

# PLANNING COMMISSION STAFF REPORT

## 1794 S. TEXAS STREET – MASTER PLAN AMENDMENT AND ZONING MAP AMENDMENT PLNPCM2009-01358 – Master Plan Amendment PLNPCM2009-01359 – Zoning Map Amendment

1794 S. Texas Street

February 10, 2010



Planning and Zoning Division  
Department of Community and  
Economic Development

**Applicant:** Paula and Joseph  
Sargetakis

**Staff:** Wayne Mills  
801-535-7282  
wayne.mills@slcgov.com

**Tax ID:** 16-15-407-011

**Current Zone:** Institutional

**Master Plan Designation:**  
East Bench Community Master  
Plan - Institutional

**Council District:** District 6 -  
JT Martin

**Community Council:** Sugar  
House – Philip Carlson, Chair

**Lot Size:**  
1.82 acres (79,279 square feet)

**Current Use:** Vacant (church  
formerly occupied the site)

### **Applicable Land Use Regulations:**

- 21A.50 – Amendments
- Section 10-9a-204 – Utah  
State Code – Plan  
Amendment Notification

### **Notification**

- Notice mailed on 1/28/10
- Newspaper ad on 1/28/10
- Sign posted on 1/29/10
- Agenda posted on the  
Planning Division and Utah  
Public Meeting Notice  
websites 1/28/10

## ***Request***

Paula and Joseph Sargetakis (applicants) are requesting a Zoning Map Amendment to rezone the property located at 1794 S. Texas Street from Institutional to Single-Family Residential. The applicants are proposing to rezone the property to residential to allow them to construct one single-family dwelling and an organic vegetable, herb, legumes, and fruit garden.

The requested rezone also requires an amendment to the East Bench Master Plan Future Land Use Map. The property is currently classified as Institutional according to the Future Land Use Map. The petition to amend the Master Plan would change the classification to Residential.

## ***Staff Recommendation***

### **PLNPCM2009-01358 – Master plan Amendment**

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 East Bench Community Master Plan by designating the property located at 1794 S. Texas Street as Low Density Residential on the Future Land Use Map.

### **PLNPCM2009-01359 – Zoning Map Amendment**

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 1794 S. Texas Street from Institutional to R-1/7000 Single-Family Residential with the following conditions:

1. The total building coverage on the property is limited to 10,000 square feet. This condition applies only to the property in its current configuration. If the property is subdivided in the future, the lots created must meet applicable zoning regulations. If the City Council adopts any future amendment to the City Code that would allow for additional

**Attachments:**

- A. Application Submittal
- B. Home Occupation Regulations
- C. East Bench Community Master Plan Future Land Use Map
- D. Public Comments
- E. Community Council Letter
- F. City Department/Division Comments
- G. Building Coverage Map and Spreadsheet
- H. Institutional District Regulations

building square footage associated with urban agriculture uses, this condition shall no longer be in effect.

**VICINITY MAP**

## **Background**

### **Project Description**

The subject property is located at 1794 S. Texas Street in the East Bench Community Master Plan Area. The property is approximately 1.8 acres (approx. 79,279 square feet) in size and is currently zoned I – Institutional. A church formerly occupied the property, but was demolished in 2008. The property is currently vacant.

The applicants are under contract to purchase the subject property and are proposing to construct a single-family dwelling and an organic urban farm/garden. The single-family dwelling would be the principal use on the site and the produce grown in the garden would be sold off-site. The commercial garden is allowed as a Permitted Home Occupation as long as the functions of the use comply with the Home Occupation zoning regulations. These regulations are included as Attachment B.

As stated above, the property is zoned Institutional. The Institutional zoning district does not permit single-family residential land uses; therefore, the applicants are requesting that the City rezone the property to single-family residential. This would allow the construction of a single-family dwelling and would permit the applicants to apply for a Home Occupation license for the commercial garden.

The property is located within the East Bench Community Master Plan area. The Future Land Use Map in the East Bench Master Plan shows the property as Low Density Residential (see Attachment C); however, in 1995 the City completed a zoning re-write project and re-zoned all of the properties in the City. As part of the City-wide rezoning process, all of the City-wide community master plan future land use maps were amended to reflect the new zoning classifications. In other words, the new zoning designations became the future land use classifications in all existing master plans in 1995. Therefore, the subject property is currently classified as Institutional according the East Bench Community Master Plan.

When the Planning Commission and City Council evaluates a proposed amendment to the Zoning Map, one standard for consideration is whether the proposal is consistent with the adopted City master plans. Therefore, the Planning Commission and City Council should consider if it is appropriate to amend the East Bench Community Master Plan to show the subject property as Residential on the Future Land Use Map prior to rezoning the property to residential.

## **Comments**

### **Public Comments**

Prior to any public hearing notification, the applicants mailed a letter to the property owners within 450 feet of the subject property explaining their proposal. The letter also provided Planning Staff contact information if there were questions regarding the decision making process. The comments that Staff received are included with the Staff Report as Attachment D.

The project was presented to the Sugar House Community Council Land Use and Zoning Committee on December 15, 2009. The committee referred the petition to the full Community Council for review. The Sugar House Community Council reviewed the petition on January 6, 2010 and provided a letter to Staff that is included as Attachment E. The following questions/comments were raised in the Community Council Meeting:

- What is the size of the house that will be constructed? – worried about blocking views



- Applicant Response: It is our intent to keep the home mostly to a single story home with one area that would be the size of a living room on a second floor. This should maintain the majority of views for the neighbors as the lot sits lower than those around us. A general feel as to the square footage we may use is in a range of 5,000 to 7,000 square feet, I just caution this because we have not hired an architect yet and I am just making my best guess. This would include the green house as well which would be on a residential scale more than a commercial scale. We will be using the least amount of space appropriate for building and the most amount of space possible for planting. We want to be sustainable and green.
- Planning Staff Comment: It is important to note that the Institutional zoning district (current zone) allows a maximum building height of 35 feet (measured to the midpoint of a pitched roof) by right and 75 feet as a Conditional Use. The R-1/7000 zoning district limits the height of a single-family dwelling to 28 feet measured to the ridge of the roof or the average height of the homes on the block face.
- How much water will be used?
  - Applicant Response: We do not know at this point how much water will be used but we can say it will be much less than that used by 8 homes with Kentucky blue grass, bathrooms, etc. It is our plan to gather and use rain/snow in cisterns, as allowed by law, to mitigate our use of the public culinary water system. We will also use water delivery systems that will keep the evaporation to a minimum. We want to be sustainable as well as green.
- Future subdivision of property - If proposal does not work, the property will be zoned to allow more homes in the neighborhood.
  - Planning Staff Comment: It is true that if the property is rezoned to residential, it could be subdivided in the future according to the regulations of the zoning district. The R-1/7000 zoning district would allow lots ranging in size from 7,000 to 10,500 square feet.
- Potential increase in traffic and noise from deliveries to and from the property.
  - Applicant Response: We do not anticipate any earlier deliveries than anyone else in the neighborhood and certainly our impact would be less than the subdivision. All sales will be off site and our vehicle use would also be less than a subdivision. Our work is at our home so we will have less impact than the majority of neighbors that have to drive to work daily. We are not allowed to have employees and again we would not have as much impact as a subdivision.
- Potential increase in traffic and other impacts from employees.
  - Planning Staff Comment: The home occupation regulations prohibit employees on the property.
- What are the types of equipment/vehicles that would be used?
  - Applicant Response: This is a small scale farm so the equipment will also be on a smaller scale than a farm; smaller sized tractors and implements to fit the size and location of the property. We anticipate a pick-up truck, tractor (similar to a large lawn tractor size) and trailer. Again less motor vehicles than would be found in a subdivision.
- People have historically used the property to access the school. Do people still have the right to do so?
  - Planning Staff Comment: This is a private property issue and is not related to the amendment petition.

- Neighborhood impacts due to composting
  - Applicant Response: *When a compost pile is done correctly it has no odor. When a compost pile is turned, scraps kept to 2" or less, no protein added and properly monitored, it is a healthy environment. We will most likely do hot compost which is easier to manage but at times we may do cold compost - what will meet the needs at the time the best. Hot compost is completed in a couple of weeks to months, whereas cold compost can take a long, long time.*
- Neighborhood impacts due to an increase in pests
  - Applicant Response: *I do not believe we will have an increase in pests because there will be more activity on the property and we will need to keep pests away from the crops.*
  - Planning Staff Comment: *The applicant also explained to Staff that they have researched, and plan to follow, best management practices on pest control.*

## City Department Comments

The comments received from pertinent City Departments / Divisions are attached to this staff report in Attachment F. 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

### Master Plan Amendment

As stated above, the subject property was classified as Low-Density Residential on the East Bench Community Master Plan Future Land Use Map prior to the City-wide rezone in 1995. In fact, the property is still shown as Low-Density Residential in the printed Master Plan (see Attachment C). Prior to 1995, the property was zoned R-2, which at the time permitted churches and schools. In 1995, the property was re-zoned to Institutional according to the existing land use (a church). This also amended the East Bench Community Master Plan Future Land Use Map to Institutional.

Although it abuts other institutional uses (two schools), the subject property has no connection to those uses and no ownership relationship. It also fronts on a different street than either of those uses. The church that existed on the property was deemed no longer necessary at this location and has since been demolished. The question is whether it is still appropriate to classify the future land use of the property as Institutional now that the historic land use has ceased to exist. While the Institutional land use and zoning designations allow for land uses that provide services to the immediate neighborhood, such as schools and churches, these designations also allow a variety of land uses that may not be appropriate on a local street and within a single-family residential neighborhood. For example, the Institutional zoning district allows medical and dental clinics, which could create traffic impacts in the neighborhood.

Staff is of the opinion that it is appropriate to amend the Future Land Use Map in the East Bench Community Master Plan and return the classification on the property to Low-Density Residential now that the historic institutional land use no longer exists on the property. This would allow for residential development that is compatible with the adjacent residential development.

## **Zoning Map Amendment**

The applicants are requesting that the City rezone the subject property to single-family residential, but have not proposed a particular zoning district designation. As shown on the vicinity map above, the residential properties surrounding the subject property are zoned R-1/7000. The lot sizes of the properties along Texas Street and Wilson Street range between approximately 6,700 square feet and 8,100 square feet.

