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MEMORANDUM

May 28, 2020

To: Planning Commission
From: Community Development Department
Subject: Jolley Pharmacy (2nd Request) – Proposed Amendments CODE-04-20-5844
to the SD(Carnation) Zone
Amend Title 21, Chapter 19 – Special Development (SD)
Districts, Section 20 – SD(Carnation), of the Sandy
Municipal Code

HEARING NOTICE: *This item has been noticed on public websites, and in the newspaper at least 10 days prior to the Public Hearing.*

PROPERTY CASE HISTORY	
Case Number	Case Summary
R#04-04	Rezoned from CVC and OS to the SD(Carnation) Zone
SPR#04-20	Phase 1 of the 106 th South Retail Center Site Plan Review
CODE-10-19-5752	A couple of code amendments to the SD(Carnation) Zone for Jolley Pharmacy was approved by the City Council on December 17, 2019. The amendment allowed for a pharmacy (including ancillary compounding) and medical and health care office as permitted uses in this zone. It also reduced the required landscape buffer along 10600 South.

REQUEST

Adam Nash, representing several property owners that are part of the area zoned SD(Carnation), has submitted another application for more amendments to the existing SD(Carnation) Special Development District. The proposal would amend Title 21, Chapter 19 – Special Development (SD) Districts, Section 20 – SD(Carnation), of the Sandy Municipal Code. The existing SD Zone only affects approximately 3.3 acres located at approximately 980 East 10600 South (see zoning map). The proposed zone changes would allow for a pharmacy to operate with a drive-up and walk-up window and to reduce the amount of required parking for all retail commercial uses within this zone district (see the attached applicant letter).

BACKGROUND

In 2004, the SD(Carnation) Zone was developed specifically for this site and is not used in any other location. These properties were previously zoned CvC (Convenience Commercial) and OS (Open Space). The purpose of the SD Zone is expressed in the code:

Sec. 21-19-20. - SD(Carnation)—10600 S. 1000 E.

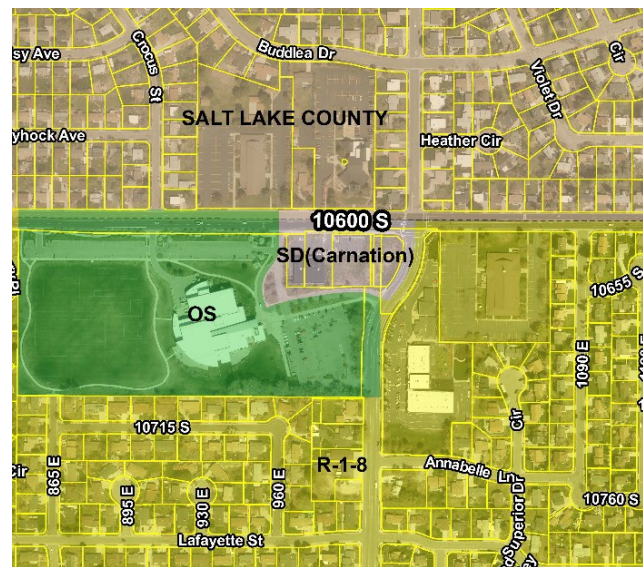
- (a) *Purpose.* The SD(Carnation) Zone is established to provide an area for convenience commercial retail services and professional and business offices with development standards compatible with those of contiguous properties.

A site plan was approved in 2004 for the existing retail building (currently used by Big 5 Sporting Goods Store) and showed future phases being inline retail buildings and more parking. The future phases never materialized to date. The applicant is currently working with staff on a new site plan for the remaining undeveloped property.

Last fall, the same applicant submitted a code amendment request that was unanimously approved by the City Council on December 17, 2019. The code amendment made two (2) changes to this zone district:

- 1) Made pharmacy (including ancillary compounding) and medical and health care office permitted uses in this zone.
- 2) A reduction in the required landscape buffer along 10600 South.

The properties are bordered to the north by single-family homes and churches (Salt Lake County Island - White City); to the west and south by the Dimple Dell Recreation Center (OS Zone); and to the east is a school and a church (R-1-8 Zone).



ANALYSIS

The Planning Commission must review the following criteria when considering a requested Code Amendment:

Is the change reasonably necessary?

Is it in the public interest?

Is it in harmony with the objectives and purposes of the future development of Sandy City?

