

## PLANNING COMMISSION STAFF REPORT

**City Creek Inn,  
PLNPCM2008-00917 Preliminary Minor  
Subdivision  
230 West North Temple Street  
March 25, 2009**



Planning and Zoning Division  
Department of Community and  
Economic Development

**Applicant:** Paul L. Willie

**Staff:** Nole Walkingshaw,  
Senior Planner, Phone: 801-535-  
7128, email:  
nole.walkingshaw@slcgov.com

**Tax ID:**

08-36-452-026  
08-36-452-020  
08-36-452-021

**Current Zone:** RMU,  
Residential Mixed Use and PL  
Public Lands

**Master Plan Designation:**  
Capital Hill

**Council District:** City  
Council District Three, Council  
Member Eric Jergensen

**Lot Size:** 54,929 square feet or  
1.26 acres

**Current Use:** Motel and  
vacant land

**Applicable Land Use  
Regulations:**

- List all applicable regulations citations

**Notification**

- Notice mailed on March 10, 2009
- Sign posted on March 13, 2009
- Agenda posted on the Planning Division and Utah Public Meeting Notice websites March 19, 2009

### ***Request***

The subdivision request will incorporate three parcels into one lot. The current use of the primary parcel is as 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. The Planning Commission is the final authority in this matter and may approve, approve with conditions, deny or table this petition.

### ***Staff Recommendation***

Based on the findings listed in the staff report, it is the Planning Staff's opinion that overall the project generally meets the applicable standards and therefore, recommends the Planning Commission approve with the following conditions:

1. Approve Preliminary Minor Subdivision with the condition that the Zone Map amendment request Petition PLNPCM2008-00918 amending the portion of parcel currently zoned PL Public lands from PL to RMU Residential Mixed Use be approved, by the City Council prior to recordation of this subdivision approval.
2. Subject properties are landscaped and fenced to be consistent with existing development, and in accordance with the landscaping requirements of 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 require mitigation, through a conditional use request.

<b><u>Attachments:</u></b>	
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| <ul style="list-style-type: none"><li>A. Preliminary Plat</li><li>B. Public Comments</li><li>C. Departmental Comments</li><li>D. Application</li></ul> |  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------|--|

## VICINITY MAP



## Background

### Project Description

The applicant is looking to consolidate three parcels into one lot, which may be redeveloped at a future date. The primary parcel contains the existing City Creek Inn, a motel which has been recently renovated and is currently operating. There is a second parcel directly west of the motel which is vacant and is currently owned by the applicant; these two parcels are currently zoned RMU Residential Mixed Use. The third parcel is a vacant portion of a larger parcel which is the playing field for West High School and is owned by the Salt Lake City School District. This third parcel is zoned PL Public Lands and a petition has been submitted to amend the zoning of this portion to RMU.

## Comments

### Public Comments

On February 18, 2009 the applicant presented the petition to the Capital Hill Community Council; no formal recommendation was made at that time, the Community Council will vote on the issue at their next meeting. No issues were raised at this meeting.

### City Department Comments

The comments received from pertinent City Departments/Divisions are attached to this staff report in Attachment C. The Planning Division has not received comments from the applicable City Departments / Divisions that cannot reasonably be fulfilled or that warrant denial of the petition.

## Analysis and Findings

### Options

### Findings

#### Standards

Minor Subdivisions shall meet the following standards found in Section 20.020 of the Subdivision Ordinance.

- A. The general character of the surrounding area shall be well defined and the minor subdivision shall conform to this general character.**

**Analysis:** The subdivision is located in the area governed by the Capital Hill Master Plan and is zoned RMU and PL. Lots in this area are of a similar size and are typically used for commercial and high density residential development. The proposed subdivision will create 1 lot compatible with the general character of the neighborhood.

**Finding:** Staff finds that the proposed minor subdivision is consistent with the general character of the surrounding area, as the lot will be consistent in size, scale, and use with adjacent properties.

- B. Lots created shall conform to the applicable requirements of the zoning ordinances of the City.**

**Analysis:** Staff has reviewed the subdivision for compliance with the zoning ordinance and made the following findings:

	<b>Ordinance Requirement</b>	<b>Proposed</b>
<b>Lot Area</b>	Minimum 20,000 Square feet	54,929square feet <b><u>Complies</u></b>
<b>Lot Width</b>	Minimum 50 Feet	168 <b><u>Complies</u></b>
<b>Building Height</b>	Maximum Height 75' except for nonresidential uses, have a maximum height of 45, or 3 stories whichever is less	N/A
<b>Yard Requirements</b>	Front = Varies by development type Side = Varies by development type	N/A

	Rear = Varies by development type	
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**Finding:** Staff finds that the subdivision meets the minimum requirements of the City Zoning Ordinance.

**C. Utility easements shall be offered for dedication as necessary.**

**Analysis:** This proposal was reviewed by all applicable City divisions who responded that no additional dedications are necessary for approval of the subdivision amendment.

**Finding:** Staff finds that no further dedications are required.

**D. Water supply and sewage disposal shall be satisfactory to the City Engineer.**

**Finding:** All necessary water and sewer improvements are issues are available.

**E. Public improvements shall be satisfactory to the Planning Director and City Engineer.**

**Analysis:** This application was reviewed by the Planning Director, City Engineer and other related City Departments and Divisions. Comments from this review are included in this report.

