

PLANNING COMMISSION STAFF REPORT

Eleemosynary Facilities Zoning Text Amendment Petition No. PLNPCM2008-00937 January 13, 2010



Planning Division
Department of Community and
Economic Development

Applicant: Mayor Becker

Staff: Everett Joyce, 801-535-7930, everett.joyce@slcgov.com

Master Plan Designation:
City-wide text amendment

Council District: City-wide

Council District: City-wide

Applicable Land Use Regulations:
21A.24.190; 21A.26.080;
21A.30.050; 21A.31.050;
21A.32.140; 21A.44.060;
21A.60.020; and 21A.62.040

Notification

- Newspaper Notice Salt Lake Tribune on December 30, 2009
- Notice mailed on December 29, 2009
- Agenda posted on the Planning Division and Utah Public Meeting Notice websites on December 29, 2009

Attachments:

- A. Proposed Text
- B. Department Input.

Request

This petition is a request to analyze the appropriateness of amending the Zoning Ordinance to allow eleemosynary uses in appropriate zoning districts. Eleemosynary uses are nonprofit organizations or government entities that provide temporary housing and assistance to individuals and their family members that suffer from and are being treated for trauma, injury or disease.

The proposed text changes redefine and allow such facilities as a conditional use within low density residential and medium density multi-family/mixed use residential zoning districts. Eleemosynary facilities would also be a permitted use in high-density multi-family/mixed use and commercial zoning districts as well as in downtown, gateway, transit corridor, public lands and institutional zoning districts.

Staff Recommendation

Based on the findings listed in the staff report, it is the Planning Staff's opinion that overall the project generally meets the applicable standards and therefore, recommends the Planning Commission transmit a favorable recommendation to the City Council.

Background

Project Description

This petition was created so that Planning Staff could analyze and evaluate the appropriateness of amending the Zoning Ordinance to allow eleemosynary uses in appropriate zoning districts. Prior to 1995, such uses were defined in the Zoning Ordinance and were allowed in various zoning districts. The parking requirements were the same as for boarding houses. The 1995 Zoning Rewrite project and adopted zoning ordinance did not include such uses.

Uses which would customarily fall into this use category may provide the following services:

- Residential facilities providing short-term rooming for use by persons visiting patients or patients receiving medical services provided by area hospitals or extended care facilities, such as the Ronald McDonald House;
- Facilities that provide a safe place for children who are taken from their homes due to domestic violence, such as the Christmas Box House;
- Facilities that provide a child-friendly atmosphere where children receive coordinated services during the child abuse investigative process, such as the Children's Justice Center of Salt Lake; and
- Other similar uses.

Salt Lake City is a regional center of the intermountain area. The position of Salt Lake City as a regional center has encouraged the establishment of several hospitals to serve the local metropolitan area population as well as for the intermountain region. Facilities within Salt Lake City that provide regional services are: University of Utah, LDS, Salt Lake Regional, VA Medical Center, Primary Children's and Shriners Children's hospitals. Additional eleemosynary services are provided through local government and nonprofit corporations. Examples are the Ronald McDonald House, Christmas Box House, Children's Justice Center and United Way.

Proposed Text Changes

The proposed text changes redefine and allow Eleemosynary Facilities as a conditional use within low density residential and medium density multi-family/mixed use residential zoning districts. Eleemosynary Facilities will also be a permitted use in high-density multi-family/mixed use and commercial zoning districts as well as in downtown, gateway, transit corridor, public lands and institutional zoning districts. Attachment A shows the proposed text changes to accommodate Eleemosynary Facilities with Salt Lake City.

The following proposed definition defines Eleemosynary Facilities. "Eleemosynary facility" means a facility operated by a nonprofit charitable organization or government entity to provide temporary housing and assistance to individuals who suffer from and are being treated for trauma, injury or disease as well as support for their family members. Eleemosynary facilities are traditionally not funded wholly by government but are usually supported by philanthropic, corporate and private funding. The term "Eleemosynary facilities" shall not include places of worship, social and community services organizations, homeless shelters, community dining halls, group homes, transitional treatment homes, transitional victim homes, residential substance abuse treatment homes and other similar non-profit

Comments

Public Comments

An Open House was held on December 17, 2009 in the City and County Building 1st floor. There was one community council member that attended the open house. There were no comments received.

City Department Comments

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

The Transportation Division's concerns to not allow on-street parking credit for these types of facilities is a general philosophy issue regarding on-street parking credits. Staff further discussed the issue with Transportation staff and is of the opinion that there are adequate provisions through the conditional use process and the ability through the development review process to require Traffic Impact Reports if it is believed that potential problems may occur with a proposed eleemosynary facility.

