

PLANNING COMMISSION STAFF REPORT

2705 E. PARLEYS WAY – MASTER PLAN AMENDMENT AND ZONING MAP AMENDMENT

PLNPCM2010-00556 – Master Plan Amendment
PLNPCM2010-00557– Zoning Map Amendment

2705 E. Parleys Way

February 9, 2011



Planning and Zoning Division
Department of Community and
Economic Development

Applicant: Ballard Spahr LLP
representing Walmart Stores, Inc

Staff: Wayne Mills
801-535-7282
wayne.mills@slcgov.com

Tax ID: 16-23-152-004

Current Zone: CB
Community Business

Master Plan Designation:
East Bench Community Master
Plan – Community Business

Council District: District 7 –
Council Member Simonsen

Community Council: Sugar
House – Cabot Nelson, Chair

Lot Size:
Approximately 10.5 acres

Current Use: Superstore and
Hypermarket Store

**Applicable Land Use
Regulations:**

- 21A.50 – Amendments
- Section 10-9a-204 – Utah
State Code – Plan
Amendment Notification

Notification

- Notice mailed on 1/28/11
- Newspaper ad on 1/29/11
- Sign posted on 1/27/11
- Agenda posted on the
Planning Division and Utah
Public Meeting Notice

Request

Ballard Spahr LLP representing Walmart Stores, Inc is requesting an amendment to the East Bench Master Plan Future Land Use Map to change the land use classification of the property located at 2705 E. Parleys Way from Community Business to Community Shopping. The applicant is also requesting a Zoning Map Amendment to rezone the property from CB Community Business to CS Community Shopping.

Staff Recommendation

PLNPCM2010-00556– Master plan Amendment

Planning Staff recommends that the Planning Commission review the Staff Report and accept public comments. Planning Staff recommends that the Planning Commission forward a recommendation on the proposal to the City Council at the next scheduled Planning Commission hearing.

PLNPCM2010-00557– Zoning Map Amendment

Planning Staff recommends that the Planning Commission review the Staff Report and accept public comments. Planning Staff recommends that the Planning Commission forward a recommendation on the proposal to the City Council at the next scheduled Planning Commission hearing.

websites 1/28/11

Attachments:

- A. Application Submittals
- B. CB and CS Zoning District Regulations and Allowed Uses
- C. City Department/Division Comments
- D. Community Council Minutes and Planning Staff Notes
- E. Public Comments
- F. Map of CB and CS Zoning Districts
- G. Capture/Leakage Analysis
- H. Site Photos

VICINITY MAP



Background

Request

The applicant is requesting that Salt Lake City amend the East Bench Master Plan Future Land Use Map from Neighborhood Shopping to Community Shopping for the property located at 2705 E. Parleys Way. This proposed change would facilitate a zoning map amendment, also requested by the applicant, which would change the zoning on the subject property from CB Community Business (CB) to CS Community Shopping (CS).

The amendments are requested to allow the applicant to demolish the existing structure on the property (a former Kmart) and construct a new Walmart Supercenter. The applicant has submitted a preliminary site plan with the application; however, site design approval is not requested at this time. If the subject property is rezoned to CS Walmart will be required to obtain Planned Development approval for development of the site. In the CS zoning district all new construction of principal buildings, uses, or additions that increase the floor area and/or parking requirement by 25% requires Planned Development approval. Planned Developments are reviewed by the Planning Commission in a public hearing according to a set of design criteria.

Purpose of Request

The overall purpose of the applicant's request is to allow Walmart to demolish the existing building on the site and construct a new Walmart Supercenter. In order to understand the purpose further, Staff provides the following history of development and zoning of the property:

- In 1968 Salt Lake City issued a permit for the construction of a Kmart on the property. The building constructed was approximately 113,227 square feet in size and was portioned off into two sections; one section for Kmart (93,027 square feet), and the other section for Kmart Food (20,200 square feet).
- The property was zoned Business B-3 when the building permit was issued. The B-3 zoning district allowed "shops for retail business" as a permitted use.
- In 1973 the Board of Adjustment approved an addition to the side of the building for use as a garden and patio shop that would not be completely enclosed. The garden area was approximately 6,940 square feet in size.
- The property was rezoned in 1995 to CB as part of a city-wide rezoning project. Kmart was still considered a permitted use as a retail goods establishment; however, the structure on the property became non-complying due to the maximum front yard setback, maximum building size, and design requirements in the CB zoning district.
- The City Council adopted an ordinance in January 2004 defining different types of retail uses (Conventional Department Stores, Mass Merchandising Store, Specialty Store, Superstore and Hypermarket Store, and Warehouse Club Store). The only zoning districts affected by the ordinance were the Gateway Mixed-Use (G-MU) and Downtown districts.
- Walmart purchased the Kmart property in February of 2005.

- The City Council adopted an ordinance in November 2005 that amended the Commercial Districts Use Chart to include the new retail land use classifications that were adopted in 2004. The use chart was amended to allow only “Retail goods establishments” and “Retail services establishments” as permitted uses in the CB zoning district. Kmart was considered a “Superstore and Hypermarket Store”, which was not allowed in the CB zone; therefore, Kmart became a nonconforming use.
- In November 2008 Kmart closed its doors for business.

When Kmart closed in 2008 the use on the property (“Superstore and Hypermarket Store”) was nonconforming because the use was not a permitted use in the zoning district. In addition, the structure was noncomplying because it exceeded the maximum allowable building size, maximum allowable front yard setback and did not meet some of the CB district design criteria. Therefore, for zoning regulation purposes, the existing building on the property is considered a noncomplying structure with a nonconforming use.

The Zoning Ordinance allows for the continuation of a noncomplying structure with a nonconforming use even if the property ownership changes. In this case, the proposed Walmart is the same type of use as the previous Kmart; therefore, Walmart can operate within the existing building on the property through the standard business licensing and building code review processes. However, there are limitations on what Walmart can do with the existing building considering its status as a noncomplying structure with a nonconforming use.

The Salt Lake City Zoning Ordinance allows for the voluntary demolition and reconstruction of a noncomplying structure with a nonconforming use up to 50% without obtaining any permitting approval other than standard business licensing and building code review. The 50% threshold pertains only to the structural elements of the building but is not calculated as 50% of the physical structure. The calculation is based on the ratio of the cost to construct the building according to current building standards and the cost of replacing the portion of the building to be demolished and replaced. If the replacement cost is less than 50% of the total construction cost, it is permitted. If it exceeds 50%, it is considered a demolition and all new construction, as well as the use, would have to comply with the current zoning regulations.

