

PLANNING COMMISSION STAFF REPORT

Amend D-1 Restrictions on Parking Lot & Structures PLNPCM2012-00264

Meeting Date: July 11, 2012



Planning and Zoning
Division
Department of Community
and Economic Development

Applicant: City Council
Member, Stan Penfold

Staff:
Michaela Oktay, AICP
Principal Planner
(801) 535-6003
Michaela.oktay@slcgov.com

Master Plan Designation:
City-wide

Council District: City-wide

Applicable Land Use

Regulations:

- 21A.30- Downtown Districts
- 21A.44- Off Street Parking
- 21A.50- Standards for
General Amendments

Notification:

- Emailed to Planning Division
List serve including
Community Council Chairs
June 29, 2012
- Published in newspaper June
26, 2012
- Posted on City & State
Websites June 29, 2012

Attachments:

- A. Draft Ordinance
- B. Application

Request

City Council member, Stan Penfold is requesting a Zoning Text Amendment to modify sections of the Zoning Ordinance in order to remove regulations which may encourage demolition of buildings for surface parking lots in the D-1 Central Business District.

As a legislative request, the recommendation of the Planning Commission will be forwarded to the City Council which has final decision making authority on Zoning Ordinance text amendments.

Recommendation

Based on the findings listed in the staff report, it is the Planning Staff's opinion that the proposed text amendments generally meet the applicable standards and therefore, recommends the Planning Commission transmit a favorable recommendation to the City Council relating to this request.

Potential Motions

Consistent with Staff Recommendation: Based on the findings listed in the staff report, testimony and proposed text amendment presented, I move that the Planning Commission transmit a favorable recommendation to the City Council relating to this request to amend various sections of the zoning ordinance relating to D-1 restrictions on parking lots and structures.

Not Consistent with Staff Recommendation: Based on the testimony, proposed text amendments as presented and the following findings, I move that the Planning Commission transmit a negative recommendation to the City Council relating to this request to amend various sections of the zoning ordinance relating to D-1 restrictions on parking lots and structures.

The Planning Commission shall make findings on the Zoning Text Amendment standards as listed below:

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;
2. Whether a proposed text amendment furthers the specific purpose

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| | <p>statements of the zoning ordinance;</p> <ol style="list-style-type: none"> 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 4. The extent to which a proposed text amendment implements best current, professional practices of urban planning and design. |
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Background

Project Description

City Council Member Stan Penfold has proposed an ordinance change where it was found that regulations in the City’s zoning ordinance encourage actions that are in conflict with the intent of the zoning district and with policies of adopted general plans. It was discovered that regulations relating to the D-1 Central Business District “Restrictions on parking lots and structures” regulations may encourage demolition of buildings for surface parking lots. Other minor changes are being proposed to clarify the language used in the ordinance.

Proposed Code Changes & Analysis

The proposed amendments relate to two items listed below. Please see Attachment A for the proposed specific ordinance language relating to these two items.

1. 21A.30.020 (D) 3 – Central Business District Restrictions on Parking Lots and Structures

This section is amended to prohibit principal use surface parking lots or structures on “block corners” and Main Street, parking shall be located only behind a building on a block corner property. Block corners should have a high level of development intensity and be a focus of business activity. The 75 foot rule was deleted because it was arbitrary and the amended language is clearer. It clarifies intent that any parking lots or structures in this defined area are appropriate only when located behind a principal building.

The section is amended to address “midblock areas,” by clarifying that parking should be located behind a principal building and adding the 75 foot setback location restriction for parking lots or structures. The 75 foot restriction would allow parking development on a vacant lot but leave a building area for a future building to be located at the front property line. Parking structures located midblock are allowed up to the front and corner property line, but design standards which require retail/office space is required to be incorporated into the development.

This section is amended to strike current regulations that allow the demolition of downtown buildings for principal use surface parking lots as a conditional use. The proposed ordinance if adopted would prevent future building demolitions for principal use parking lots. This is neither City policy nor the intent of the zoning ordinance to encourage demolition of buildings in the D-1 Central Business District to erect principal use surface parking lots.

2. 21A.44.050 (C)– Table: Parking Restrictions within yards

Deletes repeated regulations for D-1 parking and redirects user to the D-1 section of the ordinance. There is no need to repeat regulations in various chapters, it is inefficient and increases the risk of text amendment errors.

Public Participation

Open House and Commission Briefings

The Planning Division hosted a public open house on June 21, 2012. Notice of the meeting was sent to Community Council chairs, and other groups and individuals whose names are on the Planning Division's List serve. Notice was also posted on the City and State websites. The proposed ordinance was posted on the Planning Division webpage on Monday June 29, 2012. Staff has not received any comment at this time.

As of the finalization of this Staff Report, the Planning Staff will forward any comments received about this proposal to the Planning Commission members, prior to the meeting on July 11, 2012.

