to the community, trail users, and wildlife along the river corridor.

In addition to the minimum 100-foot no-build natural buffer referenced earlier in this report, City Staff recommends the Planning Commission review the tree survey after is provided to further identify which areas of the subject property warrant preservation.

The LDC requires that a minimum of one (1) tree be provided for every 500 square feet of landscaping area provided on the site. Based on the landscaping site calculations provided by the applicant, 398 trees are provided and 468 trees are required. City Staff has also requested the applicant to provide updated calculations verifying compliance with the five (5) percent minimum landscape area requirement within all parking and driveway areas.

Project Buffering, Fencing, and Lighting

In accordance with [Section 13.23.070](#) of the LDC, any commercial development adjacent to a residential boundary is subject to screening standards. The applicant's proposal includes a 6-foot masonry wall compliant with the City's standards along the southern property boundary (adjacent to the Maison's Landing Apartments). The applicant is also proposing a 6-foot-tall wrought iron fence immediately adjacent to proposed vehicle parking and circulation areas near the Jordan River Parkway, as illustrated on the site plan.

A photometric lighting plan has been provided to demonstrate the exterior lighting levels of the proposed project (Exhibit K). The exterior lighting plan generally complies with the LDC; however, City Staff recommends additional consideration be given to lighting treatments for pedestrian and bicycle pathways. [Section 13.24.200](#) of the LDC includes general standards related to pedestrian and bicycle circulation design. City Staff recommends the Planning Commission consider the following related to fencing and lighting:

1. The proposed wrought iron fence along the Jordan River Parkway trail be installed a minimum of 50 feet from the trail, or along the 100-foot no-build natural buffer, whichever is more, to maintain the natural environment and aesthetic and to mitigate negative impacts of the proposed development, prior to issuance of a Certificate of Occupancy; and
2. Require exterior lighting levels to be a minimum of 0.5 Footcandles (Fc) along the Jordan River Parkway Trail and other pedestrian paths/trails within the subject property boundaries, prior to issuance of a Certificate of Occupancy.

Floodplain Overlay Zone

As stated in the “site description” portion of this report, the subject property is within the City’s Floodplain Overlay Zone, and is thereby subject to the standards in [Chapter 13.16](#) of the LDC. The applicant is working with the City’s Community Development Department and Engineering Department to address the permitting requirements associated with development in a floodplain. At this point of the development review process, the applicant has demonstrated general compliance with the City’s floodplain requirements; however, as the review progresses, City Staff will ensure compliance with all related standards prior to issuance of any development permits or approvals.

Sensitive Area Overlay Zone

As stated in the “site description” portion of this report, the subject property is within the Sensitive Area Overlay Zone, and is thereby subject to the standards in [Chapter 13.15](#) of the LDC. [Section 13.15.010](#) of the LDC, includes language related to the purpose of the Sensitive Area Overlay Zone:

“This chapter shall provide standards, guidelines, and criteria having the effect of minimizing flooding, erosions, and other environmental hazards and protecting the natural scenic character of the sensitive areas and ensuring the efficient expenditure of public funds. The standards, guidelines, and criteria established by this chapter shall include, but shall not be limited to, the following:

- A. The protection of the public from the natural hazards of stormwater runoff and erosion by requiring drainage facilities and the minimal removal of natural vegetation.*
- B. The minimization of the threat of consequential damages of fire by establishing fire protection measures.*
- C. The preservation of natural features, wildlife habitat, and open space.*
- D. The retention of natural features such as drainage channels, streams, hillside areas, ridgelines, rock outcroppings, vistas, trees, and other natural plan formations.*

- E. *The preservation and enhancement of visual and environmental quality by use of natural vegetation and the minimization of grading in hillside areas.*
- F. *The assurance of an adequate transportation system for the sensitive area to include consideration of the city's approved transportation plan. This system design will consider densities and topography with minimal cuts, fills, or other visible scars.*
- G. *The establishment of on site and off site traffic facilities that ensure ingress and egress for vehicles including emergency vehicles into all developed areas at any time.*
- H. *The encouragement of a variety of development designs and concepts that are compatible with the natural terrain of the sensitive areas and preserve open space and natural landscape.*
- I. *The establishment of land use management criteria that will encourage protection of natural elements while allowing a harmonious and satisfying residential environment.*
- J. *The encouragement of location, design, and development of building sites to provide maximum safety and human enjoyment while adapting the development to the best use of the natural terrain.*
- K. *The encouragement of the use of creative design teams composed of professional landscape, architects, engineers, and others.*
- L. *The encouragement of a regard for the view of the hillsides as well as a view from the hillsides."*

References to several standards from the Sensitive Area Overlay Zone ([Chapter 13.15](#)) have been included throughout this report. The applicant must demonstrate compliance with the Sensitive Area Overlay Zone standards, as well as all other adopted zoning standards, prior to final approval.

