



Staff Report

PLANNING DIVISION
COMMUNITY & ECONOMIC DEVELOPMENT

To: Salt Lake City Planning Commission
From: Michael Maloy, AICP, 801.535.7118
Date: May 28, 2014
Re: PLNPCM2014-00085 Form Based Urban Neighborhood Amendment

Zoning Text Amendment

PROPERTY ADDRESS: 970 S 200 West (approximate)

PARCEL ID: 15-12-258-028

MASTER PLAN: Central Business District Support, Central Community Master Plan

ZONING DISTRICT: FB-UN2 Form Based Urban Neighborhood District

REQUEST: The petitioner, Michael Allred in behalf of 9th Street LLC, is requesting a zoning text amendment to allow one additional story and 15 additional feet of building height for street corner parcels at the intersection of 200 West and Fayette Avenue (approximately 975 South). As per Section 21A.50.020 the Planning Commission shall hold a public hearing and recommend approval or denial of the proposed amendment, and then transmit a recommendation to the City Council. The City Council has final decision making authority for zoning amendments.

RECOMMENDATION: Based on the information in this report, Planning Staff recommends that the Planning Commission forward a positive recommendation to the City Council to approve a text amendment to Chapter 21A.27 to allow 5 stories or 65 feet of building height on the corner parcel located at the intersection of 200 West and Fayette Avenue.

ATTACHMENTS:

- A. Letter from Applicant
- B. Property Photographs
- C. Vicinity Map
- D. Site Plan
- E. Building Elevation
- F. Community Council Comments
- G. FB-UN2 District Building Heights
- H. Department Comments
- I. Motions

PROJECT DESCRIPTION:

The applicant submitted a petition to amend Chapter 21A.27, which is entitled Form Based Districts, of the Zoning Title (see Attachment A – Letter from Applicant). Specifically, the applicant proposes the following (see underlined text):

Table 21A.27.050E2
 FB-UN2 Building Form Standards

Building Regulation		Building Form				
Building height and Placement:		Cottage Development ¹	Row House	Multi-Family Residential	Mixed Use	Storefront
H	Height	2.5 stories, 30' maximum from established grade	4 stories with a maximum of 50'. 5 stories with a maximum of 65' on parcels located on the corners of West Temple at 800 or 900 South, 200 West at 700, 800 or 900 South, <u>200 West at Fayette Avenue</u> , and 300 West at 800 or 900 South. All heights measured from established grade			

Note:

1. See subsection G of this section for additional standards.

The purpose of the amendment is to facilitate development of private property located adjacent to the intersection of 200 West and Fayette Avenue (see Attachment B – Property Photographs). The applicant, 9th Street LLC, currently owns four contiguous parcels—970 S, 966 S, 964 S, and 956 S 200 West—that contain approximately 0.54 of an acre (when combined). The applicant intends to consolidate the parcels for a multi-family residential development. However, it should be noted that the applicant does not own or control 216 W Fayette Avenue, which is located immediately west of the subject property (see Attachment C – Vicinity Map). For conceptual development plans see Attachment D – Site Plan, and Attachment E – Building Elevation.

KEY ISSUES:

The key issues listed below have been identified through the analysis of the project, neighbor and community input, and department review comments.

- Issue 1. Additional building height is viewed as undesirable by two-thirds of Ball Park Community Council meeting attendees on March 6, 2014.
- Issue 2. Conceptual development plans are viewed as undesirable by two-thirds of Ball Park Community Council meeting attendees on March 6, 2014.
- Issue 3. Compliance with applicable master plan policies.
- Issue 4. Compliance with zoning district purpose statement.

Issue 1 Building Height

Public comments received by Planning Staff from Elke Phillips, Ball Park Community Council Chair, state that “this particular spot has been impacted by over-scaled buildings and we don’t need to see more of the same” (see Attachment F – Community Council Comments). Although the neighborhood does contain multi-story residential and mixed use structures, none have been developed under the recently adopted Form Based Urban Neighborhood District ordinance, which includes additional design and land use regulations that improve compatibility.

The Form Based Urban Neighborhood District (FB-UN) ordinance identifies areas for shorter buildings (up to 30 feet tall in the FB-UN1 District), and areas for taller buildings (up to 50 feet

tall in the FB-UN2 District). However, certain corners within the FB-UN2 District are allowed an additional story and 15 feet of building height (see above table).

