



JAMES SORENSEN
COMMUNITY DEVELOPMENT
DIRECTOR

MONICA ZOLTANSKI
MAYOR

SHANE E. PACE
CHIEF ADMINISTRATIVE OFFICER

Staff Report Memorandum December 19, 2024

To: Planning Commission
From: Community Development Department
Subject: Wasatch Pain Solutions Clinic Site Plan Review & Special Exception for development in SAO Zone 1420 E. Sego Lily Dr. [Community #17, Willow Canyon]

SPR10072024-006865
SPX12112024-006897
CC Zone
0.66 Acres, 4,720 Sq. Ft.
Building Footprint

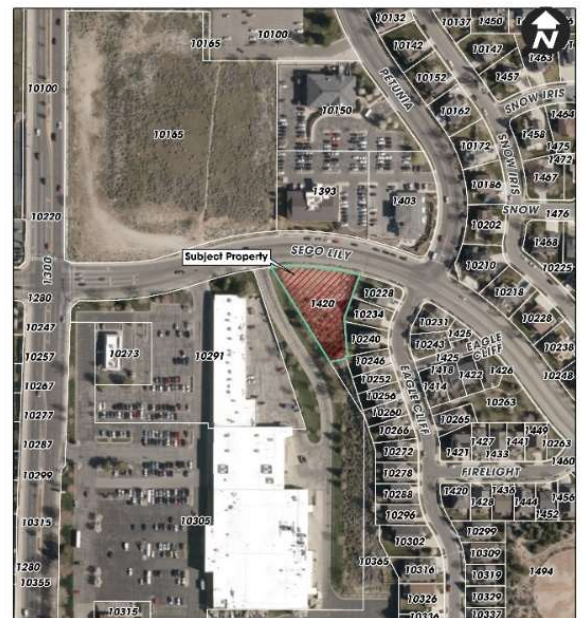
Public Meeting Notice: This item has been noticed to property owners within 500 feet of the subject area, on public websites, at public locations, and a public notice sign posted on site.

Request

The applicant, Robert Howell, Architect, representing the property owner KCG Medical, is requesting review by the Planning Commission of a commercial site plan of the proposed medical office building on a currently vacant, 0.66-acre property, located at 1420 E. Sego Lily Dr. The Planning Commission is also being asked to determine whether a special exception to the requirements of the Sensitive Area Overlay Zone requirements be granted. See Exhibit A for the application materials.

Background

This property was rezoned in 2016 from the residential SD (PO/R) (R-5.7) to the Community Commercial (CC) in anticipation of the development of a proposed restaurant. The surrounding properties located to the east of this site are zoned SD (PO/R) (R5.7) residential planned unit development, and further east is SD (R-1-8) and SD (R-1-9) with single family homes. To the north, across Sego Lily Dr, there is SD (PO) professional office zoning and to the northwest is vacant property that is zoned Neighborhood Commercial (CN). The property to the west and south of the site is the Alta View Shopping Center with the Smith’s store which is zoned Community Commercial (CC).



SPR10072024-006865
Site Plan Review
1420 E Sego Lily Dr.
Sandy City, UT
Community Development Department

Property Case History	
Case Number	Case Summary
ZONE-04-16-005076	The City Council rezoned this property from SD (PO/R) [R-5.7] to Community Commercial (CC) Aug. 16, 2016 (0.66 Acres).

Public Notice and Outreach

This project has been noticed to property owners located within 500 feet of the subject property by U.S. Mail delivery. The project has also been listed on the public notice website and a public notice sign was posted on the property. A neighborhood meeting was held for this project on October 29, 2024. There were three participants at the neighborhood meeting. Two participants were from the neighboring subdivision to the east. The other participant was the owner of one of the existing medical office buildings located across Seego Lily Dr. to the north. The owner of the medical office to the north was in favor of the new medical office building project. The two residents to the east expressed concern about adequate on-site vehicle parking for the facility and if new trees would block existing views of the valley from the existing residences. Concern was expressed about the existing residents losing existing valley views by the location and height of the new building. Concerns about slope stability and retaining walls were also expressed.

