

City of Taylorsville
Planning Commission Meeting Minutes
July 26, 2022
Pre-meeting – 6:00 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
Marc McElreath
Gordon Willardson
David Young (Alternate)

Community Development Staff

Jim Spung – Senior Planner
Karyn Kerdolff – GIS Planner
Jean Gallegos – Admin Assistant/Recorder
Stephanie Shellman – Legal Dept (Remote)
Wayne Harper – Director of Community
and Economic Development

CITIZENS/GUESTS PRESENT: Bob Knudson, Wade Budge, Fernando Peralta, Sandra Coffman, Herb Jimenez, Travis Healey, Tom Freeman. (10 other participants not signed in nor spoke).

BRIEFING SESSION – 6:00 P.M.



1. The Briefing Session was conducted by Jim Spung/AICP/Senior Planner. **Mr. Spung** reviewed his two agenda items, which will be heard in reverse order, Item #5 (Subdivision Plat) and then Item #4 (Conditional Use Permit) for the site at 4202 South Riverboat Road. Commissioners had numerous questions regarding the subdivision process, which Mr. Spung answered. **Ms. Kerdolff** reviewed her application, Item #3, for a Reception Center at 2572 West 4700 South. She answered Commissioners questions, one of which was if there would be alcohol served, to which **Ms. Kerdolff** replied there would not be. Also, that the applicant wanted to be open Monday through Saturday from 5:00 P.M. to 10:00 P.M. She advised that there would not be an extension of hours approval needed because it is not within 250' of a residential area or school zone.

Break at 6:51 p.m. Back at 7:00 p.m. 

GENERAL MEETING – 7:00 P.M.



Commissioner Wright welcomed those present and opened the meeting. The first order of business was the Consent Agenda which consisted of approval of the Minutes for June 14, 2022.

Consent Agenda:

2. **MOTION:** [Commissioner Quigley](#) - I move for approval of the Consent Agenda consisting of the Minutes for June 14, 2022.
SECOND: [Commissioner Russell](#)
VOTE: All Commissioners present voted in favor. Motion passes unanimously.

Conditional Use Permits:

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| <ol style="list-style-type: none">3. 39C22 - Public Hearing and Consideration of a Conditional Use Permit for a Reception Center Located at 2572 West 4700 South, Taylorsville Utah. (Karyn P. Kerdolff/GIS Planner) |
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- 3.1 This item was presented by Karyn Kerdolff.  The applicant is requesting a Non-Administrative Conditional Use Permit (CUP) to operate a reception center at 2572 West 4700 South. The applicant's intent is to promote and practice traditional dances from Mexico, Central America and South America during weekdays. That also on Saturdays they would be holding wedding receptions. The property is in the Community Commercial (CC) zone and per the Land Use Table (13.08.020) a reception center requires a Non-Administrative Conditional Use Permit granted by the Planning Commission. There are no residential areas nearby this location.  No alcohol will be served.
- 3.2 **FINDINGS:**
- 3.2.1 This application was initiated by Fernando Peralta.
- 3.2.2 Proposed hours of operation are Monday through Saturday, 5:00 p.m. to 10:00 p.m.
- 3.2.3 Per 13.08.020, a Reception Center in the CC Zone requires a Non-administrative Conditional Use Permit granted by the Planning Commission.
- 3.2.4 The applicant will not be serving alcohol and is not requesting an alcohol permit at this time.
- 3.2.5 Conditional Use Permits are governed by Utah State Code and must meet the provisions outlined in 10-9a-507.
- 3.3 **CONDITIONS OF APPROVAL:** Staff recommends approval of the Reception Center request based on the information presented at the time of the report. If the Planning Commission recommends approval, the following conditions should be required:
- 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 based on the information presented in the Staff Report and during this evening's presentation.
- 3.5 **APPLICANT ADDRESS:** Fernando Peralta.  Mr. Peralta advised this will be a center for ethnic diverse activities. Commissioner Quigley asked if he had a lease agreement or letter of intent, to which Mr. Peralta advised that he has a 5-year lease in place. It has a cancellation clause if the center goes under. Commissioner Wilkey asked if there would be a manager on site or would they hand the keys to the activity participants to utilize. Mr. Peralta said there would be someone from his organization on site with proper authority to monitor the event. 
- 3.6 **SPEAKING:** Commissioner Wright opened the public hearing and seeing no one coming forward, closed the public hearing. Ms. Kerdolff advised she had received one phone call from the dentist's office across the street. She called that person back and received no response. Commissioner Wright then opened the meeting for discussion or a motion by the Planning Commission.
- 3.7 **DISCUSSION:** Commissioner Russell questioned the Condition of Approval #5, which talked about parking and he asked where this reception center is based in a strip center which has available parking he wondered if that would not automatically be provided. Ms. Kerdolff said that was included as a precaution. Commissioner Quigley wanted to know what the square footage was of the building and what was the anticipated number of people in there at any particular time, both for the dancing and reception center events. Mr. Peralta informed him the square footage was 3,600 and usually there would be about 30

people dancing at a time. That wedding receptions are more difficult to control but would likely have around 100 people at a time. **Ms. Kerdolff** advised that is not addressed in the Development Code. **Commissioner Quigley** added that it probably is limited in the Fire Department regulations under occupancy limitations, so any violations would be with the Fire Department. 

- 3.8 **MOTION: Commissioner Quigley – I move that we approve File #39C22 for a request for a Conditional Use Permit to operate a reception center on the property located at 2572 West 4700 South, with conditions included as required for an applicable business license.**
SECOND: Commissioner Wilkey
VOTE: Commissioner Quigley – AYE, Commissioner Wilkey - AYE, Commissioner Russell – AYE, Commissioner McElreath - AYE, Commissioner Wendel - AYE, Commissioner Willardson - AYE, Commissioner Wright – AYE. Motion passes unanimously.

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| 4. 5C22 - Public Hearing and Consideration of a Preliminary Non-Administrative Conditional Use Permit and Site Plan to Construct Office/Warehouse Space at 4202 South Riverboat Road, Taylorsville, Utah. (Jim Spung/AICP/Senior Planner) |
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- 4.1 This item was presented by **Jim Spung** and heard after Item #5.  Jason Boal, on behalf of Badiee Development, is requesting Planning Commission review and approval of a preliminary non-administrative conditional use permit and site plan to allow the construction of an industrial office warehouse project located at 4202 South Riverboat Road in Taylorsville, Utah.
- 4.1.1 The development proposal includes five buildings and would create 37,800 square feet of office space and 267,062 square feet of warehouse space on the currently undeveloped 23.95 acre site. That Buildings 1, 2 and 3 would have a combination of office and flex space as well as warehouse and logistical space. He went on to describe the design and color schemes in detail for these three buildings. There are also portions of the site which would be primarily for ramps, loading and unloading operations. **Mr. Spung** showed a table which indicates space usage contemplated and elevations being proposed.  He explained each building façade, elevation (showing color scheme and design) and view of what all buildings will look like from all four sides. He displayed images of which way each elevation will face and the surrounding area thereof. He explained the same details for Building #4 (west side of the property) and Building #5 which is smaller. These two elevations would be adjacent to the river.
- 4.1.2 This proposal was discussed in the Planning Commission meeting held on May 10, 2022. **Mr. Spung** highlighted a few things he felt were worth reviewing again from that meeting which included: Anticipated operations and truck traffic, preservation of the Jordan River Corridor including landscaping and proper buffering, impacts of the development on the flood plain specifically related to the fill that would be needed to raise the elevation of the buildings to be outside of the flood plain, proposed building heights, potential noise impacts associated with the use, a conversation about EMS and Fire Protection access on the site, and buffering from the existing Jordan River Parkway. 
- 4.1.3 He summarized changes between the meetings. On the north end the parking area has been reconfigured and reduced. The original fencing as proposed along the trail system has been pulled closer to hug the proposed parking and circulation. The area on the north end of the site has been revised eliminating some parking areas and pulling some closer to the buildings to minimize impacts along the Trail. The footprint for Building #5 has been revised (he showed the differences

on the images) to show much more parking. Some of the parking stalls have been shifted. He displayed the site plan tabulations which show the differences made as far as the building square footages is concerned. The biggest difference was in the office space where the May 6, 2022 submittal included about 58,000 square feet of office and the revised version has 37,000 square feet. That is strategic in trying to adjust parking requirements. Office use requires much more parking than does warehouse space. The warehouse space did receive an increase, originally it was about 244,000 square feet and has been bumped up to 267,000 square feet. Parking calculations have been updated to reflect the new square footage requirements.

