



Memorandum

Planning Division
Community & Economic Development Department

To: Planning Commission

From: Nick Norris, Senior Planner

Date: November 30, 2009

Re: Petition PLNPCM2009-00021 H Historic Overlay Zoning District
Boundary Adjustment

On May 13, 2009 the Planning Commission reviewed the above referenced petition to amend the existing boundaries for the local historic districts that are subject to the H Historic Preservation Overlay District regulations. At that meeting the Planning Commission adopted a motion to send a favorable recommendation to the City Council to amend the overlay district boundaries. Because this action is a zoning map amendment, public notice is required to be given in a newspaper of general circulation in addition to direct mail notification. The May 13, 2009 public hearing was not noticed in the newspaper. In order to be compliant with State and City noticing requirements, the matter is required to be reheard after property notification.

For the December Planning Commission Public Hearing, proper notification, including direct mail and posting in the newspaper, was given for this item. The content of the attached staff report and the Planning Division recommendation has not changed. Attached is the staff report that was published for the May 13, 2009 Planning Commission Public Hearing.

PLANNING COMMISSION STAFF REPORT

Salt Lake City Boundary Adjustment Map Amendment Petition PLNPCM2009-00021 – City-wide May 13, 2009



Planning Division
Department of Community and
Economic Development

Applicant: Planning Commission

Staff: Robin Zeigler 535-7758
robin.zeigler@slcgov.com

Master Plan Designation:
Various

Council District: Various

Applicable Land Use Regulations:

Review Standards: 21A.50.050
Standards for General Amendments

21A.34.020 D

Notification

- Notice mailed on April 7, 2009
- Agenda posted on the Planning Division and Utah Public Meeting Notice websites May 8, 2009

Attachments:

- A. Proposed Map Amendments
- B. Department Comments
- C. Public Comments
- D. HLC Minutes & Staff Report
- E. Haxton Place Surveys

REQUEST

The Historic Landmark Commission recommends reconsideration of the boundaries of the historic districts to provide for clarity by ensuring the entire parcel is shown to be within the historic district.

STAFF RECOMMENDATION

Based on the comments, analysis and findings of fact listed in the staff report, staff recommends the Planning Commission transmit a favorable recommendation to the City Council to adopt the proposed map amendments.

Background/ Project Description

The City adopted a comprehensive rewrite of the Zoning Ordinance and adopted a completely new Zoning Map in April 1995. At that time, it was understood that adjustments to the Zoning Ordinance and Zoning Map would be necessary once it had been implemented, and people had an opportunity to work with it.

When the historic districts were formed, the legal descriptions did not follow lot lines, but instead laid lines a certain number of feet from the central line of the street. The result is that many lots are bisected by the historic district boundary, which could mean that part of a building or property is in a district and part is not, or that part of a property is in one district and part is in another. For clarification purposes, the Historic Landmark Commission is recommending that the boundary lines of local districts follow lot lines.

In addition, when the South Temple Historic District was formed, it cut a mid-block street, Haxton Place, in two. As a result, four properties that face this street were excluded from the Historic District. To assure the preservation of this portion of the district, the Historic Landmark Commission recommends changing the boundaries to include the entirety of this dead end street. The properties that would be affected by this change are 31, 32, 33 and 34 Haxton Place. Please see Attachment A.

Comments

Public Comments

An Open House was held on August 28, 2008. Notice of the Open House was sent to Community Council chairs and those whose names are on the Planning Division's List serve. Notice was also posted on the City's website and in a newsletter sent to all owners of property with local historic designation and those on Haxton Place. The attendants were in favor of the project. Please see attachment C.

The owners of property on Haxton Place, that is not already designated, were contacted via phone as well as notified of the Open House. All were in support of the designation.

City Department Comments

Staff sent information regarding the proposed text changes to applicable City Departments. Department responses are included in Attachment B. No substantive issues or concerns were raised through department review of the proposed text amendments.

Historic Landmark Commission Comments:

The Historic Landmark Commission held a public hearing on the matter on April 1, 2009. They unanimously approved recommending the proposed Zoning Map Amendment. See public comments from that meeting on attachment C.

21A.50.050 Standards for General Amendments

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:

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

Analysis: The community master plans land use policies generally state that historic structures and neighborhoods should be preserved. Guiding Principle 4 of the Salt Lake City Planning Division Strategic Plan states: "Provide the Highest Level of Professional Planning Service. The Planning Division will focus its efforts and resources to provide the City with the highest level of professional planning services. The Division will focus on Plans that reflect the values of the citizens and their neighborhoods."

- Goal: Ensure that all Community Master Plans identify, balance and advance the needs of the City and our neighborhoods.
- Goal: Base planning decisions on adopted policies and regulations
- Goal: Encourage livable, sustainable development."