In summary, Walmart can open a new store in the existing building but can only make improvements on the building up to 50% of the total construction valuation. Walmart has obtained a permit to remodel the existing building and open a store if the City does not approve the rezone. Walmart is requesting a zoning amendment to change the zoning to CS. In the CS zoning district, a “Superstore and Hypermarket Store” land use is permitted; therefore, Walmart would be allowed to demolish the existing structure and build a new building.

Previous Petition and Current Proposal (What has changed?)

In June 2007, Walmart submitted the same two types of petitions as what is currently being reviewed. At that time, the preliminary development plan included an 115,060 square foot retail building with a 5,057 square foot garden center. In September 2008, the Planning Commission reviewed the petitions in a public hearing and voted to forward a recommendation of denial to the City Council. Walmart withdrew their petitions prior to the City Council taking final action.

The current preliminary development plan reduces the size of the retail building to 91,750 square feet and eliminates the garden center. The height of the building would average 26 feet with a maximum height of 33 feet. The new plan shows designated walkways between Foothill Blvd. and Parleys Way. In addition, the new plan shows an area of land 1.15 acres in size for additional development. Walmart representatives have stated that they have no specific plans for the 1.15 acre site, but would like to work with the community to determine

the best use. They have stated that if the community does not want another use on the property, they would use the area for additional parking.

Comments

City Department Comments

The comments received from pertinent City Departments / Divisions are attached to this staff report in Attachment C. The Planning Division has not received comments from the applicable City Departments / Divisions that cannot reasonably be fulfilled or that warrant denial of the petition.

Community Council Comments

The subject property is in the East Bench Community Council area but within 600 feet of the Sugar House Community Council boundary; therefore, the petition was presented to both community councils. In addition, the petition was presented to the Sunnyside East Community Council. The following provides a summary of the community council meetings. The community council meeting minutes that are available are attached, as well as meeting notes that were taken by Staff that attended the meetings (see Attachment D).

Sugar House Community Council

The petitions were presented to the Sugar House Land Use and Zoning Committee on September 20, 2010 and the Sugar House Community Council on November 3, 2010. Approximately 200 people attended the community council meeting. The Sugar House Community Council is represented by a group of trustees that vote on issues. During the meeting the general public was given the opportunity to speak. Some members of the public were in favor of the rezone and others were opposed. The Sugar House Community Council Trustees then discussed the petitions and voted to recommend that the Planning Commission and City Council deny the petitions. A report submitted by the Sugar House Community Council and notes taken by Planning Staff that attended the meeting are attached in Attachment D.

East Bench Community Council

The petitions were presented to the East Bench Community Council on October 20, 2010 and again on November 17, 2010. The purpose of holding two meetings was to brief the community during the first meeting and then obtain a vote from the community council members at the second meeting. Approximately 90 people attended both community council meetings. On November 17 the Community Council voted to support the petitions in a 46 to 44 vote. Notes taken by Planning Staff that attended both meetings are attached in Attachment D.

Sunnyside East Community Council

The petitions were presented to the Sunnyside East Community Council Executive Board on November 30, 2011 with approximately 10 people in attendance. The members of the community council did not vote on whether or not they support the petitions. Many of their concerns were related to traffic impacts on Foothill Drive. They also expressed concern that the East Bench Master Plan is old and needs to be updated, and that this should occur before the City approves any zoning amendments.

Public Comments

Planning Staff established an Open City Hall webpage for the petitions in October 2010. The webpage included a background fact sheet, information on the existing and proposed zoning, and maps. The Open City Hall site allowed the public to submit comments regarding the petitions. Staff received 97 comments with 58 supporting the petitions, 31 opposed, and 8 that were not specific enough to determine if they support or oppose the petitions. Those that were not specific stated that they did not care one way or the other but traffic would be a problem and pedestrians should be prioritized over vehicles, they support the rezone to allow big box retail but do not support Walmart, and would rather have residential developed on the site but think that a new Walmart will be better than a vacant site. The comments received through Open City Hall are attached (see Attachment E).

In addition to the comments received on Open City Hall, Staff received 11 phone calls with four in support and five opposed. Staff also received 85 letters/emails with 20 in support, 64 opposed, and one who stated that they are not opposed to the rezoning to allow Walmart but is concerned that they would have the ability to increase the building height and size, could temporary warehouse stock outside of the building, and could place a deed restriction on the property to prevent lease or sale to a competitor. A phone log and copies of the letters/emails received are attached (see Attachment E).

Walmart conducted their own public support campaign at some of their local Walmart stores. Cards were handed out asking if individuals “support a brand new, smaller, more energy efficient Walmart on Parleys.” Walmart received support cards from 3,882 individuals with Salt Lake City addresses. An example of the submitted cards and a spreadsheet with the names and addresses of those that signed the cards are attached. (see Attachment E).

Public/Community Council Comments Summary

The following is a summary of the reasons why people support the subject petitions and the reasons for opposition.

Those that support the petitions stated:

- They would like a new more efficient building than the re-use of the older existing building.
- Big box retail is the historic use of the property and it worked in the past so why change the use.
- They prefer additional shopping choices in their neighborhood.
- They see environmental impacts from having to drive to 300 West or other places in the valley to shop at Walmart, Target, etc.
- The existing site is an eyesore and they would like to see it improved.
- The City needs the tax revenue from a larger shopping center.
- They would like Walmart to build a larger store than what is proposed that includes all services offered by Walmart, such as tire/lube service and an outdoor garden center.

Those that oppose the petitions provided the following reasons:

- Traffic Impacts;
 - Foothill Drive is already at maximum capacity. Traffic generated from Walmart (or other big box retail stores) will make it worse.
 - Delivery trucks exiting the site onto Foothill will create traffic impacts.
 - The intersection of Stringham and Foothill is not signalized. Left turns onto Stringham from Foothill and onto Foothill from Stringham are dangerous.

- Walmart (or other big box retail stores) will create traffic impacts on nearby residential streets.
- There is no reason to change the zoning. Walmart can remodel the existing building and operate.
- Opposition to Walmart in general, such as their business practices and sale of imported goods.
- The East Bench Master Plan and CB zone were established to prevent the area from turning into a big box retail center.
- The property should be developed as housing.
- The property should be developed as a walkable, bike friendly development. Rezoning to CS will eliminate the possibility of that ever happening.
- Lighting and noise from a big box store will impact adjacent residential properties.
- Rezoning the property will set a precedent and allow other properties in the east bench area to be rezoned to more intense zoning classifications.
- The East Bench neighborhood is adequately served by existing businesses. Walmart (or any big box store) would take business from the existing retail businesses, which would leave vacant commercial properties in the area.
- People that shop at big box retail stores can do so on 300 West and elsewhere in the valley.
- Concerns regarding the environmental impact of big box retail stores, such as energy consumption.
- The East Bench Master Plan needs to be updated. The City should not rezone property until the master plan is updated.
- The CS district will allow bigger and taller buildings.
- Walmart is showing a 92,000 square foot building with trail connection, and landscaping on their preliminary development plan. If the zoning changes, Walmart will be able to build whatever they want regardless of what they are currently showing.
- Opposed to development agreements related to zoning amendments because the City has difficulty tracking the agreements, which requires the neighbors to track the business activities.
- Walmart is the property owner. If Walmart closes, they can hold onto the property and leave it vacant in order to ensure that a competitor does not open on the site. They could also lease the property to use as a flea market.
- Keeping the existing zoning (CB) will require smaller buildings on the site, which are easier to lease if Walmart closes.
- The preliminary development plan shows an additional development site. This site could turn into gas station or other use that the neighborhood does not want.

