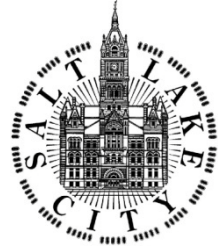


Planning Commission Staff Report

M-1 DISTRICT BUILDING HEIGHT TEXT AMENDMENT

PLNPCM2010-00476

Hearing date: September 8, 2010



Planning Division
Department of Community
& Economic Development

Applicant

Dominion Engineering

Staff

Casey Stewart 535-6260
casey.stewart@slcgov.com

Current zone

N/A

Current master plan designation

City-wide

Council District

City-wide

Community Council

City-wide

Affected Ordinance Sections

- 21A.28.020 M-1 Light Manufacturing District

Notification

- Notice mailed August 27, 2010
- Published in newspaper August 27, 2010
- Posted to Planning Dept and Utah State Public Meeting websites August 27, 2010.

Attachments

- A. Department Comments
- B. Public Comments

Request

Dominion Engineering has initiated a request to amend the Salt Lake City Zoning Ordinance to allow increased building height in the M-1 Light Manufacturing Zoning District. The extra height would be conditioned upon increased building setback from property lines.

Recommendation

PLNPCM2010-00476 – M-1 District Building Height Text Amendment

Based on the findings in the staff report, Planning Staff finds the proposed amendment does not adequately meet the standards for general text amendments and therefore recommends the Planning Commission transmits a negative recommendation to the City Council to adopt the proposed zoning ordinance text amendments related to increased building height in M-1 zoning districts.

Project Description

The request is to amend the Zoning Ordinance to allow for increased building height above sixty-five feet (65'), but not more than ninety feet (90'), in conjunction with directly proportional increased building setback. The amendment would apply only to the M-1 Light Manufacturing Zoning District yet would include all properties zoned M-1. No specific properties or projects were proposed with this amendment.

Chapter 21A.28 – MANUFACTURING DISTRICTS

Current language:

21A.28.020.F. Maximum Height: No building shall exceed sixty five feet (65') except that emission free distillation column structures, necessary for manufacture processing purposes, shall be permitted up to the most restrictive federal aviation administration imposed minimal approach surface elevations, or one hundred twenty feet (120') maximum, whichever is less. Said approach surface elevation will be determined by the Salt Lake City department of airports at the proposed locations of the distillation column structure. Any proposed development in the airport flight path protection (AFPP) overlay district, as outlined in section [21A.34.040](#) of this title, will require approval of the department of airports prior to issuance of a building permit. All proposed development within the AFPP overlay district which exceeds fifty feet (50') will also require site specific approval from the federal aviation administration. (Ord. 61-07 § 1, 2007; Ord. 26-95 § 2(14-1), 1995)

Proposed additional language:

Buildings may exceed sixty five feet (65') in height provided the building setback is increased a minimum of one foot (1') for every additional foot of building height above sixty five feet (65'). In no case shall any building exceed ninety feet (90'). Antennas are excluded from the determination of building height.

Public Participation

The proposed amendments were presented and available for review at an open house on August 19, 2010. No citizen or other public comments were received at the open house. Staff received two letters, one from the property owner and one representing the Salt Lake International Center Common Area Management Association (SLICCAMA), supporting the request. The letters are included as *Attachment B*.

Staff sought comments from numerous City departments. The Salt Lake City Airport Planning and Capital Programming department have provided technical input regarding potential conflicts with the increased building height within runway approach zones. The current M-1 height regulations already require Federal Aviation Administration (FAA) and Salt Lake City Airport review and approval of projects proposed for locations within the Airport Flight Path Protection Overlay District. Those provisions would remain in effect with this proposed amendment and staff therefore finds that appropriate review will continue to occur for projects near the airport. The Airport's comments are included as *Attachment A*.

Analysis

Staff conducted a brief comparison of provisions for increased building height in all non-residential zoning districts. Staff found that, of those non-residential districts that have provisions for increased height above the standard height limit, some sort of Planning Commission review is required, either through a conditional use or conditional building and site design review. The proposal attempts to mitigate the increased height with

increased setback, thereby limiting negative impact to adjacent properties, which is one purpose for Planning Commission review.