- 4.1.4 He briefly discussed the Site Description. The flood hazards are shown and because this property is within the flood zone, about 4 to 6' of fill needs to be imported to raise the building above the Base Flood Elevation (BFE) and an additional 2 to 3' of fill for the parking/circulation areas; that lateral migration erosion protection (rip rap) will be required to protect buildings; Taylorsville-Bennion Improvement District has water lines beneath the Trail and has already installed rip rap for their portion, and other areas of that will need that as well. That is essentially to stop the river from moving into the site. A Hydraulic Analysis Report was provided which indicates the Jordan River during a flood event would see an average increase of 6-8" as a result of new development.



- 4.1.5 **Mr. Spung** reviewed the Geotechnical Hazards, Limited Vehicle Access concerns, easements, and the Proposed Land Use table. He advised that the applicants do not have specific tenants in place and anticipate adding 304 employees (126 office/flex space, and 178 logistics/warehouse) to the site based on this proposal. That is all speculative for now, however. He went over vehicle trip impacts.  Impacts would include approximately 948 daily trips.

- 4.1.6 He gave the General Plan analysis which included Page 3-4, "The Business Park (BP) designation differs from 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 conditional use permit must conform to the General Plan.

- 4.1.7 He discussed the River Buffering Analysis and the No Build Zones that were recorded on prior subdivision plats. The no building zones were: 100' no development buffer zones; the 100' no-build line, 50' fence setback line; the 100' no-build area and zone; the 150' river maintenance easements; public park and open space.

- 4.1.8 The Land Development Code, Section 13.23 says – "Any industrial use located within two hundred fifty feet (250') of a residential district shall require a separate non-administrative conditional use approval from the Planning Commission."

- 4.1.9 General Code Standards: Land Development Code, Section 13.37.002(H)(4) – "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." LDC 13.37.002(1)(2) and (3): "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." LDC 13.24.050(B)(1): 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."

- 4.1.10 Staff's Analysis is that as proposed, Buildings 2 and 3 require 123 and 150 vehicle parking stalls, respectively. The proposed distribution of vehicle parking does not provide parking conveniently located to the entrance of each building/unit.
- 4.1.11 LDC 13.24.200(C)(4): 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.
- 4.1.12 LDC 13.24.200(F): 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). $456 \text{ vehicle stalls} \times 0.05 = 23 \text{ bicycle parking spaces}$.
- 4.1.13 LDC 13.37.002(1)(7) and (8): Drive aisles shall be defined by nine-foot-wide parking lot planters (i.e., end caps) at the end of each row of parking. 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.

4.2 **NEEDED INFORMATION:**

- 4.2.1 Provide a tree survey to identify the location, size, and species of existing trees on the site. Staff recommends the Planning Commission consider this study to further inform minimum setback requirements from the Jordan River Parkway and other areas that should be preserved. Update plans to reflect the minimum number of trees required. Provide calculations verifying compliance with the 5% minimum landscape area requirement within all parking and driveway areas.
- 4.2.2 Provide parking plan illustrating where parking for each building/unit will be located on the site and 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.
- 4.2.3 Identify where proposed bicycle parking will be located as well as details to ensure compliance with bicycle parking standards.
- 4.2.4 Provide additional details regarding the design and development of pedestrian pathways and amenity areas throughout the site plan.

4.3 **CONDITIONAL USE PERMIT CONDITIONS OF APPROVAL:** In order to achieve compliance with the standards set forth herein, the City may impose conditions that address:

- 4.3.1 Size, configuration, and location of the site and the proposed site plan layout.
- 4.3.2 Proposed site ingress and egress to existing and proposed roads and streets.
- 4.3.3 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 protection, and other utilities.
- 4.3.4 Design, location, and amount of off-street parking, loading areas and solid waste disposal, and refuse collection areas.
- 4.3.5 Site circulation patterns or vehicular, pedestrian, and other traffic.
- 4.3.6 Massing, size, number, location, design, exterior features, materials, and colors of buildings, structures, and other facilities.
- 4.3.7 The location and design of all site features, including proposed signage, lighting, and site furnishings.
- 4.3.8 The provision of usable open space, public features, and recreational amenities.

- 4.3.9 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.
- 4.3.10 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.
- 4.3.11 Measures designed to protect the natural features of the site including wetlands and drainageways, groundwater protection, soils, wildlife, and plant life.
- 4.3.12 The regulation of operating hours for activities affecting normal schedules and functions.
- 4.3.13 Identifying a time or regular review and monitoring, as determined necessary, to ensure the use continues to operate in compliance with all conditions and requirements of approval.
- 4.3.14 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.
- 4.3.15 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.

4.4 **FINDINGS:**

- 4.4.1 The subject property is made up of one parcel (parcel ID 21022260070000) with a cumulative area of approximately 23.95 acres.
- 4.4.2 The subject property is in the Industrial (ID) zoning district.
- 4.4.3 The subject property is in the "Business Park" designation in the City's General Plan.
- 4.4.4 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 13.223.210 of the LDC.
- 4.4.5 John Buckle, Badiie Development, submitted an application for non-administrative conditional use permit and site plan review on February 3, 2022.
- 4.4.6 The City notified the applicant on February 8, 2022, that the submitted application was not complete and required additional information.
- 4.4.7 A revised application was submitted to the City on February 25, 2022.
- 4.4.8 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.
- 4.4.9 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.
- 4.4.10 The proposal requires right-of-way dedication through a subdivision plat and construction of a cul-de-sac to terminate South Riverboat Road.
- 4.4.11 The applicant has submitted a subdivision plat application to the City to dedicate the required right-of-way to terminate South Riverboat Road.
- 4.4.12 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.
- 4.4.13 The subject property is within a "High Liquefaction Area."
- 4.4.14 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.
- 4.4.15 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.
- 4.4.16 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.
- 4.4.17 Section 13.33.040 of the LDC establishes the general review criteria for all conditional use permit requests in Taylorsville.
- 4.4.18 The Jordan River and Jordan River Parkway are recognized assets and amenities in Taylorsville, as summarized in this report and the Taylorsville General Plan.

- 4.4.19 Section 13.33.050 of the LDC summarizes the City's authority to impose conditions of approval on a conditional use permit application.
 - 4.4.20 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.
 - 4.4.21 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.
 - 4.4.22 The Planning Commission is the decision-making authority for preliminary non-administrative conditional use permit and site plan review. Final review authority is granted to the Director, unless otherwise directed by the Planning Commission.
- 4.5 **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:
- 4.5.1 The application complies with all applicable standards of the Land Development Code (LDC), City Ordinances and City Staff and review agency comments, prior to final approval.
 - 4.5.2 The applicant coordinates 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.).
 - 4.5.3 The applicant obtains 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.
 - 4.5.4 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.
 - 4.5.5 A minimum 100-foot no-build natural buffer, measured from the west bank of the Jordan River, be established, and recorded on the subdivision plat, prior to issuance of a building permit.
 - 4.5.6 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.
 - 4.5.7 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.
 - 4.5.8 The applicant provides 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.
 - 4.5.9 Landscape berm shall be installed along the length of the development side of the 100-foot no-build natural buffer. Said berm 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.
 - 4.5.10 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 aesthetics and to mitigate negative impacts of the proposed development, prior to issuance of a Certificate of Occupancy.
 - 4.5.11 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.
 - 4.5.12 The Planning Commission shall be the final review authority.