Subdividing the property is not part of the applicant's proposal; however, the Planning Commission and City Council should consider that, if the subject property is rezoned, it could be subdivided in the future to accommodate additional single-family homes. If the subject property were to be subdivided under the R-1/7000 zoning district regulations, the new lots created would have to maintain a minimum size of 7,000 square feet but could not exceed 10,500 square feet. This range in lot size is compatible with the size of the lots in the neighborhood and would limit the footprints of the homes that could be built on the lots to sizes compatible with the homes in the neighborhood.

The Planning Commission and City Council could also consider rezoning the property to R-1/12000. This option is discussed in the "Options" section below.

Another issue to consider with a zoning amendment petition is the type of the development that could occur under the new zoning designation and if that development would be compatible with surrounding development. In this case, the development in the immediate vicinity consists of two schools and a single-family dwelling neighborhood. The existing development that would be most impacted by development on the subject property are the single-family homes along Texas Street, Wilson Street, and Blaine Avenue.

Rezoning the subject property from Institutional to R-1/7000 and keeping the property as one whole parcel would allow one single-family home to be built. The R-1/7000 zoning district allows up to a maximum of 40% total building coverage of the property. The relationship between this building coverage on the subject property and the coverage of the homes in the immediate neighborhood is shown on the map in Attachment G. The map shows that a 31,712 square foot (approximate) home could be built on the subject property under the 40% building coverage allowance in the R-1/7000 zoning district.

The applicants have stated to Staff that it is not their intention to construct a monster home on the property. Their intent is to construct a LEED certified structure that includes a greenhouse for the urban garden. The applicants do not have plans drawn at this time. One way to regulate the size of future development on the subject property would be to record a notice on the property that reduces the amount of buildable area. The applicants have stated to Staff that the approximate building coverage that they anticipate would be 5,000 to 7,000 square feet, but that is a very rough estimate at this time.

Staff is of the opinion that the building coverage should be reduced on the subject property to minimize the potential for a castle-like home to be built that is not compatible with the surrounding neighborhood. Staff also believes that the building coverage should not be limited too much so as to not allow the applicants enough space to operate the urban garden. Planning Staff recommends that the total building coverage is limited to 10,000 square feet, which is approximately 13% of the total lot area. This building coverage relationship is shown on the attached map (see Attachment G).

## ***Analysis and Findings***

### **Options**

The following are options for the Planning Commission to consider when making a recommendation to the City Council:

- **Denial of the Petition**
  - If the petition is denied the zoning will remain Institutional and any use allowed in the Institutional zoning district can be located on the property. This includes uses, such as private schools and medical and dental clinics that could introduce additional traffic in the residential neighborhood. In addition, a building can be constructed on the property according to the Institutional zoning district standards. The Institutional zone allows buildings to be constructed to a height of 35 feet by right or up to 75 feet as a Conditional Use. There is no maximum building coverage regulation in the Institutional district, but 40% of the lot area must be maintained as open space. As a point of reference, the LDS church that previously existed on the property was approximately 27 feet in height and approximately 20,700 square feet in size (building footprint). A copy of the Institutional zoning district regulations is attached for reference (see Attachment H).
- **Rezone the Property to R-1/12000**
  - Some concern was expressed in the Sugar House Community Council meeting that rezoning the property to R-1/7000 will allow too many additional homes if the property is ever subdivided in the future. In fact, a proposal was reviewed by the City Development Review Team to subdivide the property into 8 lots; however, a formal subdivision proposal was never submitted to the City. Planning Staff recommends that the property is rezoned to R-1/7000 because this zoning designation is compatible with the zoning in the neighborhood.
  - The Planning Commission could recommend an R-1/12000 zoning designation to reduce the number of lots that could be created by subdividing the property (any new lot created would need to maintain a minimum lot size of 12,000 square feet and a maximum lot size of 18,000 square feet). If the property were to be rezoned to R-1/12000 and subdivided in the future, larger homes could be built on each lot than what could be built on parcels zoned R-1/7000. For example, the R-1/12000 zone allows a 35% maximum building coverage. On a 12,000 square foot lot, the allowable lot coverage would be 4,200 square feet. This lot coverage exceeds the lot coverage of the existing homes along Texas Street and Wilson Street (see spreadsheet of building coverage in Attachment G).
- **Condition the Zoning Amendment on the Applicants Purchase of the Property**
  - In order to have control over the future of the property, the Planning Commission could recommend that the change in zoning be conditioned upon the applicant's purchase of the property. That way, if the applicants do not purchase the property, the zoning would remain Institutional and any future proposal to rezone the property would have to go through the Zoning Amendment process.

## Findings

### Master Plan Amendment

There are no specific standards in the Salt Lake City Zoning Ordinance for Master Plan Amendments. State Law, Section 10-9a-204, Notice of Public Hearings and Public Meetings to Consider General Plan or Modifications, outlines the criteria for amending a master plan relating to noticing requirements. A notice for the Master Plan amendment was published in the Deseret News on January 28, 2010. The rationale for amending the East Bench Community Master Plan Future Land Use Map is discussed above.

### Zoning Map Amendment

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 proposed Zoning Map Amendment is consistent with the printed Future Land Use Map in the East Bench Community Master Plan; however, the Master Plan Future Land Use classification was changed to Institutional when the property was rezoned to Institutional in 1995 (see Master Plan Amendment discussion above). The proposed Zoning Map Amendment would be consistent with the East Bench Community Master Plan if the proposed Master Plan amendment is approved.

It is important to note that the City is currently developing policies and changes to City Code to promote urban farms due to the increased awareness of the importance of locally grown food. The Director of the Division of Sustainability has reviewed the proposed rezoning to allow for the urban garden/farm and has stated that the Division supports projects such as this as it provides local, fresh food sources to our communities.

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

**Finding:** The applicant's proposal is to rezone the subject property from Institutional to Single-Family residential. Planning Staff recommends that the property is rezoned to R-1/7000 due to the adjacent R-1/7000 residential zoning. Re-zoning the subject property to R-1/7000 would require any future subdivision and development on the property to comply with the R-1/7000 zoning district regulations related to building height, lot size, setbacks and lot coverage. This would ensure that future development is harmonious with the overall character of existing development in the immediate vicinity of the subject property.

The applicant's proposal to construct one single-family dwelling and an urban garden on a 1.8 acre site is unique to this neighborhood. The urban garden operation will be regulated by the Home Occupation zoning standards to ensure that the operation is compatible with the neighboring single-family development.

Due to the size of the property and the R-1/7000 lot coverage allowance, a large structure could be built on the property that would not be compatible with existing development. Staff is of the opinion that this can be mitigated by limiting the building coverage on the property (see discussion above).



Staff finds that, based on the above discussion points, the proposal is harmonious with the overall character of existing development in the immediate vicinity of the subject property.

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

**Finding:** The proposed amendment would allow the applicants to construct a single-family dwelling and urban garden. Staff is of the opinion that the single-family dwelling use would not adversely affect adjacent properties. The applicants would need to apply for a Home Occupation license for the urban garden use and would need to comply with the Home Occupation standards as specified in the Zoning Ordinance. The standards were developed to minimize impacts that the home occupation might have on adjacent properties. Staff finds that the proposal would not adversely affect adjacent properties as long as the applicants comply with the Home Occupation zoning standards, as well as all other applicable City, County, and State regulations.

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

**Finding:** The subject property is located in the Groundwater Source Protection Overlay District – Primary Recharge Area. The Salt Lake City Department of Public Utilities is the City Department responsible for development reviews and compliance with this overlay district. A representative from the Public Utilities Department has reviewed the proposal and stated that an organic garden on the site should not be an issue; however, industrial fertilizers and/or pesticides could impact groundwater sources. The applicants will be required to comply with the Groundwater Source Protection Overlay District standards as stated in Section 21A.34.060 of the Salt Lake City Zoning 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**

**Finding:** The subject property is located within a built environment where public facilities and services already exist. No comments were received indicating that public facilities and services are inadequate to serve the subject property.

***Attachment A***  
Application Submittal



# 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)

## OFFICE USE ONLY

Petition No. PLN Pcm2009-01359

Date Received: 23 NOV 2009

Reviewed By: TEB

**Address of Subject Property:** 1794 Texas Street, Salt Lake City, UT 84108, Belview Plat C, (2400 East Blaine Ave.)

Name of Applicant: Paula and Joseph Sargetakis

Phone: 801-487-5044

Address of Applicant: 2254 Parleys Terrace, Salt Lake City, UT 84109

E-mail Address of Applicant: paulasarge@comcast.net

Cell/Fax: C. 801-541-1201 F. 801-746-0105

Applicant's Interest in Subject Property: Have under contract and hope to purchase for our home.

Name of Property Owner: Corp of Presiding Bishop of Church of Jesus Christ of Latter Day Saints

Phone:

**RECEIVED**

E-mail Address of Property Owner:

Cell/Fax:

County Tax ("Sidwell #"): VTDI 16-15-407-011-0000

Zoning: Institutional

**NOV 23 2009**

Legal Description (if different than tax parcel number): See page 2

**BY: TEB**

	Existing Property Use	Proposed Property Use
	<u>Vacant</u>	<u>Residential</u>

### Please include with the application:

1. A statement of the text amendment or map amendment describing the purpose for the amendment and the exact language, boundaries and zoning district. We want to change the zoning from Institutional to residential. The Property is in a residential area, Belview Slopes Plat C was previously zoned residential and Belview Slopes Plat B is still zoned Residential.
2. A complete description of the proposed use of the property where appropriate. Our home
3. Reasons why the present zoning may not be appropriate for the area. It does not allow for residential use but is surrounded by residential use.
4. 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.**
5. Legal description of the property. See page 2
6. Six (6) copies of site plans drawn to scale and one (1) 11 x 17 inch reduced copy of each plan and elevation drawing.
7. If applicable, a signed, notarized statement of consent from property owner authorizing applicant to act as agent
8. **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.

SALT LAKE CITY PLANNING



**County tax parcel ("Sidwell") maps and names  
of property owners are available at:**

Salt Lake County Recorder  
2001 South State Street, Room N1600  
Salt Lake City, UT 84190-1051  
Telephone: (801) 468-3391

**File the complete application at:**

Salt Lake City Buzz Center  
451 South State Street, Room 215,  
Salt Lake City, UT 84111

Signature of Property Owner \_\_\_\_\_  
*Or authorized agent*

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke, is written over a solid black horizontal line.