A public review process for the additional height, such as conditional building and site design review, would give the city the ability to review possible adverse impacts and condition the design to mitigate those impacts and a case by case basis. That process may be more effective than simply requiring the additional building setback without review, since the additional setback may not resolve the particular adverse impacts.

Table of building heights in non-residential zoning districts

Zoning District	Standard Building Height	Provisional Building Height	Provision for Increased Height
CN	25'	None	
CB	30'	None	
CS	45'	None	
CC	30'	45'	Conditional Use
CSHBD	30'	105'	Conditional Building and Site Design Review
CG	60'	90'	Conditional Use
TC-75	30', 75'	125'	Conditional Building and Site Design Review
M-2	80'	None	(Chimneys and smokestacks can extend to 120')
D-1	375'	No limit	Conditional Use
D-2	65'	120'	Conditional Use
D-3	75'	90'	Conditional Use
D-4	75'	120'	Conditional Use
G-MU	75', 90'	120'	Conditional Use
RP	45'	75'	Conditional Use
BP	60'	None	
AG	30', 45'	None	
AG-2	30', 45'	None	
AG-5	30', 45'	None	
AG-20	45'	65'	Conditional Use
A	TBD		Subject to review under Airport Flight Path Protection Overlay District and FAA regulations
PL	35', 75'	None	Specific uses allowed at 75'
PL-2	35', 75'	No limit	
I	35'	75'	Conditional Use and increased setback
UI	75'	120'	Conditional Use
OS	35'	None	(Between 20' and 35', increased setback required)
NOS	N/A	N/A	No buildings allowed
MH	15', 30'	None	
EI	75'	None	
MU	30', 45'	75'	Conditional Use

The city's policy for urban design is that the Central Business District retains its prominence in the city with the tallest buildings in that district. Specifically it states "indiscriminate high-rise construction outside of the downtown core adversely affects the strong downtown development concentration characteristic of the city." Allowing increased height above the moderate height of sixty-five feet (65') could conflict with this policy and encourage uses such as office buildings to locate out of downtown in M-1 areas. Manufacturing and other industrial uses tend to prefer lower buildings with large footprints, whereas office buildings and hotels typically come in at the taller end of the building height range. That could result in using up the city's manufacturing areas for office space and weakening the draw of the downtown area where lease space and land prices tend to be higher. This text amendment proposal has the ability to shift policy from encouraging taller buildings (office

buildings, large hotels, mixed use projects) for downtown development to fostering similar development in the manufacturing zones, where lease and land prices tend to be less.

In regards to that portion of the proposed amendment excluding antennas from the building height calculation, staff concurs because the ordinance definition of building height does not include antennas; but the antennas should still remain subject to the existing regulations for antenna height found in *Section 21A.040.090 Antenna Regulations* based on the type of antenna. For consistency with the current ordinance, if the Planning Commission is inclined to approve the proposed amendment, Planning staff recommends the reference to antennas be removed so it's clear that any antennas in the M-1 zone are still subject to the *Section 21A.040.090*.

Options

The Planning Commission can:

- deny the proposed text amendment.
- recommend the text amendment be approved as proposed.
- recommend modifications to the proposed text such as requiring Planning Commission review for the extra height; less height; a limited area (such as the Salt Lake International Center, considering SLICCAMA's support for the extra height); or certain types of uses; etc. Substantial changes may require the application to be re-noticed.

Standards for General Amendments

A decision to amend the text of the Zoning Ordinance 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:

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;

Analysis: The Salt Lake City Urban Design Element outlines a policy and associated strategies to strengthen the city's urban form. It calls for zoning regulations to reflect the downtown area as the prominent focus for building heights, thereby retaining its relationship with the surrounding community. The proposed amendments encourage taller buildings, up to ninety feet (90'), in the M-1 zones, and could detract from the strong development concentration characteristic of the city. Ninety feet (90') is at the taller end of the building height scale allowed within the city.

