



City Council

2540 E. Bengal Blvd.
Zone Map Amendment (ZMA-19-006)
R-1-8 to NC

1

Summary

Action Requested:
Rezone from R-1-8 to NC

Recommendation:
APPROVE

Applicant:
Log Enterprises, LLC
(Perry Pardoe, Manager)

Project #:
ZMA-19-006



2

Context

Subject Property:
2540 E. Bengal Blvd.

Property Owner:
Log Enterprises, LLC

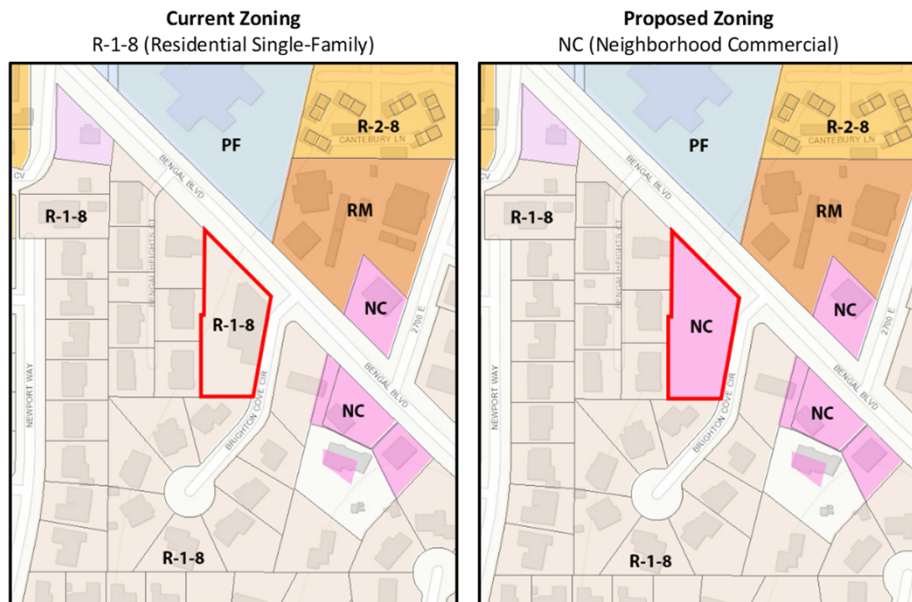
Acres:
0.74

Parcel #:
22-27-480-029-0000



3

Zoning and Land Use



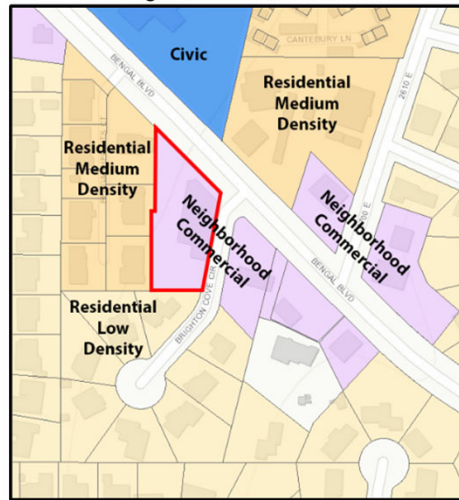
4

Zoning and Land Use

Adjacent Uses



Land Use (No Change Proposed)
Neighborhood Commercial



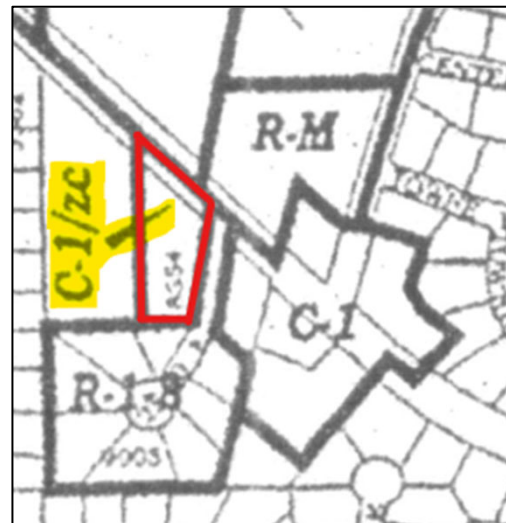
5

Nonconforming Use

Because the City's official zoning map currently designates this property as R-1-8 (Residential Single-Family), the commercial and office use of the property is considered legal nonconforming. Business license records show that the following types of businesses have been licensed by the City:

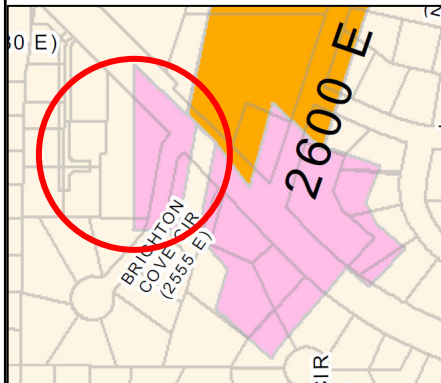
- Music studio
- Financial services/accounting
- Business services/consulting
- Computer services

Nonconforming uses may be continued by the property owner, per section 19.88.010 of the zoning ordinance (Continuation of Use). New business types and different land uses are prohibited in the R-1-8 zone, so a zone map amendment needs to be approved before the property owner can bring in any different businesses.



