

PLANNING COMMISSION STAFF REPORT

**West Capitol Hill Zoning Map Amendment
Petition No. PLNPCM2011-00665
Located approximately at 548 W 300 North Street,
543 W 400 North Street, and 375 N 500 West Street
March 14, 2012**



Planning Division
Department of Community &
Economic Development

Applicant:

Mayor Ralph Becker FAICP

Staff:

Michael Maloy, AICP
801-535-7780
michael.maloy@slcgov.com

Current Zone:

M-1 Light Manufacturing District

Master Plan Designation:

Urban Center Transition Area, North Temple Boulevard Plan (adopted 2010)

Council District:

District 3, represented by Stan Penfold

Community Council:

Fairpark Community Council
Gordon Storrs, Chair

Lot Size:

- 548 W 300 North Street – 1.21± acres
- 543 W 400 North Street – 0.14± acres
- 375 N 500 West Street – 0.22± acres
- 375 N 500 West Street – 0.09± acres

Current Uses:

Vacant restaurant, and warehousing

Applicable Land Use Regulations:

- 21A.06.030 Planning Commission
- 21A.26.078 TSA Transit Station Area District
- 21A.28.020 M-1 Light Manufacturing District
- 21A.50.050 Standards for General Amendments

Attachments:

- Existing Zoning Map
- Petition Initiation Request
- Proposed Zoning Map
- Public Comment
- Department Comment

Request

Mayor Becker is requesting an amendment of the official Salt Lake City Zoning Map for property located approximately at 548 W 300 North Street, 543 W 400 North Street, and two separate parcels with address 375 N 500 West Street.

The proposal would amend the Zoning Map for the subject properties from M-1 Light Manufacturing District to TSA-UC Transit Area Station—Urban Center District. The purpose of the zoning amendment is to ensure future development will comply with the North Temple Boulevard Plan.

The Planning Commission is required to transmit a recommendation to the City Council for Zoning Map Amendment requests.

Recommendation

Based on the findings listed within 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 relating to this request.

Recommended Motion:

Based on the findings listed within the staff report and plans presented, I move that the Planning Commission transmit a favorable recommendation to the City Council relating to Petition PLNPCM2011-00665 to amend the Zoning Map from M-1 Light Manufacturing District to TSA-UC Transit Station Area—Urban Center District for properties located at:

- 548 W 300 North Street with parcel identification number 08-36-155-028
- 543 W 400 North Street with parcel identification number 08-36-155-014
- 375 N 500 West Street with parcel identification number 08-36-155-021
- 375 N 500 West Street with parcel identification number 08-36-155-020

VICINITY MAP



Background

Project Description

In 2010, the Salt Lake City Council voted to change the zoning of parcels located along 500 West Street between 300 North Street and 400 North Street from M-1 Light Manufacturing District to TSA Transit Station Area District. It had been the intent of the City to include the subject parcels in that rezoning activity. However, due to an oversight, the subject properties were not included in the updated Zoning Map (see Attachment A – Existing Zoning Map).

To address this issue, the Planning Division requested Mayor Becker initiate a petition to correct the oversight when an incompatible use was proposed on one of the subject parcels. The request to initiate the petition also included a request to place distance requirements on certain permitted uses in the TSA District, and to reduce the impacts associated with certain uses, such as live performance theaters (see Attachment B – Petition Initiation Request). After reviewing the request, the Planning Division determined that similar impacts exist in other zoning districts, and that it would be more efficient to address the issue and make changes through the Land Use Table Project (Petition PLNPCM2009-00169) which the Planning Commission was briefed on November 9, 2011.

It is proposed that the oversight be corrected and the zoning designation of the subject parcels be amended from M-1 Light Manufacturing District to TSA-UC Transit Station Area—Urban Center District (see Attachment C – Proposed Zoning Map).

Public Notice, Meetings and Comments

The following is a list of public meetings and other contact with the public and interested individuals that have occurred related to the proposed project:

- Open House was held on January 19, 2012. One attendee opposed the rezoning of property located at 548 W 300 North Street, and afterward sent an e-mail explaining the owner's position (see Attachment D – Public Comment).
- Two letters were sent to property owners, stating the City's intent to correct the mapping error and rezone the properties.
- A personal meeting with a representative for property owners of 548 W 300 North Street occurred on November 29, 2011. As referenced above, the representative expressed opposition to the proposed action.
- A representative for property owners of 543 W 400 North Street contacted staff on December 20, 2011. The representative asked questions about zoning, the amendment process, and expressed no conflict with the proposed action.