Legal Description: Lot 1, BELVIEW SLOPES PLAT "C", according to the official plat thereof, filed in Book "D" of  
Plats, at Page 52, and Lot 35, BELVIEW SLOPES PLAT "A", according to the official plat thereof, filed in Book "M"  
of Plats, as Page 64 of the Official Records of the Salt Lake County Recorder.



THE CHURCH OF  
**JESUS CHRIST**  
OF LATTER-DAY SAINTS

PHYSICAL FACILITIES DEPARTMENT  
50 E. North Temple St. Rm. 1205  
Salt Lake City, Utah 84150-6320  
Phone: 1-801-240-3840  
Facsimile: 1-801-240-2913

November 23, 2009

City of Salt Lake  
Planning and Zoning Board  
451 South State Street, Room 215  
Salt Lake City, UT 84111

**Re:** Corporation of the Presiding Bishop of The Church of Jesus Christ of Latter-day Saints, a Utah corporation sole ("CPB") and Paula and Joseph Sargetakis ("Applicant")

To Whom It May Concern:

On September 24, 2009, CPB as Seller and Applicant as Buyer entered into a Sale Contract concerning approximately 1.82 acres of property located at approximately 1794 Texas Street, Salt Lake City, UT 84108 (the "Property"). As the owner of the Property, CPB agrees and consents to Applicant (i) having access to records of the government pertaining to the Property, (ii) obtaining disclosure of information related to the Property, and (iii) filing of applications and other submittals by Applicant relating to rezoning, annexation, platting and other land use actions relative to the Property, provided that no such action shall be binding upon CPB nor shall any such action be finalized by Applicant until after title to the Property has been transferred to Applicant.

Please understand that this consent to filings does not constitute consent to any annexation, platting or rezoning or any similar action, which actions may not be finalized by Applicant while CPB owns the Property.

Sincerely,

Corporation of The Presiding Bishop of The  
Church of Jesus Christ of Latter-Day Saints,  
a Utah corporation sole,

By:   
Matthew R. Cummings  
Real Estate Project Manager  
(801) 240-2906  
[cummingsmr@ldschurch.org](mailto:cummingsmr@ldschurch.org)

VTDI 16-15-407-011-0000	DIST 13		TOTAL ACRES	1.82
CORP OF PRESIDING BISHOP OF	TAX CLASS	UPDATE	REAL ESTATE	555800
CH OF JC OF LDS		LEGAL	BUILDINGS	0
		PRINT U	TOTAL VALUE	555800

50 E NORTHTEMPLE ST

SALT LAKE CITY UT

84150970450 EDIT 1

FACTOR BYPASS

LOC: 1794 S TEXAS ST

EDIT 0

BOOK 0000

PAGE 0000

DATE 00/00/0000

SUB: BELVIEW SLOPES PLAT "C"

TYPE UNKN PLAT

07/22/2009 PROPERTY DESCRIPTION FOR TAXATION PURPOSES ONLY

LOT 1 BELVIEW SLOPES PLAT C & LOT 35 BELVIEW SLOPES PLAT A

PFKEYS: 1=RXPH 2=VTOP 4=VTAU 6=NEXT 7=RTRN VTAS 8=RXMU 10=RXBK 11=RXPN 12=PREV







# Texas Street Residential Land

1794 S Texas Street | Salt Lake City, UT | 84108

For Sale \$1,350,000

INDUSTRIAL  
OFFICE  
RETAIL  
INVESTMENT  
**LAND**  
PROPERTY  
MANAGEMENT



## Property Features

- 1.82 Acres
- Convenient Location
- Five minutes to the University of Utah
- Ten minutes to Downtown
- Easy Access to the I-215 and I-80
- Great East Side Neighborhood
- Salt Lake City School District
- Structure Previously On Site Has Been Demolished



## Contact:

**Robert Kingsford**

direct 801.578.5589

rkingsford@naiutah.com

**Wick Udy**

direct 801.578.5592

wudy@naiutah.com

**Dave Bauman**

direct 801.578.5541

dbauman@naiutah.com

This statement with the information it contains is given with the understanding that all negotiations relating to the purchase, renting or leasing of the property described above shall be conducted through this office. The above information while not guaranteed has been secured from sources we believe to be reliable.

**NAI**Utah

Commercial Real Estate Services, Worldwide.

Creating and preserving real estate values.™

343 East 500 South | Salt Lake City, UT 84111

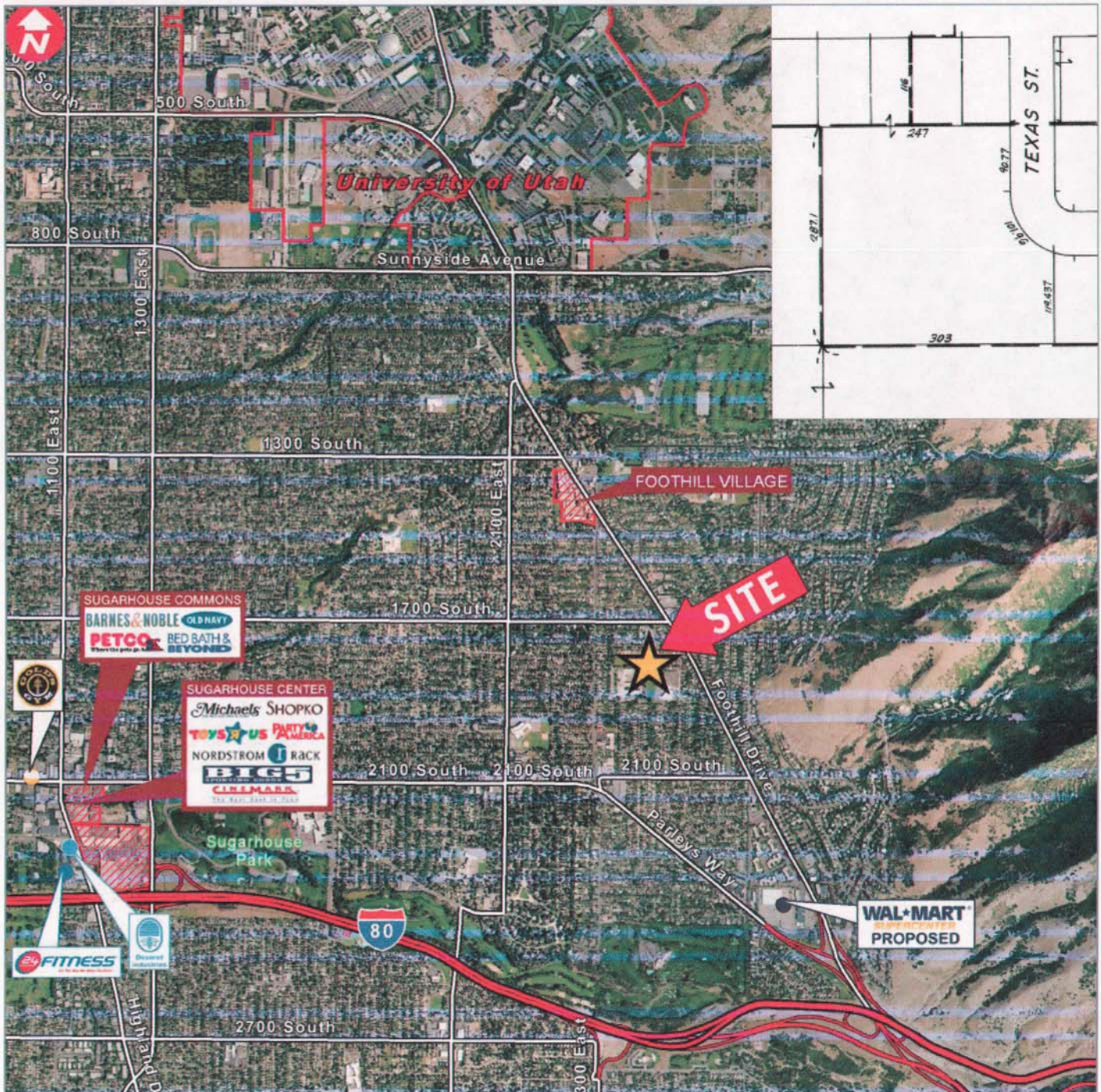
Office 801.578.5555 | Fax 801.578.5500

www.naiutah.com



# Texas Street Residential Land

1794 S Texas Street | Salt Lake City, UT | 84108



**Contact:** Robert Kingsford  
direct 801.578.5589  
rkingsford@naiutah.com

Wick Udy  
direct 801.578.5592  
wudy@naiutah.com

Dave Bauman  
direct 801.578.5541  
dbauman@naiutah.com

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Office 801.578.5555 | Fax 801.578.5500

www.naiutah.com



**Wayne Mills**

Senior Planner  
Salt Lake City Planning Division  
451 S. State Street, Room 406  
PO Box 145480  
Salt Lake City, UT 84114-5480  
Phone: 801-535-7282  
Fax: 801-535-6174

Dear Wayne,

My husband and I are excited about the opportunity to finally have a site to develop/implement a dream we have had for about 10 years – our home with an organic urban vegetable, herb, legumes and fruit garden. Our project will be selling the produce off site.

