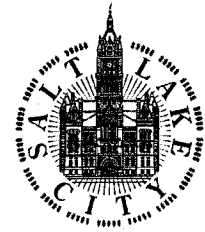


PLANNING COMMISSION STAFF REPORT

2421 E. Parley's Way Zoning Map and Master Plan Amendments

Petitions PLNPCM2008-00238 & PLNPCM2008-00239

November 12, 2008



Planning & Zoning Division
Department of Community &
Economic Development

Applicant: Lisa Sieg

Staff: Lex Traugher at
(801) 535-6184 or email
lex.traugher@slcgov.com

Tax ID: 16-22-203-018 & 034

Current Zone: R-1/5,000 Single-
Family Residential District

Master Plan Designation: Low-
Density Residential

Council District: Council District
7, represented by Søren Simonsen

Acreage: 0.28 ± of an acre

Current Use: Commercial -
Language of Flowers

Applicable Land Use

Regulations:

- State Law, Section 10-9a-204,
Notice of Public Hearings and
Public Meetings to Consider
General Plan or Modifications
- 21A.50 Amendments

Attachments:

- A. Department Comments
- B. Vicinity Zoning Map
- C. Photos

REQUEST

A request by Lisa Sieg, applicant, for a master plan and zoning map amendment for the property located at 2421 E. Parley's Way. The subject property is the current location of the business known as "The Language of Flowers".

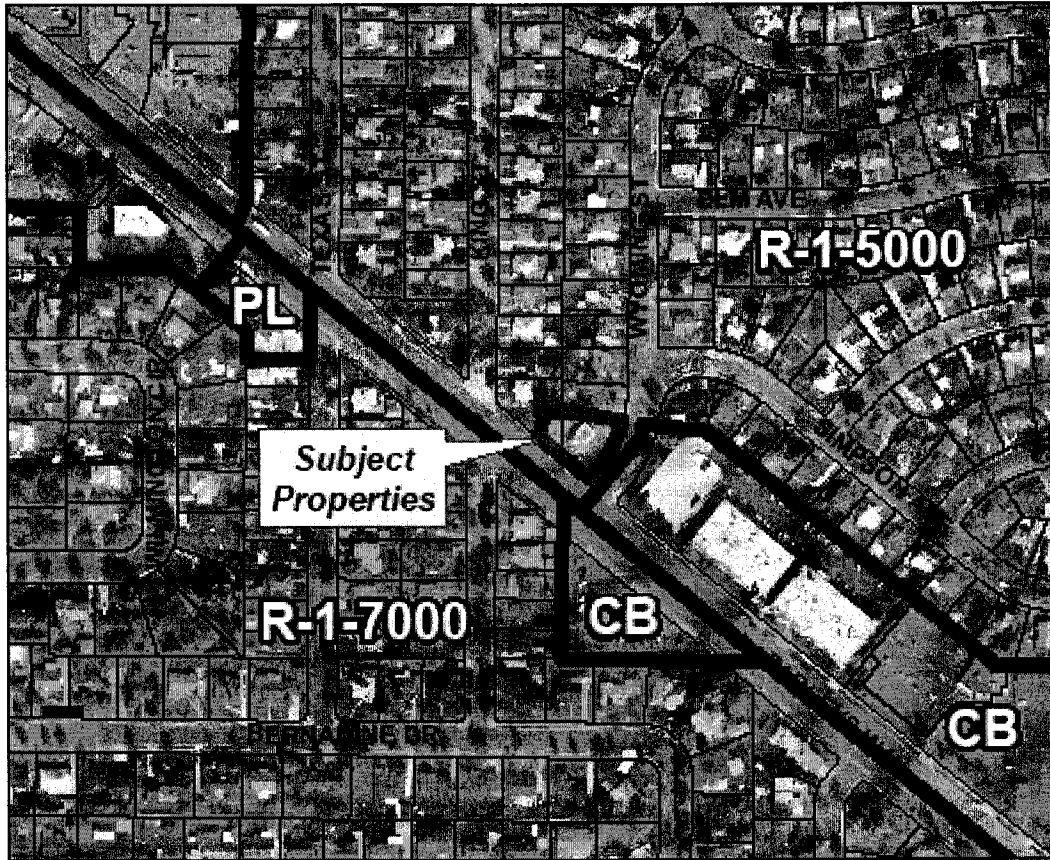
STAFF RECOMMENDATION

Based on the discussion, analysis, and findings in this staff report, Planning Staff recommends that the Planning Commission forward a positive recommendation to the City Council with respect to the proposed amendments to the Salt Lake City Zoning Map and the East Bench Community Master Plan as follows:

Petition PLNPCM2008-00238: to amend the Salt Lake City Zoning Map from R-1/5,000 (Single-Family Residential District) to CB (Community Business District) for property located at 2421 E. Parley's Way.

Petition PLNPCM2008-00239: to amend the East Bench Community Future Land Use Map from Low-Density Residential to Neighborhood Business for property located at 2421 E. Parley's Way.

VICINITY MAP



PROJECT DESCRIPTION

The applicant requests to change the Salt Lake City Zoning Map for the subject property from R-1/5,000 (Single-Family Residential District) to CB (Community Business District), which requires an amendment to the East Bench Community Future Land Use Map from Low-Density Residential to Neighborhood Business. A commercial business, the Language of Flowers, is currently located on the subject property. This property was originally built for and has a history of commercial land use. The purpose of the rezone, and the corresponding master plan amendment, is to make the current use of the property consistent with current land use maps.

DEPARTMENT/DIVISION COMMENTS

Of the Departments/Divisions contacted, Engineering, Public Utilities, Permits and Zoning, Transportation, Property Management, Fire, Business Licensing, and the Police, only three comments were received (Exhibit A). No significant comments or issues were raised by the Departments/Divisions that replied.

PUBLIC COMMENTS

The Sugar House Community Council was sent information regarding these petitions on August 2, 2008, via email and the U.S. Mail. This correspondence outlined the proposed amendments and requested comment from the Council. No comments were received from the Community Council regarding this matter. Likewise, no comments were received from the public regarding the amendments.

PUBLIC NOTICE

A notice of public hearing was mailed to all property owners within 450 feet of the subject property, and all those that requested to be placed on the mailing list on October 28, 2008, meeting the 14 day notification requirement. The site was also posted with "Notice of Public Hearing" signs on the same day, meeting the minimum ten day posting requirement. Community Council Chairs, Business Groups and other interested parties were also notified through the Planning Division's listserv, and the agenda was posted on the State's and Planning Division's websites.

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 the noticing requirements. A notice for the Master Plan amendment was published in the Deseret News on October 29, 2008.

STAFF ANALYSIS AND FINDINGS

Master Plan Amendment Analysis: 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 Deseret News on October 29, 2008. The rationale for amending the East Bench Community Master Plan Future Land Use Map is discussed under item A below.

Zoning Map Amendment Analysis and Findings: A decision to amend the Salt Lake City Zoning Map by general amendment is a matter committed to the legislative discretion of the City Council. Although zoning amendments are not controlled by any one standard of review, the City should consider the following factors:

A. *Whether the proposed amendment is consistent with the purposes, goals, objectives, and policies of the adopted general plan of Salt Lake City;*

East Bench Community Master Plan (April 1987)

The East Bench Community Master Plan addresses "Business/Commercial Uses" in a limited manner. Essentially, the Plan notes that the East Bench area is "built out", and commercial development is limited to either redevelopment of existing sites or rezone considerations. The Plan states that additional services are desired by residents in the area, however the location of such services is geographically constrained. In terms of rezone requests, the Plan makes it clear that rezone proposals should have little to no impact on residential areas. This Plan also identifies zoning change compatibility considerations that are pertinent to the proposed rezone. The following are considerations specifically noted in this Plan:

- Business projects must be of a density, scale, and design that will not negatively impact neighboring residential properties;
- Property must be on a street that can handle the additional traffic;
- The site must be large enough for adequate open space and parking without overcrowding the lot.

