

SOUTH JORDAN CITY

PLANNING COMMISSION STAFF REPORT

Meeting Date: 08/22/2023

Issue: **CONDITIONAL USE PERMIT FOR A RESTAURANT USE IN THE
COMMERCIAL-CORRIDOR (C-C) ZONE**

File No.: PLCUP202300138
Property Address: 10468 S. Redwood Road
Applicant: Zhong Xie
Property Owner: VGM Holdings, LLC.
Submitted By: Andrew McDonald, Planner I

Staff Recommendation (Motion Ready):

Approve the Conditional Use Permit (File No. PLCUP202300138) with no conditions, based on the Findings and Conclusions listed in this report.

CONDITIONAL USE REVIEW STANDARDS:

A conditional use shall not be established or commenced without a conditional use permit approved by the Planning Commission or City Council in conformance with the requirements of City Code §17.18.050; and other pertinent laws and ordinances. Unless amended, revoked, or otherwise specified, the permit shall be indefinite and shall run with the land.

The Planning Commission shall approve a conditional use permit application if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed conditional use in accordance with applicable standards. The Planning Commission may deny a conditional use permit application if the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards.

City Code §17.18.050.I also provides standards for compliance and revocation:

1. A conditional use may be commenced and operated only upon:
 - a. Compliance with all conditions of an applicable conditional use permit;
 - b. Observance of all requirements of this title relating to maintenance of improvements and conduct of the use or business as approved; and
 - c. Compliance with all applicable local, State, and Federal laws.
 2. A conditional use permit may be revoked by the City Council at any time due to the permittee's failure to commence or operate the conditional use in accordance with the requirements of subsection II of this section.
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BACKGROUND:

The applicant is requesting that the Planning Commission review and approve a Conditional Use Permit for a restaurant use in the C-C zone at 10468 S. Redwood Road. The proposal is to renovate an existing tenant space (roughly 993 ft²) to open a boba drink and smoothie shop, known as Boba Memory. The applicant submitted the attached operations plan that details delivery hours and procedures. The subject property is currently zoned C-C and is within the Fabric Center Commercial Subdivision. Boba Memory will occupy the smaller unit of the existing 2,500 sf two-unit building. City Code 17.18.020 B. classifies Boba Memory as a commercial use that requires a CUP in the C-C Zone.

FINDINGS, CONCLUSION, & RECOMMENDATION

FINDINGS:

- This building has been used for office and retail since completion in 2002.
- There is no record of any prior CUP applications, or approvals, for a restaurant use at this address.
- Boba Memory meets the definition of a restaurant as defined in City Code §17.18.060, “Establishments primarily engaged in the retail sale of prepared food and drinks for on site or immediate consumption.” This definition is commonly associated with cafes.
- There is an existing office building, currently zoned Professional Office (P-O), that buffers the subject property from the nearest residential (R-3) land use boundary.
- The surrounding properties to the north, east, and south are also zoned C-C.
- City Code §17.04.290 restricts the loading, unloading, deliveries, and handling of non-residential use materials between the hours of 7:00 A.M. and 10:00 P.M..
- The applicant currently has applications for a business license, sign permit, and tenant improvement building permit pending review with City Staff and subject to the outcome of the CUP.
- There will be no exterior modifications to the building or site plan.
- There will be no drive-thru.
- Parking needs for a restaurant use without a drive through are sufficient.

Conclusion:

Based on the application materials and the findings listed in this report, staff concludes that the proposed application is consistent with City Code pertaining to the C-C Zone.

Recommendation:

Staff recommends that the Planning Commission take comments at the public hearing, and **Approve** the Conditional Use Permit Application (File No. PLCUP202300138) with no conditions, based on the findings and conclusions within this Staff report.