Project Review

Master Plan Amendment Discussion

The East Bench Master Plan was adopted in 1987. At that time, the future land use of the subject property was classified as “Neighborhood Business”. In 1995, the City undertook a complete revision to the Zoning Ordinance and created new zoning districts. The entire City was rezoned to reflect the new zoning classifications and the subject property was rezoned from B-3 Neighborhood Business to CB Community Business. The ordinance that rezoned the City stated that, “all existing master plans should be construed and interpreted to conform to the new Zoning Ordinance and Zoning Maps.” What this means is that in 1995, the Kmart property was rezoned to Community Business and the future land use designation, as designated in the East Bench Master Plan, also became “Community Business”.

The East Bench Master Plan was adopted in 1987 and is one of the oldest master plan documents in the City. When the master plan was adopted, Kmart was operational, was a permitted use, and complied with the “Neighborhood Business” future land use classification. In 1995, the future land use designation was changed

due to the city-wide zoning amendment; however, there was no other amendment to the master plan that states that a big box retail use, such as Kmart, is no longer appropriate at this site. One opinion is that the zoning and future land use map amendment shows that a big box retailer is no longer desired at this location because the CB zoning regulations limit building footprint sizes to 15,000 square feet. Another opinion is that the amendment to the future land use map did not forbid big box retail stores at this site because in the CB district, larger buildings are allowed as a conditional use as long as impacts of the use are mitigated.

It is difficult to pull statements from the East Bench Master Plan either in favor of, or against the proposed rezone due to the points made above. A community master plan should be reviewed to ensure that the plan reflects the goals and needs of the community. This master plan is approximately 23 years old and may not reflect current community goals. Staff has conducted a high level study to determine if there is sufficient retail to support the East Bench residents and found that there is a need for additional retail businesses (see summary of capture/leakage analysis in the Findings section of this report). This study was done at a high level only for the purpose of this amendment proposal and did not address other community needs, such as the potential need for additional residential land uses. In order to further address these needs, the City would need to conduct a holistic review and update (if needed) of the East Bench Master Plan.

Zoning Amendment Discussion

The subject property is currently zoned CB Community Business. The following is the purpose statement of the CB zoning district:

The CB Community Business district is intended to provide for the close integration of moderately sized commercial areas with adjacent residential neighborhoods. The design guidelines are intended to facilitate retail that is pedestrian in its orientation and scale, while also acknowledging the importance of transit and automobile access to the site.

The applicant is requesting a zoning map amendment to change the zoning of the property from CB to CS Community Shopping. The following is the purpose statement of the CS zoning district:

The purpose of the CS Community Shopping district is to provide an environment for efficient and attractive shopping center development at a community level scale.

The CB and CS zoning districts allow many of the same land uses; however, it is essentially the scale, or size of the buildings that house the uses, that are different between the zones. For example, both zoning districts allow mixed-use developments, multi-family dwellings, retail, and restaurants with or without drive-through facilities. The CS zoning district, however, allows additional land uses that require larger land area and larger buildings, such as commercial recreation centers, amusement parks, motion picture studios and big box retail centers. A comparison table showing the uses allowed in both zoning districts is attached (see Attachment B).

The issue of scale can also be seen when comparing the lot and building size regulations between the two zoning districts. In the CB zone there is no minimum lot area and any new proposed lot that exceeds four acres is allowed only as a conditional use. In the CS zone, all new lots must be at least 60,000 square feet (approximately 1.4 acres), excluding shopping center pad sites, and there is no maximum lot size. The CB zoning district limits building sizes to 15,000 square feet for the first floor and 20,000 square feet total floor area, but does allow larger buildings through the Conditional Use process. In the CS zoning district, there is no maximum building size limitation.

The two zoning districts also differ in their approach on requiring certain design elements. In the CB zone, there are specific regulations related to maximum front yard setback (requiring buildings to be located close to the sidewalk/street), minimum first floor glass and other façade treatments, and parking lot lighting. In the CS zone, there are no specific standards stated in the regulations; however, all new development and additions to existing buildings that increase the floor area or parking requirement by 25% require design review through the Planned Development process. The CB and CS zoning district standards are included with this report at Attachment B. Staff identified all of the existing properties in the City that are zoned CB and CS to determine how the subject property relates to each zoning district. A map showing the location of these zoning districts is attached (Attachment F). The CS district is generally characterized by larger parcels, or a combination of smaller parcels that function as a larger parcel, with controlled driveway access that serves one large business or a combination of businesses. Properties zoned CS are generally located along arterial streets that serve as major thoroughfares. Examples of CS zoned areas include Trolley Square, Plaza 700 Shopping Center (1740 West 700 North), Brickyard Plaza, and Foothill Village.

The CB zoning district is generally characterized by smaller parcels that are owned and operated independently with driveway access serving one parcel or use. The parcels are situated in a way that provides prominent street frontage and provide the opportunity to place buildings close to the front property line. Parcels located in the CB zoning district are more closely integrated with surrounding residential land uses and have direct pedestrian access by way of existing public sidewalks. CB district parcels are located along arterial and collector streets. Examples of the CB zoning district include the 2100 South/700 East commercial strip, 9th and 9th, the Highland Drive commercial strip, and most of the commercial properties along the east end of 2100 South and Parleys Way (see attached map, Attachment F).

When comparing the subject property to existing properties in both the CB and CS zoning districts, the subject property has characteristics more associated with the CS zone. At approximately 10 acres, the property is comparable in size to other properties zoned CS, but much bigger than properties zoned CB. The property is located along two arterial streets that serve as major thoroughfares into and out of the City. The subject property also has limited controlled access points that could serve multiple uses on a single parcel. In addition, the property is isolated from the surrounding single-family residential neighborhoods, with the exception of the Foothill Place apartments located to the north. When looking at a map of the area, the residential neighborhoods to the east and to the south are separated by arterial streets. Classifying the site as a future pedestrian accessed development is questionable due to these street barriers and the distance between the property and a dense population base. In reality, even if the property were developed in a walkable village configuration, it would still be predominantly accessed by the automobile until a major public transportation investment is made in the area.

