



# SANDY CITY COMMUNITY DEVELOPMENT

JAMES SORENSEN  
COMMUNITY DEVELOPMENT  
DIRECTOR

KURT BRADBURN  
MAYOR

MATTHEW HUISH  
CHIEF ADMINISTRATIVE OFFICER

## MEMORANDUM

August 15, 2019

**To:** Planning Commission  
**From:** Community Development Department  
**Subject:** St. Anna Greek Orthodox Church  
9201 S. 1300 E.  
(Community #16 – Falcon Park)

CUP-06-19-5682  
Zoned CN

**HEARING NOTICE:** *This item has been noticed to property owners within 500 feet of the subject property.*

PROPERTY CASE HISTORY	
Case Number	Case Summary
SPR-79-01	Western Gardens Nursery. Approved by PC

### DESCRIPTION OF REQUEST

The applicant, Michael Petrogeorge, is requesting a Conditional Use Permit to allow a church to operate on the property located at 9201 South 1300 East (*See Exhibit #1: Application Material*).

The subject property is 3 acres and is zoned Neighborhood Commercial (CN). The property is a lot of record and has never been platted. Properties to the east are single-family homes zoned R-1-8. Properties to the north, west and south are commercial properties along 1300 East zoned CN. The property was initially used as a nursery, but is currently being used as a reception center. Access to the property is via a single access on to 1300 East.

The applicant is proposing to utilize the space for a church use. The St. Anna Greek Orthodox Church is a five-year old parish within the Greek Orthodox Archdiocese of America, with an estimated membership of 50 to 200 families. The church is currently operating in a rented space in Cottonwood Heights. Due to the increased growth in membership, the church has entered a purchase agreement to purchase the property at 9201 South 1300 East. The applicant is proposing to use the property for worship services on Sunday from 9:00 a.m. until 1:30 p.m. with weekday morning and evening church services. The use would also include wedding services and receptions, funeral services, and any other church-related functions.

The applicant is envisioning over time that the building would also be used for public, private and non-profit agencies to identify and address community needs. The applicant is looking to expand the facility at a future date to include the installation of a church steeple and façade treatments, as well as renovations of the interior of the building and property.

### NOTICE

A neighborhood meeting was held on July 31, 2019. Notices were mailed to property owners within 500 feet of the subject property. Eleven neighbors attended the meeting (*See Exhibit #2: Neighborhood Meeting Summary*). The following issues were raised by the adjacent property owners:

1. Plans for the garden area on the south side of the property.
2. Retaining wall and fence along the east property line.
3. Noise from events.
4. Issues with the access drive along the east side of the property.
5. Noise from the heating a/c unit.
6. Lighting on the east side of the property.
7. Replacing the fence on the east side of the property.
8. Concerns about the exact location of the east property line.
9. Not allowing the building to encroach further in to the setback on the east side of the property.
10. Replacing the fence along the east side of the property.

### ANALYSIS

Under Section 15A-08-02(B) of the Sandy City Land Development Code the proposed church is classified as a “Religious or Cultural Activity” and requires a conditional use in the CN zone.

Per Section 15A-11-18 of the Sandy City Land Development Code, church development must meet the following development standards for all zone district.

#### A. Development Standards

1. **Location of Sites.** All church sites should be located adjacent to streets that are minimum of 60 feet wide. No church should be located where access is less than the above except for churches that can show that members will come from the local neighborhoods so that traffic impacts are lessened.

The proposed church property lies on the east side of 1300 East, which has an 85-foot right-of-way. Church membership will come from the southern portion of the Salt Lake Valley.

2. **Access.** It is preferred that churches be located where there is access to two streets (corner lots) unless otherwise approved by the Planning Commission.

The proposed church property lies on the east side of 1300 East and is accessed via a single access point on to the property.

3. **Parcel Size.** No minimum parcel size is required, however, the parcel chosen for a church must be adequate to meet all of the development standards to be listed below that

include but are not limited to setbacks, landscaping, parking, improvements, and dedications.