Notice of the public hearing for the proposal includes:

- Public hearing notice mailed March 1, 2012
- Public hearing notice posted on property March 1, 2012
- Public hearing notice posted on City and State websites March 1, 2012
- Public hearing notice emailed to Planning Division list-serve March 1, 2012

City Department Comments

The comments received from pertinent City Departments and Divisions are attached to this staff report (see Attachment E – Department Comment). The Planning Division has not received comments that cannot reasonably be fulfilled or that warrant denial of the petition.

Analysis and Findings

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.

B. In making a decision to amend the zoning map, the city...should consider the following factors:

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

Analysis: The subject properties are within the area described by the Capitol Hill Community Master Plan (adopted 2001) and are therefore subject to its policies and goals. The subject properties are also within the geographic area covered by the North Temple Boulevard Plan (adopted 2010).

The industrial land uses located between North Temple Street and 900 North Street, and 400 West Street and 550 West Street, developed there because of railroad access. According to the Capitol Hill Community Master Plan, as railroad properties become available for redevelopment, the land should transition to less intensive uses. The proposed zoning amendment supports this transition as it will implement development standards consistent with less intensive development envisioned by the Capitol Hill Community Master Plan. The proposed zoning amendment supports the Master Plan policy of promoting the relocation of industrial uses.

The North Temple Boulevard Plan provides a framework for land use and urban design decisions that will be required as neighborhoods adjacent to North Temple Street change from being auto orientated to a community that accommodates mass transit, pedestrians, bicyclists, and automobiles, which provides transportation options for people of all ages and abilities. Some of the goals of the North Temple Boulevard Plan are:

- Create compact, walkable, transit-oriented neighborhoods around each station;
- Improve the overall safety of the community;
- Create opportunities for affordable and accessible living options while increasing the residential densities near the stations by providing a mix of housing types;
- Provide for a diverse mix of uses and building types around the transit stations ; and
- Create long term economic stability to the station areas.

These purposes are consistent with the City's mission to promote a livable community that provides for the health, safety, and economic welfare of its citizens.

Due to the unique character of the areas around each station, the North Temple Corridor has been divided into station areas, such as area of the Viaduct Transfer Station, the closest station to the subject properties.

The Viaduct Transfer Station Area is expected to become a major regional destination. Future development will create a vibrant, active, safe and well connected urban center with a diverse mix of intense land uses. The area will contain a rich mix of transportation options that attract people from the entire region. Major destination points within the station area will be enhanced and continue to provide a diverse mix of amenities for those that live, work, shop, dine or come to the area for entertainment.

Policy 3B of the Viaduct Transfer Station Area Plan (within the North Temple Boulevard Plan) calls for the development of zoning regulations that promote a diverse mix of uses. Rezoning the subject properties implements that policy through the TSA-UC District.

Finding: The proposed Zoning Map amendment is consistent with the purposes, goals, objectives, and policies of the City as stated through the Capitol Hill Community Master Plan, and the Viaduct Transfer Station Area Plan contained within the North Temple Boulevard Plan.

2. **Whether a proposed map amendment furthers the specific purpose statements of the zoning ordinance:**

Analysis: The Capitol Hill Community Master Plan, and the North Temple Boulevard Plan, directs the future development of the subject area through goals and strategies. The goals and strategies are achieved through implementation measures such as Title 21A Zoning, which establishes applicable statutes and development standards that reflect the master plan.

The purpose of the TSA District is to provide an environment for efficient and attractive transit, and pedestrian oriented mixed use development in proximity of transit stations. The North Temple Boulevard Plan designates the subject area as Urban Center Transition Area. Zoning regulations for an Urban Center Transition Area contain the following characteristics:

- A mix of housing types, ranging from three to four story multi-family dwellings to row houses;
- Controls to reduce the impact of building height on single family zoning districts;
- A mix of land uses;
- Buildings located at or near the public sidewalk;
- Parking located to the side or behind buildings; and
- Regulations that focus on design rather than land use and are intended to create a safe, attractive and interesting pedestrian environment.