The map amendment, with the exception of 31, 32, 33 and 34 Haxton Place does not add or remove properties from the established historic districts, but provides clarification that each property is included in the district in whole, rather than part. The addition of the Haxton Place properties is consistent with this standard since it is the goal of master plans to preserve historic structures and this alteration will allow for the preservation of the entire area of Haxton Place rather than just half the street.

Finding: The proposed map amendment provides additional refinement of the zoning regulations of the City's code by providing corrections, clarification and consistency within existing regulations. The proposed alterations are consistent with the City's land use policies.

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

Analysis: The proposed amendments will not alter the existing character of the established districts. Local design review is a key tool in preserving neighborhood character and local history.

Finding: The proposed map amendment does not require changes to the existing development in the City and therefore meets this standard. The valuable tool of design review will remain and include full properties rather than just portions of properties. Clear boundaries will lessen confusion as to which portions of a property are designated and which are not, which was not the original intent of the designation.

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

Analysis: The proposed amendment will not require alterations to the existing character of the established districts. The Map Amendments clarify district boundaries and will not affect adjacent properties. With the exception of four properties located on Haxton Place, properties will not be designated that have not already been designated.

Finding: The proposed map amendment does not require changes and therefore will not affect adjacent properties.

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

Analysis: The proposed map amendment does not specifically relate, nor impact provisions of any adopted overlay zone. The Map Amendments are to the Historic Overlay boundaries. The proposed changes clarify how the Overlay standards affect particular lots. Section 21A.34.020 subsection D.2 relates to the adjustment of historic district boundaries:

2. Criteria For Adjusting The Boundaries Of An H Historic Preservation Overlay District: Criteria for adjusting the boundaries of an H historic preservation overlay district are as follows:

- a. The properties have ceased to meet the criteria for inclusion within an H historic preservation overlay district because the qualities which caused them to be originally included have been lost or destroyed, or such qualities were lost subsequent to the historic landmark commission recommendation and adoption of the district;
- b. Additional information indicates that the properties do not comply with the criteria for selection of the H historic preservation overlay district as outlined in subsection C2 of this section; or
- c. Additional information indicates that the inclusion of additional properties would better convey the historical and architectural integrity of the H historic preservation overlay district, provided they meet the standards outlined in subsection C2 of this section.



Finding: The proposed map amendment is consistent with the provisions of all applicable overlay zoning districts that may impose additional standards. The adjustment will not include new properties or exclude existing properties; with the exception of four properties on Haxton Place, therefore, the standards of section 21A.34.020D.2 do not apply to the majority of the boundary adjustments. Inclusion of the Haxton Place properties meets subsection 2.c. of section 21A.34.020.D., since the addition of the properties will help to preserve the full character of this street, rather than just a portion. Three of the four properties are listed as “significant” in the 1978 survey of the area. They are 32, 34 and 35 Haxton Place. Thirty-one Haxton Place is listed as “contributing”. Please see attachment E.