Alternatives, Analysis, and Findings

Alternatives

The following are options for the Planning Commission to consider when making a recommendation to the City Council:

➤ Deny the petition

- The Planning Commission can recommend denial based on a decision that the petitions are not in the best interest of the City.
- If the petition is denied Walmart will be allowed to operate within the existing building on the site according to the ordinances regulating nonconforming uses and noncomplying structures and

without further site review by the City. In fact, Walmart has obtained a building permit to remodel the existing building. This building permit is still active.

- If Walmart were to close in the future, a similar type of use could occupy the structure according to the nonconforming and noncomplying structure zoning regulations. If the existing building were demolished in the future, any new development would have to comply with the CB zoning district regulations.

➤ **Deny the petitions until the East Bench Master Plan is updated**

- As stated in the Zoning Amendment Discussion of this report (pg. 7) the East Bench Community Master Plan is one of the oldest community master plans in the City. The Planning Commission could deny or table the petition until the City conducts a holistic review of the plan to determine if the plan is still meeting the goals of the community and to determine how the subject property fits in with those goals.
- If the petition is denied, Walmart will be allowed to operate within the existing building on the site according to the ordinances regulating nonconforming uses and noncomplying structures and without further site review by the City. In fact, Walmart has obtained a building permit to remodel the existing building. This building permit is still active.
- Through the master plan update process, the City might determine that a zoning district such as the CS zone is an appropriate zoning designation. At that time, the property owner or the City would initiate a petition to rezone the property.

➤ **Approve the petitions with no conditions**

- The Planning Commission could recommend approval according to the standards for zoning map amendments.
- If the property is zoned CS Community Shopping, all future development would be required to comply with the CS zoning district regulations (see Attachment B). In the CS district, all new construction of a principal building, uses, or additions to existing buildings that increases the floor area and/or parking requirement by 25% requires planned development approval. The Planned Development review allows the Planning Commission to oversee and require certain site design elements, but does not allow the Planning Commission to prohibit uses that are allowed in the CS zone.
- If the property is rezoned to CS, Walmart will need to submit a Planned Development application to the City for the construction of a new store.

➤ **Approve the petitions with the condition that Walmart and the City sign a Development Agreement**

- The Planning Commission could recommend approval according to the standards for zoning map amendments with a condition that Walmart and the City sign a Development Agreement describing certain development restrictions on the property.
- It is the opinion of Staff that Development Agreements associated with zoning amendments should only be required if there are impacts associated with the particular rezone area that are not generally associated with other properties in the same zoning district.
- In the case of the proposed zoning amendment, Staff does not find that there are peculiar circumstances associated with the property itself. The site shares the same characteristics with other properties zoned CS as discussed in the Zoning Amendment Discussion section of this

- report (see pages 8-9). However, the property is located within the East Bench Master Plan community and, as stated above, the master plan needs to be reviewed and updated. For this reason, Staff promotes the use of a Development Agreement to restrict the development activity on the site until the City has the resources to update the master plan. Through the Master Plan update process, the City may find that the CS zoning district is appropriate. At that time, the City should re-evaluate the Development Agreement. If the City finds that the property should be zoned differently, the City should rezone the property to the appropriate zoning district. In that case, Walmart may become a nonconforming use, which is the same situation that applies today.
- The following are stipulations that the Planning Commission might consider including in the Development Agreement:
 - Building development on the site is limited to one structure no greater than 95,000 square feet. No other development on the site, including accessory structures, is permitted with the exception of structures used to screen refuse containers or structures related to any future transit facilities.
 - No outdoor storage is allowed. All merchandise must be stored within the principal structure.
 - Development of the site must include a public pedestrian pathway that connects Foothill Drive to Parleys Way. Except in areas where the pathway crosses vehicular driveways, the pedestrian pathway must be located within its own corridor. In other words, the pathway must be physically separated from the parking lot through the use of curbing, landscaping, or other means. Where the pathway crosses a vehicular driveway, the pathway must be delineated through the use of surface materials that differ from the driveway surface materials. The pedestrian pathway must be maintained for public use.
 - Parking lot lighting is limited to 16 feet in height. Parking lot and building lighting must be shielded to minimize light encroachment beyond the property line.
 - Some members of the community have expressed concern that Development Agreements are difficult to track and the City has not adequately enforced previous agreements. It was difficult for the City to track older Development Agreements because they were not easily accessible for plan reviewers. The City now has a permit tracking program (Accela) where documents, such as Development Agreements, can be posted by property address. When an applicant applies for a building permit or planning review application, these documents are immediately uploaded showing the specific conditions related to the property.

Findings

Master Plan Amendment

There are no specific standards in the Salt Lake City Zoning Ordinance for Master Plan Amendments. State Law, Section 10-9a-204, Notice of Public Hearings and Public Meetings to Consider General Plan or Modifications, outlines the criteria for amending a master plan relating to noticing requirements. A notice for the Master Plan amendment was published in the Salt Lake Tribune on January 29, 2011.

As stated in the Master Plan Discussion section of this report (pg. 7), the East Bench Master plan is one of the oldest master plans in the City and needs to be updated. It is difficult to extract policies from the plan that directly pertain to the subject property because the City underwent a complete change in land use ordinances in 1995, but the master plan has not been updated to reflect the changes in zoning designations. With that said, the following are goals and policies taken from the adopted East Bench Master Plan that may be applicable when analyzing the proposed Future Land Use Map amendment.

- “Wholesale, warehouse and other general commercial uses are not permitted.” The only commercial uses the plan specifies as not permitted at the time the plan was adopted are “wholesale, warehouse and general commercial uses.” These are uses that generally do not provide goods directly to the consumer. These uses are not permitted in the requested CS zoning district and they are only found in higher intensity zoning districts such as General Commercial (CG) and Corridor Commercial (CC). There is nothing in the *East Bench Master Plan* that indicates that large retail uses are incompatible with the community.
- “Many residents desire additional services in their community.” The proposed Walmart would be the same use as the existing Kmart and generally provide the same retail goods and services. The nearest general merchandise type of store is the Smith’s Marketplace at 3300 South and I-215. That store is within two miles of the subject property but is outside of Salt Lake City. There is a Walmart Supercenter at 300 West and 1300 South and a Super Target in the same area. The two closest grocery stores in Salt Lake City are Dan’s at Foothill Village (approximately two miles away) and Albertson’s at 2300 East and Parleys Way (approximately one mile way). Many of the public comments in support of the petitions state that retail shopping choices are limited in the East Bench neighborhood and that East Bench residents have to travel to the other side of the City, or outside of the City, to shop. Some of the comments from those that are opposed to the petitions state that their needs are already met by the existing businesses in the community, and those that would like to shop at a big box retailer can travel to 300 West.