While the key characteristic of the TSA-UC District is a broad mix of uses, in contrast the M-1 District focuses on the establishment of more intense and less diverse commercial uses. The purpose of the M-1 District is to provide an environment for light industrial uses that produce no appreciable impact on adjacent properties and desire a clean attractive industrial setting. The uses in M-1 District include other types of land uses that support and provide service to manufacturing and industrial uses. These uses have the potential to create nuisances when located near residential uses, such as the noise and odors related to outdoor manufacturing uses.

The current zone for the subject properties do not conform to the Master Plan because:

- The M-1 District promotes a vehicle-intensive industrial environment that is contrary to the development pattern envisioned by applicable master plans; and
- The M-1 District is only appropriate in locations that are supported by applicable master plan policies adopted by the City.

Finding: The proposed map amendment furthers the specific purpose statements of the zoning ordinance by implementing the adopted plans of the City, in this case the Capitol Hill Community Master Plan, and the North Temple Boulevard Plan.

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

Analysis: Properties located west of the proposed map amendment will benefit from the proposal because the land uses permitted within the TSA-UC District will be more harmonious with the neighborhood than the current M-1 District and associated “light manufacturing” land uses. Whereas the parcels located along the east side of the subject properties are already within the TSA-UC District, staff does not anticipate any negative impacts on these parcels.

The TSA-UC District includes zoning standards that are intended to reduce the impact of land uses on low density zoning districts, such as the SR-1A Special Development Pattern Residential District adjacent to the subject properties.

If the M-1 District were allowed to remain, an industrial environment would exist between two areas located on either side of the subject properties. Adjacent properties—with lower intensity land uses—may be adversely affected by noise, light, odors, and traffic associated with industrial uses. Residential uses located west of the proposal, and the mixed use zoning districts located on the east, could have uses such as; large vehicle repairs, building materials distribution, large community correctional facilities, commercial laundries, and heavy equipment sales and service as neighbors.

Finding: Whereas the intensity of land uses will be markedly less under the TSA-UC District, the zoning amendment would affect the neighboring properties in a positive manner. New land uses currently allowed within the M-1 District would not be permitted under the proposed zoning amendment; as such the potential for significant impacts from uses associated with light manufacturing would potentially be eliminated. Incorporated within the TSA-UC District are design requirements that will allow potential uses within the zoning district to “blend in” with adjacent land uses. Setback, step-back, build-to-street standards, and height requirements will allow new development in the TSA-UC District to be compatible with the neighborhood.

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

Analysis: The parcels are subject to restrictions that pertain to the Groundwater Source Protection Overlay, and are within the Secondary Recharge area of the overlay. The currently permitted heavy vehicle oriented uses of the M-1 District would be classified as “restricted.” Restricted uses are those where the nature, or some element of the use, represents a “potential contamination source” as listed in the Section 21A.34.060 of the Zoning Title.

Finding: The proposed TSA-UC District is more compatible with the Groundwater Source Protection Overlay zone because it prohibits many of the same uses restricted by the zoning overlay. The proposed zoning amendment reduces the potential for zoning conflicts, and will make the zoning overlay compatible with the base zoning map.

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, storm water drainage systems, water supplies, and wastewater and refuse collection.

Analysis: Whereas the subject properties will be subject to uses that will be substantially less intensive under the new zoning designation than the current M-1 District, the existing public facilities and services will be adequate for the needs of the subject parcels. Where there are deficiencies, derived from new

commercial uses or the increase in residential density, new development will be required to upgrade utility services when it is determined that the existing services are inadequate. Certain impact fees are collected for new development that is intended to provide adequate services as the City grows. Due to the proximity to transit, it is anticipated that existing transportation infrastructure is adequate.

Finding: The impact of the rezoning on public facilities and services will be positive with the diminishing of the intensity of uses.

Alternatives

An alternative to the proposal would be to take no action. This would conflict with the Capitol Hill Community Master Plan and North Temple Boulevard Plan, which call for less intensive uses in the neighborhood and replacement of industrial uses.

