

PLANNING COMMISSION STAFF REPORT

Zoning Text Amendment Planned Development Petition PLNPCM2009-00749 September 23, 2009



Planning and Zoning Division
Department of Community and
Economic Development

Applicant: Salt Lake City
Council

Staff: Lex Traugher
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Tax ID: NA

Current Zone: NA

Master Plan Designation:
NA

Council District: Citywide

Lot Size: NA

Current Use: NA

Applicable Land Use Regulations:

- 21A.54 – Conditional Uses
- 21A.54.150 - Planned
Developments
- 21A.62 - Definitions

Notification

- Notice mailed on 9/8/09
- Agenda posted on the
Planning Division and Utah
Public Meeting Notice
websites and in the
newspaper on 9/9/09

Attachments:

- A. Draft – Chapter 21A.55 –
Planned Development
- B. Planned Development
Definition
- C. ZAP Task Force Notes
- D. Open House Sign-In
Sheet & Public
Comments

Request

The Planning Division is requesting that the Planning Commission make a recommendation to the City Council to amend the text of the Zoning Ordinance related to Planned Developments: The purpose of the request is to:

- ☐ Remove Planned Development regulations from the Conditional Use Chapter;
- ☐ Enhance the "Purpose Statement" and the desired "Objectives" of the Planned Development tool;
- ☐ Reduce the minimum net lot area required for Planned Development eligibility, and;
- ☐ Better define "Planned Development" in the list of terms in the Definitions Chapter of the Zoning Ordinance.

Staff Recommendation

Based on the analysis and findings listed in the staff report, it is Planning Staff's opinion that the Planning Commission transmit a positive recommendation to the City Council regarding amending the text of the Zoning Ordinance as it relates to Planned Developments for the following reasons:

1. The proposed amendments are consistent with the general purpose and intent of the Zoning Ordinance as stated in Zoning Ordinance section 21A.02.030;
2. The proposed amendments are generally consistent with the factors of consideration for zoning amendments found in Zoning Ordinance Section 21A.50.050; and

<p>E. City Dept/Division Comments</p> <p>F. August 26, 2009 Planning Commission Minutes</p>	<p>Options</p> <ol style="list-style-type: none"> 1. The Planning Commission may adopt the findings and recommendations of the Planning Division, and send a recommendation to the City Council to approve the zoning text amendments. The Planning Commission may also recommend specific changes to the proposed text to the City Council as part of this option, or; 2. The Planning Commission may find that the proposal does not comply with the factors to be considered for text amendments, and send a recommendation to the City Council to deny the zoning text amendment, or; 3. The Planning Commission may continue the item if it determines that not enough information is available to make a recommendation to the City Council.
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Background

Project Description

In 2005, Petitions were initiated by the City Council and the Planning Commission to analyze the feasibility of lowering the minimum land size required for Planned Development eligibility and to allow increased density through the Planned Development process. In addition to these issues, Planning Staff has been aware of other items related to the planned development process that have proven problematic in the past, and has been working to make the Zoning Ordinance regulations more clear and effective.

The current proposal is an effort to resolve issues as they relate to the planned development process, keeping in mind that further revision is necessary in order to accomplish the overall task (subsequent phase of revision). As noted on page one of this staff report, there are four main objectives addressed in this round of revisions. The following is an explanation of each of the four main items addressed:

1. Remove Planned Development regulations from the Conditional Use Chapter.
Currently, the City's Planned Development regulations (Section 21A.54.150) are a sub-section of the Conditional Use Chapter (21A.54). As such, for every Planned Development request that the City receives, the proposal is evaluated in terms of the Planned Development standards and the Conditional Use standards. Most often, Planned Development requests are reviewed for "design" related issues as opposed to "use" related issues. In other words, a Planned Development does not always involve a question of the "use", and therefore should not be consistently reviewed on the basis of "use". Attached to this staff report is the proposed text for the Planned Development chapter (Exhibit A).

To illustrate this concept, an applicant may request a relaxation of a setback requirement through the Planned Development process for a residential development in a residential zone. This type of request would be a "design" issue. The applicant's request is not a "use" issue as a residential use is allowed in a residential zone. In terms of review, the implications of the current regulation configuration would require that Planning Staff and the Planning Commission review a request of this nature in terms of "design" (through the Planned Development process) and in terms of "use" (through the Conditional Use process). This type of review is awkward and unnecessary as the request relates to "design" and not "use", and therefore the standards for conditional use are not applicable. In other words, it is awkward to review a request of this nature for the "use" through the Conditional Use process, when the "use" is permitted in the zone.

Certainly, there will be project requests involving both a Conditional Use and a Planned Development. In such instances, under the proposed ordinance configuration, where there would be a stand alone chapter on Conditional Uses and a stand alone chapter on Planned Developments, a project request would be subject to the regulations of both chapters.

2. Enhance the “Purpose Statement” and the desired “Objectives” of the Planned Development tool. The Purpose Statement has been revised to be more specific; providing additional information regarding the Planned Development tool. The reference in the current Purpose Statement indicating that a Planned Development is a distinct category of Conditional Use has been removed. The Objectives of the Planned Development tool have also been revised and enhanced. Specifically, an additional objective is proposed to include development amenities that are in the interest to the general public, as well as objectives encouraging development of affordable housing and utilization of “green” building techniques.

The primary motivation for amending the Purpose Statement and Objectives sections of this chapter is to minimize the utilization of the Planned Development tool as a way to skirt or undermine adopted development standards, and to encourage development that is appropriate and compatible. It is in the best interest of the City to have a well defined process for Planned Development such that the resulting product is a benefit to the community and the City as a whole.