Conditional Use Permit Review

The primary land use of the proposed development is "warehouse, wholesale," as defined in [Section 13.36.240](#) of the LDC:

"WAREHOUSE, WHOLESale: A building in which goods, merchandise or equipment are stored for eventual distribution. No outside storage is permitted."

The zoning map designation for the subject property is "Industrial (ID)." Per [Section 13.08.020\(E\)](#), "warehouse" is a permitted land use in the Industrial (ID) zoning district; however, [Section 13.23.210](#) of the LDC states the following:

"Any industrial use located within two hundred fifty feet (250') of a residential district shall require a separate nonadministrative conditional use approval from the Planning Commission."

The property immediately south of the subject property is zoned "Residential Multiple-Family 12 (RM-12)", thereby requiring nonadministrative conditional use permit review, pursuant to [Section 13.23.210](#) and in accordance with the standards in [Chapter 13.33](#), of the LDC.

[Section 13.33.040](#) of the LDC establishes the general review criteria for all conditional use permit requests in Taylorsville:

“No conditional use may be approved unless the proposed use complies with the applicable provisions of this code, state, and federal law; and the following standards that apply to all conditional uses.”

Code Reference	Review Criteria
13.33.040(A)(1)	<i>The health, safety, and welfare of the city and its present and future inhabitants and businesses.</i>
13.33.040(A)(2)	<i>The prosperity of the city and its present and future inhabitants and businesses.</i>
13.33.040(A)(3)	<i>The morals, peace and good order, comfort, convenience, and aesthetics of the city and its present and future inhabitants and businesses.</i>
13.33.040(A)(4)	<i>The tax base.</i>
13.33.040(A)(5)	<i>Economy in governmental expenditures.</i>
13.33.040(A)(6)	<i>The state's agricultural and other industries.</i>
13.33.040(A)(7)	<i>The urban and nonurban development.</i>
13.33.040(A)(8)	<i>Access to sunlight for solar energy devices.</i>
13.33.040(A)(9)	<i>Property values.</i>

[Section 13.33.050](#) of the LDC establishes the City’s authority to impose conditions of approval on a conditional use permit application:

In order to achieve compliance with the standards set forth herein, the city may impose conditions that address:

- A. Size, configuration, and location of the site and the proposed site plan layout.*
- B. Proposed site ingress and egress to existing and proposed roads and streets.*
- C. The adequacy, provision, relocation, or protection of public facilities and amenities, including roads and streets, culinary water, secondary water, sanitary sewer, storm drainage, public safety and fire protections, and other utilities.*
- D. Design, location, and amount of off street parking, loading areas and solid waste disposal, and refuse collection areas.*
- E. Site circulation patterns for vehicular, pedestrian and other traffic.*
- F. Massing, size, number, location, design, exterior features, materials, and colors of buildings, structures, and other facilities.*
- G. The location and design of all site features, including proposed signage, lighting, and site furnishings.*
- H. The provision of usable open space, public features, and recreational amenities.*

- I. Fencing, screening and landscape treatments, and other features designed to increase the attractiveness and safety of the site and protect adjoining property owners from noise, visual, and other impacts.*
- J. Measures directed at minimizing or eliminating possible nuisance factors including, but not limited to, noise, vibrations, smoke, dust, dirt, debris, plant materials, odors, gases, noxious matter, heat, glare, electromagnetic disturbances, and radiation.*
- K. Measures designed to protect the natural features of the site including wetlands and drainageways, groundwater protection, soils, wildlife, and plant life.*
- L. The regulation of operating hours for activities affecting normal schedules and functions.*
- M. Identifying a time for regular review and monitoring, as determined necessary, to ensure the use continues to operate in compliance with all conditions and requirements of approval.*
- N. Measures to ensure compliance with all conditions and requirements of approval, including, but not limited to, bonds, letters of credit, improvement agreements, agreements to conditions, road maintenance funds, and restrictive covenants.*
- O. Such other conditions determined reasonable and necessary by the city to allow the operation of the proposed conditional use, at the proposed location in compliance with the requirements of this code.*

City Staff recommends the Planning Commission consider establishing several conditions of approval associated with this application request, as summarized in the “Conditions of Approval” section of this report.