4.6 **DISCUSSION:**

- 4.6.1 **Commissioner Quigley**  said in looking at the image, the 457 required parking stalls seems very generous. That parking presently in Sorenson Research Park, which has true office buildings, is under-utilized. Looking at this scenario, he wondered if there was any flexibility allowed to eliminate a few of the parking stalls. Background shows they are anticipating 304 employees, which would leave room for 150 visitors. His question was if the applicant anticipated having that many visitors and 304 employees on the site. He was aware that there have been several discussions on the Planning Commissions that in the past they have over-parked sites, which seems to be going away. If some parking spaces could be eliminated here, they may be able to eliminate some of the encroachment within the 100' distance on the trail, particularly on the east end. There are 25 stalls right at the top of this site that could be eliminated if the parking requirement could be reduced somewhat.  **Mr. Spung** answered that under the table of parking requirements, office space requires five spaces and warehouse space requires one space per one thousand square feet of building area. So, the parking provided on site actually is at the minimum requirement. There is some language in the Code that does allow the Planning Commission to reduce that number based on certain things. One of which is if the applicant were to demonstrate that alternative modes of access could be provided. Because this project is along a major bike and pedestrian corridor, they could justify reduction of parking because of its proximity to that major bike-way arterial in the valley. He was not sure however, what the percentage number would be without analysis/study. In other cities across the nation, proximity to a transit stop, may allow vehicle parking reductions of up to 10%. Where this would be strictly bike/pedestrian and given the land use, he was not sure what an appropriate reduction would be, but the applicant can certainly address this possibility. One of the items Staff mentioned was distribution of parking on the site. While it does make sense to eliminate as much parking here as possible to preserve the area, it would impact the number of parking stalls available for those tenants on the east side of the project. Staff's opinion, without re-working the whole site, is that it is probably not attainable at this point. Perhaps parking is an area that could accommodate a little bit of flexibility. **Commissioner Quigley** 's thought was that with the proximity to Mason's Landing Apartment Complex, there is the likelihood of some of those employees living there and walking to work on this site. He still thought that reducing the parking requirement would alleviate some of the problem and would like that looked at. **Mr. Spung** said that can be addressed with the applicant.  A lot of projects that are speculative in nature, tenants are looking for a specific number of parking stalls. Generally, it is good to defer to the market as to what parking demands would be, but the Planning Commission would have the authority to adjust that slightly if necessary, based on the Code.
- 4.6.2 **Commissioner Russell** added that the bicycle stall requirements would also add to the mix of this. **Mr. Spung** said that was correct. The City Code does require a minimum number of bicycle stalls. He felt it very likely that people would probably use bicycles to get to this location.  Along with the Bus Rapid Transit going along here, which will connect into community and light rail, with a stop right in front of Sorenson Research Park. That would mean a lot of people would use bicycles or walk and connect with those types of transit because it is a major employment area in the City. 
- 4.6.3 **Commissioner Wilkey** wondered if the warehouse space would be 24 hours a day operation and if so it would split the 304 employees up into shifts around the clock instead of just an eight hour day. **Mr. Spung** that is something to be determined. Again, these are speculative buildings with no specific tenants and generally those type of uses could operate around the clock. That would be something that would potentially come back to the Planning Commission if the building is within

250 feet of a residential area and proposes extended hours of operation past 10 o'clock, per current Code requirements for extended hours of operation. 

- 4.7 **APPLICANT ADDRESS: Wade Budge.**  Advised he was speaking on behalf of Badiiee Development. He said they appreciated Staff's presentation and offered that they would like to clarify some of the items.

4.7.1 He highlighted a couple of items they recently added to the site plan, one being the power easement and public trail being called out. There is also a public parking area for the trail which he felt was a significant amenity and something that needs to be taken into account when considering this application. One thing he wanted to emphasize is because of the way the site is situated with the river on one side and the significant power, water and sewer utilities, there is a very small area in which to locate their uses. One thing he wanted to talk about is the key amenity of the trail running through the City and along the river. That is used by people throughout the valley and the applicants want to make sure that continues to operate in a way that everyone would expect. That is something they have considered as they come up with this site plan. He added that they have pulled back all of the buildings 100' from the top of the river. He said that by ordinance the rear setback is actually 30'. The applicant wants to respect that and has said from the beginning that there is a significant trail in place. They want to promote that buffering which is shown on the landscape plan in the way of adding new trees along with the ones that are going to be preserved which are located in that corridor along the trail. They wanted to assure there is very little disturbance to those uses and those accustomed to observing the trail from the other side of the river or from the trail itself.

4.7.2 **Mr. Budge** showed a slide giving a view of what the site would look like and in order to accommodate requirements that are private because of CCNR's, they oriented the various elements so that as people are driving into the area they will see the cul-de-sac, glass area and areas where the trucks are behind in different aisles that are not going to be visible from the public space along the cul-de-sac. That slide also shows the power lines which are transmission also, so there must be a significant amount of room appropriate for that. The uses underneath those are very small landscaping and parking areas.

4.7.3 **Mr. Budge** then displayed a slide which shows the native vegetation area that was highlighted for the landscape architect, and which needs to be preserved and supplemented with new growth.  This will be the edges and buffers to make sure those who join the site will enjoy having a lot of vegetation. Another slide he showed talks about how they pulled back the buildings so as not to encroach into the area that has been designated as 100'. In the area outside the trail but within the 100' there are certain horizontal improvements. No vertical ones. Those are the kinds of improvements that are often seen in setbacks because their impact is minimal and are not structures. There has been some discussion about how to help this site. Because there will be buildings on the edges of the site it will be important that those tenants are able to have access there. There will be very nice landscaping and parking that will work together to make that very attractive.

4.7.4 He mentioned that what they are contending with now is a long vacant site that is attracting trash and creating an unsafe element for people utilizing the trail there. What the developer is bringing is an opportunity to activate it. There will be tenants there and uses there that will be able to clean up the materials that have been deposited there as a dump site. They are going to add to the site significantly by creating the parking area available for those who want to park and utilize the trail at that point. It will improve the experience for those using the trail. He talked about the color scheme, the provisions in place for the water and sewer easements and identified a critical area between the trail and the river, which is the area then intent to make sure is impacted the least by

what they are proposing to do with the site.  He said when looking at the buildings the emphasis on the green area is very noticeable.

- 4.7.5 As was indicated accurately by the Planning Staff, the reason for the hearing tonight is because this is adjacent to a residential district, otherwise this would be a permitted use but because it is adjacent to a residential district, they need to make sure to come forward showing compliance with all requirements and taking in account impact on the adjoining uses. This is not a use that is out of harmony with the zoning district. It is in the industrial zone, a use that was contemplated when elected officials said that is the type use they wanted on this parcel. He felt it important to reflect about the community benefits this site would incorporate. Besides preserving the trail with added amenities, such as the bench and public parking for the trail, it was important to make sure the landscaping compliments it. Also by adding increased safety and taking up some of the site to deal with the unpopular dead-end road that presently exists. The City and Fire Department need a safe area for turnaround, which this proposal will provide. 

- 4.7.6 Twelve conditions of approval were set forth by Planning Staff and the applicant would like a few changes made as indicated below: (He noted that they would really like an approval tonight and felt these small changes would make that possible).