3. Reduce the minimum net lot area required for Planned Development eligibility. The rationale behind a reduction in the minimum net lot area required for Planned Development consideration is to open the possibility of the Planned Development process to a greater number of property owners. As the City becomes more developed and dense, it is critical to have a mechanism for development that provides some flexibility when needed. The reduction in the minimum net lot area required for Planned Development consideration will most likely result in the possibility for a larger number of parcels across the City to be eligible for this important land use tool. By amending and enhancing the entire Planned Development chapter, and by lowering the net lot minimum, the City increases the potential for development that is consistent with and compatible with existing development.

4. Better define “Planned Development” in the list of terms in the Definitions Chapter of the Zoning Ordinance. The purpose behind this proposed amendment is to have a definition for Planned Development that is consistent with the overall proposed Planned Development text amendment being proposed. The proposed amendment to this definition is primarily a “house keeping matter”, in order to realize a Code that is consistent. Please see Exhibit B for the proposed definition.

Master Plan Information

The proposed amendment addressing Planned Development has potential implications for all parcels of property within Salt Lake City. Therefore, all existing Citywide Plans, Community Master Plans, and Small Area Master Plans are pertinent and relevant to any request for a Planned Development. The proposed Planned Development text requires any given request for a planned development to be consistent with any adopted City plan.

Comments

Public Comments

On June 30, 2009, Planning Staff met with the Zoning Amendment Project (ZAP) Task Force to discuss proposed changes to planned developments. Notes reflecting comments from the participants at this meeting are attached for review (Exhibit C). In response to the discussion that took place, Planning Staff re-evaluated and made appropriate revisions to the reduced width public street provision, the minimum area sizes for planned development eligibility for the SR-1/ SR-1A, SR-3, and R-2 Zoning Districts, and included all the zones in the "Table of Minimum Lot Sizes for Planned Development." In general, the ZAP Task Force was very supportive of the proposed changes.

Other comments received from the ZAP Task Force included using planned development regulations to encourage historic preservation, allowing older structures (built prior to 1927 when zoning was adopted) the opportunity to go through the planned development process as opposed to the variance process, density bonuses, and off-street parking requirements if a density bonus is realized. These issues, while valid, are not addressed in this phase of planned development amendment. Issues of this nature will be considered in a subsequent phase of planned development revision.

On August 20, 2009, an Open House was held. One member of the public attended the Open House in regard to Planned Development (Exhibit D). Planning Staff also received one email of comments from the general public regarding the proposed changes (Exhibit D). The issues raised in this email are of interest, and perhaps could be utilized in a future phase of revision as the City explores ways to grant density bonuses as part of the planned development process.

City Department Comments

The comments received from pertinent City Departments/Divisions are attached for review (Exhibit E). The most prominent concern received was that of the reduced width public street provision which has been subsequently revised. In general, the applicable City Departments/Divisions support the proposed changes.

Analysis and Findings

Options

With regard to zoning text amendments, the Planning Commission makes a recommendation to the City Council who has final decision making authority. The Planning Commission has the discretion to recommend the changes as proposed by Planning Staff, or to make modifications to the proposal by Planning Staff, or recommend to the City Council not to amend the proposed changes.

Analysis

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;**

Discussion: The proposed amendment to the Planned Development text includes a requirement that a proposed planned development be consistent with any adopted policy set forth in the citywide, community and/or small area master plans. The purpose of this provision is to strengthen the role that adopted plans play in the administration of the zoning ordinance, to improve the decision making process, and to implement the adopted master plan policies.

Finding: The proposed text amendment is consistent with the purposes, goals, objectives and policies of the adopted master plans of the City.

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

Discussion: The proposed text amendment is not site specific, rather it applies citywide. The standards proposed for planned development are intended to implement city planned development objectives, implement master plan policies, and ensure compatibility with the character of a given site, adjacent properties, and existing development within the vicinity.

Finding: The proposed text amendment provides a framework of standards to ensure compatibility between existing and new development.

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

Finding: The proposed text amendment is not site specific, rather it applies citywide. The planned development standards proposed are intended to minimize adverse impacts on adjacent properties.

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

Discussion: The intention of the proposed amendments is not to create any inconsistency or conflict with applicable overlay zoning districts. Applicable overlay zoning districts would still apply to any parcel of land that is a part of any planned development proposal. Overlay zoning districts were not reviewed as part of this proposal.

Finding: The overlay zoning districts will not be impacted by the proposed changes to the planned development ordinance.

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 proposed text amendment is not site specific, rather it applies citywide.

Exhibit A –
Draft Planned Development Text – Chapter 21A.55

PLANNED DEVELOPMENTS

21A.55.010 Purpose Statement:

A planned development is intended to encourage the efficient use of land and resources, promoting greater efficiency in public and utility services and encouraging innovation in the planning and building of all types of development. Further, a planned development implements the purpose statement of the zoning district in which the project is located, utilizing an alternative approach to the design of the property and related physical facilities. A planned development will result in a more enhanced product than would be achievable through strict application of land use regulations, while enabling the development to be compatible and congruous with adjacent and nearby land developments. Through the flexibility of the planned development regulations, the city seeks to achieve any of the following specific objectives:

- A. Combination and coordination of architectural styles, building forms, building materials, and building relationships;
- B. Preservation and enhancement of desirable site characteristics such as natural topography, vegetation and geologic features, and the prevention of soil erosion;
- C. Preservation of buildings which are architecturally or historically significant or contribute to the character of the city;
- D. Use of design, landscape, or architectural features to create a pleasing environment;
- E. Inclusion of special development amenities that are in the interest of the general public;
- F. Elimination of blighted structures or incompatible uses through redevelopment or rehabilitation;
- G. Inclusion of affordable housing with market rate housing; or
- H. Utilization of "green" building techniques in development.

21A.55.020 Authority:

The planning commission may approve planned developments for uses listed in the tables of permitted and conditional uses for each category of zoning district or districts. The approval shall be in accordance with the standards and procedures set forth in this chapter and other regulations applicable to the district in which the property is located.