The subject property is 3 acres. The property has adequate parking, landscaping and improvements for the intended use.

**4. Building Setbacks (except as may be approved with the Storefront Conservation Ordinance).**

a. Commercial Zone

- i. Front – 30 feet from property line. (If project fronts on more than one street, setback applies to all street frontages.)
- ii. Side and Rear – Minimum 10 feet unless located adjacent to a residential zone. In this case the minimum setback to buildings must be 30 feet.

b. Residential Zone

- i. Front – 30 feet from front property line. (If project is on a corner lot, setbacks are 30 feet on one street and 20 feet on the other.)
- ii. Side and Rear – Follow setbacks required according to zone property is in. A greater setback may be needed as may be deemed necessary by the Planning Commission by larger structures.

The property abuts residential homes on the east side. The building has a setback of 17 feet from the residential properties to the east, 13 feet less than the required 30 feet. However, staff feels that this is sufficient separation since the change of use from a commercial to a church use is a less intense use. The distance between the proposed church building and nearest home is 55 feet.

The existing building was initially constructed as a plant nursery. At the time of construction, the building was setback 17 feet from the property line. Per Section 15A-23-03(D) of the Sandy City Land Development Code, when a commercial use abuts a residential district the setback for the commercial use is 30 feet. The nursery site plan was approved in 1979 by the Planning Commission with its current setback. In addition, a Certification of Zoning was issued by the Zoning Administrator in 2019 certifying the existing setback and granting compliance with the Sandy City Land Development Code (*See Exhibit #3: Certification of Zoning*).

- 5. Building Height.** Maximum building height shall follow zoning that the project is in. Thirty-five feet is the maximum height in a residential zone or in any zone adjacent to a residential zone (not including chimneys, steeples and the like).

The existing building meets height requirements. The applicant is proposing to construct a steeple with a bell tower at a future date that would be 40 feet in height. The proposed steeple is exempt from the building height requirement.

**6. Landscaping Setbacks**

- a. Front – 30 feet minimum from property line. (If on a corner lot in a residential zone, 20 feet on shorter setback side.)
- b. Side and Rear – 5 feet minimum

- c. Landscaping in the front areas shall also include the parkstrip adjacent to the curb including grass and street trees (minimum 2-inch caliper and spaced 30 feet on center).
- d. Landscaping shall also be required within the parking lot itself where large expanses of asphalt occur. There shall be a minimum of on 10-foot wide planter within the parking lot area where over 125 linear feet of asphalt occurs.

The property was once a nursery and has adequate landscaping. The property contains a 15-foot parkstrip with trees and landscaping. In addition, on the south side of the building is a landscaped open space adjacent to the building.

#### **7. Fencing**

- a. Generally, fencing shall follow that of the surrounding area. However, chain link fencing is not acceptable unless prior Planning Commission approval is granted. In cases where chain link fencing is approved, vinyl coated chain link mesh will be required.
- b. Acceptable fence types shall include vinyl, pre-cast concrete, decorative iron, architecturally designed brick or block, or structural wood fences with square tube metal posts with tongue-in-groove redwood siding and redwood for all other wood members.

A 6-foot high chain link fence exists along the east and south property line, a 6-foot high vinyl fence and cinderblock wall exists along the north property line. If adjacent residents would like additional screening, the Planning Commission may consider the removal of the chain link fence and installation of a vinyl or opaque fence. Staff is not requiring the removal of the chain link fence along the east and southern property lines, as they feel the fence provides adequate separation and screening for the property.

#### **8. Parking**

- a. All parking for church facilities shall be on site. No parking is allowed on the street.
- b. No parking is permitted within the front landscape setback.

All parking for the church facility is on site. There are 115 parking stalls and 3 handicap stalls existing on site. No parking will occur within the front landscape setback.