Analysis

Sensitive Area Overlay (SAO) Zone Application.

Sec. 21-15-5. Special Exceptions.

- (b) *Natural Slopes that were Previously Disturbed or Developed.* A property owner whose property contains or is adjacent to what was a natural continuous 30 percent or greater slope may request a **special exception to allow construction** at reduced setbacks or no setback from the slope or **on the slope**. A property owner may request the exception during the preliminary review or, upon individual lots, after final development approval.
- (1) *Qualifications.* Property which qualifies for the exception is limited to the following:
- a. The property contains or is adjacent to areas of a continuous 30 percent or greater slope;
 - b. The slope was previously disturbed or altered;
 - c. The disturbance or alteration was conducted legally either prior to the imposition of any sensitive area regulations on the property or was consistent with the sensitive area regulations in effect at the time the disturbance or alteration was conducted;
 - d. The slope is stable and suitable for construction as determined by the City Engineer;
 - e. Measures can be imposed which mitigate or eliminate hazards created by construction near to or additional disturbance or alteration of the slope;
 - f. All development on the property complies with all other requirements of this title, such as driveway slopes and cuts and fills, maximum impervious coverage, etc.; and
 - g. No other exceptions or any variances are requested or necessary.
- (2) *Information to be Submitted.* The property owner shall submit the following for review and recommendation of the Director and City Engineer to the Planning Commission:
- a. All submittals required for preliminary and final review of property within a Sensitive Area Overlay Zone.
 - b. Evidence that the disturbance or alteration occurred legally prior to the imposition of sensitive area overlay (or similar) regulations or consistent with sensitive area overlay (or similar) regulations in effect at the time the disturbance or alteration occurred.

1. Evidence shall include copies of permits from the governmental entity that had authority to issue such permits at the time the alteration/disturbance took place accompanied by copies of any sensitive area (or similar) regulations in effect at the time of the disturbance or alteration.
 2. If copies of permits are not available, the following may be acceptable: credible evidence in the form of documents (including photographs) or sworn affidavits from an individuals with first-hand knowledge documenting when the work was done, by whom and whether it was legal or not, together with written statements from the appropriate governmental entity that a search of their records was conducted and that either no permit was found, no permit was required, and/or no regulations were in effect and that the work was consistent with all regulations in effect at the time it was performed.
- c. A study and report from a licensed civil engineer which specifically addresses the slopes upon which the applicant is requesting reduced setbacks, including geologic conditions, soils, and vegetation, impacts of development (including aesthetics) and recommended mitigation measures for those impacts. (This information may be contained in the Geologic Report submitted with the application).
- (3) *Granting of Special Exemption.* The Planning Commission may grant the special exception and establish a reduced setback from the 30 percent or greater slope, determine that no setback from the slope is required or **allow building on the slope** if it finds that the property complies with all the qualifications for the exception listed above.

The southern half of the subject property is located within the Sensitive Area Overlay Zone (SAO) (see Figure 1). Slopes 30 percent or steeper have been previously identified on this property by the City (see Figure 2). Development upon this area would require a special exception for previously disturbed or developed property be granted by the Planning Commission, as specified in City Code section 21-15-05(b).

On March 25, 2016, then City Engineer Michael G. Gladbach, wrote a Memorandum to the City Planning Division and the Planning Commission, wherein he reviewed the property, City records, and the information submitted as part of the proposed Fratelli Restaurant project. The City Engineer presented information in the memo that would support the granting of a special exception of previously disturbed or developed property, to allow development upon the portion of the site containing steep slopes. He determined that the 30 percent slope area (see Figure 2) was man-made, the result of the 1982

