



SANDY CITY COMMUNITY DEVELOPMENT

JAMES SORENSEN
COMMUNITY DEVELOPMENT
DIRECTOR

MONICA ZOLTANSKI
MAYOR

SHANE E. PACE
CHIEF ADMINISTRATIVE OFFICER

Staff Report Memorandum July 18, 2024

To: Planning Commission
From: Community Development Department
Subject: Southeast Industrial Park Special Exception
8496 S. Harrison St.
[Community #1 – Northwest Exposure]

SPX06262024-00679
Zone: RC
1.75 Acres

Public Hearing Notice: This item has been noticed to property owners within 500 feet of the subject area, on public websites, and at public locations.

Request

The applicant, Jessica Rice representing UDOT, is requesting special exception approval for the property located at 8496 S. Harrison St. The request is to modify landscaping requirements for a property impacted by eminent domain proceedings. The applicant has provided a written request (Exhibit A) and application materials which includes written approval of the request from the property owners (Exhibit B).

Background

The subject property is approximately 1.75 acres in size. It is located within the RC Zone (Regional Commercial District). It is bordered on the east by single family homes located in Midvale City. To the north is the Copperview Recreation Center as well as an associated skate park, also located in Midvale. To the west is the recently widened Interstate 15 corridor, and to the south is the Sam T. Evans Truck Tops commercial building which is also within the RC Zone.



SPX06262024-006791
Special Exception
8496 S Harrison St
Sandy City, UT
Community Development Department

| Property Case History | |
|-----------------------|---|
| Case Number | Case Summary |
| SPR#02-06 | Preliminary site plan approval granted by Planning Commission on October 17, 2002 |
| CUP#02-11 | Conditional use permit approved by Planning Commission for a warehousing use in the RC Zone. |
| S#03-03 | Preliminary subdivision approval granted by Planning Commission on February 20, 2003 for a 20-condo unit commercial building. |
| S#09-02 | Amended subdivision approval granted by Planning Commission on May 18, 2012 to reduce the number of condo units from 20 to 18. |
| SUB02222022-006272 | Amended subdivision approval granted by Planning Commission on April 7, 2022 to remove a portion of the west property taken for the widening of I-15. |

Public Notice and Outreach

Notices were mailed to property owners within 500 feet of the subject property and affected entities. The notice was posted to the Utah Public Notice website and the city website. A physical copy of the notice was posted at City Hall.

Analysis

This property went before the Planning Commission in 2022 for preliminary subdivision review. The subdivision would dedicate the western portion of the property to UDOT and require the removal of several condo units to allow for the widening of I-15. UDOT was the condemning authority in the Eminent Domain proceedings. The subdivision is currently on hold awaiting the outcome of this special exception request.

One of the conditions of the subdivision approval was as follows:

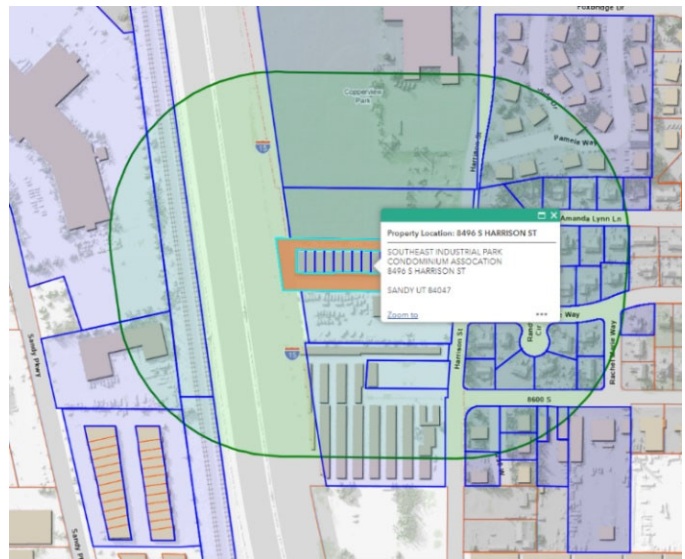
That the property owner work with staff to create a five-foot landscape buffer to be installed along the rear (west) property line located between the parking lot access and the property line.

