

## **SOUTH JORDAN CITY**

### **PLANNING COMMISSION STAFF REPORT**

**Meeting Date: 02/14/2023**

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

**File No.:**           PLCUP202200235  
**Property Address:** 10522 S. Redwood Road  
**Applicant:**       Troy B. Thayne/SRT, LLC.  
**Property Owner:** VGM Holdings, LLC.  
**Submitted By:**   Andrew McDonald, Planner I

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

**Approve** the Conditional Use Permit (File No. **PLCUP202200235**) with no 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 10522 S. Redwood Road. The proposal is to renovate an existing tenant space (roughly 1,500 ft<sup>2</sup>) to open a donut café known as Donut Star Café. The subject property is currently zoned C-C and is within Phase I of the Astro Business/Retail Center. Donut Star Café will occupy tenant space “B” of the existing 15,000 ft<sup>2</sup>, ten-unit building. City Code § 17.18.020 B. classifies Donut Star Café as a commercial use that requires a CUP in the C-C Zone.

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

### **Findings:**

- This building has been primarily used for office and retail since completion. Retail and office are both permitted uses in the C-C Zone.
- Donut Star Café is the first restaurant use to be proposed. There is no record of any prior CUP applications, or approvals, for a restaurant use at this address.
- Donut Star Café 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.
- Donuts will be prepared and sold on-site. Coffee will also be available for purchase.
- The rear (west) wall of Donut Star Café is roughly 200-feet from the nearest residential (R-3) zoning boundary.
- There is an existing office building, currently zoned Professional Office (P-O), that buffers the subject property from the nearest residential (R-3) zoning boundary.
- The properties to the north, east, and south are also zoned C-C.
- City Code §17.04.290 restricts loading, unloading, deliveries, and handling of non-residential use materials between the hours of 7:00 A.M. and 10:00 P.M.
- There will be no exterior modifications to the building or site plan, and no drive-thru.
- Parking needs for a restaurant use without a drive-thru 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. PLCUP202200235) 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:**

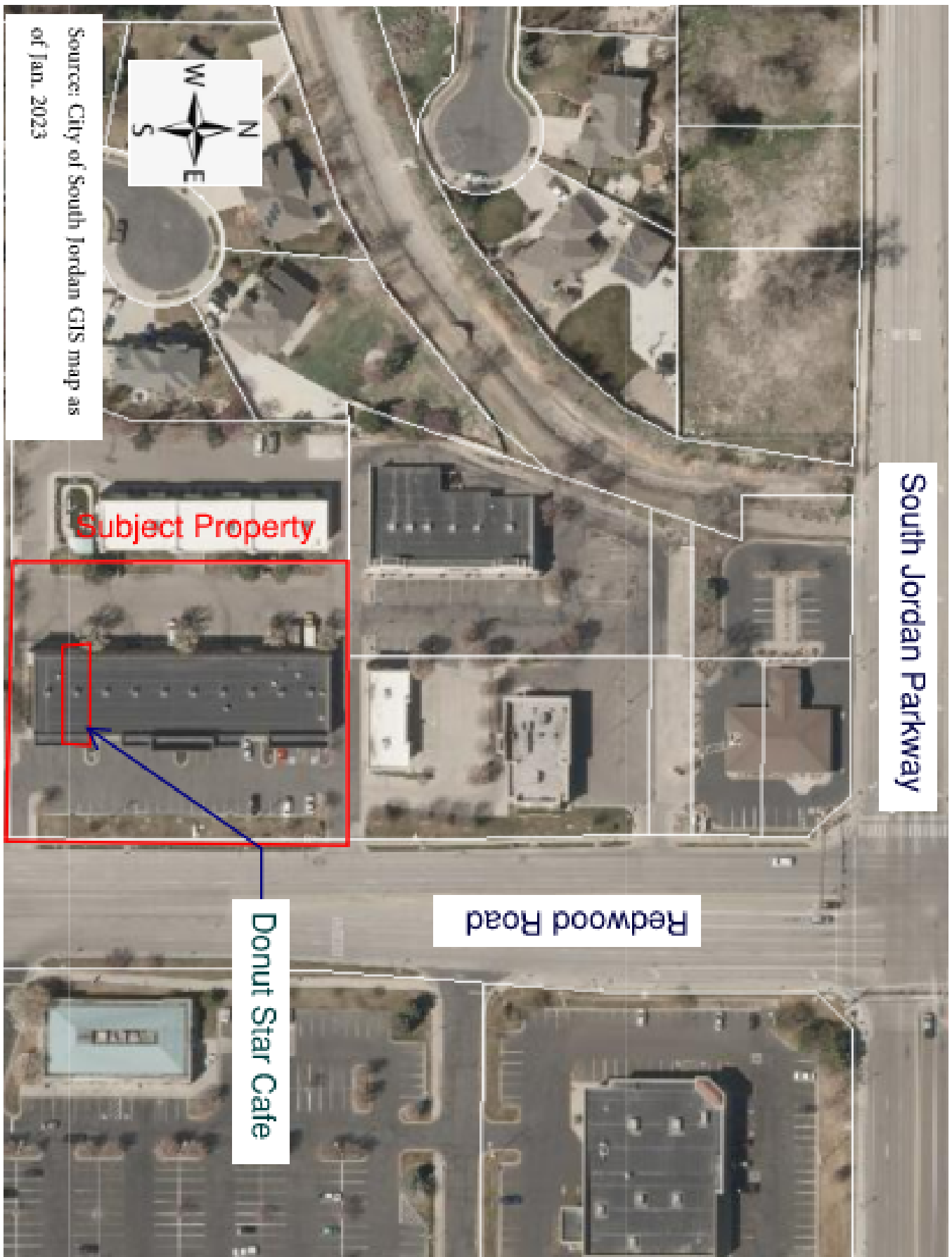
- Location Map
- Current Zoning Map
- Site Plan
- Proposed Floor Plan