Another alternative would be to allow one or more the subject parcels to retain the M-1 District. This, too, would conflict with the Master Plan vision of less intensive uses in the neighborhood.

Commission Options

The Planning Commission has four options:

1. Agree—the Commission may agree with the proposed zoning map amendment and vote to transmit a positive recommendation to the City Council.
2. Modify—the Commission may agree to a different zoning district or exclude one or more of the parcels from the proposed amendment. Any modifications to this proposal must be within the scope of the public notice.
3. Table—the Commission may vote to “table” or “continue” the petition to a future meeting and direct staff to conduct additional research or propose alternative recommendations.
4. Disagree—the Commission may disagree with the proposed zoning map amendment and vote to transmit a negative recommendation to the City Council.

Potential Motions

Not Consistent with Staff Recommendation:

Based on testimony received, plans presented, and the following findings, I move the Planning Commission transmit a negative recommendation to the City Council for Petition PLNPCM2011-00665 to amend the official Salt Lake City Zoning Map from M-1 Light Manufacturing District to TSA-UC Transit Station Area-Urban Center District for property located approximately at 548 W 300 North Street, 543 W 400 North Street, and two separate parcels with address 375 N 500 West Street.

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

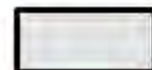
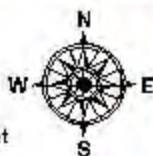
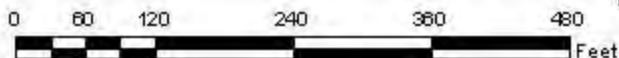
1. Whether a proposed map amendment is consistent with the purposes, goals, objectives, and policies of the City as stated through its various adopted planning documents;
2. Whether a proposed map amendment furthers the specific purpose statements of the zoning ordinance;
3. The extent to which a proposed map amendment will affect 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; and
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, storm water drainage systems, water supplies, and wastewater and refuse collection.

Attachment A
Existing Zoning Map

Existing Zoning: 500 West 300 North



Salt Lake City
Community and Economic Development Dept.
Planning Division



M-1

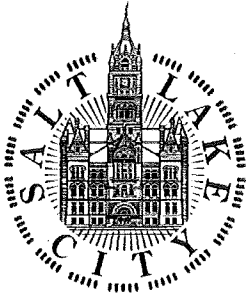


Subject
Parcels



TSA-UC

Attachment B
Petition Initiation Request



Petition Initiation Request

Planning Division
Community & Economic Development Department

To: Mayor Becker

From: Wilf Sommerkorn, Planning Director *WS*

Date: October 25, 2011

CC: Frank Gray, Community & Economic Development Director; Mary De La Mare-Schaefer, Community & Economic Development Department Deputy Director; Cheri Coffey, Assistant Planning Director; Nick Norris, Planning Manager; file

Re: Initiate petition to rezone four properties in the Guadalupe Neighborhood that were inadvertently left out of the North Temple Transit Station Area rezoning project of 2010 and amend the TSA Zoning District to address mitigation of impacts between uses that generate high traffic and noise levels and lower density residentially zoned neighborhoods.

The Planning Staff is requesting that you initiate a petition to analyze the appropriateness of rezoning four parcels of property in the Guadalupe Neighborhood from M-1 Light Industrial to an appropriate Transit Station Area zoning classification. The properties were inadvertently left out of the North Temple Transit Station Area rezoning project that was adopted in August 2010.

The specific properties include:

- | | | |
|--------------------------|-----------------|--|
| 1. 543 West 400 North | (08-36-155-014) | .14 Vacant Cordova's Restaurant |
| 2. 375 N 500 West | (08-36-155-021) | .22 Associated parcel to Warehouse - 026 |
| 3. 375 N 500 West (rear) | (08-36-155-020) | .09 Associated parcel to Warehouse |
| 4. 548 West 300 North | (08-36-155-028) | .21
<u>1.06</u> |

The proposal also includes analyzing appropriate Zoning Text Amendments to the Transit Station Area Zoning District for spacing and other mitigation conditions of land uses which generate high traffic volumes and high noise levels especially during evening, night-time and weekend hours from lower-density residentially zoned properties and neighborhoods.