This condition was required based on the following Sandy City ordinance:

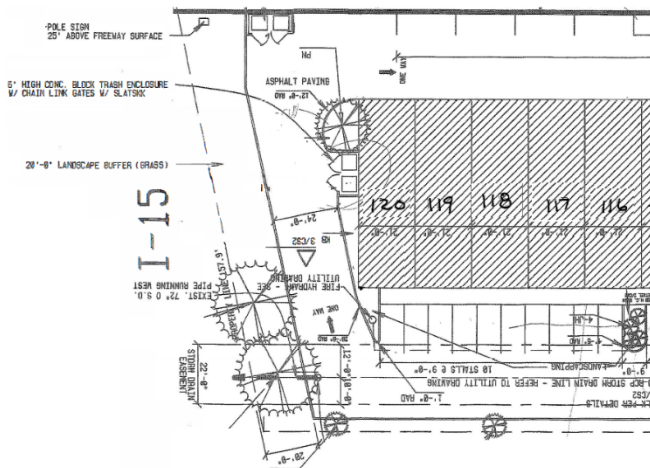
Sec. 21-25-2. - Commercial and Industrial Landscaping Requirements.

(b) Side and Rear Yards.

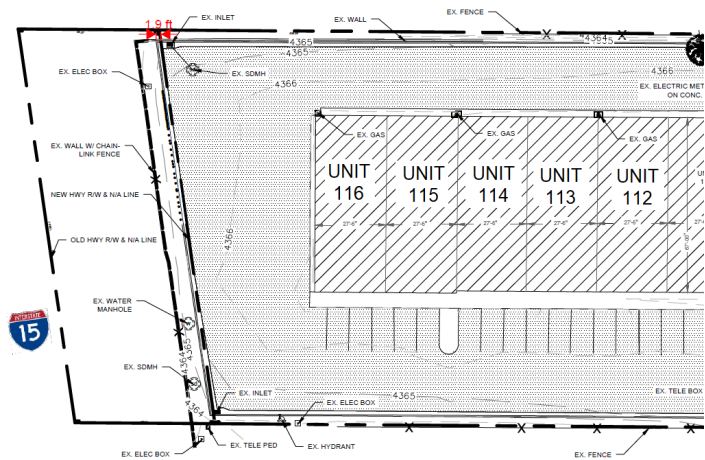
(1) There shall be a minimum of five feet of landscaping between parking areas and side or rear property lines (except between commercial uses where said landscaping is not visible from areas of public access, or where structures are allowed to have a zero setback) and a minimum of five feet of landscaping between an access driveway and a side or rear property line unless said driveway is to be used for common access by an adjacent lot.



A landscaping buffer did exist along the west side of the property prior to the subdivision. UDOT has constructed a five-foot zero-scaped landscape buffer area, however it was installed along the I-15 corridor side and not along the subject property.



West Side of Property Prior to Freeway Widening



West side of Property Current Conditions

Properties Affected by Eminent Domain Proceedings

Section 21-2-23 of the Sandy City Land Development Code allows the Planning Commission to grant special exceptions in connection with eminent domain proceedings or negotiations. These requests can be made by either the property owner or the condemning authority. The code lists several criteria to be used by the Planning Commission when determining if a special exception is warranted. These are as follows (see [section 21-2-23](#)):

- 1) *Granting the special exception does not adversely affect the health, safety, and welfare of the public.*
- 2) *Granting the special exception is the minimum necessary for the reasonable use of land and improvements.*
- 3) *Granting the special exception does not have a materially detrimental impact on the rights or enjoyment of property of adjacent property owners.*
- 4) *The special exception is the result of a hardship imposed by eminent domain proceedings or negotiations.*
- 5) *City staff has provided a recommendation to the Planning Commission describing whether the proposed changes that would be authorized by the special exception are necessary and appropriate for the changes in the property caused by the eminent domain proceedings or negotiations.*

Not providing a five-foot landscaping buffer on the west side will not adversely affect the health, safety, and welfare of the public. Keeping the area as asphalt will help facilitate truck access around the structures. Additionally, keeping the buffer on the I-15 side allows UDOT to have the necessary freeway signs and drainage systems within their right of way while meeting Federal and State traffic and safety requirements.