ALTERNATIVES TO RECOMMENDATION:

- Approve the Conditional Use Permit with reasonable conditions imposed
- Deny the Conditional Use Permit if detrimental effects are identified, and cannot be reasonably mitigated via imposition of reasonable conditions
- Require additional examination, and motion to table for a future meeting

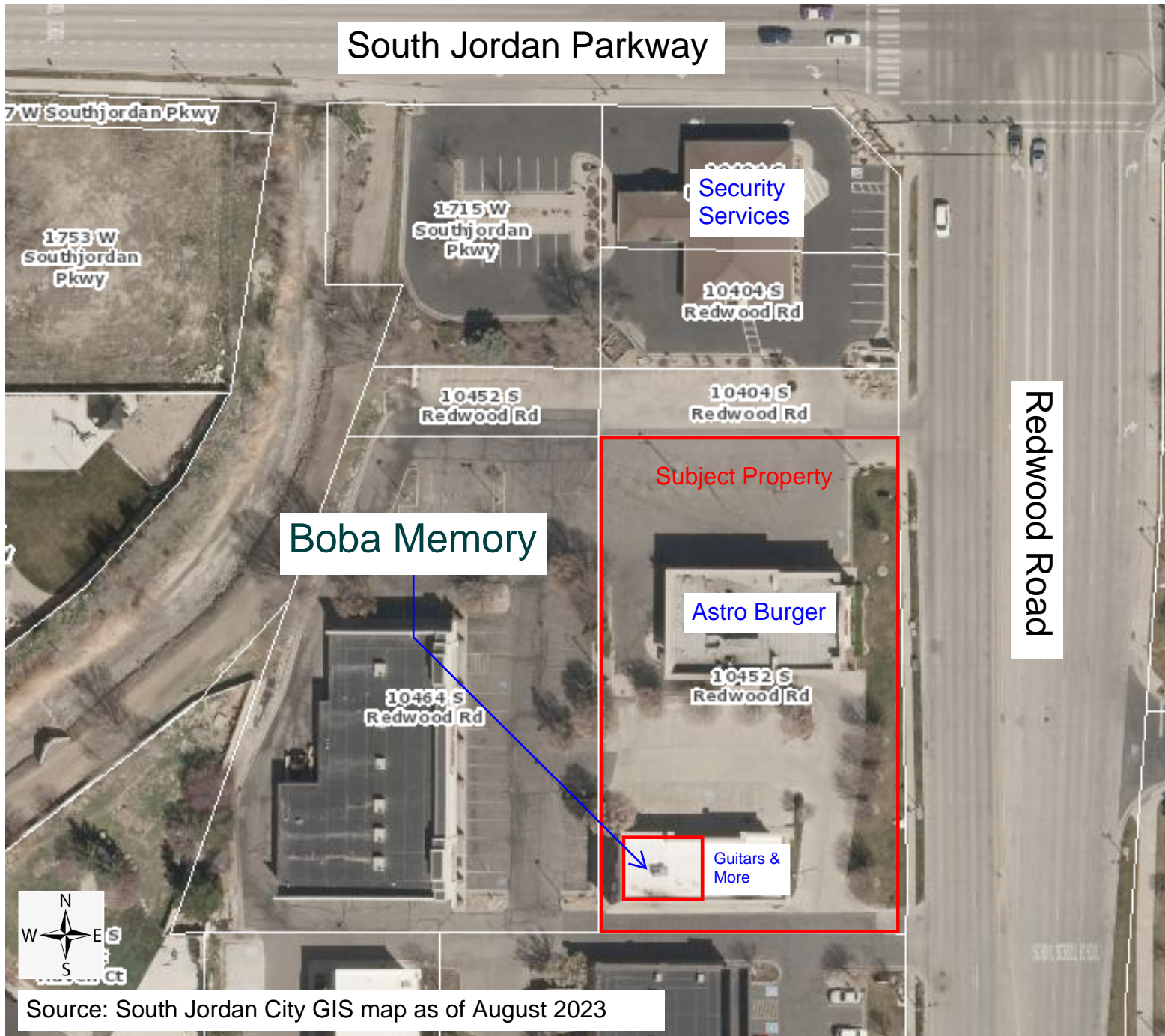
SUPPORT MATERIALS:

- Location Map
- Current Zoning Map
- Proposed Floor Plan
- Operations Plan

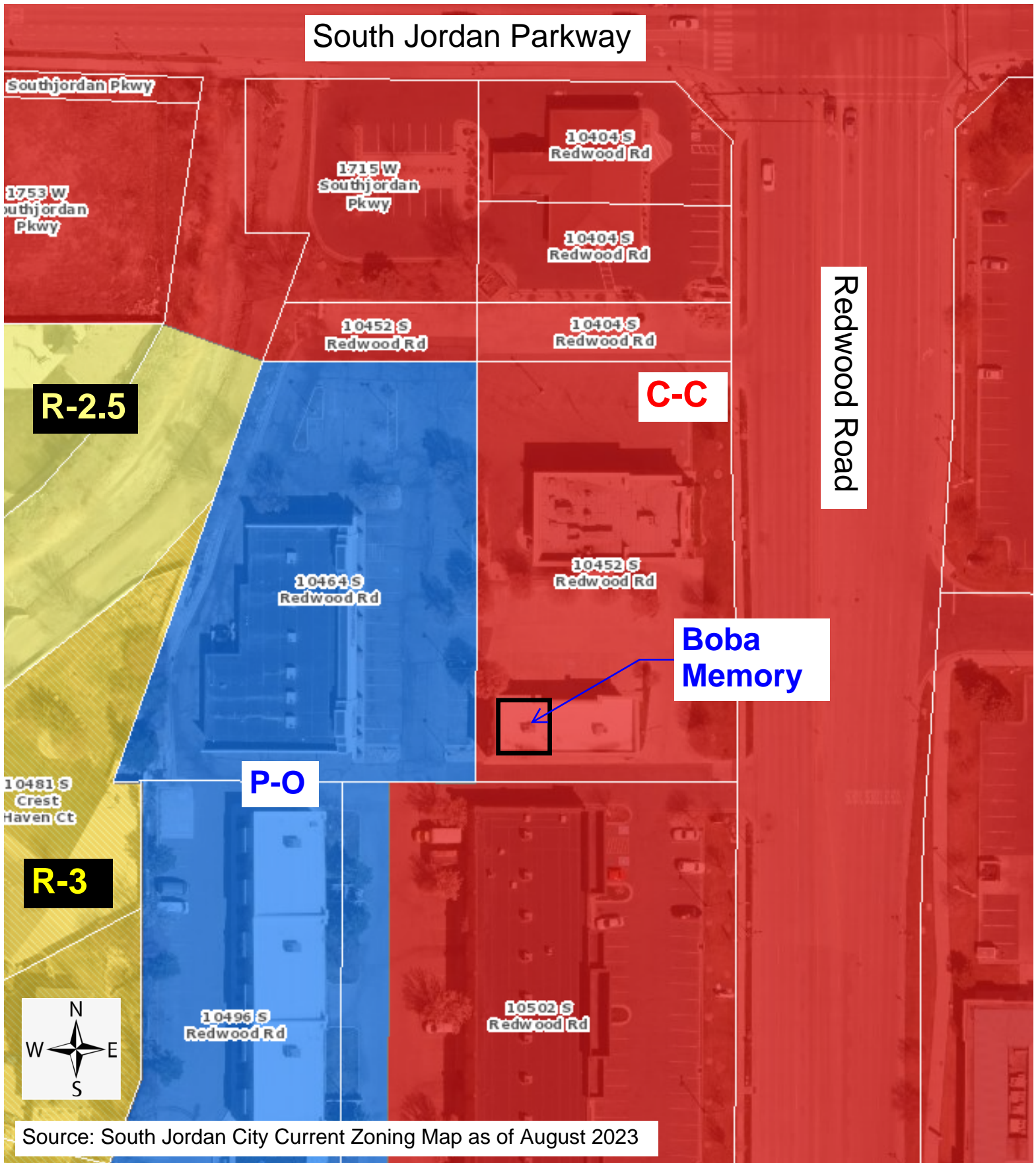
A handwritten signature in black ink that reads "Andrew McDonald". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

