

# Planning Commission Staff Report

## PUBLIC SAFETY BUILDING ZONING AMENDMENT

PLNPCM2009-01424

Hearing date: February 23, 2011



Planning Division  
Department of Community  
& Economic Development

### Applicant

SLC Corporation (Mayor Ralph Becker)

### Staff

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

### Current zone

N/A

### Current master plan designation

Civic-Mixed Use

### Council District

District 4 – Luke Garrott

### Community Council

Central City  
Chair: Thomas Mutter

### Affected Ordinance Sections

- 21A.50.050 Standards for General Amendments
- 21A.32.140 Table of Permitted and Conditional Uses for Special Purpose Districts (PL and PL-2)

### Notification

- Notice mailed Feb 11, 2011
- Published in newspaper Feb 11, 2011
- Posted to Planning Dept and Utah State Public Meeting websites Feb 11, 2011.

### Attachments

- A. Map of Proposed Zoning
- B. Public Comments

### **Request**

Mayor Ralph Becker has initiated a request to amend the Salt Lake City Zoning Map and Ordinance for properties associated with the Public Safety Building project. Zoning of the properties would be changed *from* TC-75, R-MU, and RO *to* **TC-75 and PL-2**, in conjunction with an amendment to the text of the PL and PL-2 districts to allow for a communication tower to exceed building height only when it is government owned and operated for public safety purposes.

### **Recommendation**

#### **PLNPCM2009-01424 – Public Safety Building Zoning Amendments**

Based on the findings in the staff report, Planning Staff finds the proposed amendments adequately meet the standards for general zoning text and map amendments and therefore recommends the Planning Commission transmits a positive recommendation to the City Council to adopt the amendments as proposed.

## Vicinity Map



## Project Description

### Zoning Map Amendment

The request is to amend the Zoning Map and Zoning Ordinance in preparation for the City Administration's Public Safety Building project. Last year, 2010, the Central Community Master Plan was amended to designate the block east of the City Library as *Civic/Mixed Use*. This zoning amendment request is a follow-up to that process and the next step in the project. The subject properties, acquired by the City, are currently zoned:

*Transit Corridor (TC-75)*  
*Residential-Mixed Use (R-MU)*  
*Residential Office (RO)*

The proposal is to change the zoning of the properties involved in the project to:

*Transit Corridor (TC-75)*  
*Public Lands (PL-2)*

The proposed PL-2 zoning district allows for government offices along with other community type uses such as theater, retail, schools, amphitheater, offices, and art galleries. The City Library block is also zoned PL-2, thereby allowing similar uses and continuity between the blocks.

## **Zoning Text Amendment**

The second part of this amendment relates to the communication tower needed to service the proposed building. The designed tower would consist of a single monopole structure, mounted on the ground, and be between 120 feet and 140 feet tall. Currently, the PL districts (PL and PL-2) do not allow communication towers that exceed allowed building height, which is 75 feet. This part of the amendment includes a request to modify the PL districts to allow for a communication tower to exceed building height only when it is government owned and operated for public safety purposes.

### *Proposal:*

Modify *Table 21A.32.140 Table of Permitted Uses For Special Purpose Districts* to include “communication towers, exceeding the maximum building height” as a permitted use (P) for the Public Lands zoning districts (PL, PL-2) with the qualifying provision of:

*“Maximum of one per property and only when it is government owned and operated for public safety purposes.”*

## **Public Participation**

The proposed amendments were presented to the Central City Community Council on February 2, 2011. Comments from attendees of the meeting addressed diminishing residential development around these civic blocks, the communication tower height, and building design. The comments are included in as *Attachment B*.

Staff sought comments from numerous City departments. No departments had any objections and one department raised a concern related to building encroachment into front and side yard setbacks. The actual site and building design will be reviewed through the *planned development* process by the Planning Commission at a future date.

## **Analysis**

The purpose of the PL-2 district is “to specifically delineate areas of public use and to control the potential redevelopment of public uses, land and facilities in an urban context.” The subject property is an urban site on the edge of the downtown area. This zoning district allows for the types of uses – government offices, public plaza, and community events - and development anticipated to occur with the Public Safety Building project. The City Library block is also zoned PL-2, allowing for better coordination of uses, site design, and property use among the informal civic campus consisting of the City Administration building, the City Library, and the future Public Safety Building.

The portion of the amendment related to communication towers, while opening the door for communication towers in the PL zones, is worded to mitigate the number of towers by establishing strict and specific qualifying provisions for such towers. Furthermore, the PL zones are categorized as “special purpose districts” and are not found in large numbers throughout the city. Their purpose is limited in scope and therefore worries about the proliferation of communication towers in these districts would be unfounded.