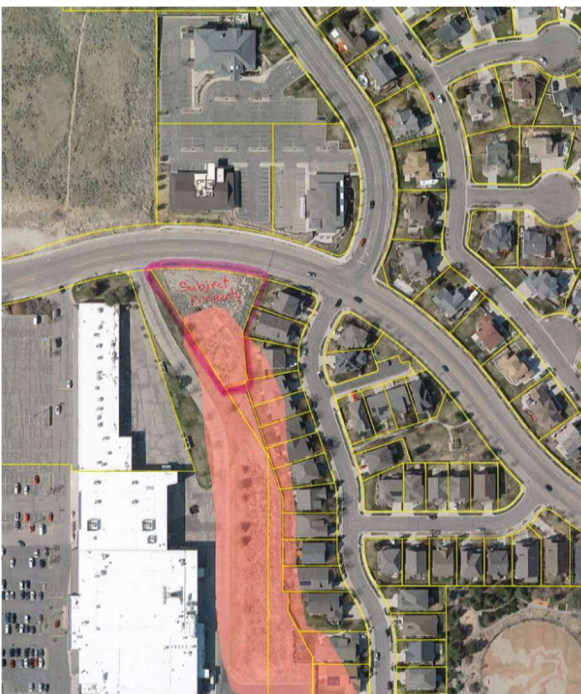


Figure 1 - Sensitive Area Overlav Zone

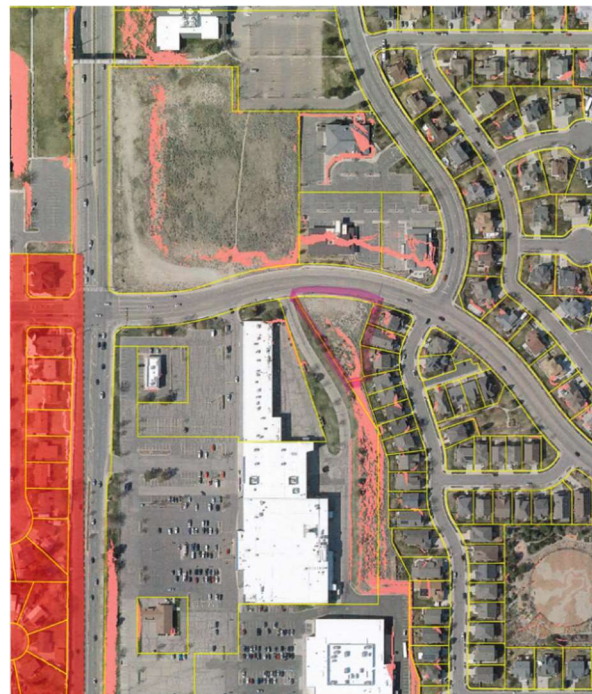
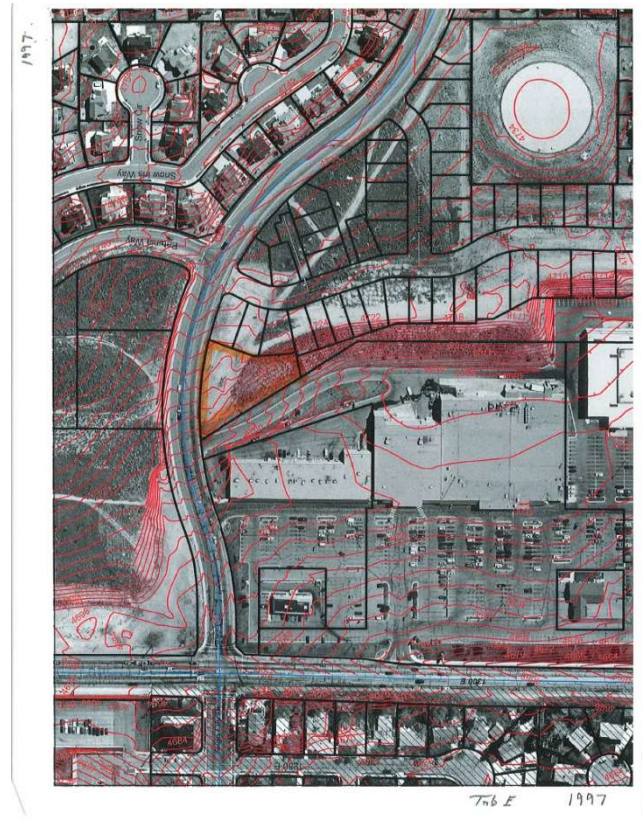
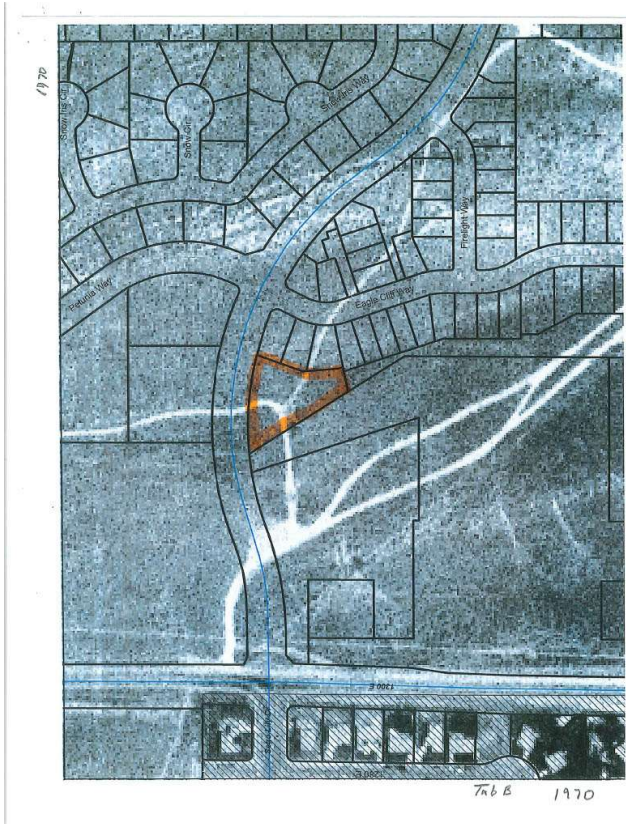