A handwritten signature in black ink, reading "Andrew McDonald". The signature is fluid and cursive, with the first name "Andrew" and last name "McDonald" clearly distinguishable.

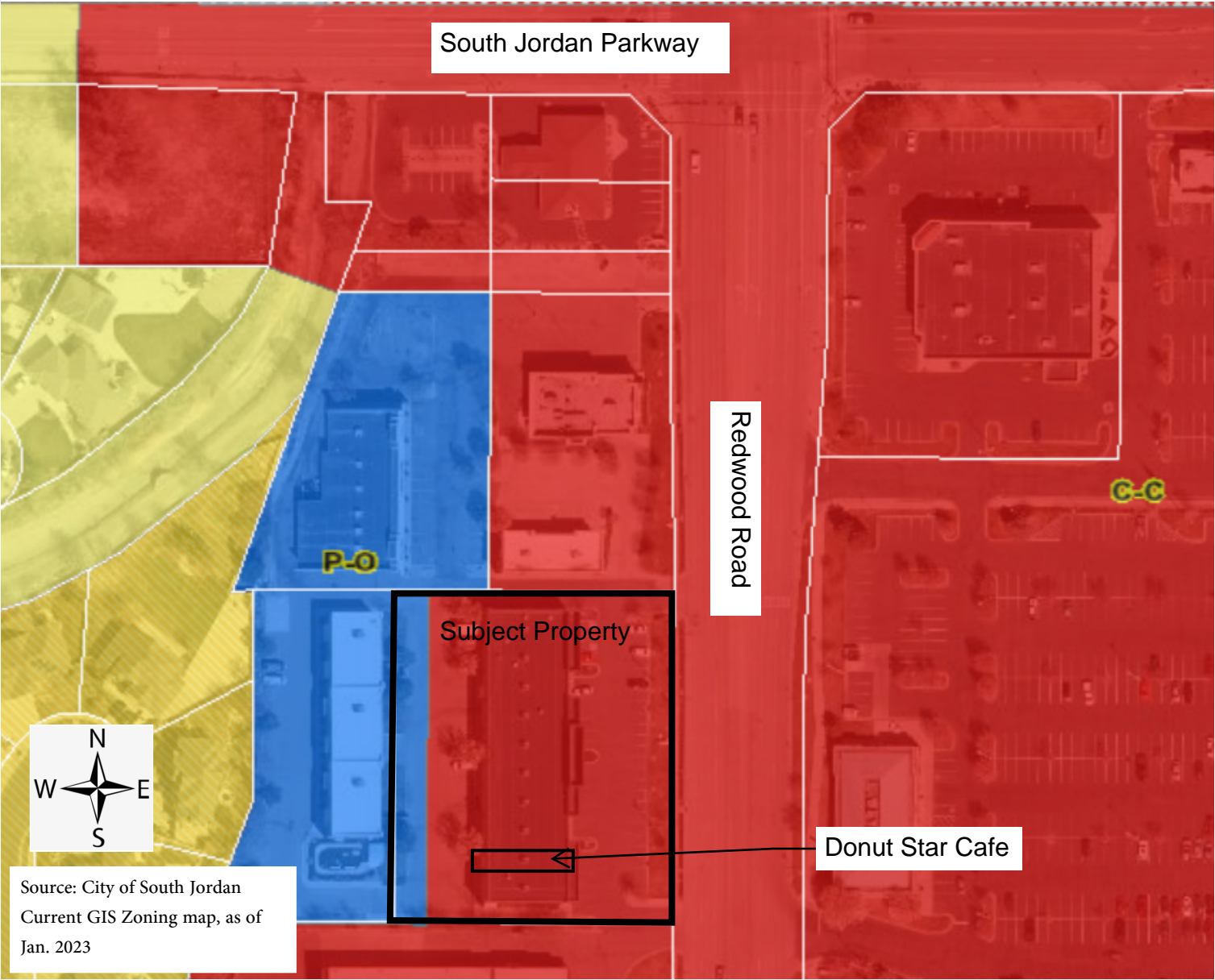
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ANDREW MCDONALD, PLANNER I  
PLANNING DEPARTMENT