21A.55.030 Authority To Modify Regulations:

In approving any planned development, the planning commission may change, alter, modify or waive any provisions of this title or of the city's subdivision regulations as they apply to the proposed planned development; however, additional building height may not be approved in the FR, R-1, SR, or R-2 zoning districts. In zoning districts other than the FR, R-1, SR, or R-2

districts, the Planning Commission may approve up to five feet (5') maximum of additional building height in accordance with the provisions of this title if it further achieves one or more of the objectives in Section 21A.55.010.

21A.55.040 Limitation:

No change, alteration, modification or waiver authorized by Section 21A.55.040 of this Chapter shall authorize a change in the uses permitted in any district or a modification with respect to any standard established by this section, or a modification with respect to any standard in a zoning district made specifically applicable to planned developments, unless such regulations expressly authorize such a change, alteration, modification or waiver.

21A.55.050 Standards for Planned Developments:

The Planning Commission may approve, approve with conditions, or deny a Planned Development based upon written findings of fact according to each of the following standards. It is the responsibility of the applicant to provide written and graphic evidence demonstrating compliance with the following standards:

A. **Planned Development Objectives:** The Planned Development shall meet the purpose statement for a planned development (Section 21A.55.010) and will achieve at least one of the objectives stated in said Section;

B. **Master Plan And Zoning Ordinance Compliance:** The proposed planned development shall be:

1. Consistent with any adopted policy set forth in the citywide, community, and/or small area master plan and future land use map applicable to the site where the planned development will be located, and,
2. Allowed by the zone where the planned development will be located or by another applicable provision of this title.

C. **Compatibility:** The proposed planned development shall be compatible with the character of the site, adjacent properties, and existing development within the vicinity of the site where the use will be located. In determining compatibility, the planning commission shall consider:

1. Whether the street or other means of access to the site provide the necessary ingress/egress without materially degrading the service level on such street/access or any adjacent street/access;
2. Whether the planned development and its location will create unusual pedestrian or vehicle traffic patterns or volumes that would not be expected, based on:
 - i. Orientation of driveways and whether they direct traffic to major or local streets, and, if directed to local streets, the impact on the safety, purpose, and character of these streets;

ii. Parking area locations and size, and whether parking plans are likely to encourage street side parking for the planned development which will adversely impact the reasonable use of adjacent property;

iii. Hours of peak traffic to the proposed planned development and whether such traffic will unreasonably impair the use and enjoyment of adjacent property.

3. Whether the internal circulation system of the proposed planned development will be designed to mitigate adverse impacts on adjacent property from motorized, non-motorized, and pedestrian traffic;

4. Whether existing or proposed utility and public services will be adequate to support the proposed planned development at normal service levels and will be designed in a manner to avoid adverse impacts on adjacent land uses, public services, and utility resources;

5. Whether appropriate buffering or other mitigation measures, such as, but not limited to, landscaping, setbacks, building location, sound attenuation, odor control, will be provided to protect adjacent land uses from excessive light, noise, odor and visual impacts and other unusual disturbances from trash collection, deliveries, and mechanical equipment resulting from the proposed planned development, and;

6. Whether the intensity, size, and scale of the proposed planned development is compatible with adjacent properties.

D. Landscaping: Existing mature vegetation on a given parcel for development shall be maintained. Additional or new landscaping shall be appropriate for the scale of the development, and shall primarily consist of drought tolerant species;

E. Preservation: The proposed Planned Development shall preserve any historical, architectural, and environmental features of the property;

F. Compliance With Other Applicable Regulations: The proposed planned development shall comply with any other applicable code or ordinance requirement.

21A.55.060 Minimum Area:

A planned development proposed for any parcel or tract of land under single ownership or control in certain zoning districts shall have a minimum net lot area as set forth in table 21A.55.060 of this section.

Table 21A.55.060

PLANNED DEVELOPMENTS

DISTRICT	MINIMUM PLANNED DEVELOPMENT SIZE
Residential Districts	
FR-1/43,560 Foothills Estate Residential District	5 acres
FR-2/21,780 Foothills Residential District	5 acres
FR-3/12,000 Foothills Residential District	5 acres
R-1/12,000 Single-Family Residential District	24,000 square feet
R-1/7,000 Single-Family Residential District	14,000 square feet
R-1/5,000 Single-Family Residential District	10,000 square feet
SR-1 and SR1-A Special Development Pattern Residential District	10,000 square feet
SR-2 Special Development Pattern Residential District	Reserved
SR-3 Interior Block Single-Family Residential District	4,000 square feet
R-2 Single- And Two-Family Residential District	10,000 square feet
RMF-30 Low Density Multi-Family Residential District	9,000 square feet
RMF-35 Moderate Density Multi-Family Residential District	9,000 square feet
RMF-45 Moderate/High Density Multi-Family Residential District	9,000 square feet
RMF-75 High Density Multi-Family District	9,000 square feet
RB Residential/Business District	No minimum required
R-MU-35 Residential/Mixed Use District	9,000 square feet
R-MU-45 Residential/Mixed Use District	9,000 square feet
R-MU Residential/Mixed Use District	No minimum required
RO Residential/Office District	No minimum required
Commercial Districts	
CN Neighborhood Commercial District	No minimum required
CB Community Business District	No minimum required

CS Community Shopping District	No minimum required
CC Corridor Commercial District	No minimum required
CSHBD Sugar House Business District	No minimum required
CG General Commercial District	No minimum required
TC-75 Transit Corridor District	No minimum required
Manufacturing Districts	
M-1 Light Manufacturing District	No minimum required
M-2 Heavy Manufacturing District	No minimum required
Downtown Districts	
D-1 Central Business District	No minimum required
D-2 Downtown Support Commercial District	No minimum required
D-3 Downtown Warehouse/Residential District	No minimum required
D-4 Downtown Secondary Central Business District	No minimum required
Special Purpose Districts	
RP Research Park District	No minimum required
BP Business Park District	No minimum required
FP Foothills Protection District	32 acres
AG Agricultural District	10 acres
AG-2 Agricultural District	4 acres
AG-5 Agricultural District	10 acres
AG-20 Agricultural District	40 acres
A Airport District	No minimum required
PL Public Lands District	No minimum required
PL-2 Public Lands District	No minimum required
I Institutional District	No minimum required
UI Urban Institutional District	No minimum required
OS Open Space District	No minimum required
MH Mobile Home Park District	No minimum required
EI Extractive Industries District	No minimum required
MU Mixed Use District	No minimum required

21A.55.070 Density Limitations:

Residential planned developments shall not exceed the density limitation of the zoning district where the planned development is proposed. The calculation of planned development density may include open space that is provided as an amenity to the planned development. Public or private roadways located within or adjacent to a planned development shall not be included in the planned development area for the purpose of calculating density.