Figure 2- Slopes Greater Than 30%



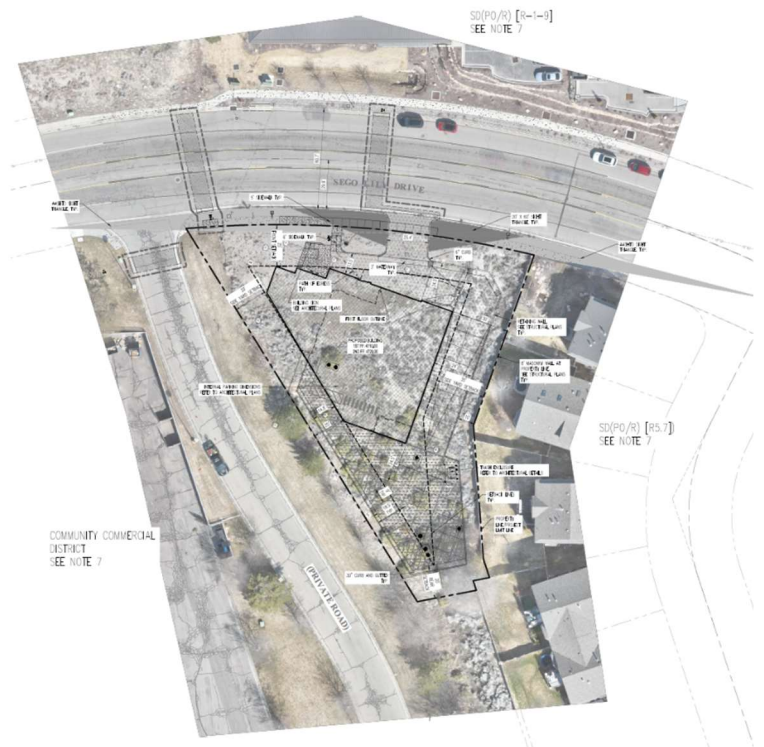
mass regrading for the shopping center pad site and for the access road (please see Exhibit B, attached). Staff and the current City Engineer, Britney Ward, have reviewed the 2016 memo on this subject property and concur with Mr. Gladbach’s determination.