Final Report of the Salt Lake City Futures Commission: Creating Tomorrow Together (1998)

Several Summary Recommendations noted in this Report are especially pertinent to the proposed rezone and master plan amendment. The following are recommendations as they relate to Plan topics of Economics, Neighborhoods, and Urban Design:

- Nurture and encourage small businesses and entrepreneurship;

- Provide neighborhood services, including retail businesses that can be reached by walking, cycling, or public transportation;
- Create a balanced approach to business incentives and zoning ordinances that encourage small-scale commercial and business activities;
- Encourage building designs that are human scale, promote pedestrian traffic, and facilitate pleasant interaction on the street;
- Design and orient buildings to make neighborhoods pedestrian friendly.

Analysis: The proposed amendment are consistent with adopted policies. The property currently is home to an existing small business which serves the surrounding neighborhood. This is the type of business that would generate non-motorized transportation traffic ie. pedestrians and cyclists. The business is located on a street that is designated as an ‘arterial’, and therefore able to accommodate any traffic generated by this small enterprise. The building itself is small in mass and compatible with surrounding commercial businesses and residential units in the immediate vicinity. Planning Staff asserts that this small business is a positive attribute in the area; contributing to the neighborhood fabric in a positive manner.

Finding: The proposed rezone and master plan amendment are supported by policies in the East Bench Community Master Plan (1987) and the Final Report of the Salt Lake City Futures Commission: Creating Tomorrow Together (1998), and therefore are consistent with the purposes, goals, objectives, and policies of the adopted general plan of Salt Lake City.

B. *Whether the proposed amendment is harmonious with the overall character of existing development in the immediate vicinity of the subject property;*

Analysis: This section of Parley’s Way, on the north side of the street, from 2300 East to the entrance of the freeway to the southeast is a mix of commercial and residential land uses, however the majority of this property is zoned for and used commercially (Exhibit B). There are four residential properties that front Parley’s Way between the Rite Aid/McDonalds development on 2300 East and the subject property. There are no residential parcels located between the subject property and the K-mart complex to the southeast with the exception of the Country Club Ridge Condominiums that were recently completed within the last two years. In short, this section of Parley’s Way is dominated by commercial land uses that serve the surrounding area. The commercial enterprise on the subject parcel is currently a flower and gift shop/coffee house that is in keeping with and serves the surrounding area. The scale of this enterprise is similar to or less than other commercial ventures along this section of Parley’s Way.

Finding: The proposed amendment is compatible with existing development in the immediate vicinity of the subject property.

C. *The extent to which the proposed amendment will adversely affect adjacent properties;*

Analysis: Staff has not received any comments from adjacent property owners stating that the proposed amendments will adversely affect adjacent properties. Given the lot size and configuration of the subject property, it is difficult to anticipate that substantial commercial redevelopment could take place in the future, should the proposed rezone and master plan amendment receive approval, that would impact the surrounding neighborhood. The property also currently has substantial mature vegetative buffering to mitigate impacts on adjacent residential properties to the north.

Finding: The subject property is currently used and has been used in the past commercially. It is unlikely that the proposed amendments will affect adjacent properties adversely.

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

Finding: There are no applicable overlay zoning districts imposing additional standards at the subject location.

E. *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, storm water drainage systems, water supplies, and wastewater and refuse collection.*

Finding: The subject property is located within a built environment where public facilities and services are existing. No comments were received indicating that public facilities and services are inadequate to serve the subject property.

Exhibit A –
Department/Division Comments

Traughber, Lex

TRANSPORTATION

From: Walsh, Barry
Sent: Tuesday, August 05, 2008 8:28 AM
To: Traughber, Lex
Cc: Young, Kevin; Smith, Craig; Garcia, Peggy; Itchon, Edward; Butcher, Larry
Subject: pet PLNPCM2008-00238 & 11239
Categories: Program/Policy

August 5, 2008

Lex Traughber, Planning

Re: Petitions PLNPCM2008-00238 & PLNPCM2008-00239
Rezone and Master Plan Amendment for 2421 E. Parley's Way
Parcel 16-22-203-018 & -034.

The division of transportation review comments and recommendations for conversion from a R-1/5000 to a CB zone is as follows:

Parley's Way is a major arterial class roadway in keeping with a commercial use and traffic generation as proposed per the current retail use of the property. Future expansion is to comply to city standards for parking, maneuvering, and circulation as required.