One way to attempt to measure whether or not retail services are being met within the community is to conduct a capture/leakage analysis. This type of analysis compares the sales in a particular target area to potential sales in that area. The potential sales are calculated by determining the per capita sales in a larger comparison area, multiplying that by the population of the subject target area to determine the potential sales, and then adjusting the potential sales for a difference in the trade area and larger area income. The final result of the analysis attempts to determine if money is being spent within the target area (capture) or if money is being spent outside of the target area (leakage). There are many assumptions that need to be made in conducting the analysis and it is not an exact science, but it is one tool that can be used to determine if residents might be traveling outside of their community to obtain desired goods.

In conducting the study, Staff obtained the sales numbers for Salt Lake County and three separate target areas for the following retail sectors: building and garden; general merchandise; food stores; apparel and accessories; furniture; and miscellaneous (single item type retailers). The sales numbers were obtained from the Utah State Tax Commission and are available by zip code. In order to conduct the analysis, Staff had to use population and income data also at the zip code level. This created somewhat of a problem since the master plan area boundaries do not follow zip code boundaries (see map, Attachment G). Most of the East Bench Master Plan area is located in the 84108 zip code area; however, much of Parleys Way (including the subject property) is not. In order to evaluate the East Bench Master Plan area, as well as the surrounding east neighborhoods, Staff conducted the analysis on three target areas. These areas are defined by the following zip codes:

- 84108
- 84108, 84112, 84113, 84102, 84105, 84106
- 84108, 84112, 84113, 84102, 84105, 84106, 84109

The results of the analysis are shown in the spreadsheet attached in Attachment G. The analysis shows that in the 84108 zip code area, potential sales greatly exceed the actual sales, with the exception of the food store sector. This is not a surprise considering the East Bench Master Plan states that less than 2% of the land acreage in the community is occupied by business uses. As the study area expands in size, the analysis still shows that additional retail services could be needed in the area, with the exception of food stores. It is important to note that additional retail services can be provided on the subject property in both the existing CB district and proposed CS district. Both zoning districts allow retail uses.

- “Redevelopment or at least renovation of some business properties... is quite likely and is considered the most desirable approach to meeting future business needs...” Walmart’s request is to redevelop the existing commercial property and no housing will be demolished for commercial use. They do have the option of renovating the property without a zoning change.
- “Major zoning changes... are neither anticipated nor encouraged. Changes involving expansion of existing business sites in response to documented needs should be reviewed cautiously and approved sparingly.” The context for the term “major” appears to reference the physical expansion of an existing commercial property that would require the acquisition and rezoning of another parcel, or the conversion of residential uses to non-residential uses. Although the subject property size is not increasing, the proposed amendment could be considered an expansion because the proposed land use classification allows more intense uses. However, when the master plan was adopted in 1987, the existing use and the proposed use were allowed, so it is difficult to determine whether or not the proposed amendment would be considered a major zoning change as described in the master plan.
- “The city should not approve any zoning change that will result in the removal of homes. The community is so completely developed that a change of zoning in most areas would negatively impact surrounding residential properties.” No homes would be removed as a result of this master plan amendment or zoning map amendment. Citizens have raised concerns about the impact of the new development on the surrounding neighborhoods. Although the zoning change could allow a new use on the site, the applicant’s proposal is to have the current use continue in a new building. Therefore, the use is still the same. Over the years, the patronage of the Kmart at this site has declined and it is anticipated that the Wal-Mart will attract more customers. The change in the future land use designation would not change the character or use of the site, but it may increase traffic to the site; however, this could be the case for any successful development regardless of the future land use designation.
- “More efficient use of existing business properties is the preferred approach to meet future business needs.” A mixed use development on this site would be a more efficient use of the land than a single-building, single-tenant retailer. However, changing the future land use map land use designation for the subject property does not prevent this site from being developed more efficiently. In fact, the CS zoning district allows mixed-use developments and provides more flexibility because new construction requires planned development approval. This gives the Planning Commission flexibility in applying city goals and conditioning project approvals. The CB zoning district limits buildings to 15,000 square feet on one floor and 20,000 feet total. On a 10.56 acre site with one street frontage that is more or less oriented to a freeway off-ramp, it would be difficult to comply with the CB zoning district purpose statement and regulations. More than likely, a developer would need to request relief from the CB regulations or a change in zoning to develop a mixed-use development on the site.
- “A gateway center should be located near the entrance to the city...” An information center and rest stop for visitors to Salt Lake City would be a valuable service and an asset to the city. However, as the

master plan indicates, the views of the valley from this location are not as good as the other two potential sites for gateway centers and there are some concerns with access. The master plan notes that this is the least attractive option of the three provided and that it would require some land acquisition on the part of the city. Specifically, it stated that “the Parleys Way site should be considered only if the other sites prove unworkable.”

It is staff’s opinion that the proposed master plan amendment does not substantially contradict any of the other policies, goals or strategies of the *East Bench Master Plan* and that modifying the master plan would not substantially impact the integrity of either the community or the master plan.

Zoning Map Amendment

Section 21A.50.050 - A decision to amend the text of this title or the zoning map by general amendment is a matter committed to the legislative discretion of the city council and is not controlled by any one standard. However, in making its decision concerning a proposed amendment, the city council should consider the following factors:

1. Whether the proposed amendment is consistent with the purposes, goals, objectives, and policies of the City as stated through its various adopted planning documents;

Discussion: The following policy documents were considered in evaluating this request: the *Salt Lake City Vision and Strategic Plan* (1993), the *Salt Lake City Transportation Master Plan* (1996), and the *East Bench Master Plan* (1987).

Salt Lake City Transportation Master Plan

The *Salt Lake City Transportation Master Plan*, adopted in 1996, defines arterial routes as streets provided “for through traffic movement over long distances... with some access to abutting property.” Furthermore, “these streets are typically the widest and have the highest speed limits of all the streets within the city.” Foothill Drive is listed as an example in the master plan. Parleys Way is an arterial as well. One of the directions listed in the plan for arterials is “to encourage commuter traffic to use arterial streets rather than local and collector streets” by maintaining the arterials’ carrying capacity.

Salt Lake City Vision and Strategic Plan

The *Salt Lake City Vision and Strategic Plan*, adopted in 1993, states a goal of facilitating “development of complimentary retail shopping opportunities in city neighborhoods and commercial areas of the city.” This goal’s action step is to “work with developers to ensure additional retail shopping opportunities within the City,” and the progress indicators are the “amount of new retail space annually” and the “new tax dollars generated annually.”