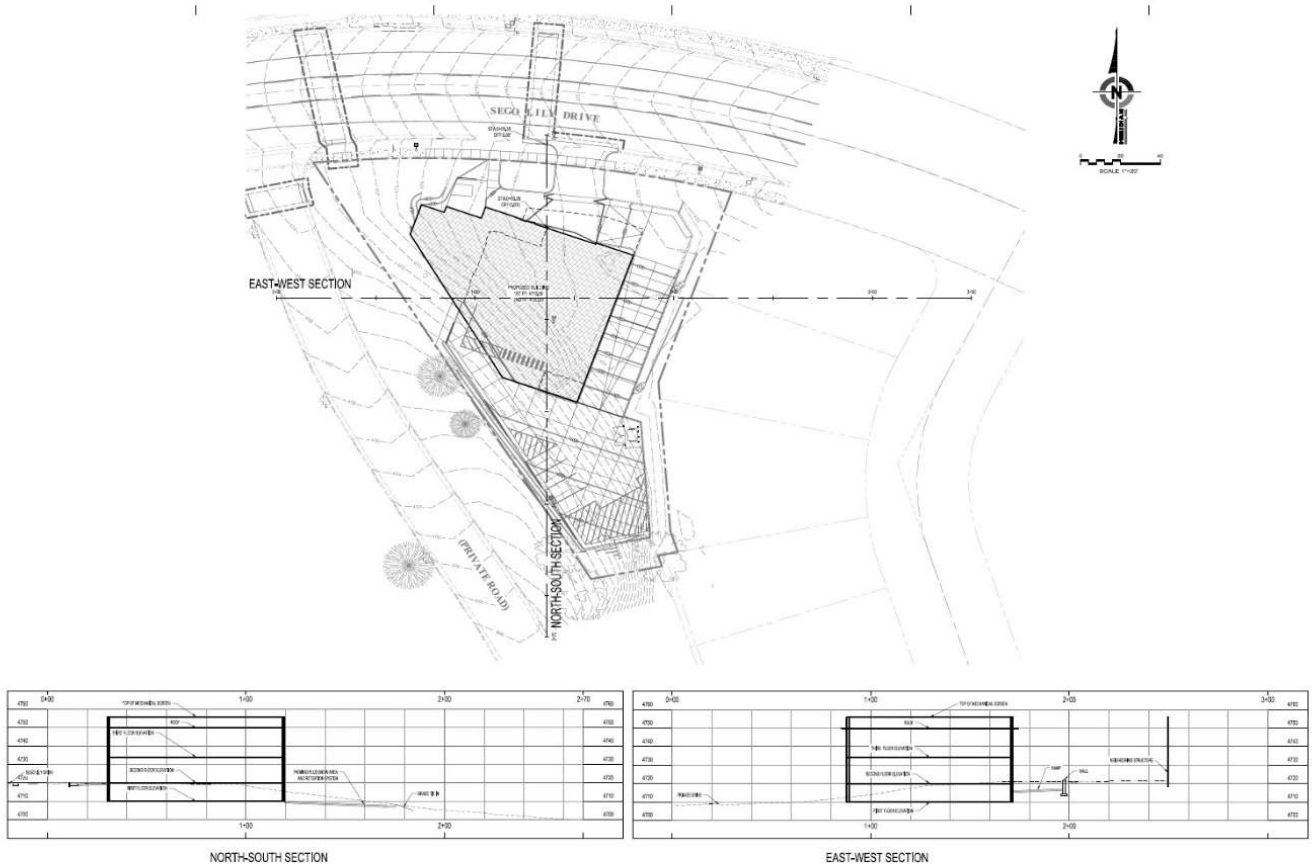
The Land Development Code does allow for situations like this to be developed if certain qualifications are met: The applicant is requesting to build upon the slope with no additional requirements or setbacks based on meeting the qualifications and standards of the code.

Commercial Site Plan Review.

Zoning and Land Use. Medical and Health Care Offices are listed as permitted use in the Community Commercial (CC) Zoning District. Therefore, a conditional use permit is not required for this use at this location. Site plan review by the Planning Commission is required due to the Sensitive Area Overlay District (SAO) and the proximity to residential areas.