Retaining the TC-75 zone along 400 South will continue the City’s intent for transit oriented development for the 400 South corridor. The planning division is currently working on a project to shift the zoning in this corridor to a form-based zoning similar to what was recently implemented for the North Temple Boulevard corridor.

## Options

The Planning Commission can:

- deny the proposed amendment, which would keep the current zoning districts, thereby not allowing government offices.
- recommend the amendments be approved as proposed, which would allow for the Public Safety Building project to proceed and facilitate the redevelopment of the site for public uses and facilities in accordance with the Central Community Master Plan, and purpose of the PL-2 district.
- recommend modifications to the proposed amendments.

## **Standards for General Amendments 21A.50.050**

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.

### **Zoning Map, 21A.50.050.B**

In making a decision to amend the zoning map, the City Council should consider the following:

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

**Analysis:** The Public Safety Building site is within the Central Community Master Plan area. The master plan objectives and policies related to this site are re-iterated below and demonstrate that the proposed map amendment is consistent with those objectives and policies.

{Page 9, Future Residential land use changes }

*The 450 South Corridor can be supported and enhanced in the area immediately to the east of the City and County Building with mixed land uses such as Salt Lake City government administration, courts, public safety administration, ground level interactive uses (small retail, offices, public gatherings), cultural facilities, medium to high density residential, as well as open space enhancements.*

{Page 12, Government Land Use }

*“Concentration of local government administration and office facilities, particularly Salt Lake City administration, courts, public safety and cultural facilities near the City and County Building will help create efficiencies in services which are often interrelated, and help improve access to services for local residents and businesses. Applying sound urban design principles and appropriate architectural character to these uses will also provide a positive transition from the Central Business District to the Central City Neighborhood.”*

{Page 13, Policies for Institutional Land Use }

*INSLU-4.4 Concentrate the development of Salt Lake City administration, courts and cultural facilities near the City and County Building to encourage efficient services, improve access for businesses and residents, facilitate improved work and communication among interrelated departments and divisions, provide opportunities for public gatherings and interaction, and support and enhance the development of a pedestrian corridor along 450 South established by the axis between the Matheson Courthouse, the City and County Building, the Library Square block, and possibly further east toward 400 East.*

**Finding:** The proposed zoning map change is consistent with adopted policy documents.

**2. Whether a proposed map 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 map amendment is considered consistent with the intent of the Zoning Ordinance by encouraging and promoting the intent of items “b, d, f, and g” above. The PL-2 zone would facilitate the Public Safety Building project and promote the efficient and functional development of the site as a public space; as the central command for police, fire, and emergency operations; allowing for efficient use of government and taxpayer expenditures; and, foster the city’s residential development in the surrounding neighborhoods by revitalizing this site with enhanced public space and architecture.

**Finding:** Staff finds that the proposed map amendment is consistent with the overall purpose of the Zoning Ordinance to implement adopted plans, as stated in Chapter 21A.02.030.

**3. The extent to which a proposed map amendment will affect adjacent properties.**

**Analysis:** The proposed map amendment primarily relates to converting the southwest portion of the block to Public Lands zoning district. This change would allow for a more public-focused and limited set of uses on the subject properties. It is anticipated that the uses allowed in the PL-2 district, identical to those on the Library block, will revitalize the immediate area with increased public participation and pedestrian access. This will provide more efficient public service and encourage adjacent development.

**Finding:** The proposed map amendment will have a positive effect on adjacent properties.

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

**Analysis:** The Public Safety Building site and adjacent properties are not subject to any overlay zoning districts, and thus not contrary to any overlay district provisions.

**Finding:** The proposed map amendment does not conflict with any overlay districts

- 5. The adequacy of public facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreational facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and wastewater and refuse collection.**

**Analysis:** During the Public Safety Building site selection process and after, during the site design, the site has been analyzed and researched by all necessary services and city departments. The site was found to have adequate facilities and services for the anticipated project.

**Finding:** The proposed map amendment applies to a property that has adequate public facilities and services.

### **Zoning Text, 21A.50.050.A**

In making its decision concerning a proposed text amendment, the City Council should consider the following:

- 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 Public Safety Building site is within the Central Community Master Plan area. The master plan outlines design policies for protecting the East Downtown View corridor, which this site is in. The policies are stated below:

{Page 19, Urban Design policies }

*“Protect view corridors, vistas, and focal points. Refer to the urban design map on page 87.”*

The proposed text amendment related to communication towers would allow them in the PL zones, which currently do not allow communication towers to exceed building height. This conflicts in part with the policy to protect the view corridor; however, with the strict qualifying provisions proposed, this would be the only communications tower that would exceed allowed building height on a PL property. The actual Public Safety Building has been designed to be lower in height and arranged to retain the established view corridor. In this case, the planning commission (and city council) must weigh the benefits of the project and potential impact on the view corridor of this single tower, with the policies of the master plan.