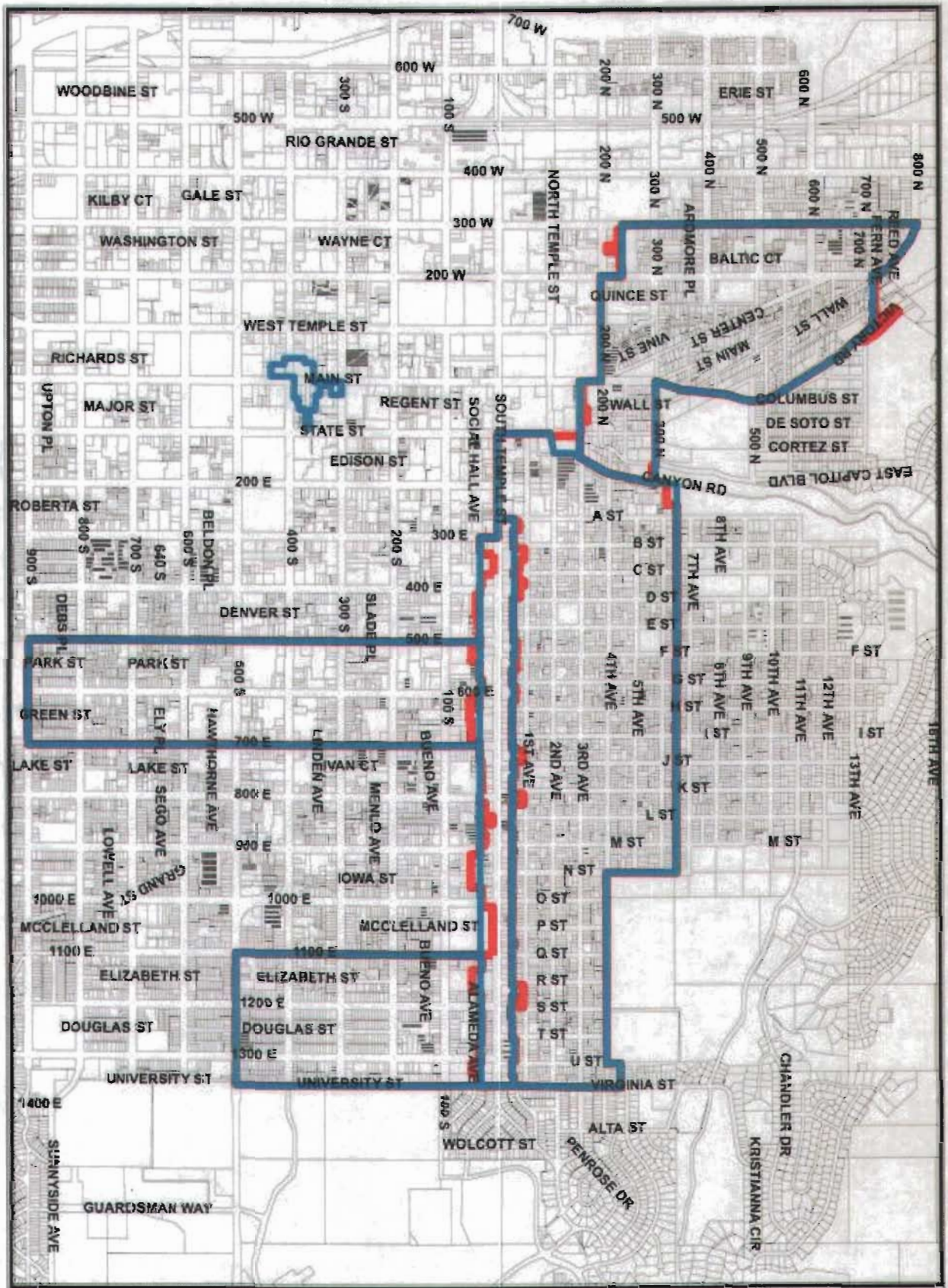
E. The adequacy of public facilities and services intended to serve the subject property, including but not limited to roadways, parks and recreational facilities, police and fire protection, schools, storm water drainage systems, water supplies, and wastewater and refuse collection.

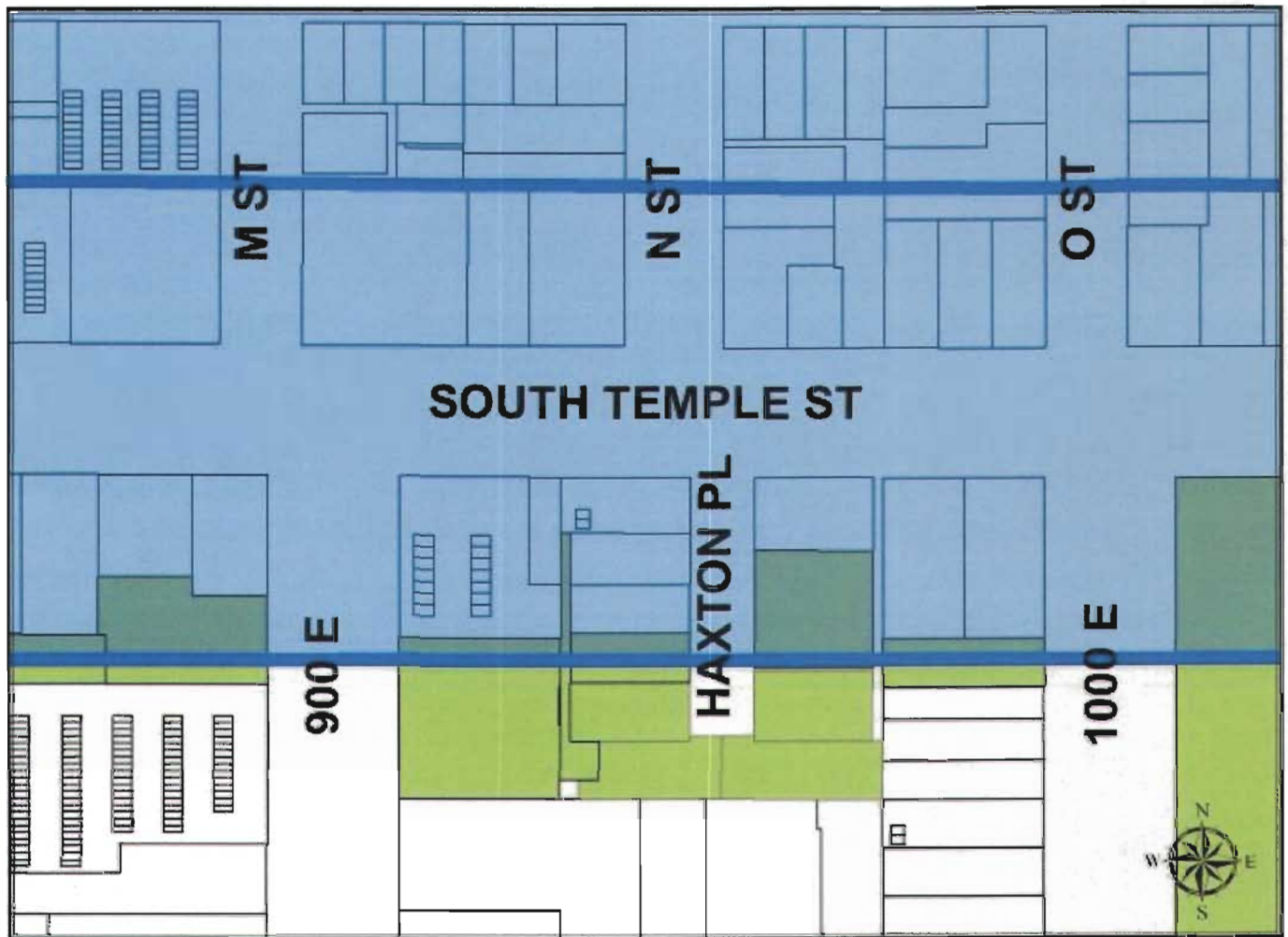
Analysis: The proposed map amendment does not relate to provisions governing public facilities and services.

