

## **SOUTH JORDAN CITY**

### **PLANNING COMMISSION STAFF REPORT**

**Meeting Date: 04/11/2023**

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

**File No.:**           PLCUP202300047  
**Property Address:** 3649 W South Jordan Pkwy #106  
**Applicant:**       Rice King Express, LLC.  
**Property Owner:** Harvest Pointe, LLC.  
**Submitted By:**   Jake Linck, Planning Technician

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#### **Staff Recommendation (Motion Ready):**

I move that the Planning Commission **approve** the Conditional Use Permit (File No. **PLCUP202300047**) without conditions, based on the Findings and Conclusions listed in this report.

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#### **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 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 I1 of this section.

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## **BACKGROUND:**

The applicant, on behalf of the property owner, is requesting that the Planning Commission review and approve a conditional use permit for a restaurant use in the C-C zone at 3649 W South Jordan Pkwy #106. The proposal is to renovate an existing tenant space (roughly 1,100 ft<sup>2</sup>) to open a restaurant known as Rice King Express. The subject property is currently zoned C-C, and is within the Albertsons 10400 S subdivision. Rice King Express will occupy tenant site “106” of the existing (7,500 ft<sup>2</sup>) Harvest Pointe retail building A. City Code 17.18.020.C. (Allowed Uses Table). classifies Rice King Express as a commercial use that requires a CUP in the C-C Zone.

## **FINDINGS, CONCLUSION, & RECOMMENDATION**

### **FINDINGS:**

- This building has been primarily used for retail, professional services, and restaurants since completion.
- There have been multiple restaurants approved for this building in the past, including Subway and Yogurt Vibes. Those restaurants, however, were approved before Ordinance 2016-02 was enacted, which made restaurants a conditional use in the C-C zone.
- There is no record of any prior CUP applications, or approvals, for a restaurant use for unit 106.
- Rice King Express will prepare and sell Chinese cuisine on site, and therefore 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.”)
- The rear (South) wall of Rice King Express is roughly 200’ (ft.) to the nearest residential (R-M-8) land-use boundary.
- The properties to the north, east, and west 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.
- There is no existing drive-thru and the applicant is not proposing to make exterior modifications to the building or site plan.
- Parking availability for a restaurant use without a drive-thru is sufficient.

### **Conclusion:**

Staff has not identified any detrimental effects related to the proposed business, and 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. PLCUP202300047) without conditions.

**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

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JAKE LINCK, PLANNING TECHNICIAN  
PLANNING DEPARTMENT



Proposed Location

3/30/2023, 1:40:57 PM

1:2,000

0	0.01	0.03	0.06 mi
1.2,000			

	0	0.03	0.06	0.11 km
0.00	0.00	0.00	0.00	0.00
0.01	0.01	0.01	0.01	0.01
0.02	0.02	0.02	0.02	0.02
0.03	0.03	0.03	0.03	0.03
0.04	0.04	0.04	0.04	0.04
0.05	0.05	0.05	0.05	0.05
0.06	0.06	0.06	0.06	0.06
0.07	0.07	0.07	0.07	0.07
0.08	0.08	0.08	0.08	0.08
0.09	0.09	0.09	0.09	0.09
0.10	0.10	0.10	0.10	0.10
0.11	0.11	0.11	0.11	0.11
0.12	0.12	0.12	0.12	0.12
0.13	0.13	0.13	0.13	0.13
0.14	0.14	0.14	0.14	0.14
0.15	0.15	0.15	0.15	0.15
0.16	0.16	0.16	0.16	0.16
0.17	0.17	0.17	0.17	0.17
0.18	0.18	0.18	0.18	0.18
0.19	0.19	0.19	0.19	0.19
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0.24	0.24	0.24	0.24	0.24
0.25	0.25	0.25	0.25	0.25
0.26	0.26	0.26	0.26	0.26
0.27	0.27	0.27	0.27	0.27
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0.34	0.34	0.34	0.34	0.34
0.35	0.35	0.35	0.35	0.35
0.36	0.36	0.36	0.36	0.36
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0.40	0.40	0.40	0.40	0.40
0.41	0.41	0.41	0.41	0.41
0.42	0.42	0.42	0.42	0.42
0.43	0.43	0.43	0.43	0.43
0.44	0.44	0.44	0.44	0.44
0.45	0.45	0.45	0.45	0.45
0.46	0.46	0.46	0.46	0.46
0.47	0.47	0.47	0.47	0.47
0.48	0.48	0.48	0.48	0.48
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0.54	0.54	0.54	0.54	0.54
0.55	0.55	0.55	0.55	0.55
0.56	0.56	0.56	0.56	0.56
0.57	0.57	0.57	0.57	0.57
0.58	0.58	0.58	0.58	0.58
0.59	0.59	0.59	0.59	0.59
0.60	0.60	0.60	0.60	0.60
0.61	0.61	0.61	0.61	0.61
0.62	0.62	0.62	0.62	0.62
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0.66	0.66	0.66	0.66	0.66
0.67	0.67	0.67	0.67	0.67
0.68	0.68	0.68	0.68	0.68
0.69	0.69	0.69	0.69	0.69
0.70	0.70	0.70	0.70</	

City of South Jordan, GIS department	0	0.03	0.0
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Parcels	Zoning	Legend
R-3		C-C; C-C (PD)
R-4		C-N (PD); C-N
R-1.8		C-1
R-2.5		C-F
R-M-5 (PD); R-M; R-M-6 (PD); R-M-7; R-M-8; R-M; R-M-4; R-M-5; R-M-6		OS-P
		A-1
		A-5
		I-F

SJC - GIS  
City of South Jordan, GIS department | SJC - GIS | Daybreak, South Jordan City GIS | City of South Jordan GIS

SJC - GIS



# VICINITY MAP

SCALE: N.T.S



NORTH



## KEYED NOTES:

1. ADA PARKING
2. ADA ACCESS TO WALK
3. BUILDING ENTRY

# SITE AERIAL

SCALE: N.T.S.



NORTH