Condition #4: They tweaked the timing for dedicating the right-of-way and would like to post a bond. For #4 they would like to make sure the improvements are done before any Certificate of Occupancy Permit is issued. Change would be: *"#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 the first Certificate of Occupancy."* **Commissioner McElreath** asked if that meant they did not want the bond then and **Mr. Budge** said by Utah State Law there must be a bond. The only way to circumvent having a bond in Utah is to do the improvements in advance and then there must still be a warrantee bond posted. **Commissioner Wright** asked him to clarify his intent. **Mr. Budge** clarified that the bond would be for the full value of the improvements or if the improvements already have been installed, just for the warrantee. If the idea is to record the plat early in the process, there must be both the warrantee up front as well as value of the improvements, otherwise it is just the warrantee. On #4, the only change made was to the last five words which say, "issuance of the building permit" be changed to "issuance of the first certificate of occupancy".

Condition #5: Asked that verbiage be removed, which now says: "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." The replacement for #5 says, *"The no building and site buffer be provided as shown on the site plan."* There cannot be any building within 100' and the only improvements are those described in the site plan.

Condition #6: No change other than where it says "reserved" on-site be changed to *"designated"* on-site instead.

Condition #7: No change other than where it says, "prior to issuance of a building permit" be changed to *"prior to issuance of the first certificate of occupancy"*.

Condition #8: Is that the applicant provides a tree survey. Which Mr. Budge wanted acknowledged that they have already done that and to add new language in #8 about how there would be trees primarily put in the area next to within 50' of the Jordan River. 

Condition #10: Is a new change. What they said is the proposed wrought iron fence would be located separate to the project and away from the Jordan River Parkway Trail.

Condition #11: Is that they have to comply with the exterior design of the building and meet the design requirements for these types of projects that are referenced in code section.

Condition #12: They made a tweak, saying “As set forth in Finding #12, the Director has final review authority.” That seems to be the typical process to have the Director have the final review authority, so they left it at that but are fine with it either way; the Director or the Planning Commission having the final review authority. 

4.7.7 **Mr. Budge** asked that Commissioners think about what the General Plan means in Taylorsville. The General Plan is an “advisory” guide. That is straight from the Code. It is something that *informs* and it is helpful for the applicant because it helps show how to accommodate that purpose. That is why they pulled back all the buildings. As has already been indicated by Planning Staff, the applicant is not seeking a discretionary approval, but this is pursuant to not only the City Code but the State Law, which says a conditional use permit shall be approved if conditions are proposed that can reasonably anticipate detrimental effects.

4.7.7.1 He wanted to commend Staff because they were very thorough and made sure the applicant submitted pertinent studies including those regarding wetlands, a tree survey, or landscaping. They have required the applicant to make revisions where needed. He appreciated staff showing both the comparison through the pre-meeting site plan and what the applicant has done in response to those comments. Therefore, the applicant felt very comfortable saying they are going to be able to show they can meet not only the Taylorsville requirements but also the State requirements.

4.7.7.2 Next **Mr. Budge** showed a slide which addresses at the bottom the 100’ buffer. That comes from the General Plan and what it said is that the best practices were 100’. There are cities they have worked in that want a setback and will impose a setback. In fact, the Planning Commission can recommend a setback to the City Council and have that apply to all future applications but this application is under current Code, which has the setback at 30’ and that is the best practice policy. It may be said that since the 1996 incorporation of Taylorsville, there have been instances where that setback has been pulled back. He appreciated Planning Staff’s explanation for that. Those are immovable, which is a good feature. But one thing that is helpful for everyone, because if everyone has in their mind that 100’ is a good policy, the Code needs to change in Taylorsville because there isn’t a restriction in the Code that requires a development to be pulled back 100’. So, the way to do that is in a separate meeting submit a text amendment and send it to the City Council because what that shows a policy, in terms of a best practice. Therefore, the applicant has been very conscientious of this goal and that is why the buildings were pulled back. They have parking up in that area and there will also be a park bench there and obviously the Trail.

4.7.7.3 **Mr. Budge** advised if there were any questions or complaints about this change, they need to understand that in 2017 the State Legislature changed things and Senator Harper and others voted for a bill that says, *if there is a land use regulation and if it doesn’t plainly restrict the use, the land use regulation must be interpreted in favor of the applicant or the landowner*. In this case, there is not a plain restriction that says nothing can be located within 100’. We don’t have that and so to the extent that we have in this instant we have

a policy trying to look like a land use application which has to be interpreted in the applicant's favor. That is consistent with a law imposed in 2017. He felt that was helpful information when trying to determine what may have been done in the past. Also to help in determining what should be done in the future. There are other parcels along the river and it needs to be determined if that is a good policy or not.

4.7.8 **Mr. Budge** advised that Staff has done a good job of showing what happened with the prior application. There are some improvements including fencing which mentioned and other improvements within that area. He felt it was helpful to know that it doesn't operate as a setback but rather as a buffer and is advisory. He displayed some examples that show areas where there have been references made to the 100' buffer having no restrictions on residential lots. 

4.7.9 **Mr. Budge** said that their request tonight, based on what they have done to carefully craft how they are going to do the site, is they want to obtain the Planning Commission's input to make sure they understand what has been done. They feel like the input they received in May at the onset meeting was very valuable. They reacted to it, pulled back some of the improvements based on it and have now heard from the Planning Staff and their request for a tree survey. They understand that and have the tree count confirmed. They will conform to all the requirements. Planning Staff indicated that there are a few items related to pedestrian maneuverability that still need to be handled and he felt Condition #1 covers that which is verbatim language from the Staff Report. It requires them to show that they are meeting the Land Development Code and they intend to fulfill that and that they are the "market" and want to make sure their tenants have a very good, useable site and for that reason they have an interest in making sure they meet all requirements. Within a matter of hours or days they have provided requested information appropriately. They expressed appreciation for all the care and attention that Staff has given this application and have learned a lot from the process. He said he would be glad to answer any questions.

4.8 **DISCUSSION:**

4.8.1 **Commissioner Quigley** suggested they put in several benches along the trail instead of just one so people could sit and watch wildlife or enjoy a little peace and quiet.  **Mr. Budge** saw no problem with extending the number of benches there.

4.8.2 **Commissioner McElreath** expressed he was fully aware why no one has tried to develop this piece of land because it is very challenging.

4.8.2.1 First he would like to hear Mr. Budge's input on having a single access point. There are a lot of places that might only have one access point, but they identify an emergency gated access also. He wondered how that would work for their business and did it not create a traffic nightmare. **Mr. Budge** said they are influenced by two things; one is the fire code which establishes the requirement for safety. And the second was to make sure their tenants have a good experience. To answer the question, the fire code does not allow more than 30 homes on a single access or 200 units. However, the number of units can be adjusted slightly. The reason is they want to make sure there is a secondary access. With this type of use classification, this project conforms to the fire code. It is good for both the City and the development to have that turn around in place. It is a staging area and a way for people to get in and out of the site. The fire code requirement has been met here. This site needs to be developed because it is very unsightly vacant area. It all also attracts unsavory activities. Therefore, he felt that this development will bring a solution to a problem that has existed. He was aware that others have tried to do this

before, but this site doesn't lend itself to being developed easily.  The right use for this area is industrial and that meets the fire code.

4.8.2.2 Regarding the Market Analysis, Mr. Budge said the users are known and this developer does a lot of industrial product throughout the West and knows what the tenants are going to need. What they have provided is sufficient drive aisle width as well as a bay area so that they can maneuver in and out. The last thing they want is a traffic jam impacting the office user's access. They have worked with their engineers and in-house personnel to make sure this site meets all those requirements.