East Bench Master Plan

The requested zoning map amendment is not consistent with the Future Land Use Map of the *East Bench Master Plan*, which is the applicable master plan document for the subject property. However, the applicant has requested an amendment to the Future Land Use Map in addition to the zoning map amendment. Planning staff has recommended approval of the master plan amendment because there is no substantial evidence that the modification would contradict with any of the other policies, goals or strategies found in its “Non-residential Land Use” section. The *East Bench Master Plan*, however, has specific criteria in Appendix I for zoning changes. The applicant’s request should be evaluated against these guidelines:

- Proponents must demonstrate that any zoning change is clearly justified by the substantive provisions of this master plan. The zoning change requested does not introduce a new use to the neighborhood, as Kmart has been there for 40 years. Further, the subject property, as a single parcel of land, can be redeveloped into a more efficient use more easily under the CS zoning designation because of the property's size and location. Staff has found that the zoning change meets the general goals of the "Business/Commercial Uses" subsection of the master plan (see Master Plan Amendment Discussion above).
- There must be a demonstrated need for the new business proposal and documented community support. Property owners must address the issue of business need in the whole city perspective and why the proposed site is the best location with regard to the best interest of the community and city. There has been a difference of opinion regarding the need of a supercenter in this location. On one hand, some residents believe that all of their shopping needs can be handled by the existing shops in the East Bench neighborhood and some believe that there are enough Wal-Mart stores (and other similar uses) within a convenient distance. On the other hand, many of the public comments received in support of having a big box retailer in the East Bench Community said so because it would provide more choices for retail in the neighborhood. The nearest single tenant general merchandise stores are Shopko located on 1300 East (approximately 2.5 miles from the subject property) and Smith's Marketplace on 3300 South (approximately 1.75 miles from the subject property). It should be noted that Smith's Marketplace is located outside of the City, so the City does not receive the same tax benefit from that store than it would if the store was located in the City. One additional note regarding the demonstrated need is that both the existing zoning (CB) and the proposed zoning (CS) allow retail uses, so the retail needs of the community could potentially be met under both zoning designations. The applicant has indicated that this site was chosen because of the size of the parcel and the fact that they believe the East Bench is underserved by larger commercial retailers. The application states that rezoning the property to CS will allow the construction of a new, smaller, and energy-efficient building.

Community support for this proposal is mixed. As shown in the Public Comment section of this report, there is a lot of support to allow Walmart to build a new store, but most of these comments are not directed towards the zoning amendment specifically. What this may show, however, is that those that support a Walmart at this location support the CS zoning district because of the types of uses it allows. These individuals would prefer to have a big box retail option close to their homes and the CS district allows such uses. Some individuals who are opposed to the project claim that the supporters have been misled by Walmart representatives who have told them that the only way that Walmart can build an efficient structure is to rezone the property. It is not clear what constitutes "documented community support" as stated in the master plan and whether or not it needs to be a majority of the members of the community. In the case of the current proposal and the comments received, those in support and those opposed are near equal in numbers.

- Property must be on a street that can handle the additional traffic. The subject property can be accessed by both Parleys Way and Foothill Drive, both classified as arterial streets. Wal-Mart submitted two traffic impact reports prepared by A-Trans Engineering. One study was submitted with the first petition to rezone the property and analyzed the traffic anticipated with a store approximately 120,000 square feet in size. A separate study was submitted as part of the current petition and addresses the traffic impact anticipated for a 92,000 square foot store. Both reports were reviewed by the Salt Lake City Transportation Division.

The consultant used Level of Service (LOS) to measure the congestion at analyzed intersections. Ratings are on a scale from LOS A to LOS F. An LOS A indicates free flowing traffic at or above the posted speed while an LOS F indicates a “forced or breakdown flow.” The consultant used only the signalized access point on Parleys Way at Wilshire Drive as an ingress/egress point because they anticipate that, due to the current high level of traffic on Foothill Drive, most of the site generated traffic will use this access point. In the initial traffic study, Parleys/Wilshire intersection was projected to operate at LOS B in the a.m. peak and LOS C in the p.m. peak in the year 2030. The conclusion was that Parleys Way has sufficient capacity to accommodate the projected increase in traffic and that the development would have “virtually no impact on the access and signal along Foothill as current congestion allows little capacity for traffic to utilize Foothill.” The supplemental report submitted with the current petition essentially states that the proposed building is smaller than what was originally proposed; therefore, the traffic impacts will be less.

It should also be noted that Staff has received comments in opposition to the proposed rezone and have cited traffic concerns as a major issue. Specifically, that Foothill Drive is at maximum capacity and traffic generated from Walmart will make it worse. Also, Walmart’s circulation plan shows delivery trucks entering the site from Parleys Way and existing onto Foothill from Stringham (located at the northeast corner of the site). This intersection is not signalized and some believe that this will create a dangerous situation due to the high volume of traffic on Foothill.

- *The site must be large enough for adequate open space and parking without overcrowding the lot.* The subject property is 10.56 acres and is large enough to accommodate more green space and parking than what is required for a retail store of 92,000 square feet. The existing site has virtually no green space and the parking lot is in poor shape. If the property is rezoned as requested, the parking lot landscaping requirements must be met for new development and the Planning Commission will have the opportunity to require additional green space as part of the planned development process if they so choose.
- *Business projects must be of a density, scale and design that will not negatively impact neighboring residential properties.* The closest residential property to the subject property is the Foothill Place apartments located to the north. A single-family residential neighborhood begins approximately 550 feet to the northwest and the Country Club single-family residential neighborhood is located directly across Parleys Way to the south and southwest. There is also a residential condominium development located to the west of the site.

The residential area that would be most affected by the proposed development would be the southernmost units of the Foothill Place Apartments. Due to the proximity of the apartment units to the proposed structure, the residents could be impacted by noise from delivery trucks, noise from mechanical equipment and/or lighting in the parking lot or on the building. The lighting impacts could be mitigated by requiring that lights are shielded to contain and direct light and glare to the property only. Mature landscaping, such as large trees and shrubs, would also aid in shielding the lights and would also provide a sound buffer to help mitigate noise impacts from truck delivery and mechanical equipment. If the property is zoned to CS, future development would have to include a 15 foot landscape buffer along the property line that abuts any residential zoning district. In this case, the 15 foot landscape buffer would have to be provided along the property line abutting the Foothill Place apartments. Within the landscape buffer, shade trees must be planted every 25 feet, as well as shrubs at least 2 rows deep.