City Department Comments

The Planning Division has consulted with the City Attorney's Office, Building Services and Civil Enforcement Division, Transportation Division, City Council and the Community and Economic Development Department. The Planning Division has not received any specific comments from the other applicable City Departments / Divisions at the time of finalizing this staff report that weren't already incorporated into the proposed ordinance amendments.

Analysis and Findings

Options

The City Council has final decision making authority over Zoning Text Amendments.

The proposed changes help to clarify existing language and eliminate confusion that demolition of existing buildings in the Central Business District is not encouraged, and should be prohibited for purposes of installing principal use parking lots. If the proposed changes are not adopted, there may be future demolitions of buildings in the D-1 Central Business District for the purpose of constructing surface parking lots.

Buildings and the urban form of the D-1 Central Business District reinforces the pattern of a strong urban core. Surface parking lots can erode well meaning development which can lessen the city's image and functionality. This is contradictory to the D-1 zoning district's urban design objectives, general plan and the Mayor's Agenda for Livability in Salt Lake City which states "Adopt policies to discourage perpetuation of surface lots downtown."

Findings

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. 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;**

Discussion: The 1990 Design Element contains urban design policies to accompany the 1995 Downtown Master Plan. The plans note the concern for a quality urban environment and articulate the City's urban design goals and policies.

The Design Element speaks to a strong urban core and stresses the importance of the city's scale of development. It speaks to maintaining the Central Business District (CBD) as the visually dominate center of the city. As such, the demolition of CBD buildings for surface parking lots would run contrary to these goals and policies. It notes that the CBD should be designed with appropriate land use intensities, patterns and forms. Parking proliferation, specifically of surface parking, would have a negative effect and not be encouraged as appropriate in the D-1 zoning district.

It is staff's opinion that the proposed amendments to the Zoning Ordinance relating to the D-1 regulations will help clarify and change various regulations which in turn, furthers the goals of good urban design in the D-1.

Finding: The proposed amendments will help implement adopted policies of the City.

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

Discussion: The proposed changes to the Zoning Ordinance will not affect the overall purpose of the Zoning Ordinance but it furthers the intent by supporting intense and efficient development patters with strong urban design principals and pedestrian orientation.

Finding: The proposed amendments meet this standard.

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

Discussion: The proposed text amendments are not associated with any specific overlay zoning districts or development project.

Finding: These amendments do not impact the regulations relating to any overlay zoning districts.

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

Discussion: The proposed changes relate to providing clarification and removal of regulations relating to the D-1 restrictions for parking lots and structures. Whenever regulations are made clearer and the processes consistent with adopted plans and policies, it helps all users of the regulations to better understand what is meant by the regulations. The regulations relate to professional practices of urban design in downtown areas. It is consistent with nationwide best practices to remove processes that would encourage demolition in a Central Business District area to provide for surface parking lots.

Finding: The proposed text amendment meets this standard.

Attachment A
Draft Ordinance

Chapter 21A.30

DOWNTOWN DISTRICTS

21A.30.020 (D) - D-1 Central Business District

- D. 3. Restrictions On Parking Lots And Structures: An excessive influence of at or above ground parking lots and structures can negatively impact the urban design objectives of the D-1 district. To control such impacts, the following regulations shall apply to at or above ground parking facilities:
- a. Within block corner areas and on Main Street, parking lots and structures shall be located behind principal buildings, ~~or at least seventy five feet (75') from front and corner side lot lines.~~
 - b. Within the mid block areas, parking lots and structures shall only be located behind principal buildings or be at least seventy five (75') feet from front and corner side lot lines or parking structures are allowed to be located adjacent to the front or corner side lot lines only if they provide conform to the following:
 - (1) ~~adequately sized R~~retail goods/service establishments, offices and/or restaurants shall be provided space on the first ground floor adjacent to the public sidewalk to encourage pedestrian activity. ~~front or corner side lot line.~~ The facades of such first the ground floor shall be designed to be compatible and consistent with the associated retail or office portion of the building and other retail uses in the area.
 - (2) Levels of parking above the first level facing the front or corner side lot line shall have floors/facades that are horizontal, not sloped.
 - c. Accessory parking structures built prior to the principal use, and commercial parking structures, shall be permitted as conditional uses with the approval of the planning commission pursuant to the provisions of chapter 21A.54 of this title.
 - d. No special restrictions shall apply to below ground parking facilities.
 - e. Parking lots, proposed as a principal use to facilitate a building demolition, are prohibited in the D-1. ~~shall be permitted as a conditional use with the approval of the planning commission pursuant to the provisions of chapter 21A.54 of this title, where it is found that the parking lot is:~~
 - (1) ~~Associated with a proposed principal land use; or~~
 - (2) ~~Shown to be necessary for an existing adjacent land use(s). Demand shall be demonstrated through affidavits or executed lease agreements for off site parking. Said lot shall be located within five hundred feet (500') of the principal use(s) that it is proposed to serve, and shall not exceed more than fifty percent (50%) of the required parking stall count for said use(s); or~~