4.8.2.3 **Commissioner McElreath** commented his concern was for everybody trying to get out from a fire or haz-mat spill against those trying to get it to deal with it. He added that Mr. Budge had mentioned the "no-build" area. He asked Staff if the City had adopted and if there was relevance to the Jordan River Blueprint. His understanding was most cities along the river have adopted that, which includes the 100' element. **Mr. Spung** said that was correct. Taylorsville has adopted a number of resolutions adopting the Jordan River Blueprint document, which is a guide  for best practice policies for development along the Jordan River. It is not specifically referred to as an ordinance, meaning that it is not technically the zoning code but it would be similar to the General Plan as a guiding document for policy. Those are all things that are being looked at with the Code update that is underway.

4.8.2.4 **Commissioner McElreath** commented that right now the plan says that none of these buildings are within the 100' area and it is just parking and landscape. **Mr. Budge** said that was correct and that only horizontal landscape would be used. **Commissioner McElreath** said he has heard a lot of discussion about the impact of this 100' buffer not being a requirement for residential homes and wanted to know why Taylorsville should bend on this issue. **Mr. Budge** said if they were coming with a different use that is not already in the use table for this zoning district then that policy question is good. But this developer is not asking for something that is not already called out in the Code as something that should be approved. In fact, the phraseology is "shall be approved". Therefore, they are not asking Taylorsville to bend or do something contrary to any policy. They are not asking for any modification of any ordinance, just saying they have brought a conforming application. Condition #1 on both the applicant's and Staff's says the applicant has to comply - nothing gets done, no permits released, nothing is recorded unless and until they show absolute compliance with the code. 

4.8.3 **Commissioner Wright** asked about the tree study, which the Planning Commission has not yet seen. **Mr. Spung** advised that is recent and Staff was not aware it had been submitted and has not read it yet. **Mr. Budge** advised they have had personnel out of town but it did get uploaded last week. **Commissioner Wright** asked if the tree study involved the entire site, which **Mr. Budge** advised was correct. **Commissioner Wright** said he was interested in what types of trees would be considered. **Mr. Budge** said that there are a lot of invasive species in there now, i.e., Russian Olive for one. They will be significantly upgrading the site with the new tree species to be brought, which will be mostly deciduous trees, which are very hardy and live for a long time. There are some existing trees like the Cottonwoods, which will be kept. **Commissioner Wright** said that Mr. Budge had mentioned that the only reason this application was being brought to the Planning Commission is because of the proximity to a residential area.  He asked if it was possible that in a meeting over the counter Staff could have also implemented the 100' buffer. **Mr. Spung** advised that there are a few layers of review and any development within a sensitive overlay also requires Planning Commission review and approval and several of the conditions mentioned are

associated with that type of area as well as the flood plain overlay. Conditional Use Element is one part of why it is here but there are several other reasons as to why it would be under consideration by the Planning Commission. 

4.8.4 **Commissioner Russell**  asked Mr. Budge if there are any particular kinds of tenants they were hoping to attract more than another. He assumed they would largely be professional buildings. **Mr. Budge** asked another member of their team; Tom Freeman, to come forward and address that. **Mr. Freeman** said he had been with this project from the beginning. There are a number of different types of users who would be attracted to a development like this. Many of them are coming out of the University of Utah, Life Science Companies, Bio-Tech Companies, and Research and Development Companies for the most part. It will run the spectrum of uses. 

4.8.5 **Commissioner Wendel**  had questions about word choices with the proposed amendments. One of them being “designated” parking versus “reserved” parking. **Mr. Budge** said either one will work. **Commissioner Wendel** said another one was the building permits versus the issuance of the certificate of occupancy on #4 and #7. She wanted to hear his reason for wanting them to wait for the certificate of occupancy.

4.8.5.1 **Mr. Budge** shared his idea that there will not be users there until there is a certificate of occupancy, and he has seen in some projects where if they have to complete for instance a pocket park or an amenity, it gets done and all the construction crews come in and there are impacts that no one wants to have happen on that facility while you are building out the site. Whereas with the certificate of occupancy you can make sure it is there before any user gets there and so the public interest is protected because it is available, and no one is going to be moving in until that certificate is issued. The main reason is timing and trying to make it so that we can stage that end construction until later in the project as they are ready to complete the first building. 

4.8.5.2 **Commissioner Wendel** wanted to know how that impacts public access in use by delaying that. **Mr. Budge** said right now there is some access by imagined permission to go down the site, fence line to get to the trail but in reality, while it is being built it is going to be a construction site so they would not want people in that area until the amenity is built. One thing he would want to work on with the Building Department is to make sure there is adequate orange or other fencing next to the public trail because they did not think it will impact the public trail at all during construction. If the question is about having the parking area installed early or having that trail connection from the parking area, he felt that needs to be coming in later. **Commissioner Wendel** added that was a fair point but asked for Staff’s response also.  **Mr. Spung** responded by saying Staff wouldn’t have concerns over the timing issue. The certificate of occupancy would be the last bit of leverage the city would have to ensure things are completed. As the applicant mentioned, timing wise people really wouldn’t be using those areas until the construction work is completed, so that may need a little further discussion, but he felt that was something to be coordinated between Staff and the applicant. For clarification he offered, early on during a conversation with the applicant they mentioned there would not be any phasing with the project. Generally, if there is no phasing or identified areas of development for phase one or building one, that all of the improvements for the entire site would need to be completed prior to issuance of any certificate of occupancy. If phasing were of interest, then they would designate an area of disturbance for Building #1. Once all of those improvements were completed then City Staff would go in and inspect that area

and issue a certificate of occupancy for that building if it were all completed and based on these contingencies. That is something for the applicant to sort through with timing and phasing. **Commissioner Wendel** asked Mr. Budge to repeat his response to the CC&R content. **Mr. Budge** said they have an obligation under the CC&Rs which is private. Also to make sure that the buildings are oriented in such a way to insure the truck bays are not visible to other areas of the park. Their intention is to comply with that, which he confirmed in a discussion with the City Attorney last week. **Commissioner Wendel** said that it was important that was said on the record. She was of the opinion that the Planning Commission should be the final authority. 

- 4.8.6 **Commissioner Wilkey** had a question on Item #10 (the wrought iron fence location). She felt that would move the fence right up against the Jordan River Parkway and when she looked at what was discussed in May versus today, she thought it had been moved back and wondered if it was being moved forward again. **Mr. Budge** apologized for the confusion. He reiterated they intend to keep that up next to the hardscape improvements so that there is a natural buffer between the fence and the parkway. They felt it was in the interest of bicycle safety.  It is as depicted in the Planning Staff's presentation tonight.
- 4.8.7 **Commissioner Quigley** complimented the applicant on the quality of their presentation tonight. It addressed many concerns Commissioners had. He was aware that Staff has made a recommendation to delay this until the applicants have chance to work through it. He asked Mr. Spung if it is headed in the right direction with the revisions the applicant has made and did that change Staff's position's to proceed tonight or delay this for further discussion at a later meeting. **Mr. Spung** said with regard to the timing issue with the certificate of occupancy he felt that was something that could be worked through but Staff's position is pretty firm in favor of delaying the decision on this proposal tonight. 
- 4.8.8 **Mr. Harper**  said he also appreciated the applicant's presentation and the response crafted by their attorney, Mr. Budge. As is known, the definitions and battles are in the words. There are some changes and some nuances here and he noted Commissioner Wilkey's comment about the setback along the fence line. There are some things that may be okay but others that would need a little more attention. It could change the application. Staff has received some correspondence regarding the HOA today which alluded to making sure the fire department issues and accesses are all addressed. Again, the HOA is a private entity and while the City will not enforce that, it has been put on notice that they still have got to work through that. 
- 4.9 **Commissioner Wright** opened the public hearing and asked if there was anyone wishing to speak tonight to please come forward and do so now.
- 4.10 **SPEAKING:**
- 4.10.1 **Herb Jimenez**  said he understands the population of the vehicles and what the setting was for the people in the warehouse but that he was not seeing was anything that states the people who live in the neighborhood will use that road as well to access or exit. That in itself involves about 1,000 homes in that subdivision. Inevitably the people that go to this particular warehouse would be constant, which he assumed would be numerous, whether delivering supplies or in turn sending whatever out. He also noted there is a school directly in line west of the warehouse. He felt sure that the City will end up building a better road or better access for the trucking or the other people to help let the traffic go through the areas in the subdivision, whether it be in or out, unless they all work the night shift. The other thing was with regard to the water, he understood that raising the footings 4" to 6" more would in turn make the altitude of the building higher. He