Finding: The proposed text change is not consistent with adopted policy documents.

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

Analysis: Chapter *21A.02.030* of the Zoning Ordinance states:

“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. This title is, in addition, intended to:

- a. Lessen congestion in the streets or roads;
- b. Secure safety from fire and other dangers;
- c. Provide adequate light and air;
- d. Classify land uses and distribute land development and utilization;
- e. Protect the tax base;
- f. Secure economy in governmental expenditures;
- g. Foster the city's industrial, business and residential development; and
- h. Protect the environment. (Ord. 26-95 § 2(1-3), 1995)”

The proposed changes to the ordinance could be considered conflicting with the intent of the adopted plans of the city since it would appear to allow taller buildings in all M-1 zones and therefore detract from the Central Business District’s prominence. The Zoning Ordinance exists to implement the adopted plans of the city. However, the proposed amendments could further the intent item “g” above, of fostering industrial and business development throughout the M-1 zoning districts of City. Specifically the increased height with increased setback allows for some flexibility in site and building design on larger sites. The increased setback works to maintain adequate light and air space (intent item “c” above) while reducing the visual effect of sheer walls near public ways. This urban design technique could encourage more thoughtful industrial design when extra height is requested.

Finding: Staff finds that, in general, the proposed changes to the Zoning Ordinance are not consistent with the overall purpose of the Zoning Ordinance to implement adopted plans, as stated in Chapter 21A.02.030. The proposed provision for extra building height could, however, serve to foster industrial and business uses in the M-1 zones.

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

Analysis: The proposed text amendments are for M-1 zones city-wide and as such will affect properties within the Airport Flight Path Protection Overlay District (AFPP) that are zoned M-1. The current allowed height of sixty-five (65”) feet already conflicts with small areas of the AFPP and the increased height of 90 feet will potentially cause a greater land area of conflict. Although the increased height could create height conflict for properties that were further from the airport, and thus the 65’ height was not a problem, the Zoning Ordinance, by virtue of the AFPP, already has review measures in place for projects that might conflict with airport operations. Per the AFPP the SLC Airport and the FAA must review and approve projects within the overlay district.

Finding: The proposed text amendment is consistent with additional standards imposed by applicable overlay zoning districts and meets this standard.

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

Analysis: The proposed text amendments are not uncommon in current urban design practices. Allowing increased building height with increase building setback is utilized in a few of the City’s existing zones, and; often times building height is allowed to increase as the building floors are stepped back above certain heights. These methods attempt to reduce the sheer wall effect of tall buildings located close to the public way that can reduce sunlight filtration to the streets and sidewalks below.

Finding: The proposed text amendment implements the common practices in urban planning and design.

Attachment A
Department Comments

From: [McCandless, Allen](#)
To: [Stewart, Casey](#)
Cc: [Riley, Maureen](#); [Fredrickson, Brady](#)
Subject: RE: Text Amendment - Building Height in M-1 district
Date: Thursday, August 12, 2010 4:55:42 PM
Attachments: [image001.png](#)
[M1 65 vs 90 analysis.pdf](#)

Casey,

I am commenting on Petition #PLNPCM2010-00476: M-1 district building height – zoning text amendment that proposes increasing the maximum building height from 65 to 90 feet.

An increase to the maximum building height allowed from 65 feet to 90 feet in the M-1 zoning district could potentially create negative impacts to airport operations. Allowing taller buildings to 90 feet height at the ends of the runways would require additional land and building setbacks for future development to meet existing FAA approach protection requirements. The most critical areas of concern are the M-1 zoned areas directly south of the runways.

Attached is a drawing that may help describe the potential impacts to the airport. The hatched red areas represent the additional setback area required to construct structures to 90 feet. If implemented, the area required to construct 90 foot buildings would require over 250 additional acres as shown on the attachment. The trapezoid figures shown at the south end of the runways represent the FAA's One Engine Inoperative (OEI) surface. These are the most restrictive surfaces that require protection from any penetrations of buildings, structures, vegetation, or any other object.

