

PLANNING COMMISSION STAFF REPORT

Neff Rezoning Zoning Map Amendment PLNPCM2010-00561 163 West 1700 South December 8, 2010



Planning and Zoning Division
Department of Community and
Economic Development

Applicant: Jeremy Neff

Staff: Maryann Pickering
801-535-7660
maryann.pickering@slcgov.com

Tax ID: 15-13-283-001

Current Zone: CB (Community Business)

Master Plan Designation:
Central City Master Plan
Medium Residential/Mixed Use (10-50 dwelling units per acre)

Council District: District 5 – Jill Remington Love

Lot size: Approximately 10,020 square feet

Current Use: Light manufacturing

Applicable Land Use Regulations:

- 21A.10 – General Application and Public Hearing Procedures
- 21A.50.050 – Standards for General Amendments

Notification:

- Notice mailed on Nov 23, 2010
- Sign posted on Nov 23, 2010
- Published in Deseret News on Nov 24, 2010
- Posted to Planning Dept and Utah State Public Meeting websites on Nov 23, 2010

Attachments:

- A. Site Plan
- B. Additional Applicant Information
- C. Department/Division Comments

Request

A request by Jeremy Neff to rezone property located at 163 West 1700 South from Community Business (CB) to General Commercial (CG).

The most recently adopted master plan for this area is the Central Community Master Plan which was adopted in 2005. This plan calls for medium residential/mixed use along 1700 South between the Trax rail line and State Street.

Petitions to amend the zoning map of the City require review by the Salt Lake City Planning Commission in a public hearing. Upon review, the Planning Commission will forward a recommendation to the Salt Lake City Council. The City Council is the final decision making authority for amendments to the Zoning Map.

