



Communication to Planning Commission

Community & Economic Development
Office of the Director

To: Planning Commission Members

From: Nole Walkingshaw

Date: August 26, 2009

CC: File

Re: City Creek Inn Zoning Map Amendment Petition PCM2008-00918,
amendment to ordinance conditions.

On March 25, 2009 the Planning Commission forwarded a positive recommendation to the City Council to amend the zoning Map for the Capitol Hill Planning District. The Zoning Map Amendment request will change a portion of vacant land currently zoned PL Public Lands to RMU Residential Mixed Use. The segment of land is a tabbed out portion of the West High School athletic field, which currently is not in use and has not been improved or landscaped. The Salt Lake City School District has a pending real estate transaction to sell this portion of the property to the applicant pending approval of this request. This request is also being processed with a Minor Subdivision request; petition number PLNPCM2008-000917 which will incorporate the three parcels into one lot. The current use of the primary parcel is a motel/hotel which currently is a non-conforming use in the R-MU zoning district. The applicant does not have any immediate change of use or expansion of the current use plan for the parcels at this time.

There were three noted conditions in the staff report which were considered and requested by the Planning Commission:

1. The approved Preliminary Minor Subdivision Petition PLNPCM2008-00917 be recorded consolidating the parcels, should the request be approved.
2. Subject properties are landscaped and fenced to be consistent with existing development, and in accordance with the landscaping requirements of the zoning ordinance.

3. Notice, the existing motel use is a legal non-conforming use; any expansion of the use would require a determination of expansion of a non-conforming use and may required mitigation, through a conditional use request.

The third condition was meant to serve as a notice of the existing status and based upon attorney advice does not really qualify as a condition. When staff asked for the ordinance to be prepared this discussion occurred and the condition was not included in the transmittal to the City Council. Council staff noted the inconsistency and it was determined that a clarification of the issue should be made before the Planning Commission. The Planning Commission was briefed on the issue on August 12, 2009 and asked that the issue be brought before them formally for discussion.

At this time staff is requesting the Planning Commission amend the conditions of its recommendation to the City Council to not include the third condition relating to non-conforming uses.

A modified ordinance has been prepared and delivered to the City Council so that they may continue pending your recommendations.



SALT LAKE CITY ORDINANCE
No. _____ of 2009

(Amending the Zoning Map Concerning Property Located at 230 W. North Temple Street)

An ordinance amending the zoning map to change the zoning designation of property located at 230 West North Temple Street from PL (Public Lands) to R-MU (Residential Mixed Use), pursuant to Petition No. PLNPCM2008-00918.

WHEREAS, the Salt Lake City Planning Commission ("Planning Commission") held a public hearing on March 25, 2009 on an application made by Paul L. Willie ("Applicant") to amend the Salt Lake City zoning map pertaining to property located at 230 West North Temple Street (Sidwell Tax ID Nos. 08-36-452-026, 08-36-452-020, and 08-36-452-021) (the "Property") to change the zoning district designation of the Property from PL (Public Lands) to R-MU (Residential Mixed Use); and

WHEREAS, at its March 25, 2009 meeting, the Planning Commission voted in favor of forwarding a positive recommendation to the Salt Lake City Council ("City Council") on said application; and

WHEREAS, after a hearing before the City Council, the City Council has determined that the following ordinance is in the best interest of the City.

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. Amending the City's Zoning Map to re-zone the Property. The Salt Lake City zoning map, as adopted by the Salt Lake City

Code, relating to the fixing of boundaries and zoning districts, shall be and hereby is amended to re-classify the zoning district designation of the Property located at 230 West North Temple Street, and which is more particularly described on Exhibit "A" attached hereto, from the PL (Public Lands) zoning district to the R-MU (Residential Mixed Use) zoning district consistent with the Applicant's request set forth in Petition No. PLNPCM2008-00918.

SECTION 2. Conditions. Following the adoption of this ordinance, the Applicant/Property Owner is required to satisfy the following conditions:

- a. That Applicant records with the County Recorder the approved subdivision plat that is the subject of Petition No. PLNPCM2008-00917; and
- b. That the subject Property be landscaped and fenced consistent with applicable zoning requirements for hotel/motel use.

SECTION 3. Effective Date. This ordinance shall become effective on the date of its first publication.

Passed by the City Council of Salt Lake City, Utah, this _____ day of _____, 2009.

ATTEST AND COUNTERSIGN:

CHAIRPERSON

CITY RECORDER

Transmitted to Mayor on

_____.

Mayor's Action: _____ Approved.

_____ Vetoed.

MAYOR

CITY RECORDER

(SEAL)

Bill No. _____ of 2009.

Published: _____.

HB_ATTYY-#8095-v2-Ordinance_-_Rezoning_230_W_North_Temple_-_City_Creek_Inn