The residential condominium project to the west could also be impacted by the development. The applicant's preliminary development plan shows delivery trucks accessing the site from the private roadway directly east of the condominiums. The increase in truck traffic on this roadway could create a noise impact for the residents of the condos; however, staff does not believe that this issue is isolated to the proposed project. Staff believes that any successful retail project on the site could create this impact regardless of the zoning. There may be an additional impact to these residents that is related to the truck loading dock located at the northwest corner of the proposed building as shown on the preliminary development plan. The truck dock is oriented in such a way that the headlights from the trucks parked at the loading dock would shine directly into the residential units located on the east side of the condo building. This issue could be remedied by relocating the loading dock.



The Country Club residential area to the south and southwest could potentially be affected by an increase in traffic along Parleys Way and parking lot lighting. Although, there would be an increase in traffic on Parleys, the submitted traffic impact study shows that the street can carry the additional traffic. The parking lot lighting issue can be mitigated by limiting the allowable height of light fixtures and requiring the fixtures to be shielded in a manner that directs the light downward.

It is important to note that if the zoning amendment is approved by the City Council, the applicants will be required to submit an application for planned development approval. This would allow the Planning Commission to oversee the final design of the project and require additional measures to reduce impacts on adjacent properties.

- Multiple-family units should not develop in areas with strong low density character... There is no residential component to this request. This standard does not apply.
- Zoning should not be changed to accommodate new business unless it is adjacent to an existing business. The property in question is already commercial and is bordered by other commercial properties and businesses to the east and northwest.
- “Spot or strip” zoning to accommodate new businesses is strongly discouraged. Salt Lake City’s Zoning Ordinance defines spot zoning as “the process of singling out a small parcel of land for a use classification materially different and inconsistent with the surrounding area and the adopted city master plan, for the sole benefit of the owner of that property and to the detriment of the rights of other property owners.” In this case, the subject property at 10 acres in size is not a “small parcel of land”. The property already has a commercial designation and is bordered by commercial and office properties to the east and northwest. The CB and CS districts are both commercial districts. The CB zoning district’s purpose is to integrate moderately-sized retail uses with neighboring residential while the CS zoning district is intended to service community commercial needs. Staff is of the

opinion that the CB and CS zoning districts, while having different purposes and regulations, are not materially different in that they are not designed to serve materially different uses. Both allow retail uses and both prohibit general commercial uses or manufacturing uses. Furthermore, there is no clear zoning pattern on a larger scale with which the CS designation would be inconsistent. Within a quarter-mile of the subject property, there are properties zoned for commercial, institutional, multi-family residential, single family residential, residential office, and open space uses. Accordingly, one mile north on Foothill Drive, there is a similarly-sized property zoned CS (Foothill Village) surrounded by the same pattern of zoning designations.

- *New businesses should be designed to be a logical extension of adjacent businesses, maintaining complimentary building design and landscaping motifs.* The property as it is currently developed is not a logical extension of any of the surrounding properties. The building is a typical 1960s commercial structure and there is no landscaping. It is important to note that these problems can be remedied without a zoning map amendment, as there is nothing in the Zoning Ordinance prohibiting Wal-Mart from improving the site upon occupation. That being said, there is nothing that requires or encourages them to do so either. There are limits to how much of the existing building they can tear down based on regulations for nonconforming uses and noncomplying structures and that may impact what they can do to improve the building's overall design. The proposal Wal-Mart has submitted includes, along with a new building, landscaping and architecture that would reduce the visual impact of the structure and will be compatible with the neighboring office buildings.

In summary, it is the opinion of Staff that the requested zoning amendment generally meets the criteria for zoning amendments as stated in the East Bench Master Plan; however, the following are areas of concern:

- *Demonstrated need:* There is a need for more retail within the East Bench community; however, this could be accommodated in either the CB or CS zone. Also, Walmart can operate a general merchandise use on the property without a rezoning according the nonconforming and noncomplying regulations of the Zoning Ordinance.
- *Documented Community Support:* Staff has received documented community support; however, it is not an overwhelming majority.
- *Traffic:* The submitted traffic impact study shows that Parleys Way can carry the anticipated increase in vehicles; however, Foothill is already at capacity during peak hours. It is important to note that this issue could be relevant to any successful development on the site, regardless of the zoning.
- *Negative impacts on neighboring residential:* As stated above, there are potential negative impacts; however, these can be mitigated through proper site design.

The *East Bench Master Plan* does not indicate that every provision must be met, but that they must be considered. Staff believes it can recommend approval based on the fact that it generally meets the criteria in the master plan and impacts can be mitigated through proper site design.

It should also be noted that, as stated previously in this report, the East Bench Master Plan needs to be reviewed and, if necessary, updated. Although the requested amendment generally meets the policies of the adopted Master Plan, this may or may not reflect the current goals and needs of the community. Staff is of the opinion that a Development Agreement should be signed by the City and the applicant that restricts development on the site to what is currently proposed until the Master Plan is updated. Through the Master Plan update process, the City may find that the subject property should continue to be zoned CS. At that time, the City should re-evaluate the Development Agreement. If the City finds that the property should be

zoned differently, the City should rezone the property to the appropriate zoning district. In that case, Walmart may become a nonconforming use. This is the same situation that applies today; however, the site would be developed according to the requirements of a planned development approval.

Finding: Staff finds that the request to rezone 2705 E. Parleys Way from CB to CS is consistent with the purposes, goals, objectives, and policies of the adopted general plan of Salt Lake City, with certain exceptions as noted above.

2. Whether the proposed map amendment furthers the specific purpose statements of the Zoning Ordinance;

Discussion: There are three purpose statements that are applicable to this zoning amendment petition; the Purpose and Intent of the Zoning Ordinance (Section 21A.02.030, SLC Zoning Ordinance), the purpose statement of the existing CB zoning district (Section 21A.26.030A, SLC Zoning Ordinance), and the purpose statement of the proposed CS zoning district (Section 21A.26.040A, SLC Zoning Ordinance).

The following is the purpose and intent of the Zoning Ordinance:

The purpose of this title is to promote the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Salt Lake City, to implement the adopted plans of the city, and to carry out the purposes of the municipal land use development and management act, title 10, chapter 9, of the Utah Code Annotated or its successor, and other relevant statutes. This title is, in addition, intended to:

- A. Lessen congestion in the streets or roads;*
- B. Secure safety from fire and other dangers;*
- C. Provide adequate light and air;*
- D. Classify land uses and distribute land development and utilization;*
- E. Protect the tax base;*
- F. Secure economy in governmental expenditures;*
- G. Foster the city's industrial, business and residential development; and*
- H. Protect the environment.*

When reviewing the proposed amendment in relation to the above listed items, it is important to note that the Planning Commission is reviewing a change in zoning from CB to CS, not the specific development proposal. The CB and CS districts are both commercial zoning districts and allow similar uses. The main difference is that the CS district allows uses that require larger land area, such as big box retail uses. Both zoning districts could create additional traffic on the adjacent streets depending on the success of the development; however, the CS district does allow land uses that have more of a regional draw. Staff does not find this an issue at this particular site due to the property's proximity to two arterial streets and the freeway system. Rezoning the property to CS could enhance the City's tax base by allowing land uses that draw people from not only the immediate neighborhood, but the surrounding communities as well. Rezoning the property to CS could help foster commercial development because the CS zone is less restrictive in allowable land uses; however, some believe that the competition may hurt existing smaller local businesses. Environmental protection is generally handled through laws and regulations that pertain to all development regardless of the zoning district.