Analysis and Findings

Futures Commission Report

The Salt Lake City Futures Commission Report identifies that Salt Lake City desires to provide a safe place where all people, regardless of age, ability, or economic condition, can live with dignity and respect and without fear.

Central Community Master Plan

The Salt Lake City Central Community Master Plan identifies key City policy regarding the Salt Lake's integration with the larger community. The goals of the plan should be in accord with regional, local and community visions. The plan's vision identifies the institutional land uses generate employment opportunities and attract community and regional populations that are part of a vital and sustainable commerce.

Findings

Section 21A.50.050 Standards for general amendments. 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.

A. In making its decision concerning a proposed text amendment, the city council should consider the following factors:

- 1. Whether a proposed text amendment is consistent with the purposes, goals, objectives, and policies of the City as stated through its various adopted planning documents;**

Finding: No specific policy document identifies detailed policy that addresses eleemosynary uses. The various adopted planning documents of the City support a variety of housing needs and social service needs. The inclusion of Eleemosynary Facilities throughout the city implements the city master plan's visions by supporting institutional land uses that attract and provide services to community and regional

populations. The proposed text amendment does support the general policies for the provision of a variety of housing and social service opportunities within the City.

2. Whether a proposed text amendment furthers the specific purpose statements of the zoning ordinance;

Discussion: The Zoning Ordinance contains the following general purpose and intent statements:

- **Chapter 21A.02 Title, Authority, Purpose And Applicability:** Purpose And Intent: The purpose of this title is to promote the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Salt Lake City, to implement the adopted plans of the city, and to carry out the purposes of the municipal land use development and management act, title 10, chapter 9, of the Utah Code Annotated or its successor, and other relevant statutes.
- **Chapter 21A.24 Residential Districts:** Statement Of Intent: The residential districts are intended to provide a range of housing choices to meet the needs of Salt Lake City's citizens, to offer a balance of housing types and densities, to preserve and maintain the city's neighborhoods as safe and convenient places to live, to promote the harmonious development of residential communities, to ensure compatible infill development, and to help implement adopted plans.
- **Chapter 21A.26 Commercial Districts:** Statement Of Intent: The commercial districts are intended to provide controlled and compatible settings for office and business/commerce developments, to enhance employment opportunities, to encourage the efficient use of land, to enhance property values and the tax base, to ensure high quality of design, and to help implement officially adopted master plans.
- **Chapter 21A.30 Downtown Districts:** Statement Of Intent: The downtown districts are intended to provide use, bulk, urban design and other controls and regulations appropriate to the commercial core of the city and adjacent areas in order to enhance employment opportunities; to encourage the efficient use of land; to enhance property values; to improve the design quality of downtown areas; to create a unique downtown center which fosters the arts, entertainment, financial, office, retail and governmental activities; to provide safety and security; encourage permitted residential uses within the downtown area; and to help implement adopted plans.
- **Chapter 21A.31 Gateway Districts:** Statement Of Intent: The gateway districts are intended to provide controlled and compatible settings for residential, commercial, and industrial developments, and implement the objectives of the adopted gateway development master plan through district regulations that reinforce the mixed use character of the area and encourage the development of urban neighborhoods containing supportive retail, service commercial, office, industrial uses and high density residential.
- **Chapter 21A.32 Special Purpose Districts:** Statement Of Intent: Certain geographic areas of the city contain land uses or platting patterns that do not fit traditional zoning classifications (e.g., residential, commercial, industrial) or uniform bulk regulations. These areas currently contain special land uses (e.g., airports or medical centers) which have a unique character, or contain mixed land uses which are difficult to regulate using uniform bulk and density standards. Because these areas have unique land uses, platting patterns and resources, special districts are needed to respond to these conditions. These special purpose districts are further intended to maintain the integrity of these areas, allow for greater flexibility in site design, and achieve the specialized goals for these areas
- **Chapter 21A.44 Off Street Parking And Loading:** Purpose Statement: The requirements of this chapter are intended to promote the orderly use of land and buildings by identifying minimum and maximum standards for accessory parking and loading facilities that will promote safe and

convenient vehicular transportation and movement of goods. These requirements are also intended to help lessen traffic congestion and promote public health and welfare through a cleaner environment by reducing the number of vehicle trips. Encouraging nonmotorized transportation and relating parking requirements to the local land use/transportation system are consistent with the objectives of this chapter.

Finding: The proposed text amendment meets this standard in that it furthers the specific purpose and intent statements of the Zoning Ordinance. These types of uses are typically located in larger urban areas where they are close to associated uses such as hospitals, government offices and other institutional uses.