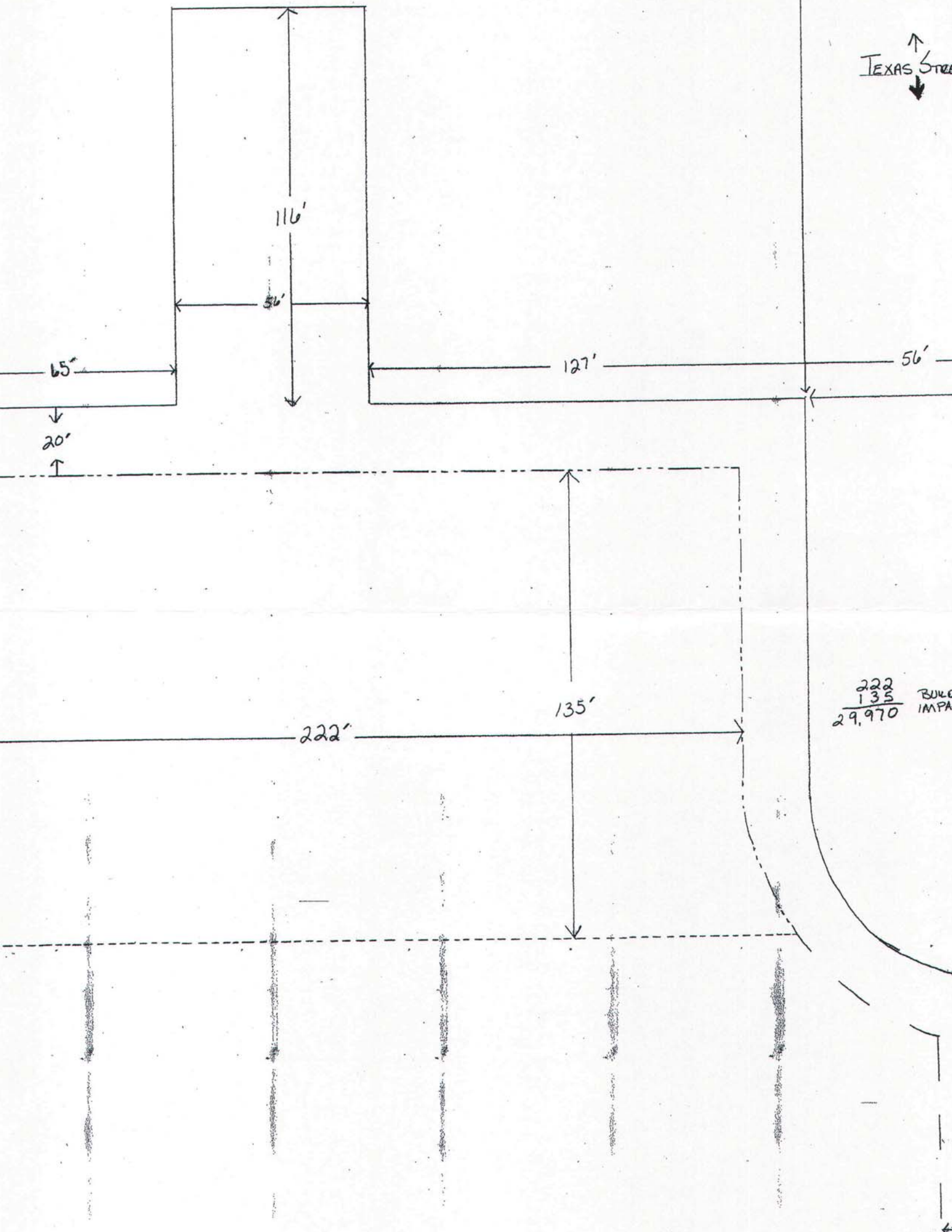
At this point in the planning process it is difficult to say what the home/urban garden will look like as the home/urban garden will need to be designed to meet sun, wind, and site restrictions but we can say that we will be planning to have as much of the site as possible for the growing of plants.

The purpose of our urban garden is to provide our community with an option to purchase organic vegetables, herbs, legumes and fruits in a respected, consistent, educational and knowledgeable way in their own neighborhood and to supply local restaurateurs. Our goal is to have LEED level buildings and grounds and to have our home and urban garden blend into and become part of the existing neighborhood.

Best regards,

Paula Sargetakis

Joe Sargetakis



↑  
TEXAS STREET  
↓

222  
135  
29,970 BULK IMPA

***Attachment B***

Home Occupation Regulations



## **21A.36.030: HOME OCCUPATIONS:**

- A. Purpose: The purpose of this section is to permit the establishment of home occupations in all residential districts and ensure that the home occupations are compatible with the residential district in which they are located and have no negative impact upon the surrounding neighborhood.
- B. Permitted Home Occupations: Subject to compliance with the standards specified in this section, the following occupations, that do not have the client come to the home, shall be permitted as home occupations subject only to approval by the zoning administrator pursuant to subsection H of this section:
1. Artists, illustrators, writers, photographers, editors, drafters, and publishers;
  2. Consultants, private investigators, field representatives and other similar activities;
  3. Bookkeeping and other similar computer activities;
  4. Locksmith;
  5. Distribution of products grown or assembled at home for off premises sales (such as garden produce, crafts, etc.);
  6. Janitorial services; and
  7. Mail order business or sales representative.
- C. Home Occupations Prohibited: The following businesses, regardless of their conformance with the standards in subsection H of this section, are prohibited as home occupations:
1. Auto repairs;
  2. Kennels;
  3. Welding shops or machine shops;
  4. Large appliance/electronics or equipment repair or service (washers, dryers, refrigerators and other appliances or equipment that are too large to be carried in 1 individual's arms);
  5. Truck hauling;
  6. Cabinetmaking;
  7. Deliveries; and
  8. Stables.
- D. Conditional Home Occupations:

1. The following home occupations, which either require a client to come to the home or which may result in neighborhood impacts if not properly managed, may be authorized by the board of adjustment as an accessory use only by special exception pursuant to standards specified in this section as well as the provisions of chapter 21A.52 of this title:

- a. Barbers, cosmetologists, manicurists;
- b. Consultant services;
- c. Physicians, therapists, massage therapists;
- d. Home instruction of musical instruments, voice, dance, acting and educational subjects;
- e. Small appliance/electronics/equipment repair or service (items which can be carried in 1 individual's arms);
- f. Dressmaker/tailor where there is no cleaning, dyeing or pressing by mechanically operated equipment;
- g. Contractor, "handyman", and landscape or yard maintenance contractor; subject to the special conditions that no construction materials or equipment will be stored on the premises;
- h. Artists, photographers; and
- i. Other similar personal or professional services where the client comes to the home.

2. The board of adjustment may delegate authority to the zoning administrator to handle special exceptions for conditional home occupations. The zoning administrator will review and approve applications in accordance with the provisions of chapter 21A.14 of this title.

E. Application: Applications for home occupations shall be filed with the zoning administrator. The applications shall include the following information:

- 1. A complete description of the type of business proposed including the location of the storage and operations area for the home occupation;
- 2. A listing of the individuals at the home who will be working on the business;
- 3. The expected hours of operation of the business;
- 4. The expected number of clients per hour and total expected number of clients visiting the home per day;
- 5. For conditional home occupations, names, signatures and addresses of all abutting property owners, including property owners across the street(s). Approval of the apartment management or property owner if the business is conducted on a leased property. Notice to

neighboring property owners is subject to the provisions of subsections [21A.14.060](#)B1 and B2 of this title.

- F. License Required: It is unlawful for any person, firm, corporation, or association to engage in a "home occupation" as defined in section [21A.62.040](#) of this title without first obtaining a license pursuant to the provisions of [title 5, chapter 5.04](#) of this code. Prior to issuance of said license, the criteria set forth in this title must be satisfied and all applicable fees shall be paid. All home occupation permits shall be valid for one year, and may be renewed annually, provided there have been no reported violations, subject to subsection J of this section.
- G. Determination Of Completeness: Upon receipt of an application for a home occupation, the zoning administrator shall make a determination of completeness pursuant to section [21A.10.010](#) of this title.
- H. Standards: All home occupations shall comply with the following standards:
1. The home occupation must be clearly incidental and secondary to the primary use of the dwelling for residential purposes;
  2. The area of the residence, used for home occupations shall remain in character with the rest of the home except for such minor alterations necessary to conduct an approved home occupation;
  3. The home occupation shall not be conducted in, nor in any way use, the garage, carport, any accessory building or any portion of the yard. A home occupation license to distribute produce grown on the premises for off premises sales may be conducted in the rear yard and include the use of accessory buildings but may not occupy required parking areas;
  4. The home occupation work conducted at the residence shall not involve any employees other than persons lawfully living in the residence;
  5. The residence must be the principal residence of the applicant;
  6. Other than the applicant's personal transportation there shall be no vehicles or equipment stored outdoors, or in a garage or accessory building on the property associated with the home occupation which would not normally be found at a residence;
  7. Delivery of merchandise, goods, or equipment, to the site of the home occupation, shall be made by a vehicle typically employed in residential deliveries. No deliveries to the site of the home occupation by semitractor/trailer truck shall be permitted. Loading and deliveries to the site of the home occupation shall be limited to the hours of eight o'clock (8:00) A.M. and six o'clock (6:00) P.M.;
  8. No mechanical or electrical apparatus, equipment or tools shall be permitted in the home occupation except those which are commonly associated with a residential use or as are customary to home crafts, and which do not exceed two hundred twenty (220) volts or which are customary to an approved conditional home occupation;

9. Tools, items, equipment or occupations which are offensive or noxious by reason of the emission of odor, smoke, gas, dust, vibration, magnetic or electrical interference, noise, or other similar impacts extending beyond the property line of the lot where the occupation is located, are prohibited;

10. Stock in trade, inventory or other merchandise shall be allowed to be kept only in the interior space of the dwelling;

11. No outdoor storage is permitted in conjunction with the occupation other than produce for off premises sales as outlined in subsection H3 of this section;

12. Other than allowed conditional home occupations, no clients or customers shall come to the home nor shall any additional vehicular traffic or parking needs be generated;

13. For conditional home occupations, no more than one client may be served at one time and no more than one place of vehicular parking shall be occupied by a client at any time;

14. The home occupation shall not require any internal alterations, other than those necessary for an approved home occupation, nor any external alterations to the residence, nor provide any visible evidence from the exterior that the building is being used for any other purpose than that of a residence;

15. Only one nonilluminated nameplate, with a maximum sign face as specified in chapter 21A.46 of this title, stating the name of the business or occupant and mounted flat against the building, shall be allowed;

16. The home occupation shall not cause a demand for municipal or utility services or community facilities in excess of those usually and customarily provided for residential uses; and

17. No direct sales of products are made from the home whether or not incidental to the home occupation.

I. Decision By Board Of Adjustment Or Zoning Administrator: The board of adjustment or zoning administrator shall issue a permit for the home occupation if the board of adjustment or zoning administrator finds that:

1. The provisions of this title are satisfied;

2. The home occupation will be in keeping with the character of the neighborhood and will not adversely affect the desirability or stability of the neighborhood;

3. The home occupation does not diminish the use and enjoyment of adjacent properties or create an adverse parking impact on adjacent streets or properties;

4. The home occupation will not negatively impact the future use of the property as a residence;

5. The home occupation will not adversely affect the public health, safety or welfare; and



6. The home occupation conforms with all fire, building, plumbing, electrical and health codes.

J. Loss Of Home Occupation Use: The zoning administrator may terminate any home occupation use upon making findings that support either or both of the following conclusions:

1. Any of the required licenses or permits necessary for the operation of the business have been revoked or suspended; or
2. Any of the provisions of this title have been violated.