The following two purpose statements pertain to the existing and proposed zoning districts:

The CB community business district is intended to provide for the close integration of moderately sized commercial areas with adjacent residential neighborhoods. The design guidelines are intended to facilitate retail that is pedestrian in its orientation and scale, while also acknowledging the importance of transit and automobile access to the site.

The purpose of the CS community shopping district is to provide an environment for efficient and attractive shopping center development at a community level scale.

It is Staff's opinion that the location and site characteristics of the subject property make it more closely aligned with the purpose of the CS zoning district. The location of the property (adjacent to two arterial streets and the freeway system) provides an environment for shopping center development. The property is not closely integrated with the adjacent residential neighborhoods. It is bordered on two sides by arterial streets that isolate it from the single-family neighborhoods to the east and south. The property is also separated from the single-family neighborhood to the northwest by other properties. These points are further discussed in the Zoning Amendment Discussion section of this report (pages 8-9).

Finding: Staff finds that the proposed amendment does not conflict with the purpose and intent of the Zoning Ordinance and the characteristics of the property are consistent with the purpose of the proposed zoning district.

3. The extent to which the proposed amendment will affect adjacent properties;

Discussion: The proposed amendment is to change the zoning on the property from CB to CS. The following are the differences between the two properties that may affect adjacent properties:

- *Allowed Uses:* The CB zoning district generally is characterized by uses that serve the neighborhood where the CB zoned property is located. While the CS zone allows those same uses, it also allows uses that could draw people from outside of the local community, such as retail shopping centers and commercial recreation centers (see table showing comparison of allowable uses, Attachment B). This draw could increase the amount of traffic into the area. It is the opinion of Staff that because the subject property is located along two arterial streets that already serve as major thoroughfares into and out of the City, and the property is located at the on/off ramp of two converging freeways, CS zoning is appropriate and adjacent properties would not be greatly affected.
- *Setbacks and Landscape Buffers:* Setbacks refer to the required distance that a building must be located from a property line. In some zoning districts, landscaping must be included in the setback area if the property abuts property in a residential district. This is called the required landscape buffer.

The CB zoning district regulations (existing zone) were generally developed for smaller parcels and the building setbacks reflect that. The building setbacks associated with the subject property that would directly affect adjacent properties are the side yard setbacks, rear yard setback, and required landscape buffer. The CB zoning district requires no interior side yard setback, a ten foot rear yard setback, and a seven foot landscape buffer when abutting a residentially zoned property. The CS zoning district requires a 15 foot interior side yard setback, 30 foot rear yard setback, and a 15 foot

landscape buffer when abutting a residentially zoned property. A positive affect from rezoning the property from CB to CS is the required increase of the rear yard setback and landscape buffer. The rear yard of this property is located adjacent to the Foothill Place Apartments, which are residentially zoned. Rezoning the property to CS will require any building to be setback further from the Foothill Place apartments and will require a greater landscape buffer.

- *Building Height:* The maximum allowed building height in the CB district is 30 feet. The maximum allowed building height in the CS is 45 feet, a 15 foot increase in allowable height. This increase in allowable height could affect the view corridors as seen from adjacent properties; however, Staff used pictometry and GIS software to estimate the height of the existing office buildings to the east of the subject property. The height of the west elevations of both of these building is approximately 39 feet. In addition, the ground elevation of these buildings is higher than the subject property. Therefore, Staff is of the opinion that the increase in allowable height would not greatly affect the east view corridor. The additional height could, however, still impact the north and south view corridors.
- *Site Design Regulations:* The current CB zoning district has a number of site design standards that are specifically written into the base regulations. These include maximum front yard setbacks, parking lot setbacks, front façade treatments, and parking lot light height limits. Any use that is permitted in the CB district and that meets the base standards is allowed without further design review. The CS zone does not have these standards written in the base regulations; however, in the CS district all new construction, any new proposed use, or any construction that increases the floor area or parking requirement by 25% must obtain Planned Development approval from the Planning Commission. This allows the Planning Commission to require certain site design elements to mitigate impacts specific to the site.

Finding: The proposed zoning map amendment could impact neighboring residential properties; specifically, the additional traffic generated and the obstruction of view corridors. Staff finds that there will be an impact from additional traffic generated by this proposal, but finds that the adjacent streets can carry the additional volume. Staff also finds that the east view corridor would not be impacted but the north and south view corridors could be affected.

4. Whether the proposed amendment is consistent with the purposes and provisions of any applicable overlay zoning districts which may impose additional standards; and

Discussion: The subject property is in the Groundwater Source Protection Overlay District. There are no additional standards imposed by this district related to the request.

Finding: Future development on the site will be required to meet the provisions of the Groundwater Source Protection Overlay District.

5. The adequacy of public facilities and services intended to serve the subject property, including but not limited to roadways, parks and recreational facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and wastewater and refuse collection.

Discussion: Applicable City departments and divisions were given the chance to review and comment on the proposed rezoning and preliminary site plans. The Public Utilities Department requested plans in the future if the request was ultimately granted, and had some site requirements for new development. No

immediate deficiencies were noted as part of the review process. Other than roadways, there has been no concern for the adequacy of public facilities and services intended to serve the subject property. As previously discussed, there is concern that this proposal would increase the volume of traffic on Parleys Way and Foothill Drive. The Transportation Division has reviewed the submitted traffic impact study and found that the study followed industry standards and general transportation engineering principles. The consultant stated in the study that Parleys Way will be used as primary access to the site and Parleys can carry the additional traffic and still operate at Level of Service A. Foothill Drive provides additional access to the site, but is already operating above capacity at peak times. The study states that, due to the current traffic levels on Foothill Drive, motorists will use the Parleys Way access point. The *Foothill Drive Corridor Study Final Report* includes recommendations for improvements, including commuter bus service, peak bus or bus/HOV lanes with transit signal priority, and replacement of the turn lane with a median in some areas. These near- and mid-term improvements address the “bigger picture” problem with congestion on Foothill Drive and are projected to improve the levels of service on Foothill Drive.

Finding: Staff finds that the current public facilities and services intended to serve the subject property are adequate, and any necessary modifications and changes to facilities will be identified upon application for building permits.