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MEMORANDUM

November 4, 2021

To: Planning Commission
From: Community Development Department
Subject: Shops at South Town - Amend Setbacks in CBD Zone CA10122021-0006181
Amend Title 21, Chapter 23, General Commercial,
Office, Industrial, and Transit Development Standards
of the Sandy Municipal Code

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

REQUEST

Elizabeth Evensen of Snell and Wilmer, representing South Town Owner PR, LLC, has applied for a code amendment to the general commercial and industrial development standards to permit more flexibility with setback requirements in the Central Business District (CBD) Zone if certain criteria are met. The proposal would amend [section 21-23-3, General Commercial and Industrial Development Standards](#). South Town Owner PR, LLC owns the Shops at South Town Mall and the Marketplace at South Town shopping centers. The proposed code amendment would allow for the developer to further subdivide their property to create lots for existing pad sites on the edges of these shopping centers. The details of the applicant's request can be found in their letter (attached).

BACKGROUND

The following is the purpose statement of the Central Business District:

[Section 21-23-21](#)

- (a) *Central Business District (CBD).*
- (1) *Purpose of CBD District. The Central Business District Zone is established to stimulate economic development by providing a unique planning environment for large-scale regional commercial and office development adjacent to Interstate 15. This district encourages creative development and site design for regional commercial and office uses within planned commercial centers which will serve the south valley area.*

The applicant intends to further stimulate growth and reinvestment into the Shops at South Town by being able to further subdivide the pad sites along the perimeter of the mall building.

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 would give the Planning Commission additional flexibility in establishing setbacks for a particular project. This is an expansion of the existing authority of the Planning Commission that would now apply to all front, sides, and rear setbacks of a property. Staff is in support of this amendment as it gives criteria by which the Planning Commission can approve or reject requests for deviations from the typical standards established in the table of setbacks.

Staff has reflected some, but not all, of the proposed changes in the attached Exhibit "A". Staff does not feel it's necessary to change or give an option for reduction of the required setbacks to residential properties. Staff feels it's important to keep those standards predictable and consistent. Staff has made a few minor alterations to the proposed wording of the explanatory notes. The intent is consistent with the request of the applicant.

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