K. Appeals:

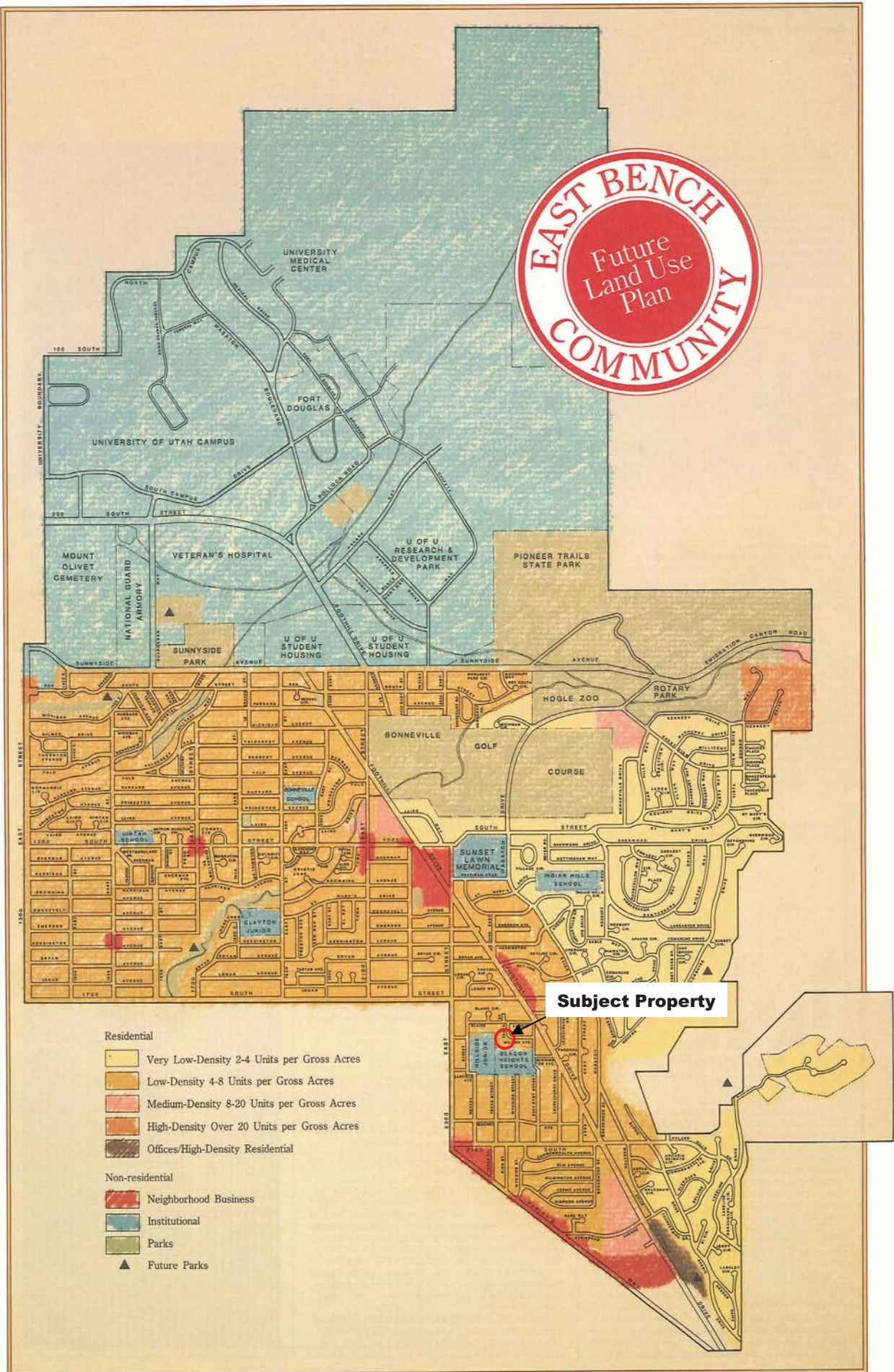
1. Any termination of a home occupation may be appealed pursuant to the provisions of [title 5, chapter 5.02](#) of this code as if the termination were a business license revocation.
2. Any person adversely affected by the denial or issuance of a permit for a home occupation may appeal that decision to the board of adjustment pursuant to chapter 21A.16 of this title.

L. Existing Home Occupation Licenses: Existing licenses for home occupations which were legal under the prior zoning ordinance regulating home occupations but which are not permitted under this title may be kept and reissued for subsequent years.

M. Nontransferability: Permits for home occupations are personal to the applicant, nontransferable and do not run with the land. (Ord. 54-00 § 1, 2000: Ord. 35-99 §§ 49, 50, 1999: Ord. 26-95 § 2(18-3), 1995)

***Attachment C***

East Bench Community Master Plan Future Land Use Map



Residential

- Very Low-Density 2-4 Units per Gross Acres
- Low-Density 4-8 Units per Gross Acres
- Medium-Density 8-20 Units per Gross Acres
- High-Density Over 20 Units per Gross Acres
- Offices/High-Density Residential

Non-residential

- Neighborhood Business
- Institutional
- Parks
- Future Parks

***Attachment D***  
Public Comments



1794 Texas Street  
Phone Log

Date	Name	Comments
12.28.09	Cuma Hoopiianina	Concerned about anything happening on the property other than a church. Used to attend church there. Church should not have been demolished. Opposed to garden because it will create traffic impact from people buying produce. Explained that produce cannot be sold on-site. She stated that it doesn't matter because they will do it anyways. She would like to see the property turned into a park. She does not want to property subdivided to allow for more homes. She also had heard that an assisted living facility would be constructed on the property and is opposed to that. I encourage her to send me a letter explaining her concerns and I would forward it on to the Planning Commission and the City Council.
1.8.10	Jarlene Myrup	Concerned about: - pests (mice and rats) - drainage issues - property is not level - how will they grade it - Soil is not good for growing Suggested that the property should be kept institutional - there is a need in the area for a senior center, meeting rooms and other institutional services

**From:** Chriss Meecham [christine.meecham@comcast.net]  
**Sent:** Sunday, January 03, 2010 10:31 AM  
**To:** Mills, Wayne  
**Cc:** judi.short@gmail.com  
**Subject:** Rezoning for 1794 Texas Street, SLC

**Categories:** Other

Dear Mr Mills,

I am writing in support of the proposed zoning change from institutional to residential 1/7000, (one lot) for the property located at 1794 Texas Street, SLC, UT 84108. I am very much in support of an urban garden and residence at this location. However, I would not support a zoning change that would allow commerical use of this property, nor am I in favor of an eight lot subdivision on this site, primarily because of traffic and safety problems. This property is close to an elementary school and is on a winding street.

Sincerely,  
Christine G Meecham  
2346 Blaine Ave.  
SLC, UT 84108  
801-583-1699

***Attachment E***  
Community Council Letter





January 10, 2010

Salt Lake City Planning Commission  
451 Washington Square  
Salt Lake City, UT 84111

Dear Commissioners:

The Sugar House Land Use Committee met with Paula and Joe Sargetakis on December 15, 2009 to listen to their plan to rezone 1794 Texas Street from Institutional to Residential. The entire Sugar House Community Council heard a presentation by them on January 6, 2010. I have attached the comments that were made during the latter meeting.

The Land Use Committee in general was very favorable to this proposal. We have not seen a project like this before, and it is an exciting opportunity. There were a number of questions, similar to those asked by the Sugar House Community Council trustees on the attached pages, but no big objections raised by anyone.

The predominant residential use in the area surrounding this parcel is Low-Density Residential. Since the Institutional use that was on this parcel for many years is no longer needed, it is natural that this reverts to a Low-Density Residential zone. R 1/7000 is the zone of the surrounding neighborhood. As you read the comments of the trustees and neighbors on the attached pages, you will see that there is some concern as to whether R 1/7000 is the proper zone, or whether it should be something like R 1/12,000 since the parcel is 1.8 acres. However, when considering what would happen should the parcel be rezoned, and then the urban farm concept is abandoned, the parcel could then be broken up into approximately eight R 1/7000 parcels. This would lead to a housing development pattern similar to what is already in the surrounding area. A different designation would probably result in houses that are much larger than what is already there.

Salt Lake City's new Sustainability Community Development Code Revision Project clearly proposes that sustainable farming and food production contribute to the beauty of the landscape while playing a role in strengthening environmental management practices within cities. The idea that we produce food that doesn't have to come from long

distances is very appealing and efficient. The Sargetakis farm has as its purpose to be a home occupation, urban farm, that grows vegetables and fruit for sale to local restaurants and at fruit and vegetable stands in the city. No produce would be sold on site. The neighbors worry about traffic. We think this is a less intense use than eight houses with two cars each, in terms of trips per day through the neighborhood. There will be no employees, maybe a small tractor and a pickup truck, plus a trailer large enough to haul four snowmobiles to use to transport produce. This isn't any more than many houses have now.

The Urban Agriculture section of the new Sustainability Code seeks to provide opportunity for community education in gardening and food production and hands-on involvement for citizens. The petitioners plan to involve the children from the two adjacent elementary schools, along with interns from the University of Utah, and Red Butte Garden, which will contribute to this sustainability goal.

There are a lot of unknowns about this project, which won't be known until the property is purchased and the architect produces a design for the house and potential layout for the urban farm. That is not a reason to delay approval. The neighbors do have questions, but we haven't heard any real objection to this, mostly questions that need answers. I recommend that the petitioners stay in touch with the neighborhood as the project moves forward. It is a terrific opportunity to show how this sort of energy efficient, sustainable project can be built within the confines of our city, which is pretty much a built environment. It can be an example for those of us who attempt to buy local, and eat food that comes from near by, instead of across the world. It has the potential to convert others to that way of thinking as well.

Sincerely,

Judi Short, Chair  
Sugar House Community Council Land Use Committee  
First Vice Chair, Sugar House Community Council

**Texas Street Rezone from Institutional to R1-7000**  
**January 6, 2009 Sugar House Community Council Meeting**

One lot, one home, and urban garden. Hoping home will be built in LEED, garden will be organic.

**Trustee Questions**

Michael G Kavanough - will there be a greenhouse and how big? Yes, but don't know how big, after we hire an architect

Cabot If lot is 1.8 acres, how much for the house. Wayne Mills once lot is zoned R1/7000 then it could be subdivided down the road. That is what was being proposed by people selling the property.

Rawlins - Is there another residential zone to consider for parcel that is more square footage. Not sure how many units could be put in because of the odd shaped lot. Paula, 1 home on the lot. Wayne - one single family lot. Rawlins if there a potential for it to be subdivided into 8 lots, we should look into this.