Finding: According to Department Comments, there is no indication that there will be problems with facilities and services.

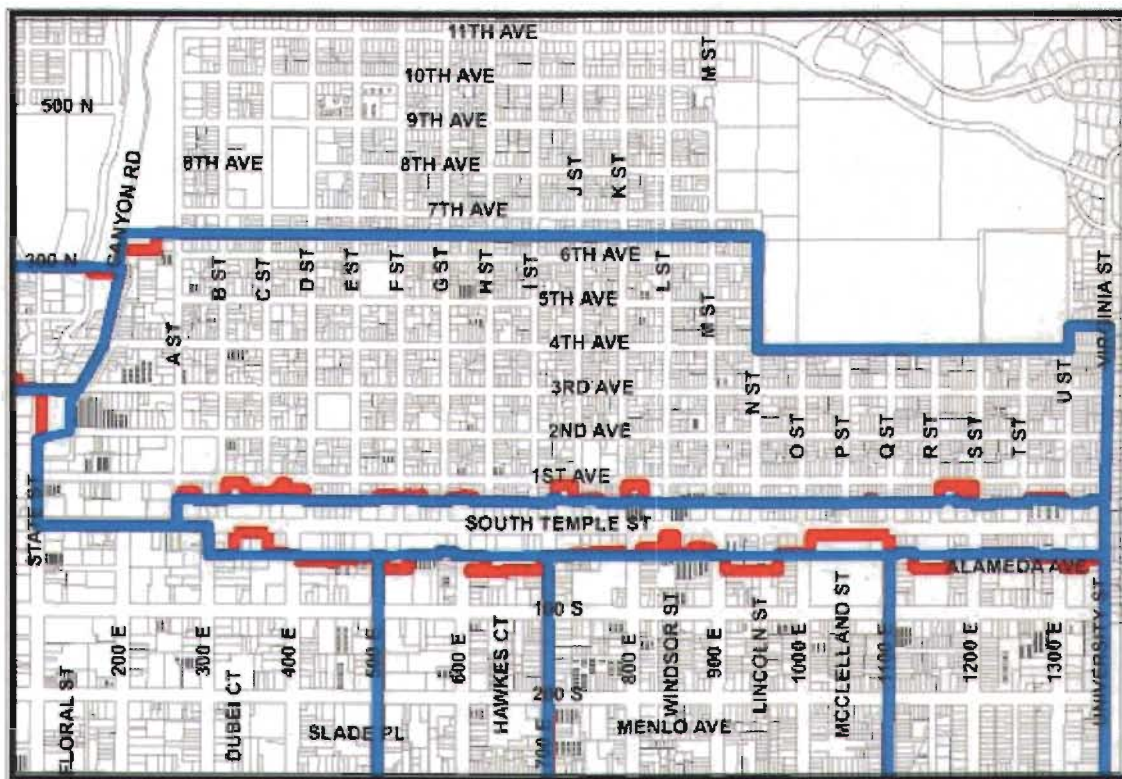
Exhibit A
Proposed Map Amendment

 Existing Historic District Boundary Lines
 Proposed Historic District Boundary Lines