21A.55.080 Consideration Of Reduced Width Street Dedication:

A residential planned development application may include a request to dedicate the street to Salt Lake City for perpetual use by the public. The request will be reviewed and evaluated individually by appropriate departments, including transportation, engineering, public utilities, public services and fire. Each department reviewer will consider the adequacy of the design and physical improvements proposed by the developer and will make a recommendation for approval or describe required changes. Items such as adequate vehicular access, public safety access, pedestrian and bicycle access, adequate parking, and urban design elements will be considered as part of this review. A synopsis will be incorporated into the staff report for review and decision by the planning commission.

21A.55.090 Specific Standards for Planned Development in Certain Zoning Districts:

Planned developments within the TC-75 District, RB District, R-MU District, MU District, CN District, CB District, CSHBD District, South State Street Corridor Overlay District and CS District (when the CS District is adjacent to an area of more than sixty percent (60%) residential zoning located within 300 feet of the subject parcel to be development, either on the same block or across the street), may be approved subject to consideration of the following general conceptual guidelines (a positive finding for each is not required):

- A. The development shall be primarily oriented to the street, not an interior courtyard or parking lot;
- B. The primary access shall be oriented to the pedestrian and mass transit;
- C. The facade shall maintain detailing and glass in sufficient quantities to facilitate pedestrian interest and interaction;
- D. Architectural detailing shall emphasize the pedestrian level of the building;
- E. Parking lots shall be appropriately screened and landscaped to minimize their impact on the neighborhood;
- F. Parking lot lighting shall be shielded to eliminate excessive glare or light into adjacent neighborhoods;
- G. Dumpsters and loading docks shall be appropriately screened or located within the structure, and;
- H. Signage shall emphasize the pedestrian/mass transit orientation.

21A.55.100 Perimeter Setback:

If the planned development abuts a residential lot or a lot in a residential zoning district whose side and rear yard setback requirements are greater than the planned development lot's requirements, then the side and rear yard setback requirements of the subject planned development parcel shall be equal to the side and rear yard setback requirements of the abutting residentially used property or residentially zoned parcel.

21A.55.110: Development Plan:

The applicant must file an application for planned development approval with the Zoning Administrator.

A. Application Requirements: The planned development application shall be submitted on a form provided by the Zoning Administrator accompanied by such number of copies of documents as the Zoning Administrator may require for processing of the application, and shall include at least the following information set forth below:

1. General Information:

- i. The applicant's name, address, telephone number and interest in the property;
- ii. The owner's name, address and telephone number, if different than the applicant, and the owner's signed consent to the filing of the application;
- iii. The street address and legal description of the subject property;
- iv. The zoning classification, zoning district boundaries and present use of the subject property;
- v. A vicinity map with north arrow, scale, and date, indicating the zoning classifications and current uses of properties within eighty five feet (85') (exclusive of intervening streets and alleys) of the subject property; and
- vi. The proposed title of the project and the names, addresses and telephone numbers of the architect, landscape architect, planner or engineer on the project.

2. Planned Development Plan: A planned development plan at a scale of twenty feet to the inch (20' = 1") or larger, unless otherwise approved by the Zoning Administrator, setting forth at least the following, unless waived by the Zoning Administrator:

- i. The location, dimensions and total area of the site;
- ii. The location, dimensions, floor area, type of construction and use of each proposed building or structure;
- iii. The number, the size and type of dwelling units in each building, and the overall dwelling unit density;

iv. The proposed treatment of open spaces and the exterior surfaces of all structures, with sketches of proposed landscaping and structures, including typical elevations;

v. Architectural graphics, if requested by the Zoning Administrator, including typical floor plans and elevations, profiles and cross sections;

vi. The number, location and dimensions of parking spaces and loading docks, with means of ingress and egress;

vii. The proposed traffic circulation pattern within the area of the development, including the location and description of public improvements to be installed, including any streets and access easements;

viii. A traffic impact analysis (if required by the City Transportation Division);

ix. The location and purpose of any existing or proposed dedication or easement;

x. The general drainage plan for the development tract;

xi. The location and dimensions of adjacent properties, abutting public rights of way and easements, and utilities serving the site;

xii. Significant topographical or physical features of the site, including existing trees;

xiii. Soils and subsurface conditions, if requested;

xiv. The location and proposed treatment of any historical structure or other historical design element or feature;

xv. One copy of the development plan colored or shaded (unmounted) for legibility and presentation at public meetings; and

xvi. A reduction of the development plan to eight and one-half by eleven inches (8 1/2 x 11"). The reduction need not include any area outside the property lines of the subject site.

3. Plat Of Survey: A plat of survey of the parcel of land, lot, lots, block, blocks, or parts or portions thereof, drawn to scale, showing the actual dimensions of the parcel, lot, lots, block, blocks, or portions thereof, according to the registered or recorded plat of such land.

4. A Preliminary Subdivision Plat, If Required: A preliminary subdivision plat showing that the planned development consists of and is conterminous with a single lot described

in a recorded subdivision plat, or a proposed resubdivision or consolidation to create a single lot or separate lots of record in suitable form ready for review.