Site Access and Vehicle Parking. All access to this site will be from a new driveway connecting on the south side of Sego Lily Dr. This driveway will extend south to the front of the building to enter a 10-vehicle stall parking garage on the first (ground) level of the building. This driveway





will also extend east to the east side of the building and then ramps downward as it proceeds to the south, to reach a surface parking lot (4-vehicle parking stalls) and access to enter the basement level of the building, which contains 14 more vehicle parking stalls. There will be a total of 28 parking stalls required and provided on-site. The two levels of parking in the building will provide 24 parking spaces and there will be 4 parking stalls in the open parking lot area at the bottom of the ramp. Engineered retaining walls will be built along the east side of the property to support the existing slope for the grading required to construct the driveway ramp and lower parking area and to access the basement level parking. On-site parking and vehicular circulation will be adequate based on the number of medical practitioners and employees and will meet Sandy City's design requirements.

Sandy City Architectural Design Standards. The building style is modern with a flat roof surrounded by a raised parapet wall. The building is a two-story design with a basement level

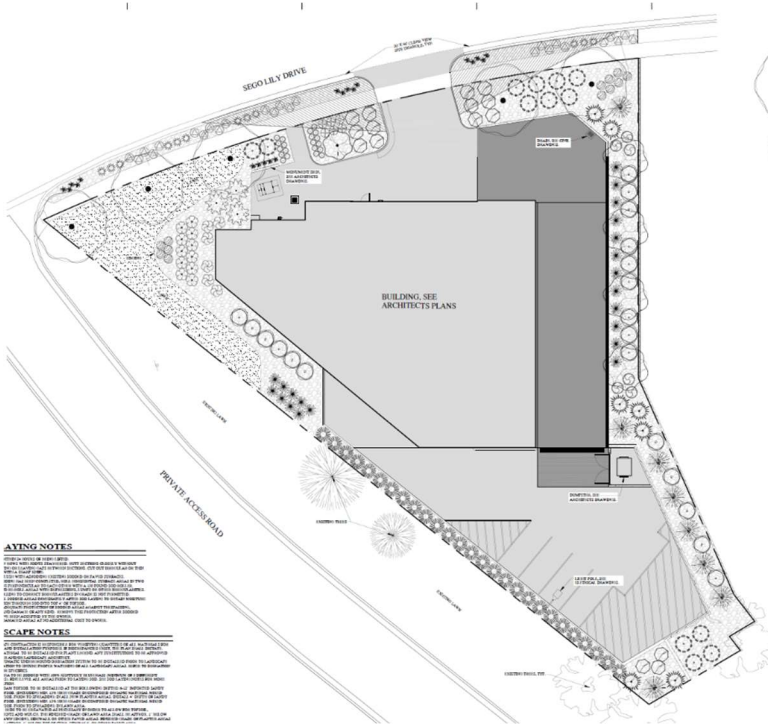


parking garage. The first level of the building is also mainly a parking garage with some mechanical, storage areas, and building access to the second floor, which is where all the offices for the clinic are located. The top of the parapet wall is 35 feet above the average finished grade of the site measured at the edge of the building footprint, which is at the maximum building height limit for the CC zoning district. (The 35-foot building height limit is also the building height limit in the abutting residential zoning district for a single-family dwelling.) A 6-foot-tall roof top mechanical unit screen wall is also proposed for the center of the building roof, to screen the view of the RTUs and to help reduce RTU equipment noise.

The proposed building materials are of high quality, with a mix of finished concrete, concrete masonry units (CMU), cement fiber board, windows, and some stucco/EIFS material as trim. The EFIS quantity is limited by the architectural design requirements to a maximum of 20 percent on any one of the four sides of the building. The percentages of EIFS on this building are proposed as 1.4 percent at the least and 18.6 percent at the most, with an overall average of 12.04 percent for the building. The colors are as shown on the building elevations and perspective renderings included in this report. The building colors are two shades of gray and light tan painted CMU. The building materials, colors and design elements meet the Sandy City Architectural Design Standards.