**Finding:** Staff finds that this application is satisfactory to the Planning Director and City Engineer provided the applicant meets the requirements listed in the Department Comment section of this staff report.

**Standards**

Prior to the approval of a minor subdivision, the Planning Director must make a finding of compliance with the requirements in Section 20.20.090 of the Subdivision Ordinance. The Planning Director, or designee, may, at the administrative hearing, approve the proposed minor subdivision if it is found that:

**A. The minor subdivision will be in the best interests of the city.**

**Analysis:** The applicant proposes to create a single lot by combining three parcels. Currently the property is used as a motel and vacant land. If approved, the lot will be available for redevelopment as a mixed use or high density residential use, consistent with the purposes of the Capitol Hill Master Plan.

**Finding:** Staff finds that the proposed minor subdivision is in the best interest of the City, because the development of the property is consistent with the Zoning Ordinance requirements and Master Plan policies for the area.

**B. All lots comply with all applicable zoning standards.**

**Analysis:** Staff has reviewed the property for compliance with all applicable Zoning Ordinance standards, and found that it meets the minimum requirements for size, width, access and all other requirements.

**Finding:** Staff finds that the proposed subdivision will enable compliance with all applicable zoning standards, subject to approval of the Zoning Map Amendment request

**C. All necessary and required dedications are made.**

**Analysis:** This proposal was reviewed by all applicable city divisions and departments who did not indicate the need for any dedications.

**Finding:** Staff finds that no dedications for the property are necessary at this time.

**D. Provisions for the construction of any required public improvements are included.**

**Analysis:** Comments from the Engineering Division indicate that there is severe cracking in one panel of sidewalk and the drive approach on the east boundary, which meet the criteria of APWA Std. Plan 291 for defective concrete, thereby requiring replacement of said sidewalk and drive approach. The sidewalk shall be replaced as per APWA Std. Plan 231, and the approach shall be replaced as per APWA Std. Plan 225. All of this work shall be accomplished by a licensed, bonded and insured contractor who shall first obtain a Public Way Permit from our office. This Permit shall be obtained prior to final approval of the plat.

**Finding:** Staff finds that this criterion must be met prior to the recordation of the plat.

**E. The minor subdivision complies with all applicable laws and regulations.**

**Analysis:** This application has been reviewed for compliance with all applicable state laws and Salt Lake City Corporation zoning regulations.

**Finding:** Staff finds that the application meets applicable laws and regulations (See analysis in this staff report).

## **Attachment A Preliminary Plat**

## **Attachment B Public Comment**



## **Attachment C Staff Comments**

## **Staff Comments**

### **Building Services**

I have reviewed the City Creek Inn proposal for a map amendment to change a vacant parcel of land from PL to R-MU and to consolidate three parcels into one parcel. The Building Services Division has no issues related to the map amendment to change a vacant parcel of land from PL to R-MU. However, we have two questions related to the consolidation of parcels. The current use of the occupied land is a motel, which is a nonconforming use in the R-MU zone. The other two parcels appear to be vacant land and no change to a conforming use is being proposed at this time. Section 21A.38.080 prohibits any nonconforming use from occupying any portion of a site that it did not previously occupy on the effective date that it became a nonconforming use. 1. In this case, does lot consolidation alone violate section 21A.38.080? 2. If not, can specific conditions be imposed that will adequately assist the Building Services Division to indefinitely track this action each time a permit is applied for to expand the building, the parking lot, or install a ground mounted sign onto portions of the lot that the motel did not previously occupy? Alan R. Michelsen Development Review Planner Building Services & Licensing (801) 535-7142 [Alan.michelsen@slcgov.com](mailto:Alan.michelsen@slcgov.com)

### **Engineering**

SLC Engineering's review comments are as follows: 1. this proposal is to combine 3 parcels into 1. There is no immediate use plan for the site. The Engineering Division has no concerns regarding the proposed Zoning Map Amendment. There is an existing motel on the site presently. All improvements and street right-of-way exist as required. There is severe cracking in one panel of sidewalk and the drive approach on the east boundary, which meet the criteria of APWA Std. Plan 291 for defective concrete, thereby requiring replacement of said sidewalk and drive approach. The sidewalk shall be replaced as per APWA Std. Plan 231, and the approach shall be replaced as per APWA Std. Plan 225. All of this work shall be accomplished by a licensed, bonded and insured contractor who shall first obtain a Public Way Permit from our office. This Permit shall be obtained prior to final approval of the plat. 2. If there are any corrections needed on the plat, I will contact the consultant to have the red-lined copy picked up from our office.

### **Transportation**

The division of transportation review comment and recommendations are as follows: There is no change to the existing conditions proposed at this time, (vacant lot and existing Motel). Future development will require full compliance to city design standards for vehicular and pedestrian access staging and services

### **Fire**

If a structure is placed on this property and is built on property line it must be provided with Automatic Fire Sprinkler System. The Fire Department Connections shall be placed on the street side within 100 feet of a fire hydrant. The fire hydrant serving this appliance shall be on the same side of the street.

## **Attachment D Application**