(3) ~~Not associated with a principal land use or a specific increase in parking demand. The applicant shall document to the planning commission's satisfaction that there is a need for more commercial parking in a given area and, if so, it must participate in the overall downtown token program.~~

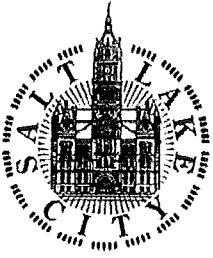
Chapter 21A.44

OFF STREET PARKING

TABLE 21A.44.050 (C) – PARKING RESTRICTIONS WITHIN YARDS

| Zoning Districts | Front Yard / Corner Side Yard | Interior Side Yard | Rear Yard |
|------------------|---|--------------------|-------------------|
| D-1 | In block corner areas and Main Street core, structure and surface parking permitted only behind a principal building; in midblock areas, surface parking permitted only behind a principal building and parking structures must have retail goods/service establishments, offices or restaurants on ground floor along the street; no restrictions on underground parking. | Parking permitted | Parking permitted |
| <u>D-1</u> | <u>Parking restrictions within yards for the D-1 zone are found in section 21A.30.020, "D-1 Central Business District," of this title.</u> | | |

Attachment B Application



Zoning Amendment

OFFICE USE ONLY
 Petition No. PLN/PCM 2012-00264
 Date Received: 3/1/2012 5/1/2012
 Reviewed By: Thomas Irvin

Amend the text of the Zoning Ordinance by amending Section:
Z1A.30.020 and any related provisions
See attachment A
 Amend the Zoning Map by reclassifying the above property from a
 zone to a zone. (attach map or legal description)

SALT LAKE CITY PLANNING

Address of Subject Property: NA

Name of Applicant: Salt Lake City Council Phone: 801 835-7600

Address of Applicant: 451 S State St, Room 304 SLC UT 84114

E-mail Address of Applicant: CouncilComments@SLCgov.com Cell/Fax: 801 535-7651

Applicant's Interest in Subject Property: Council District

Name of Property Owner: NA Phone: NA

E-mail Address of Property Owner: NA Cell/Fax: NA

County Tax ("Sidwell #"): NA Zoning: NA

Legal Description (if different than tax parcel number): NA

| | | Existing Property Use | Proposed Property Use |
|--|--|-----------------------|-----------------------|
| | | | |

- 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. - See attachment A
 2. A complete description of the proposed use of the property where appropriate.
 3. Reasons why the present zoning may not be appropriate for the area.
 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.
 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.

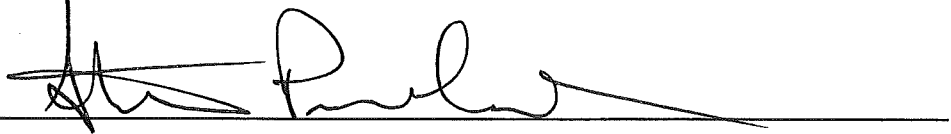
**County tax parcel ("Sidwell") maps and names
of property owners are available at:**

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 black ink, appearing to be "John Paul", is written over a solid horizontal line. The signature is cursive and extends across the line.

RECEIVED MAY 05 2012

Attachment A

This is a petition to delete section 21A.30.020.D.3.e (D-1 Central Business District) of the City's zoning ordinance.

Section 21A.30.020.D.3.e, of the City Code states:

- e. Parking lots, proposed as a principal use to facilitate a building demolition, shall be permitted as a conditional use with the approval of the planning commission pursuant to the provisions of chapter 21A.54 of this title, where it is found that the parking lot is:*
 - (1) Associated with a proposed principal land use; or*
 - (2) Shown to be necessary for an existing adjacent land use(s). Demand shall be demonstrated through affidavits or executed lease agreements for off site parking. Said lot shall be located within five hundred feet (500') of the principal use(s) that it is proposed to serve, and shall not exceed more than fifty percent (50%) of the required parking stall count for said use(s); or*
 - (3) Not associated with a principal land use or a specific increase in parking demand. The applicant shall document to the planning commission's satisfaction that there is a need for more commercial parking in a given area and, if so, it must participate in the overall downtown token program*

This provision is listed with other D-1 regulations intended to limit the construction of parking lots and parking structures to appropriate locations, typically interior to the block and behind a building with retail or other types of land uses fronting the street.

However, this provision is contrary to the intent of the D-1 regulations and could even encourage the demolition of buildings to allow for parking lots/structures to be constructed along the street right-of-way.