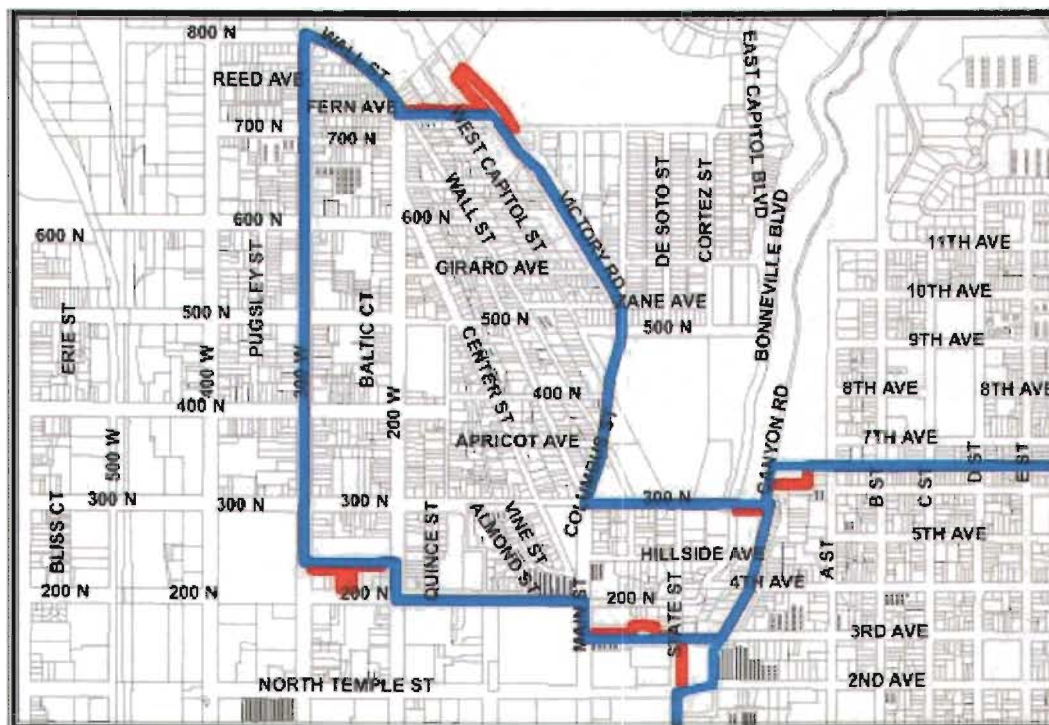


Close up view of a section of the South Temple district showing the addition of Haxton Place Properties. The blue section reflects the current district boundary and the green shows the lots or portions of lots that would be included within the existing district.