Recommendation

Staff recommends that the Planning Commission approve a special exception to not provide a five-foot landscaping buffer along the west side of the property located at 8496 S. Harrison St. based on the following findings:

Findings:

1. That granting the special exception does not adversely affect the health, safety, and welfare of the public as it would have minimal impact due to the limited visibility of rear yard area of the site.
2. That granting the special exception is the minimum necessary for the reasonable use of land and improvements. It is necessary to maintain vehicular access of large vehicles to an industrial development as demonstrated in the

applicant's materials.

3. That granting the special exception does not have a materially detrimental impact on the rights or enjoyment of property of adjacent property owners being that it is in an area of minimal visibility.
4. The special exception is the result of a hardship imposed by eminent domain proceedings or negotiations conducted by UDOT for an I-15 expansion project.
5. City staff has recommended that the proposed changes sought with the special exception are necessary and appropriate for the changes in the property caused by the eminent domain proceedings.

Planner:



Thomas Irvin
Senior Planner

File Name: S:\USERS\PLN\STAFFRPT\2024\SPX06262024-006791 Southeast Industrial Park Special Exception\Planning Commission\Southeast Industrial Park Special Exception \Planning Commission\Staff Report.docx

Exhibit "A"



State of Utah

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Lieutenant Governor

DEPARTMENT OF TRANSPORTATION

CARLOS M. BRACERAS, P.E.
Executive DirectorLISA J. WILSON, P.E.
Deputy Director of Engineering and OperationsBENJAMIN G. HUOT, P.E.
Deputy Director of Planning and Investment

21 June 2024

Mr. Thomas Irvin
Sandy Community Development
Planning Division

SUBJECT: Special Exception Request for SUB02222022-006272, Southeast Industrial Park Second Amended Condominium Plat, Amended to Units 101-116

Dear Mr. Irvin,

This special exception request is for elimination of the five-foot landscape buffer along the rear (west) boundary of the Southeast Industrial Park Amended Condominium Plat ("Plat"), amended to Units 101-116, located at 8496 S. Harrison Street in Sandy, Utah (see Exhibit A).

In 2020 as part of the I-15 northbound expansion project, UDOT needed additional property to construct the collector-distributor system. This resulted in the removal of Units 117, 118 and the existing landscape buffer (see Exhibit B) and the reconfiguration of the rear property line of the Plat. UDOT reconfigured the existing building and driveway aisle. However, they did not reestablish a landscape buffer (see Exhibit C). These impacts were made under the threat of eminent domain.

The current rockscape, curb and gutter are located within the UDOT ROW. There is not sufficient space to add a landscape buffer without compromising the usability of the rear of this property. The following points address Special Exception Review Criteria under Sandy City Code for Properties Affected by Eminent Domain Proceedings, Section 21-2-23(c):

1. Granting the special exception does not adversely affect the health, safety, and welfare of the public.
 - o Keeping the rockscape, curb and gutter where it is currently allows UDOT to have the necessary freeway signs and drainage system within the UDOT right of way and to meet Federal and State traffic

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State of Utah

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and safety requirements. The area in reference is at the rear of the site, and therefore has minimal effect on the health and welfare of the public. Additionally, it abuts an interstate with a speed limit of 70 mph.

2. Granting the special exception is the minimum necessary for the reasonable use of land and improvements.
 - o The site is set up to accommodate a WB-62 semi-truck, and any reduction to the area to accommodate the landscape buffer will reduce the functionality of the site for the businesses that use the space (see Exhibit D).
3. Granting the special exception does not have a materially detrimental impact on the rights or enjoyment of property of adjacent property owners.
 - o The layout of the rear of the property is consistent with the properties to the south; and the adjacent property to the north is bordered by a noise wall, providing a visual barrier to the Salt Lake County Recreation Center.
4. The special exception is the result of a hardship imposed by eminent domain proceedings or negotiations.
 - o Yes, the property acquisition was the result of a freeway improvement project along I-15 to add a collector-distributor system to help alleviate traffic congestion and enhance the safety of the traveling public.

UDOT has been negotiating with the property owners and the condominium association (see Exhibit E) to minimize the impact to their property and businesses. As a result of those negotiations, UDOT agreed to seek this Special Exception on the condominium association's behalf to waive the landscape buffer.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Jessica Rice".

Jessica A. Rice, S.E.
I-15 NB Project Director

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Exhibit “B”