

JAMES SORENSEN  
COMMUNITY DEVELOPMENT  
DIRECTOR

KURT BRADBURN  
MAYOR

MATTHEW HUISH  
CHIEF ADMINISTRATIVE OFFICER

# MEMORANDUM

November 13, 2019

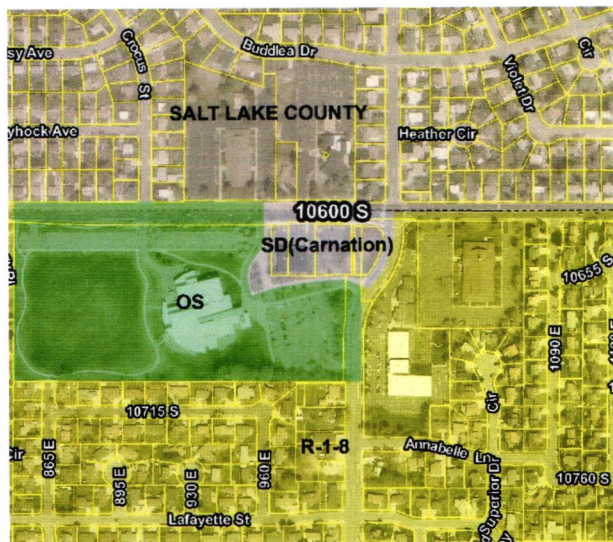
**To:** Planning Commission  
**From:** Community Development Department  
**Subject:** Jolley Pharmacy – Proposed Amendments to the SD(Carnation) Zone CODE-10-19-5752  
 Amend Title 21, Chapter 19 – Special Development (SD) Districts, Section 20 – SD(Carnation), of the Sandy Municipal Code

**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 <sup>th</sup> South Retail Center Site Plan Review

## REQUEST

Adam Nash, representing several property owners that are part of the area zoned SD(Carnation), has submitted an application for a couple of code 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 Jolley Pharmacy to relocate to this site in a new building, and retrofit the existing building into a Medical Office Plaza. In all, the applicant has proposed two (2) changes



to the code (see the attached applicant letter) that would only apply to this zone district. He is requesting to make pharmacy (including ancillary compounding) and medical and health care office permitted uses in this zone. The request also includes a reduction in the required landscape buffer along 10600 South.

### **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 and a retrofit of the existing Big 5 retail building. They are intending to create a medical plaza.

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. Staff was initially concerned about the original request, as they were seeking changes to the Code that staff did not support. After discussing this request further with the applicant, they have revised the requested amendments to two (2) main items. Staff believes that those two (2) amendments meet the criteria mentioned above.

The first request is to make pharmacy (including ancillary compounding) and medical and health care office permitted uses in this zone. Medical Offices are currently conditional in the zone. A pharmacy would be permitted currently, but compounding generally has been considered a light industrial use and is not permitted currently. Staff is supportive of the compounding as an ancillary use to a pharmacy.

The second request is to reduce the landscape buffer along 10600 South to eight feet (8') from the current standard of ten feet (10'). The typical requirement in all commercial zones for a landscape area along street frontages is fifteen feet (15'). Staff supports this request, as it will allow a public

multi-use trail to be installed along the 10600 South frontage without changing the existing parking lot area.

The clean version of all final proposed text of each affected chapter is shown in Exhibit “A” attached hereto. A full detail of all redlined 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 "A", 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:

Reviewed by: *BM*



Mike Wilcox  
Zoning Administrator

File Name: S:\USERS\PLN\STAFFRPT\2019\CODE-10-19-5752\_JOLLEY PHARMACY - SD(CARNATION) ZONE AMENDMENTS\STAFF REPORT.DOCX

## Exhibit "A"

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.
- (b) *Uses Allowed.*
  - (1) *Permitted and Conditional Uses.* Permitted or Conditional Uses shall follow the use list for the CvC Zone, as listed in Section 21-8-2, with the following exceptions:
    - a. All alcoholic beverage related land uses shall be not permitted within this district with the exception of alcoholic beverage off-premises beer retailer licenses.
    - b. All automotive-related land uses, including repair, oil change, gasoline dispensing, rental and other service activities, shall be not permitted within this district.
    - c. All pharmacy (including ancillary compounding) and medical and health care office uses shall be permitted within this district.
  - (c) *Development Standards.* The following standards shall apply specifically to development in the SD(Carnation) Zone. Where a specific standard is not mentioned, the development requirements of the CvC Zone District shall apply, in addition to general standards provided in Chapter 21-23. Where conflict may be found to exist, the provisions of this zone district shall prevail.
    - (1) *Planning Commission Review.* Review of all preliminary and final site plans in the SD(Carnation) Zone is required by the Planning Commission according to the standards outlined in Chapter 21-32. A Traffic Study shall be submitted before Planning Commission review, as may be required by the Transportation Engineer.
    - (2) *Building Setbacks.*
      - a. *From all Streets.* All buildings shall be set back at least 30 feet from the 10600 South Street right-of-way line. All buildings shall be set back at least 15 feet from the 1000 East realignment right-of-way line.
      - b. *Interior Yard.* There shall be at least a ten-foot setback from each interior property line.
    - (3) *Landscaping.* The minimum depth of landscaping along the 10600 South street frontage shall be eight feet. The minimum depth of landscaping adjacent to all drive access points for the Dimple Dell Recreation Center Drive access roads shall be ten feet. Landscaping along the 1000 East Realignment shall be at least 15 feet.