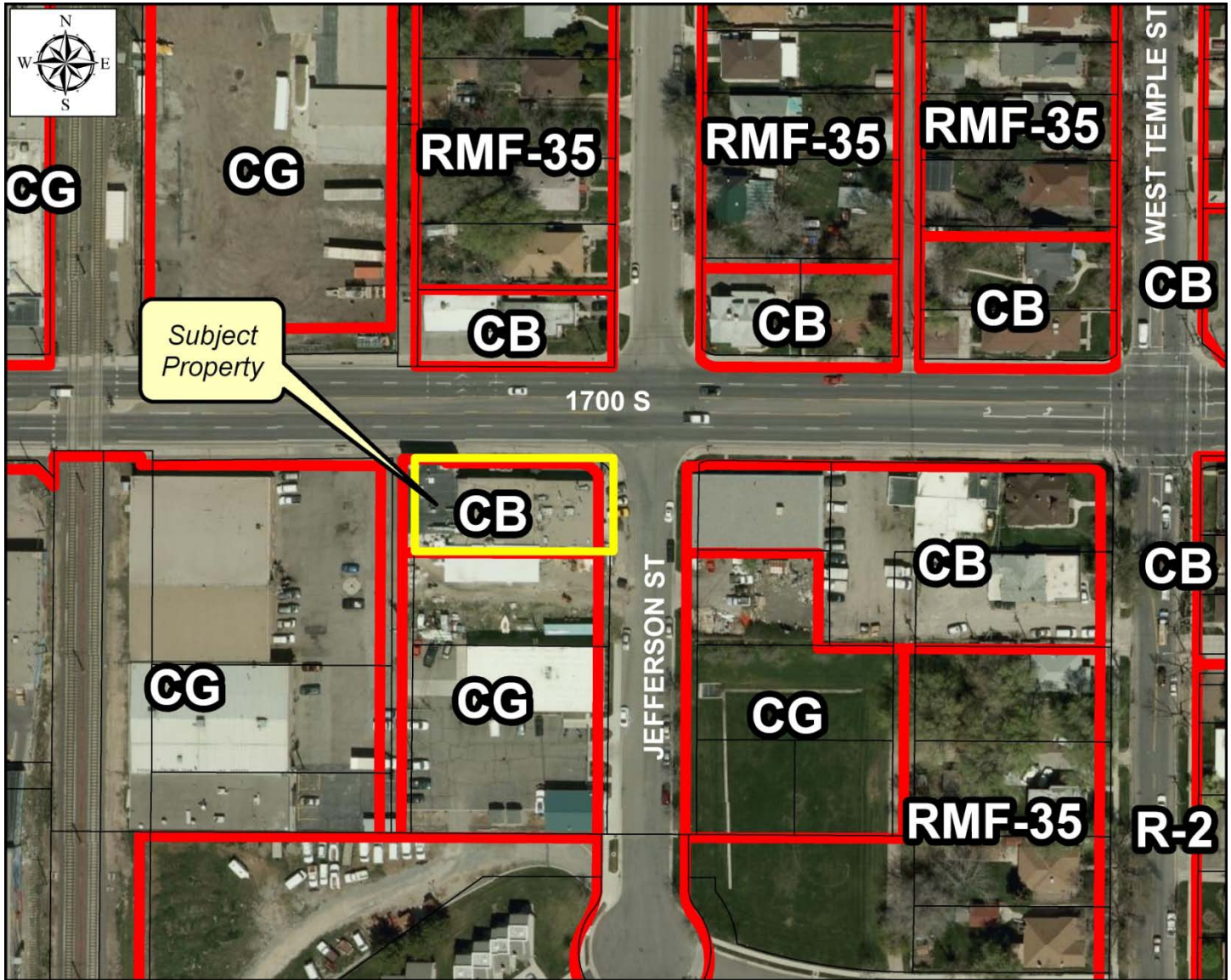
Staff opinion

Based on the discussion and findings in the staff report, it is the Planning Staff's opinion that the Planning Commission transmits a favorable recommendation to the City Council to amend the Salt Lake City Zoning Map by rezoning the property located at 163 West 1700 South from CB to CG with the following conditions:

The two parcels owned by the applicant are combined into a single lot. Off-street parking for the existing building is provided.

Curb, gutter and sidewalk improvements along Jefferson Street are installed now or that the applicant enters into a Special Improvement District Waiver Agreement with the City to assure the future installation of these improvements.

VICINITY MAP



Background

Project Description

Mr. Jeremy Neff is requesting to rezone an approximate 10,020 square foot corner parcel located at 163 West 1700 South from Community Business (CB) zoning district to General Commercial (CG) zoning district. The applicant plans to expand his business which is currently operated on the property directly to the south of the subject property. According to the applicant, the property has historically been used for more intensive uses than what the current district allows.

The applicant is requesting the zoning be amended to make the zoning more in line and consistent with the current use of the building. Since the applicant owns the property to the south with is currently zoned CG, rezoning of the subject property would create consistent zoning for both properties.

In 2004, the same request was approved by the City Council (Petition 400-03-29). There were conditions placed on the project, however, those conditions were never completed or finalized. Therefore, the request approved through Petition 400-03-29 expired in 2005. This current applicant has since purchased and would like to rezone this property to make it consistent with the zoning of the property which he owns and operates a business.

The 1974 Central Community Development Plan was updated when the current zoning in the area was adopted as part of the Zoning Rewrite project of 1995. Through the zoning rewrite process, a strip of commercial CB was established along 1700 South. Currently, all four corners of the 1700 South/Jefferson Street intersection remain zoned CB.

Comments

Public Comments

The Ballpark Community Council was sent notification of the proposed rezoning with an explanation of the past application. Staff asked if the Community Council wanted to have a presentation from the applicant. It was determined that no presentation was necessary.

Previously, the People's Freeway Community Council reviewed the project and supported the change of zoning. At the time of publication of this staff report, no other citizen comments were received.

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

Standards for General Amendments; 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.**

Analysis: The Central Community Master Plan shows this property as Medium Residential/Mixed Use (10-50 dwelling units per acre). Both the CB and CG zoning districts allow residential dwelling units, including multi-family dwelling, above or below first story office, retail and commercial uses. The area has been developed with commercial uses. The frontage of 1700 South, west of Main Street, is primarily commercial. The residential areas are located mid-block away from the 1700 South street frontage. The residential areas are identified on the zoning map.

