



Municipal Service District Planning and Development Services
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CUP2022-000633

Conditional Use Approval and Exception to Installation of Street Improvements

Public Body: Magna Planning Commission

Meeting Date: 10/13/2022

Parcel ID: 14-21-151-027-0000

Current Zone: M-1

Property Address: 7912 W Utwo O One Hwy

Request: Conditional Use Approval and Exception to Installation of Street Improvements

Applicant Name: Richard Bardauskas

MSD Planner: Morgan Julian

MSD Planning Staff Recommendation: Approval with Conditions

SITE & ZONE DESCRIPTION

The applicant is requesting conditional use approval as well as an exception to installation of street improvements (curb, gutter and sidewalk). The property in question is located at 7912 W Utwo O One Hwy. The property is located in an M-1 zone (manufacturing zone). This zone is primarily for industrial use. It is surrounded by properties zoned M-2 directly to the north, west and east; properties zoned M-1 to the south (see Figure 1). The access to this property is off Utwo O One Hwy frontage road; a dirt road owned by Utah Department of Transportation (UDOT) that is located to the south of the property. The street improvements would be located along this road.

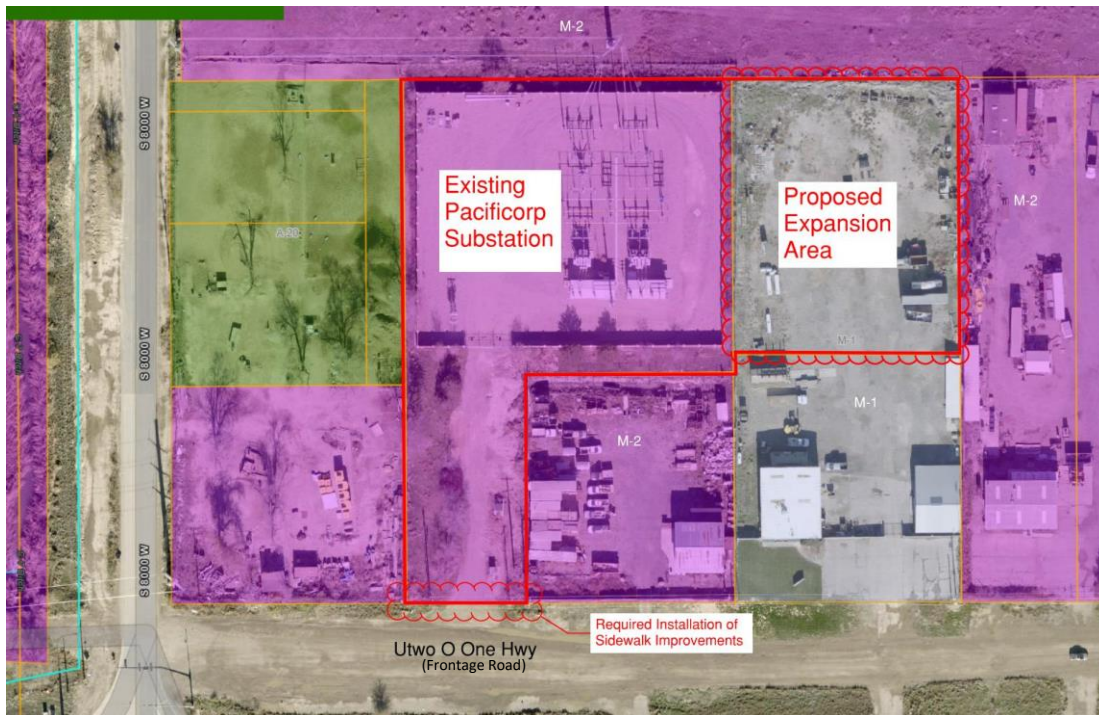


Figure 1: Map of Property in Question

PROJECT & BACKGROUND DESCRIPTION

The applicant is proposing to expand an existing PacifiCorp substation (a high-voltage electric system and transmission) facility to the east (see Attachment 1). The existing substation was approved in 2003 (application 20757) but the expansion onto previously undeveloped property invokes the requirement for street improvements under 19.76.210.