RECEIVED

OCT 27 2011

SCANNED TO: *Magnum*

SCANNED BY: *Paul*

DATE: 10/27/01

The zoning amendments will be taken through the formal City adoption process including property owner notice, citizen input and public hearings with the Planning Commission and City Council.

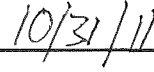
If you have any questions, please contact Cheri Coffey, x6188.

Thank you.

Concurrence to initiating the zoning text amendment petition as noted above.



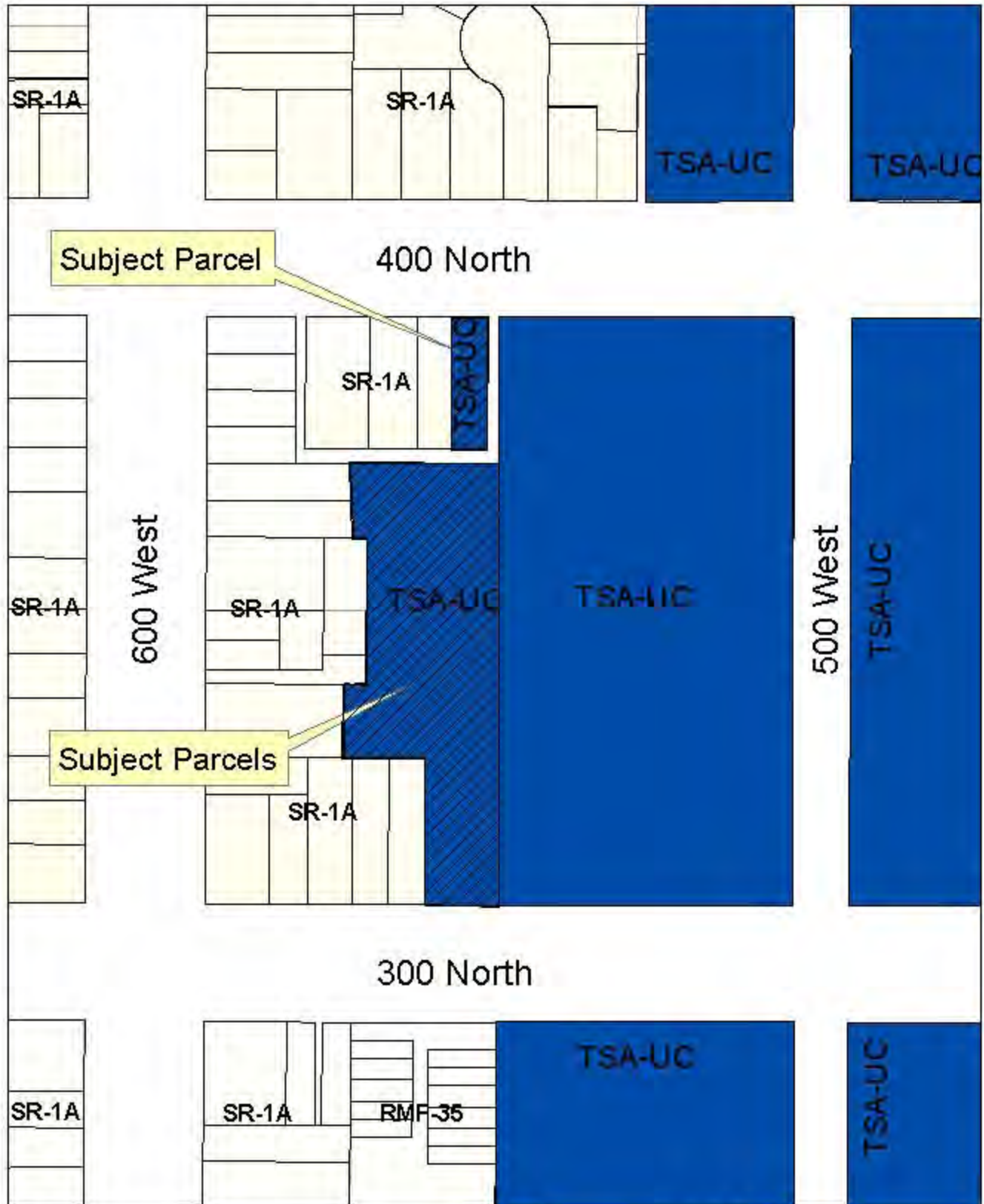
Ralph Becker, Mayor



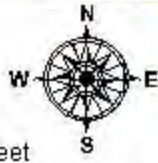
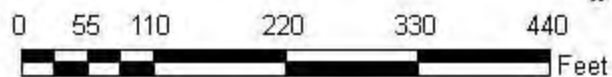
Date