City Staff finds the proposed conditions to reasonably mitigate anticipated detrimental effects of the proposed development, in accordance with [Section 13.15.030\(C\)](#) and [Section 13.33.060](#) of the LDC, and said conditions are consistent with [Section 13.33.050](#) and [Section 13.15.010](#) of the LDC.

City Department and Planning Commission Review

This application has been distributed to City Departments and review authorities and as of July 19, 2022 there are several outstanding review comments (see Exhibit M). These review comments must be addressed prior to approval. Pending the Planning Commission’s decision, City Staff and review authorities will continue to work with the applicant to address outstanding comments.

In accordance with [Section 13.33.030\(D\)](#) and (E), the Planning Commission is the preliminary nonadministrative conditional use approval authority. Final review and approval is granted by the Director, unless otherwise indicated by the Planning Commission.

Construction and development activity on the subject property is not permitted until final conditional use and site plan approval have been granted and all applicable permits/approvals have been secured by the applicant.

Public Comment

On April 29, 2022; and July 15, 2022, a public notice was mailed to all affected entities and property owners within 300 feet of the property. As of July 19, 2022, staff has received one public comment regarding this application (Exhibit N).

Findings

1. The subject property is made up of one parcel (parcel ID 21022260070000) with a cumulative area of approximately 23.95 acres.
2. The subject property is in the Industrial (ID) zoning district.
3. The subject property is in the “Business Park” designation in the City’s General Plan.
4. The subject property is located within 250 feet of a residential district and is subject to nonadministrative conditional use permit review, in accordance with [Section 13.23.210](#) of the LDC.
5. John Buckel, Badiee Development, submitted an application for nonadministrative conditional use permit and site plan review on February 3, 2022.
6. The City notified the applicant on February 8, 2022 that the submitted application was not complete and required additional information.
7. A revised application was submitted to the City on February 25, 2022.
8. This application was first introduced to the Planning Commission on May 10, 2022 as a discussion item. A public hearing was held and no formal action was taken.
9. The applicant is requesting to construct five office/warehouse buildings that would create approximately 37,800 square feet of office space and 267,026 square feet of warehouse space on the currently undeveloped 23.95 acre site.
10. The proposal requires right-of-way dedication through a subdivision plat and construction of a cul-de-sac to terminate South Riverboat Road.
11. The applicant has submitted a subdivision plat application to the City to dedicate the required right-of-way to terminate South Riverboat Road.
12. The subject property has a FEMA Special Flood Hazard Area (SFHA) of Zone AE with a floodway and is located in the Jordan River meander corridor.
13. The subject property is within a “High Liquefaction Area.”
14. 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.
15. The subject property is within the “Sensitive Area Overlay Zone,” and is subject to the standards in [Chapter 13.15: Sensitive Area Overlay Zone](#), of the LDC.
16. The Jordan River Parkway Trail runs parallel to the Jordan River and traverses the site north/south along the eastern portion of the subject property.
17. [Section 13.33.040](#) of the LDC establishes the general review criteria for all conditional use permit requests in Taylorsville.
18. The Jordan River and Jordan River Parkway are recognized assets and amenities in Taylorsville, as summarized in this report and the Taylorsville General Plan.
19. [Section 13.33.050](#) of the LDC summarizes the City’s authority to impose conditions of approval on a conditional use permit application.
20. Based on the information in this report, the LDC, and the City’s General Plan, City staff recommends the Planning Commission consider several conditions of approval associated with this application, as summarized in this report.
21. 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 approval (see Exhibit M).

22. The Planning Commission is the decision-making authority for preliminary nonadministrative conditional use permit and site plan review. Final review authority is granted to the Director, unless otherwise directed by the Planning Commission.