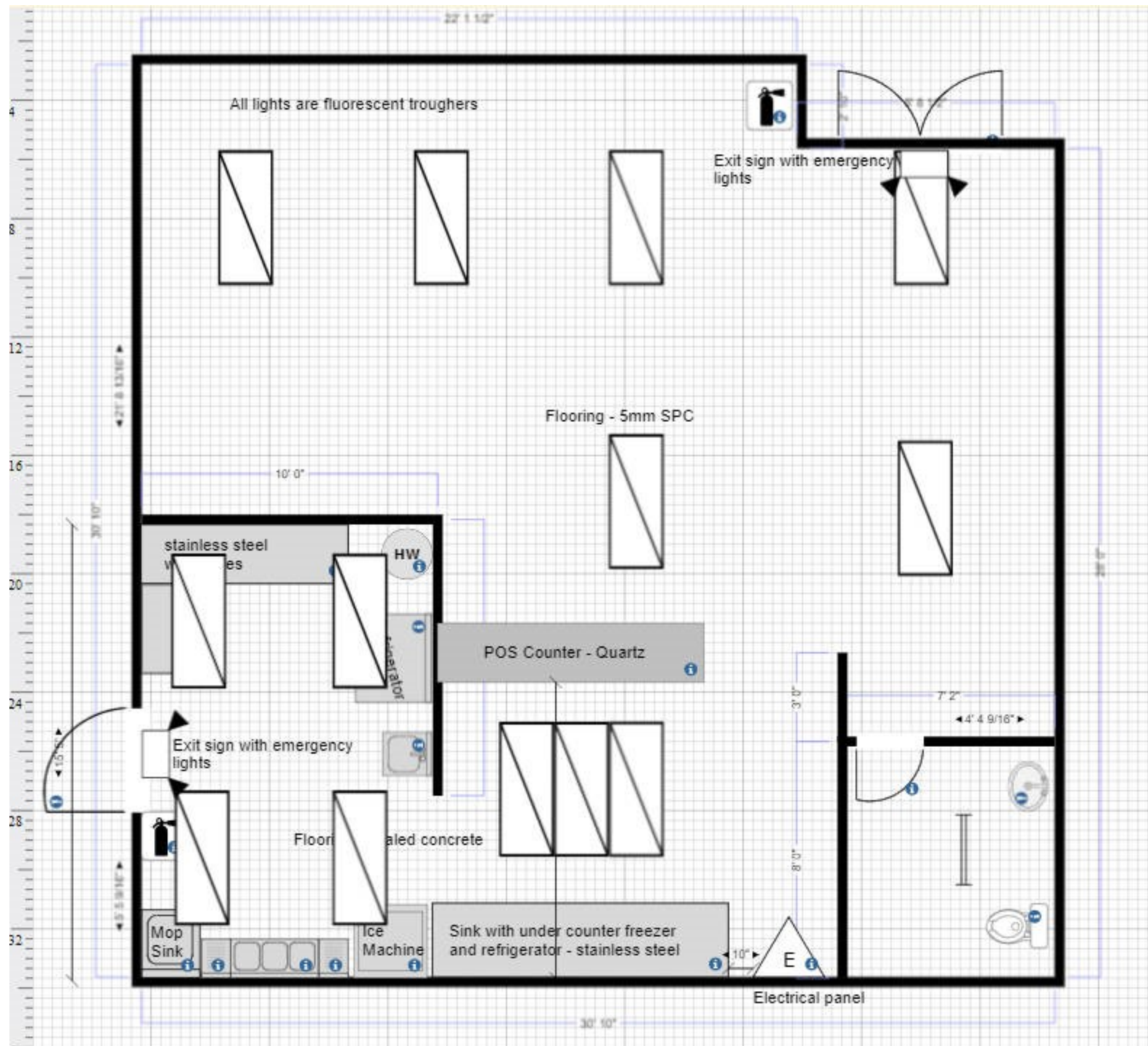
ANDREW MCDONALD, PLANNER I
PLANNING DEPARTMENT

Location Map



Current Zoning Map





Boba Memory Operations Plan

date of commencement of operations: 8/25/2023 if possible may be 9/1/2023

proposed hours and days of operation: Monday – Saturday 10:30-9PM, maybe Sunday 1-7PM

a general description of the operation: Boba Memory is a boba tea and smoothie shop. We sell boba drinks and smoothies only. Boba is cooked and cooled tapioca balls placed in tea or smoothies, along with options for milk and other flavors. Employees will make drinks ordered by customers. Customers will pick up drinks and leave most of the time. We will have a few tables for customers to sit and there will be free board games available for customers to play while in the shop if they wish.

a projection of the number of persons on site (e.g., employees and customers); 2 to 3 employees at all open times. 1-10 customers.

types of accessory uses anticipated; hazardous materials to be used or produced on site; and all other relevant information to describe the nature, scale, practices of the establishment. No hazardous materials will be used.

times, dates, and procedures for deliveries. 10:30 – 11 AM, food delivery, every 2 to 3 days. Deliveries will be made to the west facing kitchen door only.