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

Finding: The proposed text amendment does not affect any overlay zoning districts. Any specific development proposal would have to comply with applicable Overlay Zone requirements.

4. The extent to which a proposed text amendment implements best current, professional practices of urban planning and design.

Finding: In review of other cities zoning codes, eleemosynary facilities fall under the same title or as group homes, group care homes, protective housing, and service organizations. Such uses are either permitted or allowed as conditional uses within residential and nonresidential zoning categories. The proposed amendment implements current planning practices. Other larger urban areas have similar uses as the eleemosynary facilities that support related facilities that serve the region.

Petition PLNPCM2008-00937 – Eleemosynary Facilities

The Planning Division is reviewing a petition requested by Mayor Becker to amend the Salt Lake City Zoning Ordinance, regarding Eleemosynary Facilities. The proposed text changes redefine and allow such facilities as a conditional use within low density residential and medium density multi-family/mixed use residential zoning districts. Eleemosynary facilities will also be a permitted use in high-density multi-family/mixed use zoning districts as well as in downtown, gateway, transit corridor, public lands and institutional zoning districts.

Proposed Text Changes

21A.24.190: TABLE OF PERMITTED AND CONDITIONAL USES FOR RESIDENTIAL DISTRICTS:

Legend:	C =	Conditional	P =	Permitted
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Permitted And Conditional Uses, By District Residential Districts										
Use	FR-1/ 43,560	FR-2/ 21,780	FR-3/ 12,000	R-1/ 12,000	R-1/ 7,000	R-1/ 5,000	SR-1	SR-2	SR-3	R-2
Residential:										
Eleemosynary Facilities	C	C	C	C	C	C	C		C	C
Permitted And Conditional Uses, By District Residential Districts (Continued)										
	RMF-30	RMF-35	RMF-45	RMF-75	RB	R-MU-35	R-MU-45	R-MU	RO	
Eleemosynary Facilities	C	C	P	P		C	P	P	P	

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

Legend:	C =	Conditional use	P =	Permitted use
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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
Residential:																	
Eleemosynary Facilities											P	P	P	P			P

21A.26.080: TABLE OF PERMITTED AND CONDITIONAL USES FOR COMMERCIAL DISTRICTS:

Legend:	C =	Conditional	P =	Permitted
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Use	Permitted And Conditional Uses By District						
	CN	CB	CS ¹	CC	CSHBD ¹	CG	TC-75
Residential:							
<u>Eleemosynary Facilities</u>		P			P		P

21A.30.050: TABLE OF PERMITTED AND CONDITIONAL USES FOR DOWNTOWN DISTRICTS:

Legend:	C =	Conditional	P =	Permitted
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Use	Permitted And Conditional Uses By District			
	D-1	D-2	D-3	D-4
Residential:				
<u>Eleemosynary Facilities</u>	P	P	P	P

21A.31.050: TABLE OF PERMITTED AND CONDITIONAL USES IN THE GATEWAY DISTRICT:

Legend:	C =	Conditional	P =	Permitted
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Permitted And Conditional Uses By District	
Use	G-MU
Residential:	
<u>Eleemosynary Facilities</u>	P

21A.44.060: NUMBER OF OFF STREET PARKING SPACES REQUIRED:

TABLE 21A.44.060F
SCHEDULE OF MINIMUM OFF STREET
PARKING REQUIREMENTS

Each principal building or use shall have the following minimum number of parking spaces:

Residential:	
<u>Eleemosynary Facility</u>	<u>1 parking space for each family, plus 1 parking space for every 4 individual bedrooms, plus 1 parking space every 2 support staff on the busiest shift.</u>

Section 21A.60.020 List of Defined Terms

Eleemosynary Facility

Section 21A.62.040 Definition of Terms:

"Eleemosynary facility" means a facility operated by a nonprofit charitable organization or government entity to provide temporary housing and assistance to individuals who suffer from and are being treated for trauma, injury or disease and/or their family members. Eleemosynary facilities are traditionally not funded wholly by government but are usually supported by philanthropic, corporate and private funding. The term "Eleemosynary facilities" shall not include places of worship, social and community services organizations, homeless shelters, community dining halls, group homes, transitional treatment homes, transitional victim homes, residential substance abuse treatment homes and other similar non-profit organizations.