Ed - 1.8 acres is a pretty intensive urban farm, what about vehicles, labor, water, impact on neighborhood. Produce sold off site, no traffic coming on. No employees will be allowed by the city, will be working with Red Butte to have a summer intern. Will be looking at raised planters and fruit trees, not completely rowed planting. Can use the rainwater, the amount of water used will be less than 8 lots with bluegrass. If you collect water on site and put it where it would usually go, they let you do it.

Ruth - noise?? Paula - School coolers are noisier. What about Neighbors? We have had one meeting at the school, and the neighbors we have talked to seemed supportive. Explain row covers. (Paula did)

Wayne - the rezone is so they can have their dwelling on the site, then they have to apply for a home occupation. Permitted home occupation 1) allows people to come to the house (conditional) or 2) permitted Home Occupation, clients cannot come to home, cannot have employees. Growing produce on the site is a listed home occupation.

**Audience questions?** Ron Price, Blaine Avenue and Texas St. I didn't catch precise number of employees, or workers, what sort of vehicles. There have been settling problems up and down Blaine since the church tore down the church and leveled the land. Interns - 1 or 2 from Red Butte, or U of U. Pickup truck, trailer no larger than a 4x4 snow mobile trailer. Equipment - very sustainable project, green photovoltaic cells, low energy use, don't want to create a lot of noise, dust, smell, etc. We have found a small tractor that could be powered from photovoltaic cells. We plan to be here a long time. Paula, we have just heard a little bit about the settling problems, but have not seen anything on the parcel.

Julie Price - What about the easement? The kids for years have gone up Texas and cut through to go to Beacon Heights or Junior High. If you change your mind, can you just turn it into 8 parcels? Wayne - would have to go through public subdivision process, there would be another hearing. Joe, we are not going to build a monster home, or 7 lots. What we will build will not allow it to be 8 lots on the remainder of the property. Paula organic farm, our home and yard. If we allow people to walk through, it is a liability that we cannot take on. Access has been closed off for a year and a half. It would be like letting people walk through our back yard. To keep organic certification, you can't have children with seeds and things on their boots, lose certification for five years. The school has security for the kids on the playground. If my child was on that playground, I'd want to be sure the children use the one access point allowed by the school.

Another gentlemen- concerned about the change in zoning, how economically viable is it? Paula, this is not a monetary thing. Still concerned about the single family zoning R-1/7000. Wayne we could look at



maybe R 1-12000 but we need to look at neighborhood compatibility. Two acres is the minimum to make it agriculture. The issue is if your farm fails, what are we left with. Have you done this before? There are 12 similar farms in the valley. Every house on 7<sup>th</sup> east had a front yard house, small back yard and then a big garden. Paula we could probably sell twice what we can grow, easily. Investors will help take care of the cost; some of the restaurants will buy a subscription to the produce.

Ed people sell their farmland for residential. Paula raised Black Angus her whole life.

#### Comments?

Ruth - the third lot on Blaine, will that be the access point for home and farm? Yes.

Cece Compton - The last two years have been hard, with the school, and then tearing down the church, concerned this was commercial when this letter came through. I started doing some homework and I couldn't think of a better thing to happen to us. These individuals have a stellar reputation,

Margie Hansen - hope to be your neighbor! The thought of eight homes was cars and teenagers, two cars per lot. This is the best thing.

Lissa Lambert great thing as long as house is normal size, and we don't have the noise we have had

Troy Barrett - I don't want you to block my view, what about the number of interns since you cannot have employees, I own a delivery business and know how much traffic there can be, still have a lot of questions.

Paula can you talk about the education piece? Paula - our son lives in the neighborhood, very important to us that kids know where their food comes from, we want to give them a tactile experience. We are really excited about this. Want to involve the children in the schools in the process.

Ron Price - In general, I'm not opposed, this is the lesser of two evils in favor of educational activities for the kids. I have concerns about what was said about having the kids on the properties. Jury is still out, what about storm drain easement? Given my house is adjacent how close will your house be built.

#### Trustees comments

Ruth very familiar with this issue what I hear these people saying is this is their home, their property, haven't heard anything about chickens, but still a lot to be worked out. Positive residential zoning will change the easements and setback, it's a fascinating project! Water, storm drain are issues. Raised beds could be important because of runoff. Two most crucial things are people around them, water, and access.

Grace - In general in support, hope you make a lot of money, and are there a long time. The neighbors have some major points, in favor of their property rights. Settling and cracking can be a real problem. Fans in greenhouses can be as noisy as air conditioning units.

Ed - This is a great idea, exciting. Questions, if this is organic, what about compost? If it is not done properly, could be a real issue, rats, pests, traffic and noise.

Sarah - these are great plans, but comes back to issue of zone change, and part of the time things don't work out, is their financing in place, how are they going to support this.

.1794 Texas St Rezone - emails received from people in attendance at Sugar House Community Council Meeting January 7, 2010

**Maggie** - On the people who want to change the industrial zoning to residential.. I think their idea is great. I am not afraid of interns that will come from Red Butte causing mayhem in the neighborhood. That seemed silly as an objection. And, if the zoning is R7000, does that mean that the neighbors that fear the parcel being subdivided also are zoned R7000? If so, couldn't they do the same thing??? Or are their lots zoned differently? I think it is a unique use of the property without much impact to the surrounding neighbors. I favor the change for this use.

**Larry Migliacio** I just wanted to express my support for the project on Texas Street. I know there is concern about rezoning which would possibly lead to a subdivision project if the agricultural project doesn't work. Is there a possibility the applicant could receive a variance for a non-conforming use without a rezoning? That might be a compromise the neighbors could live with. I didn't get the feeling the majority was against the project.

**Lynne Olsen** I am always happy to see properties in residential areas returned to residential use. The use proposed for this site is wonderful, and I think it be a nice addition to the neighborhood. I understand that the surrounding parcels are zoned R 1-7000, so this change in zone will be compatible with the abutting parcels on the north and east.

If the zoning designation for the property were to remain Institutional, it could be sold for use as a Nursing care facility , Medical and dental offices, child and adult day care center, or even a fire station. I suspect the neighbors will be happier with one single family home there

***Attachment F***

City Department/Division Comments



**CITY DEPARTMENT REVIEW**  
**1794 Texas Street – Master Plan Amendment/Rezone**

**Project Address:** 1794 Texas Street

**Applicant:** Paula and Joseph Sargetakis

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**Department/Division:** Fire  
**Reviewer:** Ed Itchon  
**Phone:** 535-6636  
**Review Comments:** No comments received

**Department/Division:** Public Utilities  
**Reviewer:** Justin Stoker  
**Phone:** 483-6786  
**Review Comments:** PLNPCM2009-01358, a request to amend the East Bench Community Master Plan Future Land Use Map from Institutional to Residential. We have no objection to this proposal. It would appear that the entire parcel will remain as one piece and will continue to be served by the existing utility laterals. If a subdivision is intended, additional comments may be forthcoming.

PLNPCM2009-01359, a request to rezone the property located at 1794 S Texas Street from Institutional to R-1/7000 Single Family residential. While the utility services that serve the existing church are appropriately sized for an institutional building the services may be reused for the project site only if the license to sell the produce is finalized. Proof of the home occupation license will be required prior to permits being issued from Public Utilities. The city code only allows ¾" or 1" water meters for residential parcels, but a garden as an occupation will allow the existing 1.5" meter to remain. If the license doesn't happen, then the existing meter and lateral will need to be removed and an appropriate size lateral and meter replaced for the residence. Please note that there is a 10-ft public utility easement located on the parcel that allows access and maintenance for an 8-inch public sanitary sewer main and a 12-inch public storm drain main through the northern portion of the parcel. This area must be preserved and protected during any demolition or improvements on the site. No structures, trees, or permanent surface improvements are allowed in the easement and it is highly recommended that no structures be located within 10-ft to preserve the foundation or the structure should the area need to be excavated for public maintenance of the mains. 24-hr access must be allowed for city maintenance workers to be allowed along the easement to perform any actions necessary to maintain the mains in proper working order.

The project is located in a 15-Year Well Influence Zone. If the garden is indeed organic like the application says, then there should not be an issue. If industrial fertilizers or pesticides are used, then it could cause problems given their proximity to drinking water wells.

Any and all demolition or improvements on the parcel will require full civil engineering site grading, utility and demolition plans together with appropriate details for review and permitting prior to any disturbance.

**Department/Division:** Engineering  
**Reviewer:** Randy Drummond, P.E.  
**Phone:** 535-6204  
**Review Comments:** We have no concerns regarding this proposal.

**Department/Division:** Transportation  
**Reviewer:** Barry Walsh  
**Phone:** 535-7102  
**Review Comments:** The existing property is one lot containing 1.82 acres. We see no transportation traffic generator issue per the conversion from a Institutional Zone (past church use) to a residential zone with possibly 10 new lots, fronting residential local class, roadways.

**Department/Division:** Zoning  
**Reviewer:** Alan R. Michelsen  
**Phone:** 535-7142  
**Review Comments:** The Building Services Division has reviewed this proposal to amend the East Bench Community Master Plan and rezone the property located at 1794 Texas Street from I-Institutional to R-1/7000 single-family residential. The proposed use of the property is for a single-family dwelling and organic garden. The applicant intends to apply for a home occupation license to sell produce off site. To ensure that the proposed home occupation will be compatible with the residential district in which it is located the zoning ordinance identifies a number of conditions for all home occupations. Prior to issuance of a building permit and a home occupation license the following issues need to be addressed.

1. Planning needs to address issues related to the current lot size which is approximately 79,279 square feet. As per 21A.24.060.G the maximum allowable lot size in the R-1/7000 zone is 10,500 square feet.