has seen the water cascade over the walkway several times. The 100' year flood event is not limited to 100 years and they are seeing that happen more often now. It is potentially saying that the footings must be built higher than what is expected right now. He did not know the depth of the area but did know as a child when he went over there it was shallow. The possibility of that event occurring will impact the building of the footings. He was not intimating that no building should occur there but that the ground there is totally too soft. Again, if the dirt around there is raised to compensate for the flooding, the water is going to go to the east side. It would back up and create a problem further to the south, which could easily be on both sides. **Commissioner Wright** asked him if he had ever seen water come to his property in the past. **Mr. Jimenez** said no, that his property is on the east side and is higher. He has lived there since 1960 and has seen the water flood several times in the area concerned. 

4.10.2 **Herb Jimenez's sister** (name not furnished) -  She said that back in 1963 when Sorenson built their buildings, the result was moving the river which caved in a lot of the road and came up to the road which is part of her father's property. On the lower property it does flood into the land. She was very concerned about the flooding issue because that means if it is rerouted again, it will end of taking more land. That is their biggest issue. Another issue is if it is built higher, they cannot see above it. Her property is to the north of this proposed site. 

4.11 **Commissioner Wright** closed the public hearing and opened the meeting for discussion or a motion by the Planning Commission.

4.12 **DISCUSSION:**

4.12.1 **Commissioner Quigley** commended the applicant for their very thorough presentation and on the effort they have made to mitigate some of the original concerns expressed by the Planning Commission. He also advised he has great faith in the City Staff and knows they work hard and are diligent and if they feel that they would like further opportunity to look at this and bring it back he supported that. 

4.12.2 **Commissioner Wilkey**  advised she learned a lot from the presentations tonight. Maybe there are some laws and rules in there that she wasn't familiar with and felt like she needed to look into this further before making a decision because she would like to support the issue of no build within 100' but wasn't sure if she had that option. She felt the need for more research on that was appropriate. **Commissioner Wright** asked what her main feeling of constraint was. **Commissioner Wilkey** said it involved decisions made prior and she wanted to know legally if that means the decision has already been made for the Commission or if the Commission still has that latitude available. 

4.12.3 **Commissioner Wendel**  said the presenter did a great job in presentation in relationship to the conditional use permit. The word "shall" approve is in the conditional use permit but in discussing the multiple layers slide staff presented on which the Commission is making their decision, shows there are other avenues to be addressed. One of which is with this being a sensitive overlay area.

4.12.4 **Commissioner Russell** said that he understood Staff's concerns and felt they were very close to an agreement but were not quite there yet. 

- 4.12.5 **Commissioner McElreath** felt this does warrant more time in discussion. That they have heard the applicant's response to the 100' issue and realize it can't be done. They have heard what Staff is saying but would like to hear what the City's Legal Department has to say on this issue. He had a question for the applicant which was if the plan provided was the best that can be done to get within the 100' no build. **Mr. Budge**  said in order to meet the requirement for landscaping and parking, the answer is yes. They have looked at several variations. He said they are happy to go back and take another look but the line that they are seeing is that building is not allowed within 100' but limited hardscape items are allowed in some areas of the 50'. **Commissioner McElreath** asked about required parking. **Mr. Budge** said it looks like they need to meet the parking requirement and don't want to put themselves in a position of asking for anything special like a reduction in that number. They want to meet that requirement but don't want to go beyond that requirement. The Staff has been very good to make sure they are always creating what is in the Code in that regard. If there is going to be a continuation, they would like a date certain. 
- 4.12.6 **Commissioner Wright** was curious during construction what might affect the wetlands and make that a problem. **Mr. Budge** said fortunately the identified wetlands are on the opposite side of the public trail so they would conduct no fill activities in the area of the wetlands because that would not be allowed under U.S. Army Corps of Engineers regulations. They intend to stay away from those. **Commissioner Wright** asked if there is a wetlands setback document. **Mr. Budge** said there was not a wetlands setback. What happens is you do a delineation as Planning Staff accurately indicated, which is good for five years. That means they are not allowed to cross the lines in what they call an Approved Jurisdictional Delineation. That in essence acts like a setback but it is just a line that cannot be violated. In some instances, it is possible to apply for a fill permit but that is not applicable on this project.
- 4.12.7 **Commissioner Wright** addressed the neighbors concerns about the rising water report which said the river would rise 6" to 8". **Mr. Spung** said the report that was completed, which was included in the Commission packets for this meeting, looked at the property surrounding the existing site, which included the apartment development to the south as well as areas to the north. Mainly it is properties upstream that would be affected. So, if there is a big flood event, more development downstream would affect upstream. Think of it like a water dam. He also noted that study was completed with the assumption that the first iteration of the site plan would have been constructed, so he was not sure what the changes would be based on the revised version being seen tonight, with some of the development tucked in a little closer interior to the property but on the site visit the Soren Simonson, Director of the Jordan River Commission, mentioned that in the past they have had some flooding in the apartments to the south and had to do sandbagging with other flood events. Given the current trends, he felt like the 100-year flood is probably more like a 30-year flood or less depending on environmental events. Those are separate considerations outside that referenced report.  **Mr. Budge** advised they will comply with the FEMA standards and wanted to make sure it is noted that they are not exceeding the limit allowed by FEMA.
- 4.12.8 **Commissioner Wright's**  main concern on the site is that this location here has a vast amount of natural amenities.  He compared it to some other cities with natural amenities. But noted that Taylorsville is very limited where it is almost entirely built-out. That this project area takes a considerable chunk out of what is not built here out of possibility. This is significant in terms of protecting Taylorsville. He wanted to make sure that this corridor receives protection and would like to see more emphasis on the Jordan River. In terms of natural amenities, the Jordan River Parkway is it. He looked at this as how to best protect that corridor. He agreed the 100' buffer was significant in that endeavor. There is development on both sides of the asphalt with a 6" curb along the edge there. He would like to see more emphasis on the Jordan River. He asked how this

site interrelates with the Jordan River. **Mr. Budge** answered that Taylorsville is the envy of many cities. Cottonwood Heights doesn't have a trail along Little Cottonwood Creek. It wants one and has a provision in place that if the connections can ever be implemented, they do want a trail. Taylorsville already has that, and the applicant recognizes that. That is the reason they pulled the buildings back away from the 100' and made sure to take into account that area. They are going to have very complimentary landscaping. He suggested the Commissioners take a good look at the landscape plan they included in the packet, especially the tree species. They have put a lot of care and thought to make sure to compliment and make the area feel very natural as it is being used. They feel they have protected and made it better. They realize it is the last site in the area and felt it is better to have something active next to that area in the sense that there is not something unsafe there. They felt they have improved it more with the trail head parking. This is important to facilitate the access. They have given thoughts to the park bench and things they can do to make sure the experience of the trail is even beyond what it is now. They realize the trail was done back in the 1990's and they will respect that easement. **Commissioner Wright** said he would like this to be looked at in terms of how the area can be enhanced from a habitat standpoint. That would include the types of trees being put back in to replace the trees being removed as not suitable for the area. He felt there has been progress in making this better, but it is not quite there yet. 