Joyce, Everett

Transportation

From: Walsh, Barry
Sent: Thursday, December 03, 2009 9:35 AM
To: Joyce, Everett
Cc: Young, Kevin; Weiler, Scott; Garcia, Peggy; Itchon, Edward; Butcher, Larry
Subject: RE: Request to review and comment on Petition PLNPCM2008-00937 - Eleemosynary Zoning Text Changes

Categories: Other

December 3, 2009

Everett Joyce, Planning

Re: petition PLNPCM2009-00937 -- Eleemosynary Facilities -- Zoning Text Change.

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

Due to the multiple zoning district applications and possible conversion of an existing facility, the potential for parking provisions may become an issue. All parking provisions are to be provided on site per city design standards. On-street parking credits or provisions will not be accepted.

Sincerely,

Barry Walsh

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

From: Joyce, Everett

Sent: Wednesday, December 02, 2009 1:34 PM

To: Walsh, Barry; Weiler, Scott; Garcia, Peggy; Itchon, Edward; Butcher, Larry; Brede, Richard; McCandless, Allen

Cc: Coffey, Cheri; Harpst, Tim; Niermeyer, Jeff; Graham, Rick; McKone, Dennis; Burbank, Chris; Boskoff, Nancy; Riley, Maureen; Clark, Luann; Creswell, Lyn; Gray, Frank; Baxter, DJ; Farrington, Bob; Rutan, Ed; Limburg, Garth

Subject: Request to review and comment on Petition PLNPCM2008-00937 - Eleemosynary Zoning Text Changes

To those who received the email regarding Petition PLNPCM2008-00937 - Eleemosynary zoning , examples of such uses are:

- Lodging for families whose children are hospitalized or receiving medical treatment, such as Ronald McDonald House;
- Facilities that provide a safe place for children who are taken from their homes due to domestic violence, such as the Christmas Box House; and
- Facilities that provide a child-friendly atmosphere where children receive coordinated services during the child abuse investigative process, such as the Children's Justice Center of Salt Lake.

Joyce, Everett

Engineering

From: Weiler, Scott
Sent: Friday, December 04, 2009 11:51 AM
To: Joyce, Everett
Cc: Drummond, Randy
Subject: RE: Request to review and comment on Petition PLNPCM2008-00937 - Eleemosynary Zoning Text Changes

Categories: Other

Everett,

SLC Engineering has no comment on the proposed changes.
Please send future requests to Randy Drummond.

Thanks,
Scott

From: Joyce, Everett
Sent: Wednesday, December 02, 2009 1:34 PM
To: Walsh, Barry; Weiler, Scott; Garcia, Peggy; Itchon, Edward; Butcher, Larry; Brede, Richard; McCandless, Allen
Cc: Coffey, Cheri; Harpst, Tim; Niermeyer, Jeff; Graham, Rick; McKone, Dennis; Burbank, Chris; Boskoff, Nancy; Riley, Maureen; Clark, Luann; Creswell, Lyn; Gray, Frank; Baxter, DJ; Farrington, Bob; Rutan, Ed; Limburg, Garth
Subject: Request to review and comment on Petition PLNPCM2008-00937 - Eleemosynary Zoning Text Changes

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Salt Lake City, UT 84114-5480

Joyce, Everett

Permits Office

From: Butcher, Larry
Sent: Thursday, December 31, 2009 7:33 AM
To: Joyce, Everett
Subject: RE: Request to review and comment on Petition PLNPCM2008-00937 - Eleemosynary Zoning Text Changes

Categories: Other

Everett:

Sorry this is late. The use examples you listed are related to youth and family oriented care. However, the definition does not appear to limit the facilities to families or youth (age?) that require temporary housing.

The parking requirement lists family units and youth bedrooms but does not contemplate individual adult bedrooms. I'm uncertain how we would determine if a room was for a child. It might be reasonable to remove the "youth" verbiage from the requirement.

I'm sure you have considered this but should the definition make a distinction between transitional victim facilities and these uses based upon the need for medical care or the age of the victim?

Again, sorry this is late.

LB

From: Joyce, Everett
Sent: Wednesday, December 02, 2009 1:34 PM
To: Walsh, Barry; Weiler, Scott; Garcia, Peggy; Itchon, Edward; Butcher, Larry; Brede, Richard; McCandless, Allen
Cc: Coffey, Cheri; Harpst, Tim; Niermeyer, Jeff; Graham, Rick; McKone, Dennis; Burbank, Chris; Boskoff, Nancy; Riley, Maureen; Clark, Luann; Creswell, Lyn; Gray, Frank; Baxter, DJ; Farrington, Bob; Rutan, Ed; Limburg, Garth
Subject: Request to review and comment on Petition PLNPCM2008-00937 - Eleemosynary Zoning Text Changes

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