#### **9. Trash Enclosures and Accessory (maintenance or storage) Buildings**

- a. All trash bins shall be surrounded with 6-foot high masonry (or pre-cast) enclosures to match the main building with solid metal gates. Trash enclosures may be combined with accessory (maintenance or storage) buildings. The setback of such structures shall be at least the same as the minimum required front landscape setback, but in no case shall trash enclosures be located any closer than 10 feet to a residential district lot line or 5 feet to a commercial district lot line.
- b. Accessory (maintenance or storage) building shall be built of the same materials as the main building (siding or roofing) to blend in with the entire project. Minimum setbacks to the front property line(s) shall be the same as the main building. Buildings adjacent to a side or rear property line (other than a street side

of the property), which are built of one hour fire rated construction, can be considered an accessory structure and may be setback as close as three feet to a side or rear property line.

The existing trash bins are stored on the south side of the building, screened from 1300 East.

10. **Lighting.** All lighting for church buildings, parking lots, and accessory uses, if applicable, shall be down lit and minimize any adverse impact on adjacent residential areas.

The applicant is not proposing any new lighting than what exists on the site.

**B. Ancillary Uses**

1. Ancillary uses such as parks, ball diamonds, pavilions, etc. shall not count towards landscaping of the church site but shall stand alone and be considered as a separate site and subject to separate conditional use approval. Any such ancillary uses are subject to, but not limited to, the standards of this section (if applicable).
2. An on-site, church operated, day care will be considered a permitted ancillary use provided there is enough parking on-site to accommodate the number of children enrolled in the day care. The amount of parking is one space per instructor, plus drop off space.

**C. Procedure for Approval**

1. Church facilities are conditional uses in all zones and as such require Planning Commission approval.
2. Upon receiving a conditional use approval from the Planning Commission, all church projects will proceed through the site plan review process with staff.

**COMPLIANCE WITH SECTION 15A-33-04**

Staff response in *italics*.

**Conditions.** In order to achieve compliance with the standards set forth herein, the City may impose conditions, which address standards 15A-33-03 “A” to “O”, as contained in the Sandy City Development Code. This proposed conditional use meets or satisfies all of Conditions “A” through “O”, except the following conditions, which merit discussion or additional consideration by the Planning Commission:

O. Such other conditions determined reasonable and necessary by the City to allow the operation of the proposed conditional use, at the proposed location in compliance with the requirements of this Code.

*That the applicant complies with all Building & Safety, and Fire & Life Codes.*

**CONCERNS**

Staff has no concerns.

**STAFF RECOMMENDATION**

Staff recommends that the Planning Commission approve a Conditional Use Permit for Michael Petrogeorge for the property located at 9201 South 1300 East to allow a church

to operate as described in the staff report subject due to the following finding and subject to the following conditions:

**Findings**

1. The proposed use meets the intent of the CN Zone.

**Conditions**

1. That the applicant complies with all Building & Safety, and Fire & Life Codes.
2. That the applicant be responsible for meeting all provisions of the Sandy City Development Code, and all conditions of approval imposed by the Planning Commission.
3. That this Conditional Use Permit be reviewed upon legitimate complaint.

Planner:  Reviewed by: 

Wade Sanner, Planner

**Exhibit #1 – Application Materials**



# ST. ANNA GREEK ORTHODOX CHURCH

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METROPOLIS  
OF DENVER

June 24, 2019

Sandy City  
Planning Commission  
10000 Centennial Parkway  
Sandy, Utah 84070

To The Honorable Members of the Sandy City Planning Commission:

This letter is provided to Sandy City for a conditional use application and describes our intended use for the land and building located at 9201 South 1300 East, Sandy, Utah 84094.

St. Anna Greek Orthodox Church is a five-year old parish within the Greek Orthodox Archdiocese of America. Since its inception, our membership has increased four-fold from 50 to 200 families and growing. Having begun our church services at a reception center in Murray, our parish has for the past four years rented space from St. Thomas More Catholic parish in Cottonwood Heights.