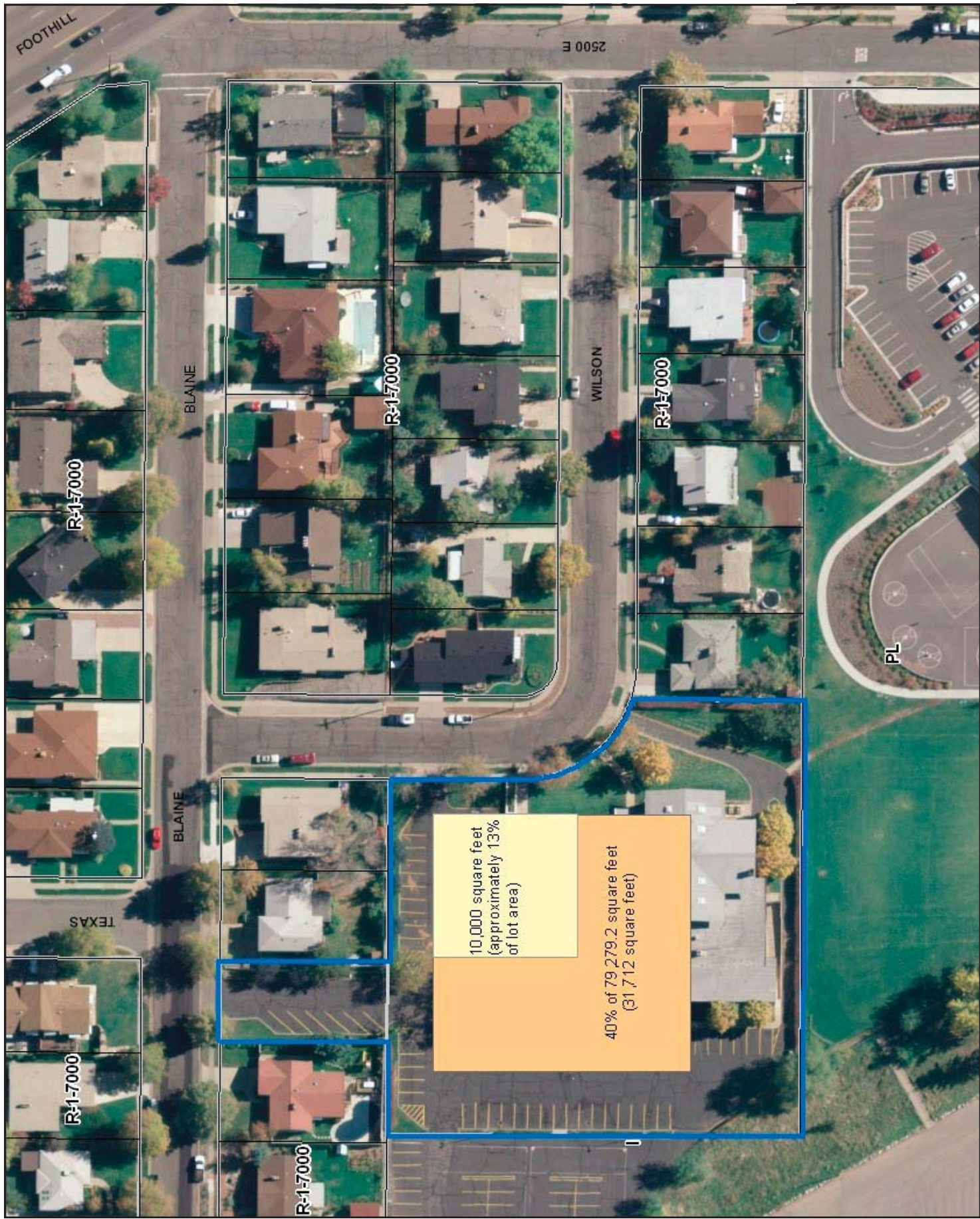
*Planning Staff Note: The maximum allowable lot size regulation applies to new lots. The subject property is an existing lot; therefore, the maximum lot size regulation does not apply. If the property is subdivided in the future, all new lots created will need to meet the lot dimension requirements.*

2. The Building Services Division will require plans and documentation to demonstrate that the home occupation can function in accordance with the home occupation standards stated in Section 21A.36.030 of the Salt Lake City Zoning Ordinance.

**Department/Division:** Sustainability  
**Reviewer:** Vicki Bennett  
**Phone:** 535-6540  
**Review Comments:** The Sustainability Division supports projects such as this as it provides local, fresh food sources to our communities.

***Attachment G***  
Building Coverage Map and Spreadsheet





## Neighborhood Building Coverages

Property Address	Lot Size (square feet)	Principal Structure Lot Coverage (square feet)	Accessory Structure Lot Coverage (square feet)	Total Building Lot Coverage (square feet)	Percent Building Coverage
1806 S. 2500 East	7,511	2000		2000	27%
2474 E. Wilson Ave.	6,933	1770	600	2370	34%
2464 E. Wilson Ave	6,933	2030		2030	29%
2456 E. Wilson Ave	6,933	2100		2100	30%
2448 E. Wilson Ave	6,934	1370	887	2257	33%
2440 E. Wilson Ave	6,934	1925		1925	28%
2432 E. Wilson Ave	6,975	2000		2000	29%
2418 E. Blaine Ave	7,424	2570		2570	35%
1767 S. Texas St	8,129	3030		3030	37%
1781 S. Texas St	6,807	2080		2080	31%
2441 E. Wilson Ave	6,933	1425	410	1835	26%
2449 E. Wilson Ave	6,702	2185		2185	33%
2457 E. Wilson Ave	6,702	1843		1843	27%
2465 E. Wilson Ave	7,511	2370		2370	32%
2475 E. Wilson Ave	7,164	2276		2276	32%
1782 S. 2500 E.	7,164	1970		1970	27%

\*Building coverage calculations are approximate values based on measurements taken from aerial photos

***Attachment H***  
Institutional District Regulations



## 21A.32.080: I INSTITUTIONAL DISTRICT:

- A. Purpose Statement: The purpose of the I institutional district is to regulate the development of larger public and semipublic uses in a manner harmonious with surrounding uses. The uses regulated by this district are generally those having multiple buildings on a campus like site.
- B. Uses: Uses in the I institutional district as specified in section 21A.32.140, "Table Of Permitted And Conditional Uses For Special Purpose Districts", of this chapter, are permitted subject to the general provisions set forth in section 21A.32.010 of this chapter and this section.
- C. Minimum Lot Size: The following minimum lot size requirements shall apply to authorized permitted uses. Lot size requirements for conditional uses shall be determined for each conditional use.

Land Use	Minimum Lot Area	Minimum Lot Width
Places of worship	2 acres	100 feet
Other uses	20,000 square feet	100 feet

- D. Maximum Building Height: Building height shall be limited to thirty five feet (35'). Building heights in excess of thirty five feet (35') but not more than seventy five feet (75') may be approved as a conditional use; provided, that for each foot of height over thirty five feet (35'), each required yard shall be increased one foot (1').
- E. Minimum Open Space: The minimum open space for any use shall not be less than forty percent (40%) of the lot area.
- F. Minimum Yard Requirements:
1. Front Yard: Twenty feet (20').
  2. Corner Side Yard: Twenty feet (20').
  3. Interior Side Yard: Twenty feet (20').
  4. Rear Yard: Twenty five feet (25').
  5. Accessory Buildings And Structures In Yards: Accessory buildings and structures may be located in required yard areas subject to table 21A.36.020B of this title.
- G. Landscape Yard Requirements: Landscape yards, as specified below, shall be required for each use in the I institutional district and shall be improved in conformance with the requirements of chapter 21A.48 of this title.
1. Front Yard: Twenty feet (20').
  2. Corner Side Yard: Twenty feet (20').
  3. Interior Side Yard: Eight feet (8').

4. Rear Yard: Eight feet (8').

- H. Landscape Buffers: Landscape buffers shall be provided where a use in the I institutional district abuts a lot in a residential district, as specified in chapter 21A.48 of this title.
- I. Traffic And Parking Impact: The traffic and parking characteristics of institutional uses can have a significant impact on the nearby residential neighborhoods. To ensure that these characteristics do not impair the safety or enjoyment of property in nearby areas, a traffic and parking study shall be submitted to the city in conjunction with the site plan review provisions of this title whenever an expansion of an existing use or an expansion of the mapped district is proposed. New institutional uses or expansions/intensifications of existing institutional uses shall not be permitted unless the traffic and parking study provides clear and convincing evidence that no significant impacts will occur. The zoning administrator may, upon recommendation of the development review team waive the requirement for a traffic and parking study if site conditions clearly indicate that no impact would result from the proposed development.
- J. Lighting: All uses and developments shall provide adequate lighting so as to assure safety and security. Lighting installations shall not have an adverse impact on traffic safety or on surrounding properties and uses. Light sources shall be shielded to minimize light spillover onto adjacent properties. (Ord. 88-95 § 1 (Exh. A), 1995; Ord. 26-95 § 2(16-7), 1995)

21A.32.140: TABLE OF PERMITTED AND CONDITIONAL USES FOR SPECIAL PURPOSE DISTRICTS:

Legend: C = Conditional use P = Permitted use

Use	Permitted And Conditional Uses																
	RP	BP	FP	AG	AG-2	AG-5	AG-20	OS	NOS	A	PL	PL-2	I	UI	MH	EI	MU
Residential:																	
Assisted living facility (see section 21A.36.050 of this title)																	P
Congregate care facility													P	P			P
Group home, large (see section 21A.36.070 of this title)																	C
Group home, small (see section 21A.36.070 of this title)				P	P	P											P
Living quarters for caretakers and security guards	P	P									P		P	P			P
Manufactured home				P	P	P											P
Mixed use developments, including residential and other uses allowed in the zoning district																	P
Mobile homes															P		
Multi-family (no maximum density limitation)														P			
Multiple-family dwellings																	P

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Use	Permitted And Conditional Uses																
	RP	BP	FP	AG	AG-2	AG-5	AG-20	OS	NOS	A	PL	PL-2	I	UI	MH	EI	MU
Nursing care facility													P	P			P
Resident healthcare facility (see section 21A.36.040 of this title)																	P
Rooming (boarding) house																	C
Single-family attached dwellings																	P
Single-family detached dwellings			P	P	P	P											P
Twin home and two-family dwellings																	P
Office and related uses:																	
Accessory offices supporting an institutional use												P		P			
Financial institutions with drive-through facilities	P	P															P <sup>3</sup>
Financial institutions without drive-through facilities	P	P															P
Government offices	P	P								P	P	P	P	P			P
Medical and dental offices	P	P											P	P			P
Municipal service uses, including city utility uses and police and fire stations																	C
Offices		P								P		P					C

