

PLANNING COMMISSION STAFF REPORT

**City Creek Inn,
PLNPCM2008-00918 Zoning Map Amendment
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 Master Plan: Public
Lands

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

Lot Size: 6,314 square feet

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 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. The City Council is the final authority in this matter and they may approve, approve with conditions, deny or table this petition. The Planning Commission is asked to forward a recommendation to the City Council. At this time the Planning Commission may prepare a recommendation or table the petition for more information.

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 forward a positive recommendation to the City Council with the following conditions:

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 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.

Attachments:

- A. Preliminary Plat
- B. Public Comments
- C. Staff Comments
- D. Application

VICINITY MAP



Background

Project Description

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 where by they will 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 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.

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.

Project Review

This project was reviewed at a pre-submittal meeting; the reviewers discussed the required approval processes. Staff recommended the vacant parcels be fenced and landscaped in accordance with the primary use at the site.

Analysis and Findings

Options

There are three options, first forward a positive recommendation to the City Council or forward a negative recommendation to the City Council. A positive recommendation may include conditions which mediate any noted issues. The positive recommendation allows for the consolidation of the parcels. Second, a negative recommendation and subsequent denial of the request would prohibit the consolidation of the vacant parcel. The vacant parcels on their own are currently non-complying with respect to lot area and dimensions rendering them undevelopable beyond single family residential; this type of development is not consistent with the goals and policies of the master plan. Essentially denial would negate the pending transaction and subdivision leaving the unused portion of the athletic field under the ownership and control of the Salt Lake City School District. The third option would be to table the petition for additional information.

Findings

Section 21A.50.050 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;

Finding: The subject property is located within the West Capitol Hill Neighborhood, as noted in the Capitol Hill Master Plan. The master plan policies state “Encourage the development of the area along North Temple as an “Urban Neighborhood” which combines high-density residential development with supportive retail, service commercial and small-scale office uses.” The proposed amendment in combination with the subdivision request accomplishes this policy. Although the Future Land Use Map for the Capital Hill Master Plan area shows this site to be PL, Public Lands; Specific policies listed in the plan are consistent with the proposed Zoning Map Amendment and staff has determined this map amendment may be done without the requirement of a master plan amendment.

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

Finding: The proposed amendment is consistent with the existing development, due to the fact that no re-use is proposed at this time. Currently the area has a mix of uses and structures, many of which do not necessarily reflect the goals and policies of the master plan for the area. This amendment creates the potential for residential mixed use development, and higher density residential development, which is appropriate for this site. This site is located near the edge of the Central Business District.

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

Finding: Planning staff has not identified any adverse affects on adjacent properties. High density mixed use projects are appropriate near the edge of the Central Business District.

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

Finding: This project is not located within an overlay zoning district.

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 waste water and refuse collection.

Finding: Public facilities and services will see no additional impact due to this amendment. In the event that the property was redeveloped, those impacts may be address as a part of that development. The new project would have to mitigate any impacts created by development.

Attachment A Preliminary Plat

Attachment B Public Comments

Attachment C
Departmental 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

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