Sincerely,

Barry Walsh

Cc Kevin Young, P.E.
Craig Smith, Engineering
Peggy Garcia, Public utilities
Ted Itchon, Fire
Larry Butcher, Permits
file

8/12/2008

Traughber, Lex

PUBLIC UTILITIES

From: Garcia, Peggy
Sent: Monday, August 11, 2008 1:16 PM
To: Traughber, Lex
Subject: PLNPCM2008 & PLNPCM2008-00239 Rezone and Master Plan Amendments for 2421 East Parley's Way
Categories: Program/Policy

Lex,

Salt Lake City Public Utilities has reviewed the above-mentioned master plan amendments and has no conflicts with the proposed rezone.

If you need any further assistance please contact me.

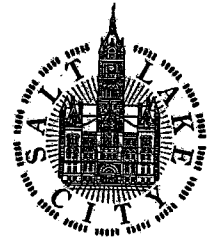
Thank you,

Peggy Garcia

8/12/2008

BLDG SVCS

MEMORANDUM



451 South State Street, Room 406
Salt Lake City, Utah 84111
(801) 535-7757

Planning and Zoning Division
Department of Community & Economic Development

TO: Peggy Garcia – Public Utilities
Ted Itchon – Fire
Craig Smith – Engineering
Barry Walsh – Transportation
Larry Butcher – Permits Counter Supervisor
Rich Brede – Police
John Spencer – Property Management
Robert Lucas – Business Licensing

FROM: Lex Traughber – Principal Planner
Phone 535-6184
Email: lex.traughber@slcgov.com

DATE: August 4, 2008

SUBJECT: Petitions PLNPCM2008-00238 & PLNPCM2008-00239
Rezone and Master Plan Amendments for 2421 E. Parley's Way
Parcels 16-22-203-018 & 034

The Salt Lake City Planning Division has received a request to amend the zoning map and the associated master plan future land use map for the above referenced property which is the current location of the business known as "The Language of Flowers".

The current zoning of the subject property is R-1/5,000 (Single Family Residential). The applicant proposes to change the zoning to CB (Commercial Business). Likewise, the future land use map in the East Bench Community Master Plan identifies the subject property for low density residential use. The applicant proposes commercial land use on the site.

The purpose of the amendments is to bring a current non-conforming land use (commercial use on residentially zoned property) into conformance, which may allow the owner/applicant the opportunity to expand the existing business in the future.