5. Additional Information: The application shall also contain the following information as well as such additional information, drawings, plans or documentation as may be requested by the Zoning Administrator or the Planning Commission if determined necessary or appropriate for a full and proper consideration and disposition of the application:

- i. When the proposed planned development includes provisions for common open space or recreational facilities, a statement describing the provision to be made for the care and maintenance of such open space or recreational facilities;
- ii. A written statement showing the relationship of the proposed planned development to any adopted General Plan of the City;
- iii. A written statement with supporting graphics showing how the proposed planned development is compatible with other property in the neighborhood.

B. Review Procedure: Upon the review of a planned development application, the applicable City Department/Division shall notify the applicant of any deficiencies and or modifications necessary to complete the application.

1. Public Hearing: Upon receiving site plan review and recommendation from the applicable City Department(s)/Division(s), and completing a staff report, the planning commission shall hold a public hearing to review the planned development application in accordance with the standards and procedures set forth in part II, chapter 21A.10 of this title.

2. Planning Commission Action: Following the public hearing, the planning commission shall decide, on the basis of the standards contained in subsection 21A.55.050 whether to approve, approve with modifications or conditions, or deny the application.

3. Notification Of Decision: The planning director shall notify the applicant of the decision of the planning commission in writing, accompanied by one copy of the submitted plans marked to show such decision and a copy of the motion approving, approving with modifications, or denying the development plan application.

21A55.120 Appeal of the Planning Commission Decision:

Any party aggrieved by the decision of the planning commission may file an appeal to the land use appeals board.

21A.55.130 Time Limit On Approved Planned Development:

No planned development approval shall be valid for a period longer than one year unless a building permit has been issued or complete building plans have been submitted to the Division of Building Services and Licensing. The Planning Commission may grant an extension of a Planned Development for up to one (1) additional year when the applicant is able to demonstrate no change in circumstance that would result in an unmitigated impact. Extension requests must be submitted prior to the expiration of the planned development approval.

21A.55.140 Effect Of Approval Of Planned Development:

The approval of a proposed planned development by the planning commission shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration or moving of any building or structure, but shall authorize the preparation, filing and processing of applications for any permits or approvals that may be required by the regulations of the city, including, but not limited to, a building permit, a certificate of occupancy and subdivision approval.

21A.55.150 Regulation During And Following Completion Of Development:

Following planned development approval, the development plan, rather than any other provision of this title, shall constitute the use, parking, loading, sign, bulk, space and yard regulations applicable to the subject property, and no use or development, other than home occupation and temporary uses, not allowed by the development plan shall be permitted within the area of the planned development.

21A.55.160 Modifications To Development Plan:

A. New Application Required For Modifications And Amendments: No substantial modification or amendment shall be made in the construction, development or use without a new application under the provisions of this title. Minor modifications or amendments may be made subject to written approval of the planning director and the date for completion may be extended by the planning commission upon recommendation of the planning director.

B. Minor Modifications: The planning director may authorize minor modifications to the approved development plan pursuant to the provisions for modifications to an approved site plan as set forth in chapter 21A.58 of this part, when such modifications appear necessary in light of technical or engineering considerations. Such minor modifications shall be limited to the following elements:

1. Adjusting the distance as shown on the approved development plan between any one structure or group of structures, and any other structure or group of structures, or any vehicular circulation element or any boundary of the site;
2. Adjusting the location of any open space;
3. Adjusting any final grade;
4. Altering the types of landscaping elements and their arrangement within the required landscaping buffer area;

5. Signs;

6. Relocation or construction of accessory structures; or

7. Additions which comply with the lot and bulk requirements of the underlying zone.

Such minor modifications shall be consistent with the intent and purpose of this title and the development plan as approved pursuant to this section, and shall be the minimum necessary to overcome the particular difficulty and shall not be approved if such modifications would result in a violation of any standard or requirement of this title.

C. Major Modifications: Any modifications to the approved development plan not authorized by subsection 21A.55.160(2) of this section shall be considered to be a major modification. The planning commission shall give notice to all property owners consistent with notification requirements located in chapter 21A.10 of this Code. The planning commission may approve an application for a major modification to the approved development plan, not requiring a modification of written conditions of approval or recorded easements, upon finding that any changes in the plan as approved will be in substantial conformity with the approved development plan. If the commission determines that a major modification is not in substantial conformity with the approved development plan, then the commission shall review the request in accordance with the procedures set forth in this subsection.

21A.55.170 Disclosure Of Private Infrastructure Costs For Planned Developments:

Planned developments, approved under this title after January 1, 1997, shall include provisions for disclosure of future private infrastructure maintenance and placement costs to unit owners.

A. Infrastructure Maintenance Estimates: Using generally accepted accounting principles, the developer of any planned development shall calculate an initial estimate of the costs for maintenance and capital improvements of all infrastructure for the planned development including roads, sidewalks, curbs, gutters, water and sewer pipes and related facilities, drainage systems, landscaped or paved common areas and other similar facilities ("infrastructure"), for a period of sixty (60) years following the recording of the subdivision plat for the estimated date of first unit occupancy of the planned development, whichever is later.

B. Initial Estimate Disclosure: The following measures shall be incorporated in planned developments to assure that owners and future owners have received adequate disclosure of potential infrastructure maintenance and replacement costs:

1. The cost estimate shall be recorded with and referenced on the recorded plat for any planned development. The initial disclosure estimate shall cover all private infrastructure items and shall be prepared for six (6) increments of ten (10) years each.

2. The recorded plat shall also contain a statement entitled "Notice to Purchasers" disclosing that the infrastructure is privately owned and that the maintenance, repair,

replacement and operation of the infrastructure is the responsibility of the property owners and will not be assumed by the city.