Site Landscaping. The site will be landscaped and irrigated to meet the requirements of the Sandy City Code Section 21-

25. Planning staff has suggested that the proposed tree plantings along the east side of the property, between the new 8-foot-high masonry wall at property line and the retaining wall for the access driveway, be designed with tree varieties that are suitable for this location and that will help screen the masonry wall horizontally more that growing taller than the buffer wall.



City Department Reviews. The initial preliminary reviews by the required City Departments and Divisions have been performed by City Staff. There are no design, city code, or infrastructure limitations that will prevent this proposed project from meeting all City Requirements. A standard condition of approval will specify that all reviewing City Departments and Division’s standards, specifications, and conditions will be met and will be detailed in the future review processes with City staff during final site plan review.

Staff Concerns

Planning Staff and the City Engineer have no concerns with the granting of the Special Exception request by the Planning Commission.

Staff is concerned that the amount of surface areas that are proposed to be hardscaped is excessive. Staff has indicated to the applicant three areas where the hardscaped area could be reduced on the proposed site. There is an area in the front yard setback that surrounds the proposed electrical transformer box that is shown as hardscape. Staff has recommended that this area can be surrounded by gravel mulch and 33 percent surface area ground level plantings. This suggestion has been rejected by the applicant. Also, the City Code landscape requirements specify that building foundational planting beds are required

in the front of the building, between the driveway and the building face. The City Code also requires that the surface parking lot and driveway areas of the site plan include a minimum of 5 percent of that area in landscape islands. This is to help break up the expanses of hardscape and reduce storm water runoff and heat generation.

Recommendation

Motion 1. Special Exception Request. The Planning Staff and the City Engineer recommend that the Planning Commission grant the requested Special Exception to allow development of existing slopes which are 30 percent or greater, based upon the staff report analysis, the following findings, and subject to the following conditions of approval:

Findings:

1. The property does contain slopes of 30% or greater.
2. The steep slope area was the result of prior legal mass site grading for the adjacent shopping center, and is therefore the result of man-made, “previously disturbed or developed” activity.
3. The extent of steep slope area on this property is minimal and is not a natural site condition, but the result of prior legal disturbance or development.
4. That the steep slope area has been stable since 1982.
5. That mitigating measures are proposed with the plans contained in the Site Plan Review application, which will ensure that no future negative impact will result for the proposed development of the steep slope area portions of the property.
6. All other provisions of the Land Development Code will be adhered to during the final site plan review.
7. No other exceptions or variances are necessary for the site.

Motion 2. Commercial Site Plan Review. The Planning Staff recommends that the Planning Commission determine that Preliminary Commercial Site Plan Review is complete, based upon the following findings and subject to the following conditions of approval:

Findings:

1. That the proposed building meets the requirements of building location, height, building mass and architectural design as required by the Sandy City Development Code and the Sandy City Architectural Design Standards.
2. That all City reviewing Departments and Divisions have recommended preliminary approval of the project, subject to standard City processes, and to completion of the Site Plan Review and the issuance of the building permit.

Conditions:

1. That all conditions and requirements of the reviewing City Departments and Divisions are met as determined by City Staff during the Final Site Plan Review process.
2. That the recommendations of staff and requirements of the Sandy City code section 21-25, Landscaping, and the Sandy City Architectural Design Standards, be met during the final site plan review process.
3. That the site be fenced during construction as required by the City.

4. That all the suggested and required mitigation measures to protect the site from future negative impact due to steep slopes, site grading and slope stability be reflected in the final approved site plans and guaranteed to completion as legally allowed.

Planner:

A handwritten signature in black ink that reads "Douglas L. Wheelwright". The signature is written in a cursive, slightly slanted style.