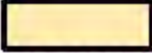
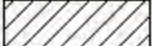
**Attachment C
Proposed Zoning Map**

Proposed Zoning: 500 West 300 North



Salt Lake City
Community and Economic Development Dept.
Planning Division



-  TSA-UC
-  SR-1
-  Subject Parcels

Attachment D
Public Comment

Norris, Nick

From: Heston Nielson [hnielson@skhart.com]
Sent: Tuesday, January 24, 2012 9:30 AM
To: Walton, Kyle
Subject: Zoning Changes

Mr. Walton:

It was a pleasure meeting you the other night at the open house regarding the proposed changes to the zoning ordinances from M-1 to TSA-UC. I know you have previously spoken with Larry Shelton in my office regarding this issue.

I wanted to reiterate our position and provide comments as you requested. As you are aware, we are opposed to the proposed zoning changes from M-1 to TSA. From reading the proposed ordinance, it would appear that the structures and uses of our property would continue to be able to be utilized in any of its current uses as non-conforming, but legal. However, this ordinance will change any subsequent development or use that must conform to the new TSA standards. We would like to be able to market and sell this property for M-1 use as that has been the historical nature of that area. New purchasers that are in the market for this type of property may shy away from purchasing our property due to the new standards. This area of town is due for substantial redevelopment and unless the landscape changes dramatically in the near future, this area will remain primarily industrial in nature for quite some time.

Our property is currently for sale and any potential purchasers of the property are in the market for light industrial and may want to erect different structures that will not conform to the new ordinance. We are deeply concerned that if/when we sell this property that the new ordinance will have a dramatic effect on its value and we would stand to lose substantial amounts of money.

For the foregoing reasons, we do not feel our property should be included in the new zoning ordinance. We look forward to continued discussion on this issue and hopefully a mutually beneficial solution. Please feel free to contact me with comments or questions. Thank you.

Heston H. Nielson, Esq.

SK Hart Management, LLC
630 E. South Temple
Salt Lake City, UT 84102
Tel: 801-321-7724 | Fax: 801-321-7730

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Attachment E

Department Comment

Walton, Kyle

From: Stoker, Justin
Sent: Thursday, February 09, 2012 11:16 AM
To: Walton, Kyle
Cc: Garcia, Peggy
Subject: FW: Departmental Review of Petition PLNPCM2011-00665
Attachments: PLNPCM2011-00665 Routing Memo.pdf

We have been in contact with the RDA and have checked on the existing utilities in that area. The water and sewer services are currently at an adequate size to be able to support the proposed rezone. Some improvements to the storm drain facilities may be needed depending on the design proposed during the permitting phase. The rezone specifically does not have any specific issues that affect the Public Utilities department. We ask that any development continue to coordinate with us to ensure the most efficient product is designed with regards to utilities.

Thanks,
Justin

Justin D. Stoker, PE, LEED® AP, CFM
Salt Lake City Public Utilities
1530 S. West Temple, SLC, UT 84115
ph. (801) 483-6786 - justin.stoker@slcgov.com



Please consider the environment before printing this e-mail

From: Garcia, Peggy
Sent: Friday, February 03, 2012 3:14 PM
To: Stoker, Justin
Subject: FW: Departmental Review of Petition PLNPCM2011-00665

Please respond to the attached request.

Thank you,

Peggy

From: Walton, Kyle
Sent: Friday, February 03, 2012 3:02 PM
To: Drummond, Randy; Itchon, Edward; Garcia, Peggy; Butcher, Larry; Scharman, Mark; Young, Kevin
Subject: Departmental Review of Petition PLNPCM2011-00665

Good afternoon,
The planning Division is requesting your review of and comment about the attached proposal to amend the Zoning Map of the City.
Your help is greatly appreciated.

Sincerely,
Kyle

Kyle C. Walton, AICP