Please call me if you have questions or would like clarification to the attached drawing.

--Allen McCandless, Director Planning & Capital Programming.

From: Stewart, Casey
Sent: Thursday, July 29, 2010 12:55 PM
To: Butcher, Larry; Young, Kevin; Drummond, Randy; Brede, Richard; Garcia, Peggy; Itchon, Edward; Bennett, Vicki; McCandless, Allen; Spencer, John; Nielson, Paul
Subject: Text Amendment - Building Height in M-1 district

SUBJECT: #PLNPCM2010-00476: M-1 district building height – zoning text amendment

FROM: Casey Stewart, Senior Planner (Planning Division)

The Planning Division has received a zoning text amendment application from Dominion Engineering to increase the allowed building height in all M-1 zoning districts. Please review the proposed text below and provide comments based on your purview. **Comments are requested on or before August 13, 2010 (Friday).**

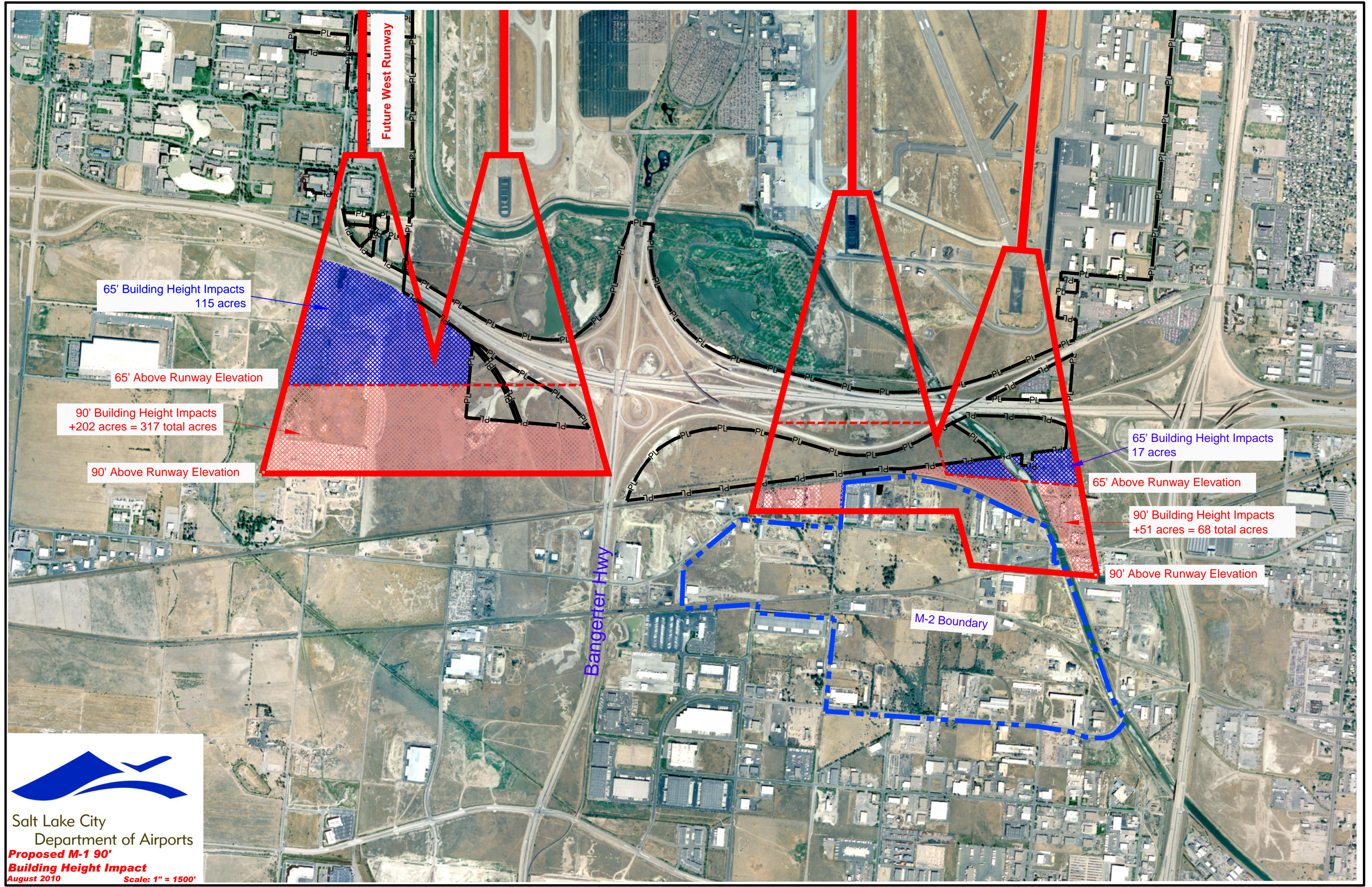
Desired Zoning Text Change for Buildings in an M-1 Zone