**Finding:** The proposed text change conflicts with the urban design policies of the Central Community Master Plan, but in contrast, would support the other City policies as noted previously in the zoning map amendment analysis.

- 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 text amendment to the ordinance is considered consistent with the intent of the local the Zoning Ordinance. The proposed amendment would further the intent of items “b and f” above by improving safety from fire and other dangers with improved and more reliable communications among public safety providers. It would also provide efficiency in public safety communications, thereby reducing costs and other expenditures associated with that function.

**Finding:** Staff finds that the proposed text amendment is consistent with the overall purpose of the Zoning Ordinance as stated in Chapter 21A.02.030.

**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 Public Safety Building site and adjacent properties are not subject to any overlay zoning districts, and thus not contrary to any overlay district provisions.

**Finding:** The proposed text amendment does not conflict with any overlay districts.

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

**Analysis:** The text portion of the amendment related to communication towers, while opening the door for communication towers in the PL zones, is worded to mitigate the number of towers by establishing strict and specific qualifying provisions for such towers. With this approach, the wording attempts to achieve best current practices of urban planning by limiting adverse impacts. Furthermore, the PL zones are categorized as “special purpose districts” and are not found in large numbers throughout the city, or the East Downtown View area. Their purpose is limited in scope and therefore worries about the proliferation of communication towers in the view area would be unfounded.

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

***Attachment A***  
Map of Proposed Zoning





TC-75  
**TC-75**

RMU  
**PL-2**

RO

**Scale: 660 feet**

***Attachment B***  
Public Comment

## CENTRAL CITY NEIGHBORHOOD COUNCIL

**DATE:** February 05, 2011

**TO:** Casey Stewart-SLC Planning Department

**FROM:** Central City Neighborhood Council

**REGARDING:** Zoning map amendment for PSB block

Central City Neighborhood Council (CCNC) heard this request at our February 2<sup>nd</sup> meeting. There were approx 20 people in attendance. There was not a yes or no vote taken and there was no overall support for or against the proposed zoning amendment. Comments were made on several aspects of the rezone and several more made on the proposed PSB design. It was understood that comment was to be on the proposed zoning map amendment but it was obvious that the design was pushing the Zoning Map Amendment so I have included the comments on the bldg design. Comments are below.

- 1.) Regarding the push for a new transit station classification along 400 S.: It is nice to see the Planning Dept acknowledge the short comings of the TC zoning along 400 S.
- 2.) There were enough comments on the applicability of the RO zone that it became a discussion item: The RO zone does not seem to be effective. A change to RMU may work better.
- 3.) Concern that housing opportunities in and around the Civic Campus are diminishing. A housing component is less of a priority in new developments along the civic campus.
- 4.) The tower proposed for the east side of the PSB was a big concern. More comments on the tower are to follow but one concern to repeat here has to do with the Administrations move to handle communication tower and cabinet requests through Administrative Hearings and not be presented to Community Councils. CCNC felt the move to handle these administratively was in reaction to the large number of requests for these potentially unsightly objects. *This being the case then the City will not allow anything unsightly and will look out for the best interests of the residents in the area.*
- 5.) A resident brought up the fact that a tower on this block, at either of the proposed heights, would have the potential of blocking view corridors set forth in the master plan and asked if the staff looked into this.
- 6.) Will this proposed tower become the precedent for some other project that suddenly needs to communicate with whatever towers this project is needing to communicate with?

- 7.) A hope that two way traffic would be possible through the mid block crossing.
- 8.) What is the size of the tower (diameter)? Is this a typical power pole size or 10 to 12 feet?

**Comments directed more towards the PSB bldg**

- 9.) The move towards the PL-2 is to accommodate the design of the bldg. We have a design team made up of professionals who competed for this project and now they cannot keep it in the envelope?
- 10.) An earlier comment at a workshop suggesting the bldg set as close to the street as possible since it is an urban environment. The design team was looking to push the bldg away from the street to protect from vehicle bombs. Is that not an issue any longer?
- 11.) A frustration that this new bldg cannot respect the existing setbacks.
- 12.) This bldg is in the city center, part of the civic campus and next to trax. If the amendment goes through perhaps a more aesthetic approach could be taken along the south and west keeping in mind the pedestrian nature of the site, for example, exterior decorative wall panels of old library along 500 S.
- 13.) This may have been the first time for many to see the monstrous shading device/solar panel array dwarfing the new bldg, soaring two or more stories. Will it even provide shading when needed? Why is it so big? Is this the real design?
- 14.) Tower should have been integrated into the design. A main element of the EOC is not something that is an afterthought.

Thank you for your time and the opportunity to have this presented to our Council.

Tom Mutter  
CCNC Chairperson

Nick Rupp  
CCNC Vice Chairperson