3. The cost estimate shall be specifically and separately disclosed to the purchaser of any property in the planned development, upon initial purchase and also upon all future purchases for the duration of the sixty (60) year period. [Recorded on property]

C. Yearly Maintenance Statements: The entity responsible for the operation and maintenance of the infrastructure shall, at least once each calendar year, notify all property owners in the planned development of the estimated yearly expenditures for maintenance, repair, operation or replacement of infrastructure, and at least once each calendar year shall notify all property owners of the actual expenditures incurred, and shall specify the reason(s) for any variance between the estimated expenditures and the actual expenditures.

D. Maintenance Responsibilities: The property owners in a planned development shall be collectively and individually responsible, on a pro rata basis, for operating, maintaining, repairing and replacing infrastructure to the extent necessary to ensure that access to the planned development is available to the city for emergency and other services and to ensure that the condition of the private infrastructure allows for the city's continued and uninterrupted operation of public facilities to which the private infrastructure may be connected or to which it may be adjacent.

Changes to other Sections of the code

Conditional Use Chapter – Eliminate planned development statements

◆◆ 4, 5 (Exh. A), 2005: Ord. 12-05 ◆ 1, 2005: Ord. 3-05 ◆◆ 9 (Exh. A), 10, 2005: Ord. 71-04 ◆ 27 (Exh. G), 2004: Ord. 13-04 ◆◆ 36, 37 (Exh. K), 2004: Ord. 77-03 ◆ 8, 2003: Ord. 73-02 ◆ 19 (Exh. G), 2002: Ord. 70-02 ◆ 4, 2002: Ord. 14-00 ◆ 15, 2000: Ord. 35-99 ◆◆ 96-99, 1999: Ord. 17-99 ◆ 1, 1999: Ord. 52-97 ◆ 1, 1997: Ord. 88-95 ◆ 1 (Exh. A), 1995: Ord. 26-95 ◆ 2(27-15), 1995)

**Exhibit B –
Planned Development Definition**

PLANNED DEVELOPMENT: ~~A lot or contiguous lots of a size sufficient to create its own character where there are multiple principal buildings on a single lot, where not otherwise authorized by this title, or where not all of the principal buildings have frontage on a public street.~~ -- **A type of land development that requires more planning flexibility than is otherwise allowed under a strict application of zoning requirements and/or lot configuration, in order to create a development that achieves/implements adopted development policies/goals of the City.** A planned development is controlled by a single landowner or by a group of landowners in common agreement as to control, to be developed as a single entity, the character of which is compatible with adjacent parcels and the intent of the zoning district or districts in which it is located. **The planned development maintains the same density that is permitted by the underlying zone.**

**Exhibit C –
ZAP Task Force Notes**

2009 Zoning Text Amendment Project

July 13, 2009

Task Force Meeting

Members Present

Cindy Cromer, Sydney Foncesbeck, Barbara Green, Jerry Green, Esther Hunter, Virginia Hylton, Vasilios Priskos, Lon Richardson, Judi Short, Dave Richards, Grace Sperry, Bill Nighswonger

Discussion of proposed amendments to Planned Development Regulations (phase I)

- Skinny streets are problematic:
 - safety issue / fire truck access
 - walkable issues,
 - likelihood that they will request the public sector take over substandard streets.
- Analyze whether the City should continue the policy of allowing these.
- Maybe able to address the public safety issue relating to Fire Truck access by requiring fire sprinklers in the construction.
- Density currently must be consistent with underlying zoning.
- Benefits to the Planned Development are
 - Allow higher density in more areas of the City (Will review of Phase II of the Planned Development Amendment Project)
 - Affordability
 - If want more density, the property must be rezoned.
 - Planned Developments equate to better developments. The process allows more people to be involved.
 - The developments are better projects than they would have been if the development had just followed the underlying zoning regulations.
 - Planned Developments lead to a better designed project.
 - The City has much more input on what the project looks like
 - The planned development process is a great benefit to both the City and the developer.
- Future discussion (on phase II) will include discussion on whether a density bonus should be allowed through the planned development process.
- City has not been good at requiring amenities (for increased height).

- Need better regulations.
- Could use the planned development process to encourage historic preservation
 - Get more development potential if preserve the structure. Currently density potential in historic districts (due to existing lot size) is minimal.
- The Rocky Mountain Power substation planned development did not work well. The neighborhood and City did not get much back for the modification of the regulations.
- With a conditional use you have a “right” to approval. Removing the Planned Development from the Conditional Use process is a good step.
- Don’t allow the street to be narrowed. Just decrease the required setbacks etc.
- The flexibility helps get development on lots that are difficult to develop.
- What is the existing minimum lot size required for a planned development?
 - Look at the lot sizes that are common in the zoning district to determine what the minimum lot size for a planned development process should be.
 - It is a good idea to have the minimum lot size for a planned development to be two times the minimum lot size required in the zoning district.
 - If have building built prior to 1927 (when the city first adopted zoning), the property should be able to go through the planned development process. Variances are too hard to get. This could be an incentive for historic preservation. If they go this route, require them to meet the preservation guidelines.
 - Currently people add onto the front, ruining historic facades because the rear yard is small and the existing front yard setback is large.
- If add more units, how can they meet off-street parking requirements?
- Are there problems with planned developments if the lot is too small?
- Is there a way to limit the internal subdivision of historic structures?
 - If don’t allow the division of historic structures, then the building is less economically viable and may deteriorate.
 - Are there uses that could be allowed that lessen the amount of partitions in the interior? (Such as boarding houses with shared bathrooms etc.?)
- List all zones in the table of the minimum lot size for planned developments. It makes it easier to use even if there is no minimum requirement.
- Is there anything in the preservation plan that discusses this type of incentive?
- Against the five foot height bonus. This blocks light and has impacts to view protections and solar access (all residential zones).
 - Need to look at whether there should be a height bonus on a case by case / neighborhood by neighborhood basis.
- Is the Planned development meant to deal with split zoned parcels?

