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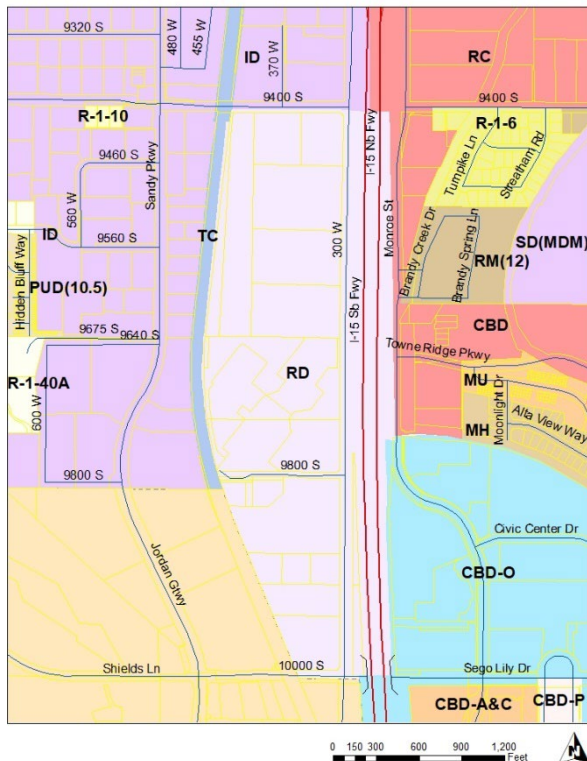
MATTHEW HUISH
CHIEF ADMINISTRATIVE OFFICER

MEMORANDUM

July 30, 2020

To: Planning Commission
From: Community Development Department
Subject: KLM Endeavors – Heavy Commercial Use in RD Zone CODE-07-20-5879
 Amend Title 21, Chapter 8 - Land Uses in the
 Commercial, Office, Industrial, Office, Industrial, Mixed
 Use, Transit Corridor, and Research and Development
 District 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.*



REQUEST

Kelly Lund, representing KLM Endeavors, has applied for a code amendment to the land use matrix for commercial zones to allow for Heavy Commercial Uses in the Research and Development (RD) Zoning District. The proposal would amend Chapter 8 - Land Uses in the Commercial, Office, Industrial, Office, Industrial, Mixed Use, Transit Corridor, and Research and Development District of the Sandy Municipal Code. The RD Zone is currently only in one area of the City (see zoning map). It is located along the freeway frontage road of 300 West, bounded by 1-15 on the east, Front Runner rails on the west, 9400 South to the north, and Sego Lily Drive on the south. The proposed code change would allow for this existing Heavy Commercial business to remain in its current location and allow the business to expand where the current code would prohibit these types of businesses in the zone (see the attached applicant’s letter).

BACKGROUND

In 1981, the RD Zone was established and applied to an undeveloped area located at approximately 1000 East and 9000 South. In 2000, the RD Zone was changed in anticipation of applying this zone to the current area zoned RD (see zoning map). At the same time, this area was rezoned from the Industrial (ID) Zone to RD. This area was viewed as an essential appendage of the City's Civic Center Master Plan, and the rezone dubbed this area "Civic Center West". The ID Zone and associated uses were not viewed as compatible with the City's vision for the area. There were only a couple of sites that had been developed at this point, one of which was the current KLM site. The City created a Research and Development Zone to help realize that vision and prohibit the area from developing with industrial uses. The following are the purpose statements of the RD Zone:

Section 21-4-11(16)

Research and Development District (RD).

- a. This district is established to provide locations for commerce, service, research and employment activities. Such locations and site improvements shall project a desirable appearance toward public streets and maintain compatibility with adjacent land uses.
- b. Except for limited accessory and ancillary uses, and planned developments for areas east of Interstate 15, the RD District provides for employment locations which are characterized by office and compatible research, corporate headquarters, and campus-like development with substantial visual amenities which can function in areas close to residential areas as well as other similar uses within the RD District.

With the rezone in place, the City expressly encouraged sites like the KLM property, to redevelop overtime to conform to the new requirements and land uses of the RD Zone. Most of the undeveloped farmland that existed in 2000 has since developed into office buildings, a college campus, and corporate headquarters. There are a few properties that don't face the freeway frontage road that have yet to develop or redevelop under the RD 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?