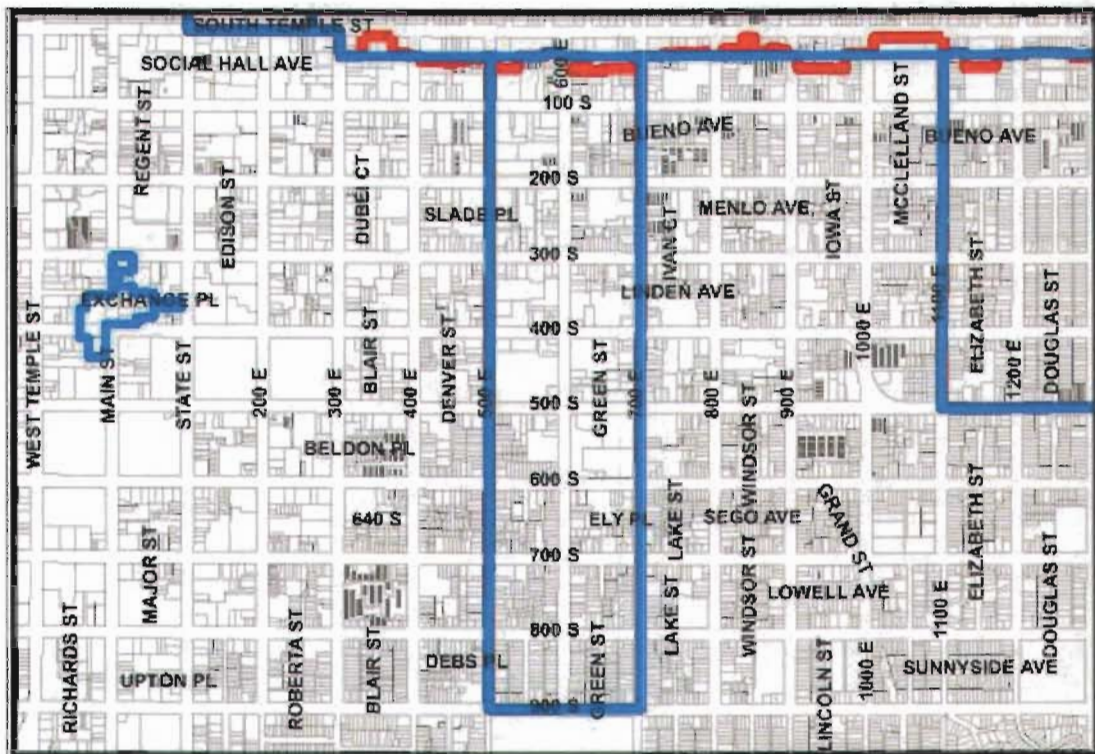
Avenues Historic District

- Existing Historic District Boundary Lines
- Proposed Historic District Boundary Lines



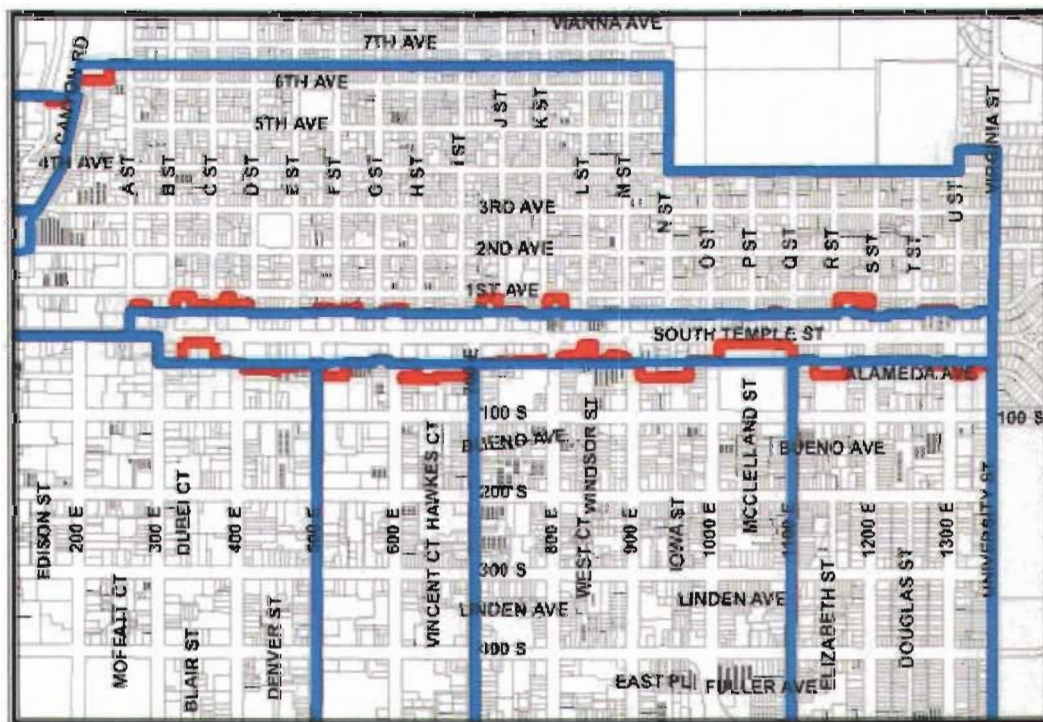
Capitol Hill Historic District

- Existing Historic District Boundary Lines
- Proposed Historic District Boundary Lines



Central City Historic District

- Existing Historic District Boundary Lines
- Proposed Historic District Boundary Lines



South Temple Historic District

- Existing Historic District Boundary Lines
- Proposed Historic District Boundary Lines

Exhibit B
Department Comments

Comments from Alan Hardman, Permits
January 5, 2009

This sounds like a great idea. After reviewing this proposal, our office has no comments.

Comments from Justin Stoker, Public Utilities
January 8, 2009

The Department of Public Utilities has no comment regarding the adjustments proposed to the historical district boundaries.



Exhibit C
Public Comments

Written Public Comments from Open House

A long overdue project. Also clarify these boundaries with Landmark Sites. Note these changes with county recorder's office. (Currently properties within districts have notice recorded on title—need to make sure this list is accurate.) Also remove Newhouse Hotel site from Exchange Place. Building demolished subsequent to demolition or add other properties on block.

Strong agreement. This is the method by which properties should be included in the districts in order to include the entire historic district boundary.

Phone Comments from Haxton Place Property Owners

Since there were only four property owners whose whole properties would be included as a result of this map amendment and none attended the open house, staff called each owner to explain the project and answer questions.