In 1995, the Zoning Rewrite Project updated and amended the land use and zoning policies of all previously adopted master plans of the City, including the Central Community Development Plan. These properties, and the properties fronting on 1700 South, were zoned commercial as part of the Zoning Rewrite Project. Given this, the proposed CG zoning is consistent with that designation and is not out of character with the existing zoning in the area and is therefore compatible with the purposes, goals, objectives and policies of the adopted general plan of Salt Lake City.

Finding: Given the existing commercial zoning in the area, the proposed CG zoning is compatible with the purposes, goals, objectives and policies of the adopted Master Plan.

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

Analysis: This property is surrounded by CB and CG zoning. The CB zoning extends along the north and south sides of 1700 South and acts as a buffer between 1700 South and the mid block residential properties along West Temple Street. It appears that all four corner lots at the intersection of 1700 South and Jefferson Street were zoned for consistency on the 1700 South frontage.

As the adjoining properties to the south and west are already zoned CG, and the building will continue to be occupied by uses that historically occupied the building, rezoning this property to CG will not adversely impact adjoining properties.

Finding: The proposed amendment is harmonious with the overall character of existing development in the area.

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

Analysis: The proposed amendment will not adversely affect adjacent properties. The building has existed since the 1950's and has been used for a variety of uses. The CG zoning will be more consistent with the building has been used for in the past.

Finding: The proposed amendment will not adversely affect adjacent properties.

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

Analysis: This standard does not apply.

Finding: This standard does not apply.

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, stormwater drainage systems, water supplies, and wastewater and refuse collection.

Analysis: As no changes are proposed to the site at this time, review comments made by various city departments are minimal. The Transportation Division is recommending the same comments as before when the application was reviewed in 2004. They are recommending that since the applicant owns two adjoining lots and that there is no off street parking for this building, off-street parking needs to be provided on the south lot and both lots combined. In addition, public way improvements or a waiver agreement need to be completed.

Finding: Future requirements will be evaluated as proposals for new development are submitted.

Neff Rezoning

Site Plan



Attachment B
Additional Applicant Information



Zoning Amendment

- ☐ Amend the text of the Zoning Ordinance by amending Section:
- ☐ Amend the Zoning Map by reclassifying the above property from a zone to a zone. (attach map or legal description)

→ PLN PCM 2010-00561

OFFICE USE ONLY	
Petition No.	
Date Received:	8/31/2010
Reviewed By:	Thomas Irvin

* Address of Subject Property: 163 West 1700 South

Name of Applicant: Jeremy Neff	Phone: 801 487 1128
Address of Applicant: 163 West 1700 So	
E-mail Address of Applicant: jipotts@jipotts.com	Cell/Fax: call 801 461 3100 f2x 801 487 1136
Applicant's Interest in Subject Property: OWNER	
Name of Property Owner: JEREMY NEFF	Phone: 801 487 1128
E-mail Address of Property Owner: jipotts@jipotts.com	Cell/Fax: 801 461-3100 801 487 1136
County Tax ("Sidwell #"): 15 -13 -283 -001	Zoning: CB
Legal Description (if different than tax parcel number):	

	Existing Property Use	Proposed Property Use
	MANUFACTURING	MANUFACTURING

Please include with the application:

- ☒ A statement of the text amendment or map amendment describing the purpose for the amendment and the exact language, boundaries and zoning district.
- ☒ A complete description of the proposed use of the property where appropriate.
- ☒ Reasons why the present zoning may not be appropriate for the area.
- ☒ Printed address labels for all property owners within 450 feet of the subject property. The address and Sidwell number of each property owner must be typed or clearly printed on gummed mailing label. Please include yourself and the appropriate Community Council Chair(s). Address labels are available at the address listed below. **The cost of first class postage for each address is due at time of application. Please do not provide postage stamps.**
- ☒ Legal description of the property.
- ☒ Six (6) copies of site plans drawn to scale and one (1) 11 x 17 inch reduced copy of each plan and elevation drawing. → One copy of Sidwell map included
- ☒ If applicable, a signed, notarized statement of consent from property owner authorizing applicant to act as agent. - signed on back -
- ☒ Filing fee of \$885.92, plus \$110.74 for each acre over one acre and the cost of first class postage is due at time of application.