- 4.13 **MOTION: Commissioner Quigley** – I move that we continue File #5C22/CUP-000181-2022, a preliminary non-administrative conditional use permit and preliminary site plan to construct office/warehouse space at 4202 South Riverboat Road in Taylorsville, Utah, to a future date for the following reasons: (1) To allow the applicant and the City Staff adequate time to submit, and City Staff to review, additional information necessary 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 it 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 the Staff report and pursuant to the LDC, to inform which areas of the subject site warrant preservation; and (e) Any other information requested by the City that is necessary in determining compliance with City Standards. That includes the Jordan River Parkway. 

DISCUSSION: Commissioner Quigley said he added a couple of comments there because he just wanted to clarify the concern about the Jordan River Parkway plan and the layers that are involved in that. **Mr. Spung** – Yes under the amenities. That is something that we have asked them to provide Staff, just more information about what they are proposing there. **Commissioner Quigley** – I just wanted clarification about benches along that route. **Mr. Spung** – If I could just make a quick comment. The applicant has requested that we nail down a specific date. The motion now is “to a future date” and there are a couple of variables – one the applicant's timing in getting information to us to allow enough time to review and prepare a report. I think, looking at the calendar, today is July 26th and I would like the applicant's feedback on their commitment on timing. We would need two to three weeks from the date they submit everything in order to review it all and get things ready for the meeting. I would probably lean towards September 13th meeting as being the target date to allow about a month to get information to us and have it reviewed. **Mr. Budge** advised they will have everything ready this week and be able to walk Staff through it. He wanted to know the proposed date, which **Mr. Spung** advised that if everything is turned in this week, it could possibly be heard on August 23rd instead. **Commissioner Quigley** asked if it could say “target date” instead of “confirmed”. **Mr. Harper** added he was not sure if the applicant has closed on the property yet but that

time if money for them. He felt that Staff is committed to go through and review everything but would recommend that as soon as the applicant is ready, Staff needs to sit down with them and review every item in order to bring this back as soon as is possible. The applicant is asking for the 23rd and if Staff feels safe about that **Mr. Harper** agreed to target that date in order to put everybody's feet to the fire with that. **Commissioner Wright** was concerned that the plant materials could be addressed by then. **Mr. Budge** said they would supplement that in the next day or two. He felt it was all in but was happy to have the discussion that Mr. Harper mentioned just to make sure everyone understands it. They have all their consultants on call and had them work the last few weekends to get this done. To answer another question, the property has been closed on and that the Commission is now looking at the new owner. **Mr. Harper** added that there are two things **Mr. Spung** had highlighted before and which should be quickly and thoroughly reviewed, being the tree survey and parking. That may trigger some things that could be worked on very carefully.  **Commissioner Quigley** asked about what date should be stipulated. **Mr. Spung** said instead of saying "to a future date" it would say, on a specific date.

Commissioner Wendel added that can just be a friendly amendment to the Motion to say that the date continued to would be August 23rd. **Commissioner Quigley** agreed to that amendment. 

SECOND: Commissioner Russell

VOTE: Commissioner Quigley – AYE, Commissioner Wilkey – AYE, Commissioner Russell – AYE, Commissioner McElreath – AYE, Commissioner Wendel – AYE, Commissioner Willardson – AYE, Commissioner Wright – AYE. Motion passes unanimously.

Subdivision:

5. File #9S22-SUB-000248-2022 - Public Hearing and Consideration of a preliminary Subdivision Plat for 23.95 Acres of property at 4202 South Riverboat Road, Taylorsville, Utah.

5.1 This item was presented by Jim Spung and was heard before Item #4. He said the plat review is helpful to see the property at a high level and then the site plan conditional use review will have much more details, specific to the development request on that property. Separate public hearings and motions are required for Items #4 and #5.

5.1.1 **Mr. Spung** presented this item.  The property is located at 4202 South Riverboat Road, adjacent to the Jordan River to the east, Salt Lake County golf course to the west, Sorenson Research Park, Mason's Landing Apartments to the south and to the north is Millcreek City. The current zoning designation is Industrial and current General Plan designation is Business Park. He showed an aerial image of the project site. The site is currently undeveloped and there are a number of easements across the property to be discussed later. The vertical improvements on this property are the high transmission corridor poles and lines traversing the west portion of the property and the Jordan River Parkway Trail that skirts the eastern boundary of the property along the Jordan River. This property is within a FEMA flood zone. The subject property has one means of ingress and egress via South Riverboat Road, which currently terminates as a stub street at the southern edge of the property. The proposed plat includes the addition of a cul-de-sac to provide a proper terminus to the existing public street.

5.1.2 The applicant has submitted a separate conditional use permit and site plan review application (File #5C22) with intentions to develop the subject property. That application is referenced and will be discussed as a separate item this evening.

5.1.3 There are several constraints affecting the property. These constraints include but are not limited to: Flood hazards; wetlands; geological/geotechnical hazards; and existing easements. The following brief statements apply and the oral briefing by Mr. Spung contained more detail.

- 5.1.3.1 Flood Hazards: The property has a FEMA Special Flood Hazard Area (SFHA) of Zone AE with a floodway and is in the Jordan River meander corridor.
- 5.1.3.2 Wetlands: Due to the subject property's FEMA floodplain designation and its proximity to the Jordan River, the applicant provided a wetlands study/report as part of the conditional use permit and site plan review.
- 5.1.3.3 Geological/Geotechnical Hazards: 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.
- 5.1.3.4 Existing Easements: There are several existing easements on the property – the most notable being 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 as well as along the south property line and north/south along the east side of the side between the Jordan River Trail and the river.

5.1.4 **Mr. Spung** added that this property has never been platted and is currently a metes and bounds description and all of the easements exist in that form in the County records, so having a plat document would provide one illustration of where all of those easements are located as well as references to where specific language can be found in the Salt Lake County Recorder's Office, specific to each of those easements. The Land Development Code requires this subdivision review to provide a mechanism for the road dedication. He showed the current circulation pattern on the site. South River Boat Road currently terminates at a dead end. City Street Standards require that any street terminates by either connecting to another right-of-way or a cul-de-sac. That is the purpose for this plat to dedicate that cul-de-sac area to the City for the public street. There is a standard that limits the length of a cul-de-sac to 600', however, the Planning Commission does have the authority to approve an alternate design with recommendation from the City Engineer. The City Engineer has reviewed the application and does recommend approval because there are no other viable options that exist for connecting the existing River Boat Road into other streets. The proposed cul-de-sac measured from LaVoy Drive would be approximately 2,134 feet, which exceeds the 600' maximum. However, there are not many other options available. In the past, the City has spoken with Murray City regarding building a bridge over the river, however, they have expressed no interest in that. Also, connections to the north have been explored with Salt Lake County and they also are not interested in doing so. Therefore, the cul-de-sac seems to be the most viable option at this point. He went over the draft plat which was submitted to the City for review. The Jordan River Trail traverses the property along the east property line. He also discussed part of the site plan and the conditional use permit which contains a plan for a public parking area at the trail head.  **Commissioner Quigley** asked where the public parking would be located and **Mr. Spung** said they cannot be sure until the plat is recorded. Staff has recommended that proposed easements and other restrictions associated with the site improvements also be reflected on the plat. Once the site plan is ready for approval, easements corresponding with those amenities will be shown thereon. 

5.2 **FINDINGS:**

- 5.2.1 The subject property is made up of one parcel (parcel ID 21022260070000) with a cumulative area of approximately 23.95 acres.
- 5.2.2 The subject property is in the Industrial (ID) zoning district.
- 5.2.3 The subject property is in the "Business Park" designation in the City's General Plan.
- 5.2.4 John Buckel, Badi Development, submitted an application for preliminary subdivision review on July 6, 2022.