Douglas L. Wheelwright,
Development Services Manager, Sandy City Planning Division

File Name: S:\Users\PLN\STAFFRPT\2024\SPR10072024-006865 Wasatch Pain Solutions

Exhibit "A"
(see the attached plans for full details)

NJRA Architects, Inc.
1500 S. 2000 W. #100
Sandy, Utah 84070
801.568.7250
www.njra.com

SEAL: 2024-2027
REGISTERED PROFESSIONAL ENGINEER
CIVIL
STATE OF UTAH
14000

HATCH LEGEND

- EXISTING PAVEMENT
- NEW PAVEMENT
- EXISTING ASPHALT DRIVE
- NEW ASPHALT DRIVE
- EXISTING CONCRETE DRIVE
- NEW CONCRETE DRIVE
- EXISTING SIDEWALK
- NEW SIDEWALK
- EXISTING CURB
- NEW CURB
- EXISTING GRADE
- NEW GRADE
- EXISTING CONC
- NEW CONC

PERMITS:

- UTAH HEALTH CARE DISTRICT (UHC) - 10000
- UTAH HEALTH CARE DISTRICT (UHC) - 10000
- UTAH HEALTH CARE DISTRICT (UHC) - 10000

NOTES:

- SEE ALL NOTES ON SHEETS SPR10072024-006865-01 THRU 05.
- THIS PLAN IS FOR INFORMATION ONLY. THE OWNER SHALL VERIFY ALL INFORMATION AND CONDITIONS ON THE GROUND BEFORE CONSTRUCTION.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL JURISDICTIONS.
- ALL DIMENSIONS SHALL BE IN FEET AND INCHES UNLESS OTHERWISE SPECIFIED.
- ALL DIMENSIONS SHALL BE TO THE FACE UNLESS OTHERWISE SPECIFIED.
- CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE UTAH STANDARD SPECIFICATIONS FOR HIGHWAYS AND BRIDGES.

Wasatch Pain Solutions
Clinic Building for
Owner: Dr. Qamar Khan

15000 S. 2000 W. #100
Sandy, Utah 84070
801.568.7250
www.wasatchpainsolutions.com

Project # 24-001
Issue # 1
Issue Date: August 11, 2024

SITE PLAN

C229

SPO (R) [FIG. 7] SEE NOTE 7

SECOND STREET DRIVE

PRIVATE ROAD

COMMUNITY COMMERCIAL DISTRICT SEE NOTE 7

VICINITY MAP (NTS)

SCALE 1"=20'

MERIDIAN
ENGINEERS ARCHITECTS INC.
10000 S. 2000 W. #100
SANDY, UTAH 84070
801.568.7250

Exhibit "B"
(see the attached document for full information)



DEPARTMENT OF PUBLIC WORKS

Tom Dolan
Mayor

Byron Jorgenson
Chief Administrative Officer

Rick Smith
Director

March 25, 2016

TO: Doug Wheelwright, Development Services Manager

FROM: Michael C. Gladbach, P.E., City Engineer

SUBJECT: Project Name: Fratelli Restaurant
Plan Case Number:
Project Address: 1420 East Sego Lily Drive, Sandy

In accordance with the Sandy City Land Development Code, Chapter 15A-15 (Sensitive Area Overlay Zone), paragraph 5B (Previously Disturbed or Developed Slopes), the property at the above address (Tab A) qualifies for special exception to allow construction. Recommend that the exception be approved and construction be allowed on the property in question.

Findings include the following:

1. The slope was previously disturbed or altered. Prior to 1970 an access road made of native material was constructed through the parcel at the approximate center of the parcel to access property to the east (Tab B). This access road was used until approximately 1982 but did not change the slopes to any extent. I estimate that the natural slopes in the area were between 6 and 10% based on contours of the bare ground immediately east dated 1997.
In 1982 the current shopping center to the west was designed and subsequently constructed (Tab C). In the course of cutting the access road along the east side of the shopping center, the hillside was cut approximately 14 feet with the cuts laid back instead of retained. This cut increased the slopes to between 20 and 40%.
2. The disturbance was conducted legally. The construction of the access road for the shopping center, which resulted in the slopes on the parcel in question to become more than 30%, was approved by the City as part of the project (Tab D & E).
3. The slope is stable and suitable for construction. The maximum slope is about 40%. The angle of repose for poorly graded sand and gravel is about 35 degrees, which is a slope of about 70%. There has been no sign of movement/sliding since construction of the access road.

8775 SOUTH 700 WEST • SANDY, UTAH 84070 • PHONE (801) 568-2999 • FAX (801) 562-1312