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Use	Permitted And Conditional Uses																
	RP	BP	FP	AG	AG-2	AG-5	AG-20	OS	NOS	A	PL	PL-2	I	UI	MH	EI	MU
Offices, research related	P	P										P					P
Veterinary offices, operating entirely within an enclosed building and keeping animals overnight only for treatment purposes		P															P
Retail sales and services:																	
Accessory retail sales and services uses when located within a principal building												P					
Accessory retail sales and services uses, when located within the principal building and operated primarily for the convenience of employees	P	P								P	P	P	P	P			P
Commercial service establishments																	C
"Gas station" (may include accessory convenience retail and/or minor repairs) as defined in chapter 21A.62 of this title		C <sup>7</sup>															C <sup>3</sup>
Health and fitness centers																	C
Restaurants with drive-through facilities		C <sup>7</sup>															P <sup>3</sup>
Restaurants without drive-through facilities		C <sup>7</sup>															P

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Use	Permitted And Conditional Uses																
	RP	BP	FP	AG	AG-2	AG-5	AG-20	OS	NOS	A	PL	PL-2	I	UI	MH	EI	MU
Retail goods establishments		C <sup>7</sup>															P
Retail service establishments																	P
Institutional:																	
Adult daycare centers												P	P	P			P
Cemeteries and accessory crematoriums								P									
Child daycare centers	P	P								P	P	P	P	P			P
Colleges and universities												P	P	P			
Community and recreation centers								P			P	P	P	P			P
Conference center	P									P		C	C	P			
Convention center, with or without hotels											C						
Convents and monasteries														P	P		
Dental laboratories/research facilities	P	P											C				P
Emergency response and medical service facilities including fire stations and living quarters	C									P			P				
Exhibition hall											C	P	C	P			

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Use	Permitted And Conditional Uses																
	RP	BP	FP	AG	AG-2	AG-5	AG-20	OS	NOS	A	PL	PL-2	I	UI	MH	EI	MU
Government uses and facilities (excluding those of an industrial nature and prisons)																	C
Hospitals, including accessory lodging facilities	C												P	P			
Libraries											P	P	P	P			C
Medical and dental clinics	P	P											P	P			P
Medical/nursing schools													P				
Medical research facilities	P												P				P
Meeting halls of membership organizations		P											P	P			P
Nursing care facility; sanitariums													P	P			
Pet cemetery				P <sup>4</sup>	P <sup>4</sup>	P <sup>4</sup>	P <sup>4</sup>	P <sup>4,5</sup>									
Philanthropic uses												P	P	P			
Places of worship	P	P											P	P			P
Prison or jail											C						
Religious assembly with exhibit hall													C	P			
Research, commercial, scientific, educational	P	P									P	P					C
Reuse of schools and churches											C		C	C			P

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Use	Permitted And Conditional Uses																
	RP	BP	FP	AG	AG-2	AG-5	AG-20	OS	NOS	A	PL	PL-2	I	UI	MH	EI	MU
Schools, K - 12 private													P	P			
Schools, K - 12 public											P	P					
Schools, professional and vocational	C	P								P			P	P			
Seminaries and religious institutes											P		P	P			C
Recreation, cultural and entertainment:																	
Amphitheaters												C					
Arenas, stadiums, fairgrounds											C		C	C			
Art galleries												P					P
Art studio																	P
Botanical gardens	C											C					
Commercial indoor recreation		C															
Community gardens as defined in chapter 21A.62 of this title																	P
Country clubs								P									
Dance studio																	P
Golf courses								P		P	P						
Movie theaters/live performance theaters												C					C

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Use	Permitted And Conditional Uses																
	RP	BP	FP	AG	AG-2	AG-5	AG-20	OS	NOS	A	PL	PL-2	I	UI	MH	EI	MU
Museums	C										P	P	P	P			P
Music conservatory																	P
Natural open space and conservation areas				P	P	P	P	P	P <sup>a</sup>								P
Nature preserves/conservation areas, public and private			P	P	P	P	P	P	P <sup>a</sup>								P
Park (public)	C							P				P		P			P
Pedestrian pathways, trails and greenways														P			P
Performing arts production facility																	P
Private recreational facilities	P							P					P	P			P
Tavern/lounge/brewpub; 2,500 square feet or less in floor area																	C
Zoological park								P									
Airport and related uses:																	
Air cargo terminals and package delivery facilities		P								P							
Airline service and maintenance operations										P							
Airline ticketing and baggage processing										P							

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Use	Permitted And Conditional Uses																
	RP	BP	FP	AG	AG-2	AG-5	AG-20	OS	NOS	A	PL	PL-2	I	UI	MH	EI	MU
Airport operations (including air traffic control, navigational aids, emergency and maintenance operations)										P							
Alcoholic beverage consumption establishments (on premises) (within terminal complex only)										P							
Ambulance services, dispatching, staging and maintenance conducted entirely within an enclosed building	P	P															
Ambulance services, dispatching, staging and maintenance utilizing outdoor operations	P <sup>10</sup>	P <sup>10</sup>															
Automobile rental agencies		P								P							
Commercial recreation center (within terminal complex only)										P							
Financial institutions (within terminal complex only)										P							
Fuel storage for on site distribution										P							
General aviation facilities										P							
Heliport	C	C								P			C	C			
Light manufacturing		C								P							

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Use	Permitted And Conditional Uses																
	RP	BP	FP	AG	AG-2	AG-5	AG-20	OS	NOS	A	PL	PL-2	I	UI	MH	EI	MU
Meeting rooms (within terminal complex only)										P							
Offices										P							
Restaurants; other food services										P							
Retail goods establishments - specialty, primarily for airport customers (within terminal complex only)										P							
Retail services establishments - primarily for airport customers (within terminal complex only)										P							
Miscellaneous:																	
Accessory uses, except those that are otherwise specifically regulated in this chapter, or elsewhere in this title	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P
Agricultural uses		C		P	P	P	P			P							
Bed and breakfast													C <sup>2</sup>	P			P
Bed and breakfast inn													C <sup>2</sup>	P			P
Bed and breakfast manor														P			P
Commercial parking garage or lot		C															

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Use	Permitted And Conditional Uses																
	RP	BP	FP	AG	AG-2	AG-5	AG-20	OS	NOS	A	PL	PL-2	I	UI	MH	EI	MU
Communication towers	P	P	C							P	P	C	P	P		P	
Communication towers, exceeding the maximum building height	C	C								P	C		C	C		C	
Concrete or asphalt manufacturing																P	
Farm stands, seasonal				P	P	P	P										
Hotels and motels	C	C								P							P
House museum in landmark sites (see subsection 21A.24.010T of this title)																	C
Industrial assembly		P								P							
Jewelry fabrication and associated processing		P															
Kennels, public or private, on lots of 5 acres or larger <sup>a</sup>		C		P <sup>a</sup>	P <sup>a</sup>	P <sup>a</sup>	P <sup>a</sup>										
Local government facilities	P	P	P							P	P	P	P	P		P	
Mining and extraction of minerals and materials, including ore, stone, sand, gravel, oil and oil shale																P	
Off site parking										P	C	C	C	C			C

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Use	Permitted And Conditional Uses																
	RP	BP	FP	AG	AG-2	AG-5	AG-20	OS	NOS	A	PL	PL-2	I	UI	MH	EI	MU
Offices and reception centers in landmark sites (see subsection 21A.24.010T of this title)																	C <sup>11</sup>
Outdoor storage, accessory		P								P						P	
Park and ride lots										P	C						
Park and ride parking, shared with existing use	P	P								P	P		P	P		P	P
Parking structure	P	P	P							P	P	P	C	C		P	P
Production related to on site research	P																C
Public/private utility buildings and structures <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>		P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>
Public/private utility transmission wires, lines, pipes and poles <sup>1</sup>	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P
Radio station		P <sup>6</sup>										P					
Stable, private				P	P	P	P										
Stable, public						C	C										
Storage of extracted material																P	
Transportation terminals, including bus, rail and trucking										P			C				

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Use	Permitted And Conditional Uses																
	RP	BP	FP	AG	AG-2	AG-5	AG-20	OS	NOS	A	PL	PL-2	I	UI	MH	EI	MU
Trucking, repair, storage, etc., associated with extractive industries																P	
Vending carts on private property as per title 5, chapter 5.65 of this code	P	P															
Warehouse, accessory to retail and wholesale business (5,000 square foot or greater floor plate)																	C
Warehouse, accessory to retail and wholesale business (maximum 5,000 square foot floor plate)																	P
Warehouse, including ministorage warehouses		P								P							
Wholesale distribution		P								P							C

## Qualifying Provisions:

1. Subject to conformance to the provisions in subsection 21A.02.050B of this title.
2. When located in a building listed on the Salt Lake City register of cultural resources.
3. When located on an arterial street.
4. Subject to Salt Lake Valley health department approval.
5. In conjunction with, and within the boundaries of, a cemetery for human remains.
6. Radio station equipment and antennas shall be required to go through the site plan review process to ensure that the color, design and location of all proposed equipment and antennas are screened or integrated into the architecture of the project and are compatible with surrounding uses.
7. When approved as part of a business park planned development pursuant to the provisions of section 21A.54.150 of this title.
8. Kennels, public or private, whether within penned enclosures or within enclosed buildings, shall not be permitted within 200 feet of an existing single-family dwelling on an adjacent lot.

## Qualifying Provisions (cont.)

9. Trails and trailheads without parking lots and directional and informational signage specific to trail usage shall be permitted.
10. Greater than 3 ambulances at location require a conditional use.
11. Building additions on lots less than 20,000 square feet for office uses may not exceed 50 percent of the building's footprint. Building additions greater than 50 percent of the building's footprint or new office building construction are subject to the conditional use process.

(Ord. 61-08 § 4 (Exh. C), 2008; Ord. 21-08 § 6 (Exh. E), 2008; Ord. 2-08 § 2, 2008; Ord. 61-06 § 2 (Exh. B), 2006; Ord. 13-06 § 5 (Exh. D), 2006; Ord. 10-06 § 1 (Exh. A), 2006; Ord. 1-06 § 30, 2005; Ord. 71-05 § 1 (Exh. A), 2005; Ord. 18-04 § 4, 2004; Ord. 13-04 § 12 (Exh. F), 2004; Ord. 73-02 § 4 (Exh. A), 2002; Ord. 23-02 § 7 (Exh. E), 2002; Ord. 64-01 § 2, 2001; Ord. 68-00 § 1, 2000; Ord. 14-00 § 4, 2000; Ord. 9-00 § 3, 2000; Ord. 35-99 § 41, 1999; Ord. 12-98 § 4, 1998; amended during 5/96 supplement: Ord. 85-95 § 1 (Exh. A), 1995; Ord. 84-95 § 1 (Exh. A), 1995; Ord. 26-95 § 2(16-12), 1995)