- 5.2.5 The proposed subdivision includes the dedication of right-of-way to construct a cul-de-sac at the north terminus of South Riverboat Road, a public street.
 - 5.2.6 Section 13.15.040(B)(7) of the LDC limits cul-de-sac length to 600 feet, unless otherwise approved by the Planning Commission, upon recommendation from the City Engineer.
 - 5.2.7 The City Engineer recommends the Planning Commission approve the extended cul-de-sac length as part of the subdivision plat.
 - 5.2.8 There are several existing easements on the property.
 - 5.2.9 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.
 - 5.2.10 The subject property is within a "High Liquefaction Area."
 - 5.2.11 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.
 - 5.2.12 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.
 - 5.2.13 The applicant has submitted a separate conditional use permit and site plan review application (File #5C22/CUP-000181-2022) with intentions to develop the subject property.
 - 5.2.14 The proposed conditional use permit and site plan review application (File #5C22/CUP-000181-2022) includes improvements that may require notations on the plat document.
 - 5.2.15 The proposed application has been reviewed by City departments and review agencies and there are several minor review comments that must be addressed prior to final approval.
 - 5.2.16 A title report for all property within the boundary of the plat must be submitted to the City within 90 days of recording to ensure all relevant information is reflected on the plat.
 - 5.2.17 To ensure proper sequencing of approvals, the subdivision plat review must be completed prior to issuance of a development permit on the subject property.
 - 5.2.18 On July 15, 2022, a public notice was mailed to all affected entities and property owners within 300 feet of the subject property. As of July 19, 2022, Staff had not received any public comment regarding this application.
 - 5.2.19 The Planning Commission is the decision-making authority for preliminary subdivision plat review.
- 5.3 **CONDITIONS OF APPROVAL:** City Staff recommends the following conditions of approval be required for this application:
- 5.3.1 The application complies with all applicable standards of the Land Development Code (LDC), City Ordinances, City Staff and review agency comments, and Planning Commission Conditions of Approval, prior to recording.
 - 5.3.2 any easements, exceptions, or other requirements limiting development on the property be noted on the plat prior to recording with Salt Lake County.
 - 5.3.3 In accordance with Section 13.15.040(B)(7) of the LDC, the Planning Commission approves the extended cul-de-sac length, and as approved by the City Engineer.
 - 5.3.4 A current title report for all property within the boundary of the plat must be submitted to the City within 90 days of recording with Salt Lake County.
 - 5.3.5 The subdivision plat be recorded with Salt Lake County Recorder's Office, prior to issuance of a development permit on the subject property.
- 5.4 **STAFF RECOMMENDATION:** That the Planning Commission approves File #9S22/SU000248-2022 subject to Findings and Conditions outlined in the Staff Report.
- 5.5 **APPLICANT ADDRESS:** **Mr. Wade Budge** advised he is representing the applicant this evening, along with the rest of the development staff. He addressed Commissioner Quigley's question about the public parking

location by saying they are fine with putting a note depicting that on the plat. They will be able to finalize the plat once they know what the approval for the site looks like. He voiced approval with everything else

that was presented in regard to the plat. **Commissioner McElreath** asked who would maintain the public improvements going in on the site. **Mr. Budge** said the parking area is within their site, so that is to be maintained by this owner. The plan is to leave the entire site open 24/7. As for the bench, which is located at the trail easement he said they are happy to maintain that or discuss that issue with any other stake holders in the area. They are indifferent on that issue and wants to make sure it works well for those using the trail.  The rest of it is within their site and they intend to maintain it.

5.6 **Commissioner Wright** opened the public hearing and asked if there was anyone wishing to speak either in favor or opposition to this item to please come forward at this time.

5.7 **SPEAKING:**

5.7.1 **Sandra Coffman**  has property just across the river on the Milcreek side.  She had a question of where the warehouse might be located. **Commissioner Quigley** clarified that the Commission is not talking about location of buildings right now, just talking about the plat. **Ms. Coffman** said their interest is that eventually they want to know what is going on. **Mr. Spung** said that will be clarified in the discussion of Item #5 the Conditional Use Permit. **Commissioner Wright** advised she would have a chance to speak during the hearing on the Conditional Use Permit for this same proposal. 

5.7.2 **Herb Jimenez**  (lives across the river on the east side). There was an issue with the water being transferred and wanted to know if there is anything indicating what they are doing to offset the water flooding. Also, if this is all going to be handled by the Corps of Engineer, Millcreek City, Murray City and Taylorsville City. If the water is transferred or stopped there, basically it promotes more water to be accessed through that turn and in effect creating a dam, so the water will go somewhere else. He wasn't sure if those other cities are even aware of this. Ordinarily because there is a river there, it basically affects two areas if anything is changed. **Commissioner Wright** agreed that was a fair question, which would be addressed during the conditional use permit hearing. He asked Mr. Jimenez if he had any other items. **Mr. Jimenez** said the other issue is the last time he was here on this issue, comments were made about the forestry/greenery that is around the existing walkway path through there. Right now there are a lot of trees there. He felt the more trees left there the better because it helps hide the building, which is a warehouse type structure. **Commissioner Wright** advised that too would be addressed in the Conditional Use Permit hearing, coming up next on the agenda. 

5.8 **Commissioner Wright** closed the public hearing and asked for discussion or a motion from the Planning Commission on this item. 

5.9 **MOTION: Commissioner Russell** -  I move that we approve File #9S22/SUB-000248-2022 a preliminary subdivision plat for 232.95 acres of property at 4202 South Riverboat Road, Taylorsville, Utah, subject to the Findings and Conditions outlined in the Staff Report.
DISCUSSION: Commissioner Wright - We are going to put a hold to this for a second for Commissioner Wendel's comment. **Commissioner Wendel** - We can't approve based on the fact that we have continued the item before it. **Mr. Spung** - They are separate reviews, so the plat would essentially provide the legal framework for the easements and other things. This is the preliminary plat review and approval, so the final review would be conducted by the Director or Staff and that would ensure that the conditions listed in the subdivision are addressed. The condition of approval that was recommended is that #2 -

Easements, exceptions or other requirements of the main development be noted on the plat prior to recording. So based on the outcome of the site plan, those limitations would be reflected on the plat before it is recorded.

SECOND: Commissioner McElreath.

VOTE: Commissioner Quigley – AYE, Commissioner Wilkey - AYE, Commissioner Russell – AYE, Commissioner Wendel – AYE, Commissioner McElreath – AYE, Commissioner Willardson – AYE,

Commissioner Wright – AYE. Motion passes unanimously. 

At this point, **Mr. Spung** started his presentation reference File #5C22 for Item #4 on the agenda.

Other Matters:

6. (Part 1 of 2) Introduction and Review of the Taylorsville Land Development Code Update Project – Installment 2: Zoning Districts and Uses. (Jim Spung/AICP/Senior Planner)



Mr. Spung presented this item and advised that the session tonight is Part 1 of a two-part presentation. The second one will be held in the near future. He outlined the purpose and importance of the Land Development Code and noted areas the current Code could be more user-friendly. Therefore, the decision was made to update and improve the existing code to better meet the needs of both City and the citizens of Taylorsville. He discussed in detail Chapters #2 and #3. He explained that many more graphics are being added to the new version along with a more easily navigated menu of contents and consolidation of uses. **Mr. Spung** said his intention is to bring Part 2 before the Commission in a couple of months. 

ADJOURNMENT: By Motion of **Commissioner Wendel** the meeting was adjourned at 10:00 P.M.

These minutes were prepared and presented by:

Jean Gallegos

Jean Gallegos, Admin Asst/Recorder for the
City of Taylorsville Planning Commission

Approved in meeting held on September 27, 2022.