Exhibit D –
Open House Sign-In Sheet & Public Comments

SIGN IN SHEET

MEETING FOR: Petition PLNPCM2009-00749, Zoning Ordinance Amendment – Planned Developments

DATE: **August 20, 2009**

PLEASE PRINT

[illegible]

Traughber, Lex

From: Mike and Kristina Heintz [mikeheintz@msn.com]
Sent: Tuesday, August 11, 2009 3:42 PM
To: Traughber, Lex
Cc: Simonsen, Soren; Mayor
Subject: Re: PLNPCM2009-00749; Zoning Text Amendment

Categories: Other

Hi Mr. Traughber,

The draft looks great. It looks like people have put quite a bit of thought and energy into this proposal. I especially like the attention to building preservation, green building, mass transit/pedestrian orientation, light pollution mitigation and giving the public perpetual use of the streets already proposed. keep up the good work!

I would like to just add a few comments/suggestions for the Open House. I think that all developments need to have a range of mixed housing for all socio-economic levels-from \$50,000 studio condos and upwards. I would also suggest zoning changes that support open-space, community and urban gardens, Leeds building certification, pedestrian/bike only ways, gray-water and rain harvesting infrastructure and solar energy infrastructure support since we are a designated "solar city". I would like to suggest that all future planned developments strive for carbon neutrality(ie no gas-powered lawn equipment, high efficiency standards, on- site solar energy production) and require low-water landscaping (other than food gardens) restricting lawn sizes and pesticide use and encourage and promote urban agriculture (goats/chickens/bees/gardens). I would like to offer that zoning be a mix of retail and residential to allow for neighborhood bars, green grocers and restaurants.

Thank you for passing on our comments.

Kristina and Mike Heintz

----- Original Message -----

From: Traughber, Lex
To: Mike and Kristina Heintz
Sent: Tuesday, August 11, 2009 8:55 AM
Subject: RE: PLNPCM2009-00749; Zoning Text Amendment

Ms. Heintz:

Thank you for your interest. Please see the attached draft text.

Lex Traughber
Principal Planner
Salt Lake City Planning Division

From: Mike and Kristina Heintz [mailto:mikeheintz@msn.com]
Sent: Monday, August 10, 2009 5:01 PM
To: Traughber, Lex
Subject: PLNPCM2009-00749; Zoning Text Amendment

Greetings Mr. Traughber,
Is there by chance more specific information on the proposed changes so that we may better comment?

**Exhibit E –
City Department/Division Comments**

Traughber, Lex

From: Walsh, Barry
Sent: Tuesday, August 11, 2009 5:41 PM
To: Traughber, Lex
Cc: Young, Kevin; Smith, Craig; Garcia, Peggy; Itchon, Edward; Butcher, Larry
Subject: RE: Petition PLNPCM2009-00749, Planned Developments Text Amendment

TRANSPORTATION

Categories: Other

July 7, 2009

Lex Traughber, Planning

Re: Draft Zoning Ordinance Amendment - Planned Development.
PLNPCM2009-00749
Draft text Chapter 21A.55 - Planned Developments.

The division of transportation review comments and recommendations are as follows:

In Section 21A.55.010 Purpose statement:

D. create a pleasing environment;

There needs to be a definition and explanation of WHO determines a pleasing environment.

In section 21A.55.030 Authority

....the planning commission may change, alter, Etc. any provisions of this or of the city's regulations....

Why write anything else, just let the planning commission do whatever they want.

In section 21A.55.050 Standards for

C. Compatibility

1. Without materially degrading... What is meant by this?

2.

ii. Parking to be fully provided on site with area locations

iii. who determines what "unreasonably impair" means.

These items 1, 2, 3, 4, 5, & 6 are issues that should be included in the "Traffic Impact Report" if required by transportation.

Section F. notes, Compliance With Other Applicable Regulations: Shall comply... conflicts with 55.030 Authority.

Section 21A.55.080 Consideration Of Road Width minimum width of twenty feet (20') of pavement... should be subject to Fire review for public safety issues, whether a public or private roadway.

Section 21A.55.090

G located within the structure, all maneuvering to be provided on site, and;

Section 21A.55.110 Development Plan

1. General Information:

v. A vicinity map - with north arrow, scale, and date, indicating..... (commas)

2. Planned Development Plan: A

viii. A traffic impact analysis (if required by the City Transportation division)... is redundant in that issues to be addressed are noted in section 050 C.

Please call and discuss the above items and their intent, our number is 535-6630.

Sincerely,

Barry Walsh

Cc Kevin Young, P.E.
Craig Smith, Engineering
Peggy Garcia, Public Utilities
Ted Itchon, Fire
Larry butcher, Permits
File

Traughber, Lex

From: Butcher, Larry
Sent: Tuesday, August 11, 2009 1:24 PM
To: Traughber, Lex
Subject: RE: Petition PLNPCM2009-00749, Planned Developments Text Amendment

BUDG SVCS

Categories: Other

Lex:

A couple of comments:

- Create the method of calculating maximum density. Shall we continue to just count the total number of units on site or should we assess density by structure use (such as triplex, fourplex, etc.)
- Specify how the 60% abutting residential area is determined (area, lineal distance?)

LB

Traughber, Lex

From: Brede, Richard
Sent: Monday, August 10, 2009 12:00 PM
To: Traughber, Lex
Subject: RE: Petition PLNPCM2009-00749, Planned Developments Text Amendment

POLICE

Categories: Other

No comment.

Traughber, Lex

From: Itchon, Edward
Sent: Monday, July 06, 2009 11:18 AM
To: Traughber, Lex
Cc: Ellis, Martha; Roberson, Tom; Berg, Wyman (Thomas)
Subject: Draft Zoning ordinance Planned Development.