Peter Goldman, 32 Haxton Place

Supports the change. Thought it was already designated and followed the design guidelines several years ago when the property was restored.

Eugenia Riet, 35 Haxton Place

Supports the change. Thought it was already designated and followed the design guidelines several years ago when the property was restored.

Jennifer Thorley, 31 Haxton Place

Supports the change.

Scott and Peggy Hansen, 34 Haxton Place

Supports the change. Thought it was already designated and followed the design guidelines several years ago when the property was restored.

Cindy Cromer at Historic Landmark Commission, 3/4/09

Pleased to see the proposed change regarding the inclusion of the Haxton Place properties. Look forward to it.

Exhibit D
HLC Staff Report & Minutes

**SALT LAKE CITY HISTORIC LANDMARK COMMISSION
MINUTES OF THE MEETING
Room 315, 451 South State Street
March 4, 2009, 5:45 p.m.**

This document along with the digital recording constitute the official minutes of the Historic Landmark Commission regular session meeting held on March 4, 2009.

If you are viewing a hard copy of the minutes and would like to view the attached materials and listen to audio excerpts of the record, please go to:

www.slcgov.com/boards/HLC/hlc-agen.htm

To download the FTR player and listen to audio excerpts from the record if you are already viewing this document on the worldwide web, click [here](#).

The regular meeting of the Historic Landmark Commission was held on March 3, 2009, at 5:45:49 PM in Room 315 of the City and County Building, located at 451 South State Street, Salt Lake City, Utah, 84111. Commissioners present for the meeting included: David Fitzsimmons (Chairperson), Arla Funk, Sheleigh Harding, Polly Hart, Creed Haymond, Warren Lloyd (Vice Chairperson), Jessica Norie, Anne Oliver, and Earle Bevins, III.

Planning staff present for the meeting were: Pat Comarell, Assistant Planning Director; Paul Nielson, Senior City Attorney; Joel Paterson, Planning Manager; Robin Zeigler, Senior Preservation Planner; Nick Norris, Senior Planner; and Andrea Curtis, Acting Historic Landmark Commission Secretary.

A field trip was held prior to the meeting at 4:00 p.m. The field trip was attended by David Fitzsimmons (Chairperson), Arla Funk, Sheleigh Harding, Polly Hart, Warren Lloyd (Vice Chairperson), Jessica Norie, Anne Oliver, and Earle Bevins, III. Robin Zeigler Janice Lew attended for the Planning Division.

Petition PLNHLC2009-00021 – Boundary Adjustment, Map Amendment 6:21:16 PM
6 Salt Lake City Historic Landmark Commission Meeting March 4, 2009

A request by the Planning Commission for the Historic Landmark Commission to reconsider the boundaries of historic districts for clarification purposes. The project is a city-wide project. (Staff contact: Robin Zeigler, 535-7758, robin.zeigler@slcgov.com)

Staff Presentation 6:21:28 PM

Ms. Zeigler noted that the proposed map amendment is essentially a clean up of district lines that left properties with split overlay zoning. She explained that when the historic districts were created, the lines were drawn a certain number of feet from the center of the street. While this created a tidy map, some properties that were intended to be included in the district were divided. She stated that the proposed amendment changes boundary lines to follow lot lines. All properties that are currently in a district will remain in the district, and, with a single exception, every property that is currently outside a district remains outside. She clarified that no property rights are being altered except those of four properties on Haxton Place.

Ms. Zeigler referenced the map included in the staff report, noting that Haxton Place is a dead end street. Four properties at the end of Haxton Place were not included in the historic district boundaries, consequently failing to adequately preserve the historic character of the street. She stated that the proposed amendment will incorporate those four properties into the historic district. Ms. Zeigler noted that the owners of these four properties were personally contacted by staff and had confirmed that they thought their lots were already part of the district; they have followed the guidelines on work completed on their properties. In response to an inquiry by Vice Chairperson Lloyd, Ms. Zeigler noted that all boundary properties had been verified with the original districting information and that the proposed changes comply with the original intent while resolving the unintended bisection of lots.

Questions by the Commission 6:24:11 PM

None

Public Comments 6:24:17 PM

Ms. Cromer expressed pleasure at seeing the proposed changes on Haxton Place. She noted that the 900 East property shown on the map in green with a blue line through it is a medical clinic; the Marianne Apartments around the corner are historic and tie in with the medical clinic parking. She stated that the building on the west corner of 900 East South Temple is very old despite its appearance because it has been progressively remodeled. Ms. Cromer inquired whether the proposal would have to go through a Planning Commission process. Mr. Paterson confirmed that the Historic Landmark Commission would make a recommendation to the Planning Commission, which would hold another public hearing before making a recommendation to the City Council, which has final decision-making authority.