Applications must be reviewed prior to submission. Please call 535-7700 for an appointment to review your application.

Notice: Additional information may be required by the project planner to ensure adequate information is provided for staff analysis.

All information submitted as part of the application may be copied and made public including professional architectural or engineering drawings which will be made available to decision makers, public and any interested party.

RECEIVED
AUG 31 2010
BY: [Signature]

Requested zoning change from Community Business (CB) to General Commercial (CG) zoning district.

The existing use and historical use of the property is ceramic manufacturing, light metal and wood fabrication to support ceramic manufacturing, and shipping and packing and other distribution functions. The adjacent parcel is owned by the same entity as the subject parcel and presently and historically acted as one parcel with the subject parcel. The present use is not compatible with the present zone or the same as the zone of the adjacent parcel (CG). The purpose of this request for zoning change is to make the zone conform to the historical use and match the zone of the adjacent parcel.

A similar request for zoning change was approved in 2004, but not acted upon by a previous owner of the property. A letter referencing this is attached.

A. LOUIS ZUNGUZE
PLANNING DIRECTOR

BRENT B. WILDE
DEPUTY PLANNING DIRECTOR

DOUGLAS L. WHEELWRIGHT, AICP
DEPUTY PLANNING DIRECTOR

SALT LAKE CITY CORPORATION

COMMUNITY DEVELOPMENT
PLANNING AND ZONING DIVISION

ROSS C. ANDERSON
MAYOR

August 11, 2004

Ms. LaJuan Johnson
3757 Hillside Lane
Salt Lake City, Utah 84109

RE: Petition 400-03-29, Rezoning of property located at 163 West 1700 South Street.

Dear Ms. Johnson,

On August 10, 2004, the Salt Lake City Council conditionally approved your request to rezone the property located at 163 West 1700 South from a Community Business CB to a General Commercial CG zoning district. Please be advised that the rezoning does not become effective until the approval conditions have been met. The approval conditions are as follows:

1. The two parcels owned by the applicant be combined into a single lot.
2. Off-street parking for the existing building be provided.
3. Curb, gutter and sidewalk improvements along Jefferson Street be installed now or that the applicant enter into an Special Improvement District Waiver Agreement with the City to assure the future installation of these improvements.

Please work with the Salt Lake County Recorder's office to combine the lots, the Salt Lake Permits and Licensing Division for the required off-street parking and the Salt Lake City Engineering Division to do the improvements along Jefferson Street or obtain a Special Improvement District Waiver Agreement for the future installation of improvements.

When all items have been completed, please provide me with documentation so that it can be forwarded to the Planning Director for final sign-off. **Please be advised that the ordinance rezoning the property expires within one year if the conditions of approval are not met.**

Sincerely,

A handwritten signature in cursive script, appearing to read "Ray McCandless".

Ray McCandless
Principal Planner

- C. A. Louis Zunguze, Planning Director
 Doug Wheelwright, Deputy Planning Director

EXHIBIT "A"

The land referred to herein is located in Salt Lake County, Utah and described as follows:

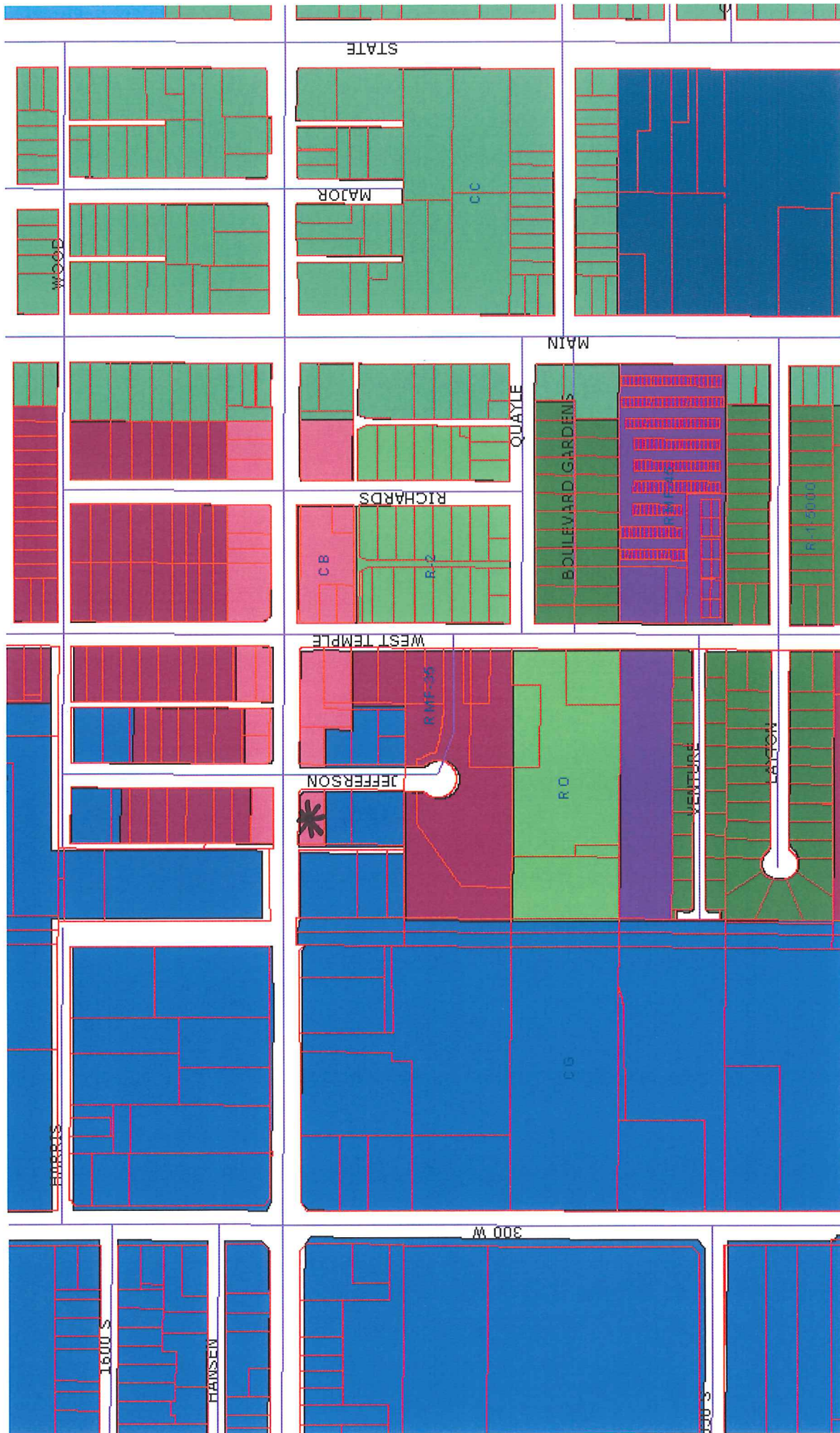
PARCEL 1:

Beginning 14 rods East of the Northwest Corner of Lot 12, Block 7, Five Acre Plat "A", Big Field Survey, and running thence East 9 rods; thence South 4.35 rods; thence West 9 rods; thence North 4.35 rods to the place of beginning.

Less the following parcel sold to Salt Lake City Corporation for Project No. 38-585 17th South right of way widening:

Beginning at a point 346.50 feet North $89^{\circ}55'31''$ East from the Northwest Corner of lot 12, Block 7, Five Acre Plat "A", Big Field Survey; running thence South $89^{\circ}55'31''$ West 148.50 feet; thence South $0^{\circ}12'44''$ West 1.00 foot to the North line of the existing building; thence North $89^{\circ}59'39''$ East 32.895 feet along said North line to the Northeast Corner of said building; thence South $0^{\circ}00'03''$ East 2.683 feet; thence North $89^{\circ}59'57''$ East 100.185 feet to a point of curvature of a 17.000 foot radius curve to the right; thence Southeasterly along the arc of said curve 19.195 feet to the West line of Jefferson Street; thence North $0^{\circ}13'44''$ East 13.606 feet along said West line to the point of beginning.