FIRE

Categories: Other

Lex,

I have a few comments regarding this proposal. In the past I have witnessed firsthand some difficult sites which have grade issues. Many of which is well over the capability of the city's fire apparatus. Couple this with fire access roads which do not meet the minimum width of 20 feet, (measured from the lip of the waterway pan to the opposite lip of waterway pan of the combination curb and gutter) and dead end fire access roads greater than 150 feet without a turn-around. This may be OK for the plan development but when this development gets older we find that the communities asking the city to accept them in a dedication.

I understand that at this time we have that problem. I do not know if there is a way you can tackle these concerns for us in this Draft of the Ordinance.

Ted

Traughber, Lex

From: Stoker, Justin
Sent: Wednesday, July 01, 2009 2:15 PM
To: Traughber, Lex
Cc: Garcia, Peggy
Subject: Draft Zoning Ordinance - Planned Developments

Categories: Other

PUBLIC
UTILITIES

The proposed ordinance for planned developments looks great. We don't have any comments to add.

Thanks,
Justin

Justin D. Stoker, PE, LEED® AP
Salt Lake City Public Utilities
1530 S. West Temple, SLC, UT 84115
ph. (801) 483-6786 - justin.stoker@slcgov.com



Please consider the environment before printing this e-mail

Traughber, Lex

From: Drummond, Randy
Sent: Tuesday, June 30, 2009 11:37 AM
To: Traughber, Lex
Cc: Weiler, Scott; Smith, Craig
Subject: Draft Review - Zoning Ordinance - Planned Developments - PLNPCM2009-00749 - Engineering Comments

ENGINEERING

Categories: Other

Lex, we have reviewed the proposed language for the new Planned Development Chapter, and find that it will have no negative impact on our review and development process. We would recommend that it be adopted as drafted.

Randy

Exhibit F –
August 26, 2009 Planning Commission Minutes

Chair Woodhead inquired if any Commissioners had objections to the additional language. She noted that the Commission did not have objections.

5:49:03 PM Modification to ordinance conditions of the City Creek Inn **Zoning Map Amendment Petition PCM2008-00918**, located at approximately 230 West North Temple Street.

Mr. Sommerkorn stated that regarding the City Creek Inn Zoning Map Amendment, the City Council staff was concerned that the ordinance that was presented to them did not reflect everything that was in the motion from the Planning Commission. He stated that some of the conditions included were not subject to the approval. He introduced Nole Walkingshaw as staff representative regarding this matter.

Mr. Walkingshaw stated that this petition involved a minor subdivision and a zoning map amendment. He stated that the existing use of the property that was occupied was the City Creek Inn, which is a non-conforming use. He stated that some of the conditions that were included in the staff report that were now in question was a non-conforming use, which was really a finding of fact rather than a condition. He stated that when the City Attorney prepared the ordinance he prepared it without that finding. The City Council's office wanted the Commission to clarify they were aware that finding of fact was not going to be included as a condition.

Chair Woodhead inquired if the Commission agreed with that. She noted that the Commission did not have any objections.

5:50:30 PM **Motion**

Commissioner Gallegos made a motion to not include the mention that the City Creek Inn is a non-conforming use, as a condition of approval pertaining to the Zoning Map Amendment.

Commissioner Wirthlin seconded the motion.

All in favor voted, "Aye". The motion passed unanimously.

Briefings

5:51:03 PM **Planned Development Amendments Phase I.** The Planning Commission will receive a briefing on proposed amendments to the Planned Development Regulations. A public hearing will be scheduled for a later date.

Chair Woodhead recognized Lex Traugher as staff representative.

Mr. Traugher stated back in 2005 the City Council initiated a petition for staff to look at planned developments, and specifically the possibility of reducing the minimum lot acreage, so that anyone could be eligible for a planned development. He stated that the Planning Commission also initiated a petition in 2005 for staff to look at possibilities for increasing density through the planned development process. He stated that staff proposed that the planned development standards be removed from the conditional use chapter. He stated that typically a planned development design played more of a role than use; however, because the planned

development standards were currently in the conditional use chapter, both needed to be addressed, which sometimes made these petition awkward.

Mr. Traugher stated that language was written to enhance the purpose statement of planned developments. He stated that the objective portion of the text was also enhanced, and staff reduced the minimum lot area required for planned development eligibility. He noted that planned developments needed to be better defined and the following changes were drafted:

PLANNED DEVELOPMENT: ~~A lot or contiguous lots of a size sufficient to create its own character where there are multiple principal buildings on a single lot, where not otherwise authorized by this title, or where not all of the principal buildings have frontage on a public street.~~ **—A type of land development that requires more planning flexibility than is otherwise allowed under a strict application of zoning requirements and/or lot configuration, in order to create a development that achieves/implements adopted development policies/goals of the City. A planned development is controlled by a single landowner or by a group of landowners in common agreement as to control, to be developed as a single entity, the character of which is compatible with adjacent parcels and the intent of the zoning district or districts in which it is located. The planned development maintains the same density that is permitted by the underlying zone.**

Commissioner Dean inquired about enforceability along the lines of sustainable building and what that would mean to an applicant, would there be set energy standards.

Mr. Traugher stated that was not a standard, but an objective the City would like to see developers put forth some effort in.

Commissioner Muir inquired on page 5, paragraph 80, why City slope standards were not used for the minimum criteria for private roads. He stated that the Commission just saw an issue regarding this up in the Avenues.

Mr. Traugher stated that one of the comments from the Transportation Division as well the Fire Department was to look at this issue and give staff suggestions, because there had been instances where that was problematic.

5:59:32 PM Life on State—Our Street Our Vision – a presentation and discussion by Ted Knowlton, of The Planning Center, on recommendations derived from a collaborative planning effort aimed at turning State Street into an economic and community center for the Salt Lake Valley.

Chair Woodhead recognized Christopher Clifford, from The Planning Center.

Mr. Clifford gave a PowerPoint presentation regarding the future of State Street.

Commissioner Chambless stated that the State capitol made the north end of the view corridor of State Street very interesting, but when looking south there was nothing. He suggested looking at the blighted areas to make them interesting and to also increase walkability.