Executive Session 6:26:17 PM

Chairperson Fitzsimmons reiterated that the request is for the Historic Landmark Commission to forward a positive recommendation to the Planning Commission for a recommendation to the City Council.

MOTION 6:26:39 PM

Commissioner Funk moved that in the case of Petition PLNHLC2009-00021 – Boundary Adjustment, Map Amendment the Historic Landmark Commission forward a positive recommendation to the Planning Commission to make a positive recommendation to the City Council to adopt the proposed map amendments as outlined in the staff report.

Commissioner Norie seconded the motion.

All voted in favor; the motion carried unanimously.

HISTORIC LANDMARK COMMISSION STAFF REPORT



Planning Division
Department of Community and
Economic Development

Salt Lake City Boundary Adjustment Map Amendment Petition PLNPCM2009-00021 – City-wide February 4, 2008

Applicant: Planning Commission

Staff: Robin Zeigler 535-7758
robin.zeigler@slcgov.com

Master Plan Designation:
City-wide

Council District: City-wide

Applicable Land Use Regulations:

Review Standards: 21A.50.050
Standards for General Amendments

Notification

- Notice mailed on January 20, 2009

Attachments:

- Proposed Map Amendments
- Department Comments
- Public Comments

REQUEST

The Planning Commission is requesting a reconsideration of the boundaries of the historic districts to provide for clarity.

STAFF RECOMMENDATION

Based on the comments, analysis and findings of fact listed in the staff report, Planning Staff recommends the Historic Landmark Commission transmit a favorable recommendation to the Planning Commission for a recommendation to the City Council to adopt the proposed map amendments.

Background/ Project Description

The City adopted a comprehensive Zoning Ordinance in April 1995. At that time, it was understood that adjustments to the Zoning Ordinance would be necessary once it had been implemented, and people had an opportunity to work with it.

When the historic districts were formed the legal descriptions did not follow lot lines but instead laid lines a certain number of feet from the central line of the street. The result is that many lots are bisected by the historic district boundary, which could mean that part of a building or property is in a district and part is not or that part of a property is in one district and part is in another. For clarification purposes, the Historic Landmark Commission would like to have all boundary lines follow lot lines.

In addition, when the South Temple historic district was formed it cut a mid-block street, Haxton Place, in two. As a result, four properties that face this street were excluded from the historic district. To assure the preservation of this portion of the district, the Historic Landmark Commission proposed to change the boundaries to include the entirety of this dead end street. The properties that would be affected by this change are 31, 32, 33 and 34 Haxton Place. Please see map below.

Comments

Public Comments

An Open House was held on August 28, 2008. Notice of the Open House was sent to Community Council chairs and those whose names are on the Planning Divisions List serve. Notice was also posted on the City's website and in a newsletter sent to all owners of property with local historic designation. Please see attachment C.

City Department Comments:

Staff sent information regarding the proposed text changes to applicable City Departments. Department responses are included in Attachment B. No issues or concerns were raised through department review of the proposed text amendments.

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

Analysis: The community master plans land use policies generally state that historic structures and neighborhoods should be preserved.

The map amendment, with the exception of 31, 32, 33 and 34 Haxton Place does not add or remove properties from the established historic districts but provides clarification that each property is included in the district in whole, rather than part. The addition of the Haxton Place properties is consistent with this standard since it is the goal of master plans to preserve historic structures and this alteration will allow for the preservation of the entire area of Haxton Place rather than just half the street.

Finding: The proposed map amendment provide additional refinement of the zoning regulations of the City's code by providing corrections, clarification and consistency within existing regulations. The proposed alterations are consistent with the City's land use policies.

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

Analysis: The proposed amendment will not require alterations to the existing character of the established districts.

Finding: The proposed map amendment does not require changes to the existing development in the City and therefore meets this standard.

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

Analysis: The proposed amendment will not require alterations to the existing character of the established districts.

Finding: The proposed map amendment does not require changes and therefore will not affect adjacent properties.

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

Analysis: The proposed text amendments do not specifically relate, nor impact provisions of any adopted overlay zone.

Finding: The proposed text amendments are consistent with the provisions of all applicable overlay zoning districts that may impose additional standards.

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.

Analysis: The proposed map amendment does not relate to provisions governing public facilities and services.

Finding: The proposed map amendment should not impact the adequacy of public facilities and/or services.

Written Public Comments from Open House

A long overdue project. Also clarify these boundaries with Landmark Sites. Note these changes with county recorder's office. (Currently properties within districts have notice recorded on title—need to make sure this list is accurate.) Also remove Newhouse Hotel site from Exchange Place. Building demolished subsequent to demolition or add other properties on block.

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