6

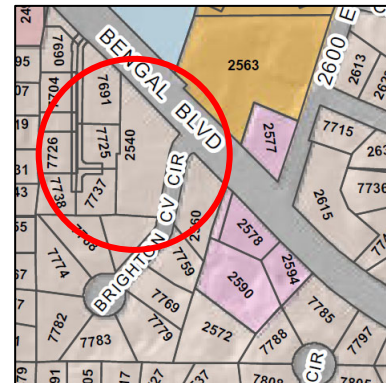
Zoning History



2005 - NC



Mar. 2009 - NC



Sep. 2009 - R-1-8

7

Zoning Ordinance

19.37.030. Conditional uses.

- | | |
|---|--|
| <p>A. Mixed residential housing as defined in this chapter, provided that the mix of uses is consistent with permitted and conditional uses in this chapter;</p> <p>B. Bed and breakfast;</p> <p>C. Commercial recreation;</p> <p>D. Reception center;</p> <p>E. Convenience store;</p> <p>F. Grocery store, foodstuffs, retailing, or delicatessen with a maximum gross floor area of no more than 7,500 square feet on any one floor and 15,000 gross occupiable square feet;</p> <p>G. Convenience store/fast food combination without gasoline;</p> <p>H. Medical, optical, dental offices and clinics for health professionals, with the exception of after-hours care, overnight care or traditional medical retail stores, with a maximum gross floor area of no more than 7,500 square feet on any one floor and 15,000 gross occupiable square feet;</p> | <p>I. Administrative, general or professional offices containing no more than 7,500 square feet on any one floor and 15,000 gross occupiable square feet;</p> <p>J. Studios for an artist, designer, writer, photographer, sculptor or musician;</p> <p>K. Restaurant;</p> <p>L. Retail commercial;</p> <p>M. Churches;</p> <p>N. Home occupations;</p> <p>O. Home pre-schools;</p> <p>P. Child day-care/preschool;</p> <p>Q. Parks, playgrounds or community recreation;</p> <p>R. Planned unit development;</p> <p>S. Public and private utility buildings or facilities;</p> <p>T. Residential facilities for elderly persons;</p> <p>U. Child or adult day care facilities;</p> <p>V. Schools;</p> <p>W. Live/work spaces;</p> <p>X. Class D private clubs; and</p> <p>Y. Retail/small commercial.</p> |
|---|--|

8

Staff Recommendation

Staff recommends approval of the request for a zoning map amendment from R-1-8 (Residential Single-Family) to NC (Neighborhood Commercial) at 2540 E. Bengal Blvd. without zoning conditions.

9

Planning Commission Recommendation

On January 8, 2020, the Planning Commission voted 7-0 to forward a recommendation of approval to the City Council with a recommendation to enact zoning conditions per section 19.90.060 of the Cottonwood Heights code restricting the following uses:

- Tattoo parlors
- Tobacco/vape shops
- Marijuana pharmacies
- CBD shops
- Private clubs/bars
- Check cashing/payday loan businesses

10

Existing Regulations Restricting Specific Uses

Use	Allowed after rezoning?	Notes
Tattoo Parlors	No	Restricted by City Zoning Ordinance (19.76.040.B): Tattoo parlors are not listed in the zoning ordinance. Uses not listed can only be approved by the City Council as outlined under 19.76.040.B (Uses not listed-Compatibility standards).
Tobacco Specialty Stores	No	Restricted by State Code (10-8-41.6): Does not meet proximity requirements (1,000 feet from community location required, 100 feet currently)
Marijuana Pharmacies	No	Restricted by State Code (26-61a-301): Does not meet proximity requirements (600 feet from residential zone required, 50 feet currently)
CBD Shops	Yes	Retail uses are a conditional use in the NC zone. Conditional uses require Planning Commission approval. CBD products must be registered with the Department of Agriculture.
Bars/Clubs	No	Restricted by State Code (32B-1-202): Does not meet proximity requirements (200 feet from community location required, 100 feet currently)
Payday Loans	No	Restricted by City Zoning Ordinance (19.76.040.I): Non-depository institutions (check cashing, deferred deposit lenders, payday loans, and title loans) are only allowed in the CR (Regional Commercial) zone.