

WORK SESSION NOTES

SNYDERVILLE BASIN PLANNING COMMISSION

TUESDAY, JULY 8, 2008

SHELDON RICHINS BUILDING

6505 N. LANDMARK DRIVE, PARK CITY, UTAH

PRESENT: Claudia McMullin—Chair, Jeff Smith—Vice Chair, A. Flint Decker, Julie Hooker, Bassam Salem

STAFF: Kimber Gabryszak—County Planner, Adryan Slaght—County Planner, Jami Brackin—Deputy County Attorney, Karen McLaws—Secretary

WORK SESSION

1. **Discussion of proposed rezone of Blue Roof property located at 4575 N. Silver Springs Dr., from Rural Residential to Community Commercial; Kevin Deis, Applicant—Adryan Slaght, County Planner**

County Planner Adryan Slaght presented the staff report. He explained that the Blue Roof property has been a service station since 1982 and is currently zoned Rural Residential (RR). The applicant is requesting a rezone of the property to Community Commercial (CC). The current building on the site is approximately 5,000 square feet. The applicant proposes a Walgreen's store, which would be approximately 14-15,000 square feet, and proposes that it be processed as specialty retail due to the pharmacy aspect of the use. Planner Slaght noted that there is no definition for specialty retail in the Code. He briefly reviewed the types of uses allowed in the CC Zone. He stated that Staff could find reasons to meet all four criteria required for a rezone application. He provided photos of the site and described the area surrounding the site.

Kevin Deis, representing the applicant, the Phillips Edison Group, stated that Walgreens is interested in locating a store in this area and that the 1.47-acre site provides plenty of room for the type of building Walgreens proposes. The proposed Walgreens building would be a mezzanine store, with an 8-10,000-square-foot footprint with office and storage area on the mezzanine level. He reviewed the proposed store design and provided photographs of a similar store in Sandy, Oregon. He explained that the store would have mountain architecture and would include stone and wood components. He noted that the site has always had a commercial use, and there has been a history with the County of wanting to clean up the site. He stated that Walgreens would construct a quality building and would keep the site clean. He noted that the trash disposal area would be screened. He acknowledged that rezoning the site to CC could open up the site to uses that might not be appropriate, and he believed that concern could be addressed by assuring that the site would remain a retail commercial use at all times in the future. He noted that Walgreens leases run 25 years with 5-year renewals thereafter and that this would be a long-

term use. He felt the types of potential uses on the site were limited and that it could not be developed for housing due to the other commercial uses and the church located in the area. Mr. Deis stated that he is looking for feedback from the Commissioners to see if they would be willing to consider a rezone.

Chair McMullin provided a brief history of the site. She explained that there was previously an application for expansion of a legal, non-conforming use on the site. However, the applicant was unwilling to conform to the remainder of the Code requirements, and the application did not move forward. She recalled that there had been significant public comment expressing concern about increasing the size of any use on this parcel due to traffic implications. She noted that both of the other commercial buildings in the area have strict limitations on them. She noted that the Windermere building second story and basement could not be used, specifically because of traffic impacts, and the same restrictions apply to the doctor's office.

Deputy County Attorney Jami Brackin recalled that this site was developed prior to the 1998 Development Code, and after the Development Code was adopted, the Blue Roof became a non-conforming use. Several applications have been submitted over the years for the site, but the applicants have been loath to comply with the zoning, resulting in a history of non-compliance with the Code requirements. She noted that, once the site is rezoned to CC, there would be no limitation on the Community Commercial uses that could be approved for the site.

Commissioner Smith stated that it is important to him to know what the community thinks of this proposal. He noted that all the surrounding uses are reasonably small, and he believed the neighbors would object to the traffic and a use close to the school that would generate additional traffic. He expressed concern about replacing a 4-5,000-square-foot building with a 9-10,000-square-foot building. He stated that he was not as concerned about what the building will look like at this point as he is about addressing the community's concerns. He stated that he was not sure whether this is a good location for this type of use and that he had a problem with the size.

Commissioner Decker stated that he had concerns about the idea of a zoning change in this area. He commented that the adjacent uses, which have historically been non-compliant, are still non-compliant.

Commissioner Hooker expressed concern about locating a pharmacy so close to the school. She believed this use would dramatically increase traffic to the Silver Springs neighborhood. She noted that Mr. Deis had cited the Heber Walgreens as an example and stated that she spoke with a colleague who lives in Heber who was under the impression that the Walgreens in Heber was a way to sneak a big box into the community.

Commissioner Salem stated that he would struggle with this proposal if he were a resident of this neighborhood, and he would like to hear what the people in the community want. He would also have concerns about eliminating other potential future uses.

Chair McMullin stated that she has many problems with the proposed application, and her

primary concern is that the application does not meet the requirements for a rezone. She referred to criterion 1 regarding the goals, objectives, and policies of the General Plan, the Neighborhood Planning Area Plan, and the Land Use Plan Maps and noted that the Silver Springs Planning Area Plan states that, with the exception of the commercial uses covered under the approved Consent Agreement, all other commercial uses should be neighborhood in scale and character. She stated that there is nothing about a 15,000-square-foot Walgreens that is in scale and character with the Silver Springs neighborhood. She addressed the second criterion with regard to adjacent land uses and noted that the adjacent uses are much smaller than a 15,000-square-foot Walgreens and are significantly limited by the County with regard to size, traffic impacts, parking, etc. She noted that there is a school adjacent to this site, and little children are already running across the street, which is dangerous. She did not believe the traffic and congestion impacts of the proposed Walgreens store could be mitigated. She noted that the fourth criterion addresses public health, safety, and general welfare and stated that she did not believe this rezone application could not adversely affect public health, safety, and welfare. She referred to the legislative nature of the proposed rezone and explained that future uses could be a car dealership, or car rental and repair, or a campground. She stated that she could never support a rezone of this parcel to CC.

Commissioner Smith asked why the Walgreens was not being proposed as Neighborhood Commercial. Planner Slaght replied that it could not meet the size requirements under Neighborhood Commercial zoning.

Mr. Deis explained that the footprint of a mezzanine store would be closer to 8,000 square feet. He commented that, in consulting with a traffic engineer, it was determined that approximately 30 to 50 extra p.m. trips would be generated. Overall, additional daily trips would be approximately 200 to 300. He stated that the applicant would be able to meet all the Code requirements regarding parking, lighting, etc. He did not believe a pharmacy or retail business would be a hazard to the children. He believed there would be ways to mitigate the traffic which accesses the site and noted that the intersection is designed for a greater capacity than it currently handles. He offered to meet with the homeowners associations in the Silver Springs areas to address the residents' concerns.

Commissioner Smith noted that, even if the community were to support this zone change, the applicant would still have to address the other concerns expressed by the Planning Commissioners.

Chair McMullin reiterated that the proposed use is not neighborhood in scale and character. Even if she could be convinced that a Walgreens would be appropriate in this location, she could not be convinced that CC zoning is appropriate on this site.

2. **Continued Discussion of proposed Workforce Housing Incentives – Kimber Gabryszak, County Planner**

County Planner Kimber Gabryszak and the Planning Commissioners reviewed the edits