Due to our measured and appreciated growth, St. Anna has entered into a purchase agreement for the current Atrium property, which can accommodate our expanding congregation and enhance our ability to serve as a civic partner in the greater Sandy community. The purchase includes approximately three acres of ground and an existing 15,248 square foot building that will be utilized to house our worship services, sacraments, ministries and community outreach efforts.

We intend to use the property for our weekly Sunday worship services from 9:00 am until 12:00 noon and our Sunday School classes from 12:00 noon until 1:30 pm. There would also be some weekday morning and evening church services and also evening ministry committee meetings. Our use would also include wedding services and receptions, funeral services and funeral lunches and any and all other religious and church-related functions. Weather permitting, we would utilize the covered patio areas on the south side of the building for church picnics, fellowship and social gatherings.

We intend to expand the use of our facility to encompass both church and community needs. Our building will be a natural extension of our Parish mission and vision. We envision that over time, our building will be utilized beyond church hours, in partnership with Sandy City and other public, private and non-profit agencies, to identify and address community needs.

We anticipate that there would be little or no adverse traffic impact in the area because during most of the week the building would have very light usage. We also believe that the use and impact will not be in contrast to the public interest and fully anticipate that the St. Anna Greek Orthodox Church would be a positive addition to the neighborhood and community of Sandy. We would be well within the current commercial zoning and would have much less impact on the neighborhood, noise levels and traffic than the previous retail commercial use.

Thank you for your consideration of our conditional use request. We look forward to a long and mutually beneficial relationship with Sandy City. We look forward to establishing our spiritual home in this lovely part of the Valley.

Respectfully,



Rev. Fr. Anthony Savas,  
Pastor

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Rev. Anthony Savas, Pastor

Mailing Address: PO Box 171224 • Salt Lake City • Utah 84117 Physical Address: 3015 East Creek Road • Cottonwood Heights • Utah 84093  
Telephone: 385-313-9358 • Web: [www.stannagocutah.org](http://www.stannagocutah.org) • Email: [info@stannagocutah.org](mailto:info@stannagocutah.org)









**Exhibit #2 – Neighborhood Meeting Summary**



JAMES SORENSEN  
COMMUNITY DEVELOPMENT  
DIRECTOR

KURT BRADBURN  
MAYOR

MATTHEW HUISH  
CHIEF ADMINISTRATIVE OFFICER

## Neighborhood Meeting Summary – Community #16 (Falcon Park)

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**Date:** July 31, 2019

**Location:** 9201 S. 1300 E.

**Community #/Name:** Community #16 (Falcon Park)

**Community Coordinator:** Susie Austin

**Project Name:** St. Anna Greek Orthodox Church

**Number of Attendees:** 11

**Applicants:** Michael Petrogeorge

**Number of Invitees:** 113

**Length of Meeting:** 1 Hr.

**Notice Radius:** 500 ft.

**Project Description:** The applicant is proposing to a church use in the CN zone.

**Community Comments:**

What are the plans for the Garden area? No plans to change the landscape, which the applicant will maintain. Will use as part of the fellow ship hall.

Would you consider installing a retaining wall or fence (along east property line)? Open to anything, looking at cost, but do not know if the fence is encroaching on the property.

Concern: Noise on the east side (residential) with current use including weddings and events. Applicant: will be sensitive to noise. City Staff: Explanation of the noise ordinance.

Will they have a Greek Festival? May in the future, but probably not. Already have Greek Festival in downtown SLC.

Concern: Concern with retaining wall and access drive along east side of building, a lot of traffic along this drive in the past. Applicant: The use along the road would be less than what the neighbors experienced in the past. This road could be used for construction.

Could you straighten the property line along the east side of property? Applicant did a survey of property showing the property lines.

Will the loud heating and a/c units be removed? Applicant did not know they made noise from the outside. Will replace in the future when funds are available.