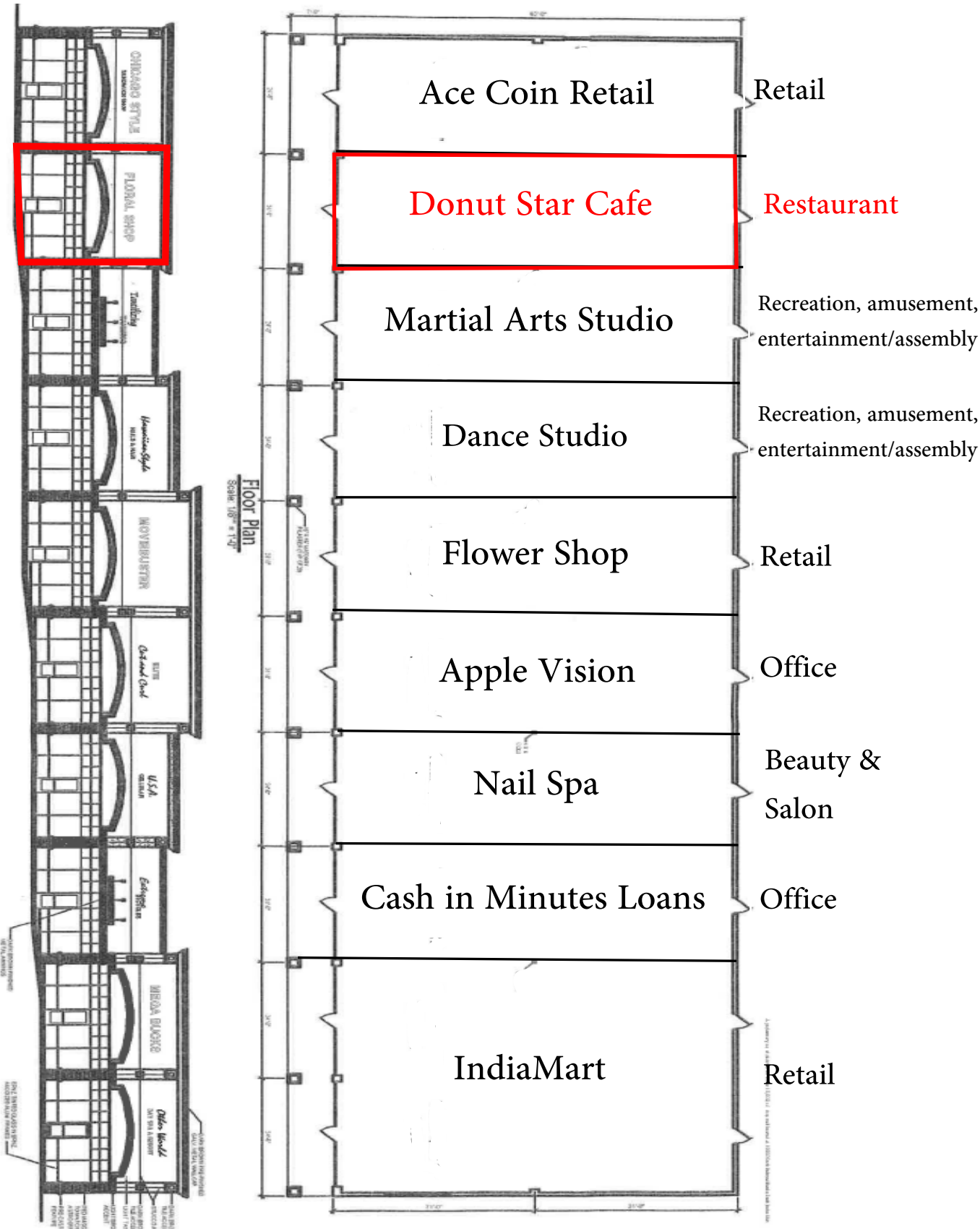
# Location Map



# Current Zoning Map



# Site Plan



# Proposed Floor Plan