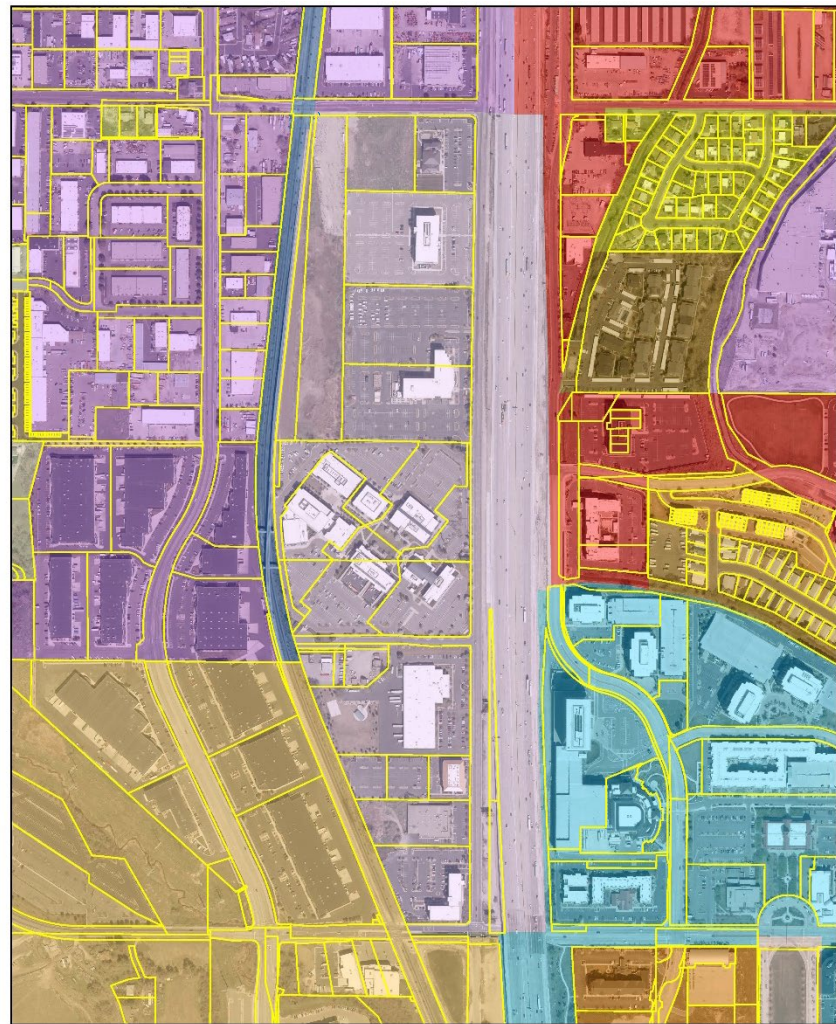
Is the change consistent with the General Plan?

The applicant's request expresses how they view the requested code amendment meets these criteria. Staff believes that the intent of the proposed amendment meets the criteria mentioned above.

This new zone proved to be beneficial to the City as it encouraged several employment centers, research facilities, and corporate headquarters. Most of the land within this zone has been developed with just a few parcels that have not yet developed fully or have not redeveloped since the ID Zone was established for the area. One such property (415 W. 9800 S.) is owned and used by KLM Endeavors that uses the property for their HVAC business and contractors' yard. This use is defined in the code as follows:

Commercial, heavy, means an establishment or business which generally uses open sales yards, outside equipment storage and/or company vehicles and trucks, or outside activities that generate noise or other impacts considered incompatible with less intense uses. Typical businesses included in the term "commercial, heavy," are lumber yards, construction specialty services, heavy equipment suppliers, or construction related contractors and subcontractors.

This use is compatible with the ID zone but is not permitted in the RD Zone. Being a non-conforming use, expansion and improvement is limited as the zoning encourages them to redevelop to conform to the zone, rather than maintain or expand the existing uses.



Staff's position is that these remaining properties are not likely to redevelop into conforming uses in the RD Zone. They are smaller in land area, and lack freeway exposure. Industrial types uses are a more likely land use, given the location and lack of visibility. Therefore, the proposed change to the land use matrix affecting the RD Zone is appropriate. Staff supports the change but would recommend a location restriction for Heavy Commercial and Industrial uses to be limited to properties that do not have street frontage along the freeway frontage road (300 West). See the attached Exhibit "A" to see the code change in context.

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 21-1-03.
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