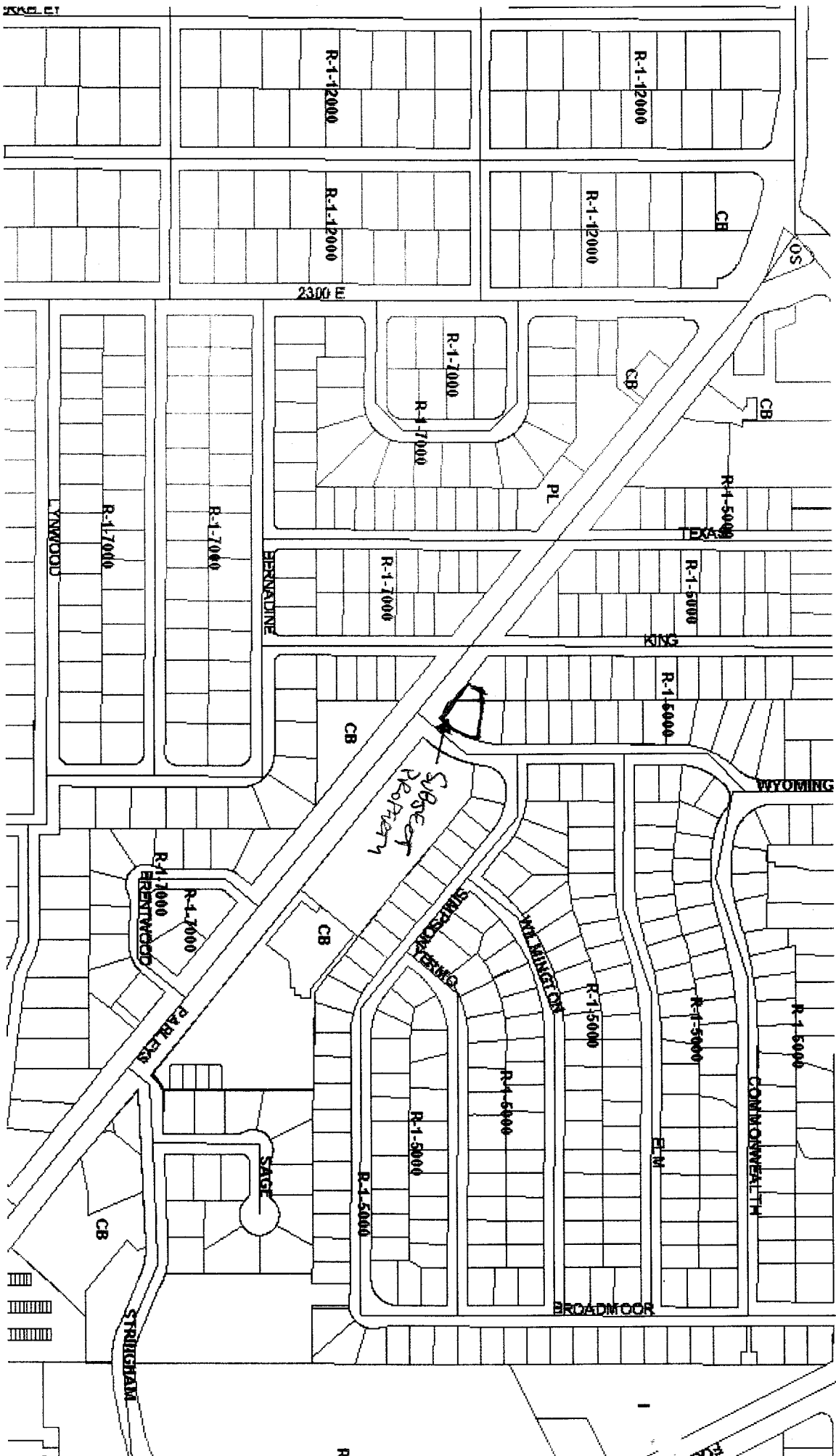
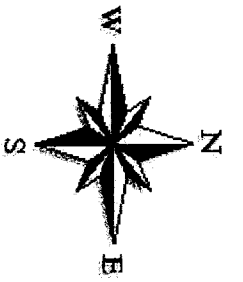
Please review this information and respond with any comments as soon as you are able, but no later than **Monday, August 18, 2008**. If you do not have any comments, please respond by email with "no comment" so that I can be sure that you have seen the request. If you have any questions, please do not hesitate to call or email.

Thank you.