Conditions of Approval

City Staff recommends the following conditions of approval be required for this application to reasonably mitigate anticipated detrimental effects of the proposed development, in accordance with [Section 13.15.030\(C\)](#) and [Section 13.33.060](#) of the LDC, and consistent with [Section 13.33.050](#) and [Section 13.15.010](#) of the LDC. :

1. The application comply with all applicable standards of the Land Development Code (LDC), City Ordinances, and City Staff and review agency comments, prior to final approval.
2. The applicant coordinate with private consultants, City Staff, FEMA, and other relevant jurisdictional authorities, as applicable, to secure required permitting prior to development activity/site disturbance (e.g., Stream Alteration Permit, Flood Control Permit, Floodplain Development Permit, Endangered Species Act (ESA) compliance, etc.).
3. The applicant obtain a Conditional Letter of Map Revision based on Fill (CLOMR-F) or other documentation to demonstrate compliance with LDC [Section 13.15.040\(B\)\(2\)\(a\)](#), prior to issuance of a building permit.
4. The dedication of the public right-of-way terminating South River Boat Road be completed through the recording of a subdivision plat with Salt Lake County, prior to issuance of a building permit.
5. A minimum 100-foot no-build natural buffer, measured from the west bank of the Jordan River, be established and recorded on a subdivision plat, prior to issuance of a building permit.
6. A minimum of 12 vehicle parking spaces be provided and reserved on-site for members of the general public to access the Jordan River Parkway Trail.
7. A public access easement be established and recorded on a plat connecting the Jordan River Parkway Trail and the public access parking area, prior to issuance of a building permit.
8. The applicant provide a tree survey of the property identifying the location, size, and species of existing trees on the site, as summarized in this report and pursuant to the LDC, to inform which areas of the subject property may warrant preservation;
9. Landscape berming shall be installed along the length of the development side of the 100-foot no-build natural buffer. Said berming shall be planted with native vegetation to further screen the future buildings from users of the Jordan River Parkway, prior to issuance of a Certificate of Occupancy.
10. The proposed wrought iron fence along the Jordan River Parkway trail be installed a minimum of 50 feet from the trail, or along the 100-foot no-build natural buffer, whichever is greater, to maintain the natural environment and aesthetic and to mitigate negative impacts of the proposed development, prior to issuance of a Certificate of Occupancy.
11. Exterior lighting be provided within the 100-foot no-build natural buffer area to enhance visibility, safety, and security of trail users along the Jordan River Parkway trail. Lighting levels shall be a minimum of 0.5 Footcandles (Fc), measured along the Jordan River Parkway Trail and other pedestrian paths/trails on the subject property, prior to issuance of a Certificate of Occupancy.
12. The Planning Commission shall be the final review authority.

Staff Recommendation

Given the scope and nature of outstanding review comments and pending information requested of the applicant, City Staff is not comfortable recommending approval of this application at this time. City Staff recommends the Planning Commission continue this item to a future date when the applicant can better demonstrate the application complies with the standards of the LDC and all requested information has been provided to the City by the applicant.

If the Planning Commission moves to grant preliminary approval of the application in tonight's meeting, City Staff recommends that several conditions of approval, as recommended in this report and discussed among Planning Commissioners in the meeting, be included. If such a motion were made, City Staff recommends the final review be brought back to the Planning Commission.

Possible Motions

The following draft motions are provided by City Staff for the Planning Commission to consider:

Motion to Continue

I move that we continue File #5C22/CUP-000181-2022, a preliminary nonadministrative conditional use permit and preliminary site plan to construct office/warehouse space at 4202 S. Riverboat Road, in Taylorsville, Utah, to a future date, for the following reasons:

1. To allow the applicant and City Staff adequate time to resolve outstanding review comments included in Exhibit M; and
2. To allow adequate time for the applicant to submit, and City Staff to review, additional information necessary to determine compliance with City standards, including, but not limited to:
 - a. A parking plan illustrating where parking for each building/unit will be located on the site and to identify safe pedestrian routes from said parking areas to building entrances, including the distance from the farthest parking stall to the building/unit entrance that is serves;
 - b. Updates to the site plan identifying where proposed bicycle parking will be located, as well as details to ensure compliance with bicycle parking standards;
 - c. Additional details regarding the design and development of pedestrian pathways and amenity areas be provided;
 - d. A tree survey identifying the location, size, and species of existing trees on the site, as summarized in this report and pursuant to the LDC, to inform which areas of the subject property warrant preservation; and
 - e. Any other information requested by the City that is necessary in determining compliance with City Standards.

Motion to Approve

I move that we approve File #5C22/CUP-000181-2022, a preliminary nonadministrative conditional use permit and preliminary site plan to construct office/warehouse space at 4202 S. Riverboat Road, in Taylorsville, Utah., subject to the findings and conditions outlined in this Staff Report.