## Exhibit "B"

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.
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  - (1) *Permitted and Conditional Uses.* Permitted or Conditional Uses shall follow the use list for the CvC Zone, as listed in Section 21-8-2, with the following exceptions:
    - a. All alcoholic beverage related land uses shall be not permitted within this district with the exception of alcoholic beverage off-premises beer retailer licenses.
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  - (1) *Planning Commission Review.* Review of all preliminary and final site plans in the SD(Carnation) Zone is required by the Planning Commission according to the standards outlined in Chapter 21-32. A Traffic Study shall be submitted before Planning Commission review, as may be required by the Transportation Engineer.
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## Mike Wilcox

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**From:** Adam Nash <[adam@growthaid.com](mailto:adam@growthaid.com)>  
**Sent:** Thursday, November 14, 2019 11:08 AM  
**To:** James Sorensen  
**Cc:** Mike Wilcox; Troy Johansen  
**Subject:** Amended Petition to Planning Commission to amend Carnation Zone

Mike,

Please amend the request to only address the land uses to include medical as we have discussed and the existing improvements along 10600 South to remain as built.

If we need to address anything else, please contact me asap and I will respond accordingly.

Thank you for getting this put together.

This is going to be a nice development that the city can be proud of.

Adam

On Nov 14, 2019, at 9:29 AM, Adam Nash <[adam@growthaid.com](mailto:adam@growthaid.com)> wrote:

FYI

For Discussion today

Begin forwarded message:

**From:** Adam Nash <[adam@growthaid.com](mailto:adam@growthaid.com)>  
**Subject:** Re: Petition to Planning Commission to amend Carnation Zone  
**Date:** October 29, 2019 at 11:24:48 AM MDT  
**To:** Troy Johansen <[jolleyssandyrx@gmail.com](mailto:jolleyssandyrx@gmail.com)>

Troy, I sent this request today and will file the paperwork this afternoon. ASN

On Oct 29, 2019, at 11:22 AM, Adam Nash <[adam@growthaid.com](mailto:adam@growthaid.com)> wrote:

Dear James and Jared,

Please accept this letter, along with the completed application that will be delivered this afternoon, to request a code amendment for the Carnation Zone located at 1000 East and 10600 South. The associated plan case numbers are SPR-08-19-005704 and SUB-08-19-005705.

We are asking that the code be revised and amended to include the following:

Overall Parking Ratio to be 3.5/1000 sq feet of net useable space (not including foyers, entrances, hallways, bathrooms or storage areas).

That parking stalls and driveways (no permanent structures) be allowed to be placed over sewer and water easements. (1000 East was vacated but the utilities were not rerouted into the new street).

That Pharmaceutical Sales and Compounding Services, Medical Clinic, Medical Practitioners, Insta-Care Clinics, and Medical sales be included and added to the list of permitted uses in the Carnation Zone with parking @ 4.0/1000.

That drive-up window be a permitted use in the Zone.

That the existing sidewalk curb and gutter, park strips, landscaping and other improvements be allowed to remain, unchanged along 10600 South.

That the project be approved with or without access to the Dimple Dell Recreation Center (the plan is to connect, but it is not required to further develop the site).

Let me know when this will be placed on the Planning Commission Agenda.

Thank you,

Adam Nash

On Oct 24, 2019, at 9:53 AM, Jared Gerber <[jgerber@sandy.utah.gov](mailto:jgerber@sandy.utah.gov)> wrote:

Thanks Adam. We got the submittal and it's been routed around. We should have reviews back and know if everyone is good moving forward to Planning Commission in the next couple of weeks. My understanding from our emails and discussions in September was that the site plan would not require a code amendment to meet the current code? I have not reviewed the resubmittal yet to see, but has this changed and are you needing the amendment for this site plan to meet code? If so, just a reminder that a code amendment requires City Council approval and takes a minimum of 3-4 months, and the Planning Commission would not be able to approve a site plan until the code amendment is adopted.

Either way, you are able to submit a code amendment request at any time and we can see what meeting date that would go on for Planning Commission with the lead times for the notifications required by state code. Mike Wilcox is the best one to work with on code amendments. Let me know if you have any questions.

Thanks,  
Jared



**From:** Adam Nash adam@growthaid.com  
**Subject:** Petition to Planning Commission to amend Carnation Zone  
**Date:** October 29, 2019 at 11:22 AM  
**To:** Jared Gerber jgerber@sandy.utah.gov  
**Cc:** James Sorensen jsorensen@sandy.utah.gov



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Adam Nash