Is the change consistent with the General Plan?

The applicant's request letter does not state how the requested code amendments meet these criteria. The current request includes proposed amendments that were originally proposed with their previous code amendment request from last year. Staff did not support all the original requests. After discussing the proposal further with the applicant, the request was revised and those received approval. The applicant has now returned with this current application that includes the two (2) items that were removed from the previous application.

The first request is to allow drive-up and walk-up windows (in particular for a pharmacy) as permitted uses in this zone. This zone was originally created with a limited selection of permitted and conditional uses that mostly follows those of the CVC Zone, with some further exceptions. This was done to limit the potential negative impacts from certain uses. Drive-up windows can create negative impacts, in particular those connected with restaurants. Staff was initially concerned with this request to allow any drive-up windows in this area. However, if these are limited to a non-food uses (and possibly only a pharmacy), Staff is supportive. It's also important to note that a walk-up window is already allowed and not restricted.

The second request is to reduce the parking requirement to 3.5 parking stalls per 1,000 square feet of net retail square footage. This is a large reduction from the current standard of five (5) stalls per 1,000 square feet of gross commercial space. The request represents a 30% reduction from the standard. The distinction of net retail vs gross building square footage also constitutes an additional large reduction on top of the 30% reduction. This would exclude all storage space from parking calculation and only include retail/commercial floor space. This is not consistent with how the city administers the parking requirements throughout all commercial zones. In the parking requirement section of the Land Development Code (section 21-24), it already contains a mechanism to reduce parking requirements up to 25% if it is demonstrated that such a reduction can be justified by meeting certain criteria (see section 21-24-3). Staff is not supportive of this request.

A redlined version of all proposed text changes of the affected chapter is shown in Exhibit "A" attached hereto. Staff's recommended version of all proposed text changes is shown in the attached Exhibit "B".

NON-CONFORMING USES

This Code Amendment would not create any non-conforming use situations.

LAND DEVELOPMENT CODE PURPOSE COMPLIANCE

The Sandy City Land Development Code in 21-1-3 lists the criteria explaining the intent and purpose of the Ordinance. The purpose is:

Sec. 21-1-3. - Purpose and Scope.

- (a) *Purpose.* The ordinance from which this title is derived is adopted to implement the Sandy City's General Plan and to promote public health, safety, convenience, aesthetics, and welfare; efficient use of land; sustainable land use and building practices; transportation options and accessibility; crime prevention; timely citizen involvement in land use decision making; and efficiency in development review and land use administration. Specifically, this title is established to promote the following purposes:
- (1) *General.*
 - a. To facilitate the orderly growth and development of Sandy City.
 - b. To facilitate adequate provision for transportation, water, sewage, schools, parks, and other public requirements.
 - c. To stabilize property values.
 - d. To enhance the economic well-being of Sandy City and its inhabitants.
 - (2) *Implementation of General Plan.* To coordinate and ensure the implementation of the City's General Plan through effective execution of development review requirements, adequate facility and services review and other goals, policies, or programs contained in the General Plan.

- (3) *Comprehensive, Consistent and Equitable Regulations.* To establish a system of fair, comprehensive, consistent and equitable regulations, standards and procedures for review and approval of all proposed land development within the City.
- (4) *Efficiently and Effectively Managed Procedures.*
 - a. To promote fair procedures that are efficient and effective in terms of time and expense.
 - b. To be effective and responsive in terms of the allocation of authority and delegation of powers and duties among ministerial, appointed, and elected officials.
 - c. To foster a positive customer service attitude and to respect the rights of all applicants and affected citizens.

GENERAL PLAN COMPLIANCE

The General Plan encourages appropriate development standards for all uses and zoning categories within Sandy City. This code amendment would further that goal and objective. The proposed Code Amendment will facilitate the orderly growth and development of Sandy City. These regulations would help promote the health, safety and welfare of our residents.

STAFF RECOMMENDATIONS

The Community Development Department requests that the Planning Commission forward a positive recommendation to the City Council to adopt the proposed ordinance amendment as shown in Exhibit “B”, attached, for the following reasons:

1. The proposal complies with the Purpose of the Land Development Code as stated in section 15A-01-03.
2. Compliance with the Goals and Policies of the General Plan by establishing appropriate development standards for all uses and zoning categories within Sandy City.

Planner:



Mike Wilcox
Zoning Administrator