Print on: 9/9/2010



Attachment C
Department/Division Comments

From: [Butcher, Larry](#)
To: [Pickering, Maryann](#)
Subject: RE: PLNPCM2010-00561
Date: Wednesday, September 29, 2010 10:19:14 AM

Maryann,

I have no comments.

Larry

From: Pickering, Maryann
Sent: Tuesday, September 28, 2010 1:45 PM
To: Walsh, Barry; Drummond, Randy; Garcia, Peggy; Itchon, Edward; Brede, Richard; Butcher, Larry; Limburg, Garth; Spencer, John
Subject: PLNPCM2010-00561

Enclosed please find information relating to the above referenced petition. Jeremy Neff is requesting a zoning amendment to rezone from Community Business (CB) to General Commercial (GC). This request was previously approved in 2004, but it was never acted upon by the previous owner.

Please review the following proposed request respond with comments by **Tuesday, October 12, 2010**. If I do not receive a response by this date, I will assume that you have no comments or concerns regarding the proposal. This project is in Accela under the above referenced number. Please update Accela with any comments that you have. If you have questions or need additional information, please let me know.

Maryann Pickering, AICP
Principal Planner
Salt Lake City Planning Division
451 South State Street, #406
PO Box 145480
Salt Lake City, UT 84111-5480
(801) 535-7660

From: [Walsh, Barry](#)
To: [Pickering, Maryann](#); [Drummond, Randy](#); [Garcia, Peggy](#); [Itchon, Edward](#); [Brede, Richard](#); [Butcher, Larry](#); [Limburg, Garth](#); [Spencer, John](#)
Subject: RE: PLNPCM2010-00561
Date: Tuesday, October 05, 2010 8:36:26 AM

October 5, 2010

Maryann Pickering, Planning

Re: petition PLNPCM2010-00561 – zoning Amendment from CB to GC at 163 West 1700 South.

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

Per the past review comments for Petition 400-03-29, we recommend the same conditions apply.

- 1 Combine the two parcels – 163 W 1700 South and 1712 So Jefferson street.
- 2 Provide required off street parking.
- 3 Install public way improvements (C&G sidewalk etc,) or SID waiver agreement per Engineering's conditions.

Sincerely,

Barry Walsh

Cc Kevin Young, P.E.
Randy Drummond, P.E.
Peggy Garcia, Public Utilities
Ted Itchon, Fire
Larry Butcher, Permits
File

From: Pickering, Maryann
Sent: Tuesday, September 28, 2010 1:45 PM
To: Walsh, Barry; Drummond, Randy; Garcia, Peggy; Itchon, Edward; Brede, Richard; Butcher, Larry; Limburg, Garth; Spencer, John
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Maryann Pickering, AICP
Principal Planner
Salt Lake City Planning Division
451 South State Street, #406
PO Box 145480
Salt Lake City, UT 84111-5480
(801) 535-7660

From: Pickering, Maryann
To: ["elkep@o2o2.com"](mailto:elkep@o2o2.com)
Subject: PLNPCM2010-00561
Date: Wednesday, October 13, 2010 8:16:00 AM
Attachments: [PLNPCM2010-00561 Routing.pdf](#)

Hello Elke.

I have been assigned a rezoning application that is located within the boundaries of the Ball Park Community Council. The property is located at 163 West 1700 South (southwest corner of 1700 South and Jefferson). The request is to change the corner parcel from Community Business (CB) to General Commercial (CG).

This exact application was approved by the City Council in 2004, but since the conditions were never completed, the zoning change was not effective. The application was presented at a People's Freeway Community Council meeting in late 2003 and there was no comments or objections to the request.

Attached is a copy of the routing that was sent to various departments. Please let me know by October 20 if your community council would like to have the item presented. If not, I will work on getting the item scheduled for the Planning Commission.

Please call or email me if you have any questions.

Thank you.

Maryann Pickering, AICP
Principal Planner
Salt Lake City Planning Division
451 South State Street, #406
PO Box 145480
Salt Lake City, UT 84111-5480
(801) 535-7660