ISSUES OF CONCERN

The MSD Planning Staff has not found any major issues with this conditional use.

However, the MSD Planning Staff recognizes concerns made by Salt Lake County Public Works-Engineering staff for an exception to installation of sidewalk improvements. Salt Lake County Public Works-Engineering staff recommend a 10-year delay agreement to be made for the installation of curb, gutter, and sidewalk (see Attachment 2).

STANDARDS AND FINDINGS

Standard: 19.84.060 Standards for Approval

Prior to approval, all conditional uses and accompanying site development plans must be found to conform to the following standards:

1. The proposed site development plan shall comply with all applicable provisions of the zoning ordinance, including parking, building setbacks, and building height.

Findings: The proposed development will meet all applicable provisions of the M-1 zone

listed above.

2. The proposed use and site development plan shall comply with all other applicable laws and ordinances.

Findings: The proposed use and site development does comply with all other applicable laws and ordinances.

3. The proposed use and site development plan shall not present a serious traffic hazard due to poor site design or to anticipated traffic increases on the nearby road system which exceed the amounts called for under the county transportation master plan.

Findings: The expansion of the substation does not require more on-site employees and thus the MSD Planning Staff does not anticipate traffic increase. The expansion will be developed to the east and will not touch any public or shared roads and should not present serious traffic issues.

4. The proposed use and site development plan shall not pose a serious threat to the safety of persons who will work on, reside on, or visit the property nor pose a serious threat to the safety of residents or properties in the vicinity by failure to adequately address the following issues: fire safety, geologic hazards, soil or slope conditions, liquefaction potential, site grading/topography, storm drainage/flood control, high ground water, environmental health hazards, or wetlands.

Findings: The proposed plans have addressed the above issues in the conceptual review. The respective reviewing agents have conceptually accepted these plans.

5. The proposed use and site development plan shall not adversely impact properties in the vicinity of the site through lack of compatibility with nearby buildings in terms of size, scale, height, or noncompliance with community general plan standards.

Findings: The proposed development is an expansion of the existing use and will be compatible with existing surrounding structures and buildings.

Standard: 19.76.210 Off-Site Improvements

C. Exceptions.

1. The planning commission may grant exception to installation of the sidewalk in industrial areas where the planning commission determines that the sidewalk is not necessary to serve the public need, and the elimination of the sidewalk does not jeopardize the public health, safety or welfare.

Findings:

- a. Because the site is located in primarily an industrial area, not located near any public goods or resources, the MSD Planning Staff has not found that the installation of sidewalk is necessary to serve the public need.
- b. The foot traffic in this area is minimal nor is there any residential properties near the area that would increase pedestrian traffic as

well as health, safety, and welfare concerns.

Standard: 14.12.150 Exceptions.

In cases where unusual topographical, aesthetic, or other exceptional conditions or circumstances exist, variations or exceptions to the requirements of this chapter may be approved by the mayor after receiving recommendations from the planning commission and the public works engineer; provided, that the variations or exceptions are not detrimental to the public safety or welfare.

Findings: The road in question for improvements is owned by UDOT. UDOT has the final authority over the installation of curb, gutter, and sidewalk. UDOT is currently reviewing the plans for this development and the MSD staff awaits their decision on whether they would like this development to install roadway improvements or not.

PLANNING STAFF RECOMMENDATION

Based on the findings stated above, the MSD Planning Staff recommends that the Magna Metro Township Planning Commission grant approval for a conditional use, an exception for sidewalk improvements as set forth in 19.76.210.C.1, and recommends approval to the Mayor of the exception to curb and gutter as set forth in 14.12.150 for 7960 W Utwo O One Hwy Frontage Road with the following conditions:

1. The applicant receives final approval for their conditional use permit from the MSD Planning Staff;
2. The applicant receives final approval for an exception to installation of street improvements from the Utah Department of Transportation;

ATTACHMENTS:

1. Site Plan
2. Recommendation from Salt Lake County Public Works-Engineering Staff