Lights on the side of the building shines in to neighbors bedroom window. Applicant: will cover the window in the long term and will look in to this issue.

Issues: Neighbors do not want the building to move further in to the setback on east side of property.

Issue: Neighbor felt the fence along the east side of the building should have to replace the fence.

**Exhibit #3 – Certification of Zoning**



# SANDY CITY COMMUNITY DEVELOPMENT

JAMES SORENSEN  
COMMUNITY DEVELOPMENT  
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CHIEF ADMINISTRATIVE OFFICER

January 15, 2019

## CERTIFICATION OF ZONING

RE: Land Use and Improvements located in Sandy City, Utah at:  
Atrium at Western Garden Center  
9201 South 1300 East  
Sandy, Utah 84093  
Parcel(s) # 28-04-353-004

Dear Sir or Madam:

I am the Zoning Administrator for Sandy City, Utah, and responsible for the review and enforcement of the Land Development Code (zoning ordinance) within our jurisdictional boundaries, and otherwise have knowledge of the facts required to give this certification.

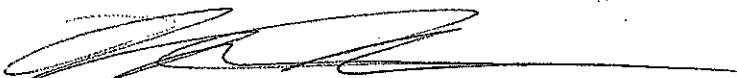
Based upon my review of the Land Development Code and all other resolutions, variances, conditions and records applicable to the Property as maintained by Sandy City, I hereby certify the following:

1. **Zoning District.** The Property is zoned CN (Neighborhood Commercial), which zoning is the proper zoning for the improvements located on the Property. The Property is in compliance with all of the requirements of this zone.
2. **Use Restrictions.** Use of the Property as a Reception Center and/or Commercial Retail Sales and Services is a permitted use under the Land Development Code in this zone. The Property is not a non-conforming use. No additional special use permits, conditional use permits or exceptions are required to use the Property for the current use thereof. The Property is not located in any special district such as historical districts. This property is within 250' of a residential zone and all commercial uses are restricted from any operations during the hours of 10 PM to 6 AM without receipt of a Conditional Use Permit for Extended Hours.
3. **Dimensional Requirements.** The Property is in compliance with all dimensional requirements of the Land Development Code in effect at the time of original construction, including, but not limited to, minimum lot area, maximum building height, maximum floor area ratio and setback or buffer requirements.

4. **Parking Requirements.** The Property is in compliance with all parking and loading requirements, including the number of parking spaces, and dimensional requirements for parking spaces that were in effect at the time of original construction.
5. **Screening and Landscaping Requirements.** The Property is in compliance with all screening and landscaping requirements.
6. **Sign Requirements.** The Property is in compliance with all sign requirements, including height of signs, size of signage, signage setback requirements and any other sign restrictions.
7. **Access.** Access to the Property is from a publicly dedicated and accepted right-of-way and all driveways from the Property onto such right-of-way are in compliance with all applicable driveway ordinances and regulations.
8. **Certificate of Occupancy.** A final, permanent and unconditional Certificate of Occupancy was duly issued for the Property. Sandy City does not keep a copy of said certificate on file.
9. **Violations.** There are no known existing violations with respect to the Property of the Land Development Code of Sandy City. Also there are no pending rezoning applications, hearings, cases, appeals or other proceedings which could affect the zoning classification of the Property. This letter is not a clearance letter for any possible building codes or fire codes. You will need to contact the Sandy City Building & Safety Division at (801) 568-7251 to arrange for a building inspection and report. A fee is required. For a Fire Inspection, contact the Sandy City Fire Marshall at (801) 568-2938. A fee may be required.

If you should have any questions regarding this property in greater detail, please contact Mike Wilcox at the address at the bottom of the letterhead, by telephone at (801) 568-7261, or by email at: [mwilcox@sandy.utah.gov](mailto:mwilcox@sandy.utah.gov).

Sincerely,



Mike Wilcox  
Zoning Administrator