** Any future expansion or use on the property would need to comply w/ applicable zoning and building codes.*

Wgms rld

**Exhibit B –
Vicinity Zoning Map**

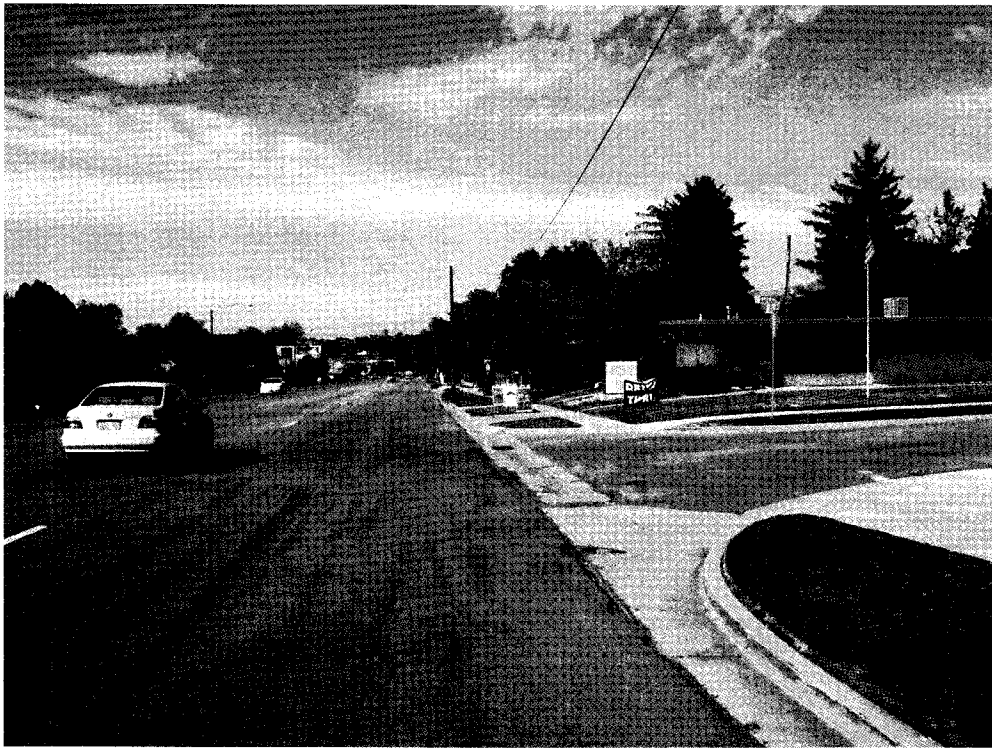


Salt Lake City IGIS Map
Print on: 7/10/2008

**Exhibit C –
Photos**



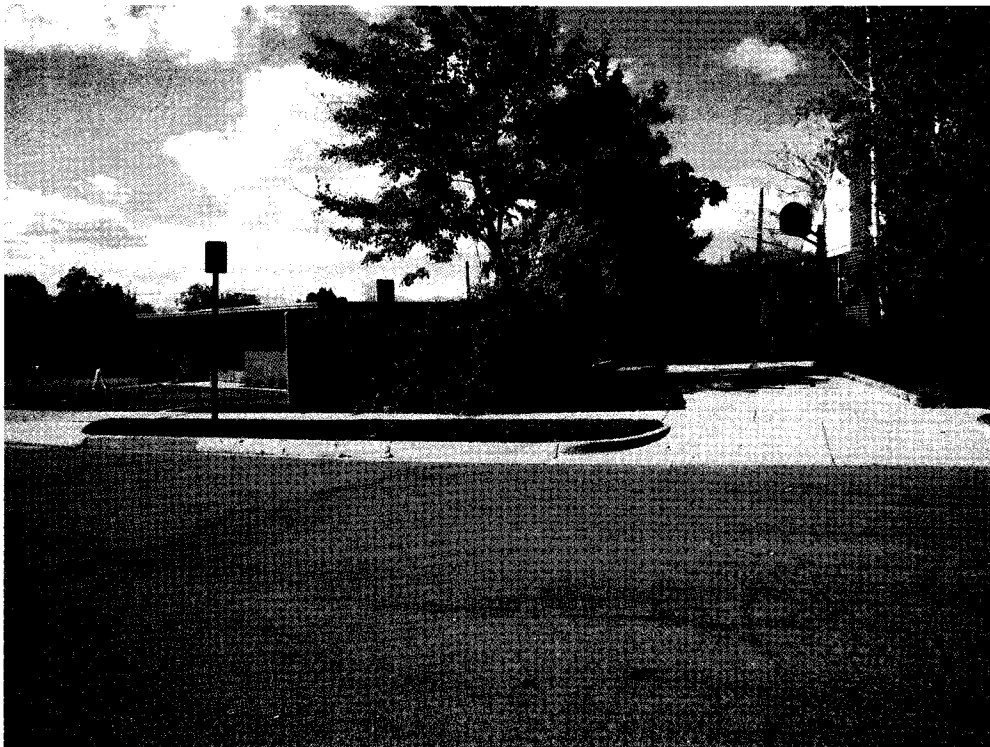
The Language of Flowers retail goods establishment located at 2421 E. Parley's Way



View of the Language of Flowers looking northwest along Parley's Way toward Albertson's (2300 East and 2100 South)



View of the Language of Flowers looking southeast on Parley's Way



View of the Language of Flowers and the residential property adjacent to the north