"Buildings may exceed sixty five feet (65') feet in height provided the building setback is increased a minimum of one foot (1') for every additional foot of building height above sixty five feet (65'). In no case shall any building exceed ninety feet (90'). Antennas are excluded in the determination of building height."

If you have any questions, please reply to this message or call me. (535-6260).

Thank you.

Casey Stewart
Principal Planner, SLC Planning Division
(801) 535.6260
casey.stewart@slcgov.com
P.O. Box 145480
Salt Lake City, UT 84114-5480



Attachment B
Public Comment

BONNEVILLE REALTY MANAGEMENT

Mailing Address • P.O. Box 71590 • Salt Lake City, Utah 84171
General Office • 75 East Ft. Union Blvd, Suite C-132 • Midvale, Utah 84047
Office (801) 947-1050 • Fax (801) 947-1005

August 18, 2010

City of Salt Lake
P.O. Box 145476
451 S. State Street, Room 304
Salt Lake City, UT 84114-5476

Attention: Mayor and City Council

Re: Petition #PLNPCM2010-00476
Text change for Height Limitation on M-1 Zones

To Whom It May Concern:

Bonneville Realty Management represents *SLICCAMA, or the Salt Lake International Center Common Area Management Association*. SLICCAMA has no objection to the above requested change in zoning, for a building height increase, in any M-1 district within the International Center.

Sincerely,

BONNEVILLE REALTY MANAGEMENT
as agent for SLICCAMA



Mr. Kim A. Hibbert, CPM
Property Manager
801.947.1050
khibbert@bonnevillerealty.com

July 30, 2010

City of Salt Lake
P.O. Box 145476
451 S. State Street, Room 304
Salt Lake City, UT 84114-5476

Attention: Mayor and City Council

Re: Petition #PLNPCM2010-00476
Text change for Height Limitation on M-1 Zones

To Whom It May Concern:

I am a manager of the entity that owns the property located at 5425 West Amelia Earhart Drive Salt Lake City, Utah 84116 (APN#: 07-36-302-010). We purchased this property specifically to facilitate the proposed FBI campus. We feel the FBI campus is a benefit to Salt Lake City for a numerous reasons. The Federal Government was looking for a site to put the FBI for a number of years. We were concerned the Federal Government would begin to look elsewhere if something didn't get secured soon. To help facilitate the FBI campus we purchased the property and entered into an option with the General Service Administration of the Federal Government.

One of the teams that is competing for this award has submitted the above subject petition to enable a better design for the FBI. As the landowner, Dakota Investment Group, we support this application and encourage you to approve it on our behalf. Anything you can do to expedite the hearing process on this application will be greatly appreciated.

Sincerely,



Eli Mills
Manager
Dakota Investment Group, LLC

Xc: Carlton Christiansen, City Councilman
Cindy Gust-Jenson, SLC – Director of City Council Office
Brian Fullmer & Cindy Lou Trishman – City Council Office
Frank Gray – Director of Community & Economic Development
Nole Walkingshaw, Nick Norris & Casey Stewart – Planning Department
Jeff Snelling – Dominion Engineering