When the Planning Commission voted on December 12, 2012, to recommend adoption of the Form Based Urban Neighborhood District ordinance, only intersections located at 300 West Street and 800 or 900 South, and West Temple at 800 or 900 South were eligible for additional building height. However, based largely on public comment (from property owners) the City Council voted to include additional corner parcels located at the intersections of 200 West and 700, 800 or 900 South. At the time, no one proposed or discussed additional building height for the corner parcel located at 200 West and Fayette Avenue. According to statements made to staff, the applicant believed that the subject property had been included in the list of qualifying intersections adopted by the City Council. Once the issue was discovered, the applicant submitted a petition to amend the Zoning text.

Regarding building height, the Urban Design Element of the Salt Lake City Master Plan, which was published in 1990, provides the following policy:

Preserve and improve the visual form of the city through an appropriate building height profile and color scheme.

The historic urban form of Salt Lake City's Commercial Core relies on taller buildings—historically approximately 14 stories—*at the corners of 10 acre blocks with lower buildings around them. Building heights should diminish away from the Core* (page 11, italics added for emphasis).

Whereas the proposed amendment permits taller buildings on the corner of a “10 acre block” within the Central 9th Neighborhood, it is consistent with the Urban Design Element of the Salt Lake City Master Plan as demonstrated in Attachment G – FB-UN2 District Building Heights.

Issue 2 Undesirable Development

During the Ball Park Community Council meeting on March 6, 2014, a resident stated that the proposed multi-family development project is not “in the best interest of the other residents and property owners.” The applicant is permitted by the FB-UN2 District to construct a 50 foot tall building that contains up to 4 stories. Whether the proposal is approved or denied will not impact potential land use, number of dwelling units, or architectural style. Only the number of floors and building height will be impacted by a decision to approve or deny the proposal. Consideration of the proposed amendment must not be influenced by concerns regarding permitted land uses or the architectural style of the conceptual development plans.

Issue 3 Plan Compliance

Although the petition is a text amendment, it has a singular effect on property located at or near 970 S 200 West. The subject property is identified as “Central Business District Support” by the Central Community Master Plan and is within the “Downtown Neighborhood Planning Area” which is described below:

Downtown Salt Lake City is the “central place” for the Wasatch Front. The planning area extends from South Temple to 900 South between 300 West and 200 East. The Downtown core is generally described as the area extending from South Temple to 400 South and West Temple to 200 East. Downtown is anchored at the north by the LDS Church temple and headquarters, the Salt Palace convention center, and the Main Street retail area, with two regional scale malls. The Downtown area contains a strong civic center with court complexes and the City and County Building, as well as the City’s theater, art and hotel districts (page 4).

The land use policy directions for this area are contained in the Downtown Master Plan adopted in 1995. Significant urban design policy for the Downtown area is identified in the City's Urban Design Element. These plans articulate the vision of Downtown with essential goals and objectives to direct the future (page 4).

Within the 1995 Downtown Master Plan, the following policies support the proposed amendment:

Public Investment Infrastructure

PI-2 Expand Housing Stock: Promote residential development downtown (page 7)

Natural Environment/Compatibility

NC-3 Encourage Mass Transit to Improve Air Quality: Encourage a densely developed Downtown readily accessible by transit (page 11).

The proposed amendment is consistent with applicable master plan policies (as stated above).

Issue 4 Zoning Compliance

As stated previously, the proposed amendment affects the FB-UN2 District, the purpose of which is provided in the following section of the Zoning Title:

21A.27.050 FB-UN1 and FB-UN2 Form Based Urban Neighborhood District

The purpose of the FB-UN form based urban neighborhood district is to create an urban neighborhood that provides the following:

1. Options for housing types;
2. Options in terms of shopping, dining, and fulfilling daily needs within walking distance or conveniently located near mass transit;
3. Transportation options;
4. Access to employment opportunities within walking distance or close to mass transit;
5. *Appropriately scaled buildings that respect the existing character of the neighborhood* (italics added for emphasis);
6. Safe, accessible, and interconnected networks for people to move around in; and
7. Increased desirability as a place to work, live, play, and invest through higher quality form and design.

Regarding the existing character of the neighborhood, the subject property is vacant and surrounded by the following land uses:

Address	Direction from Subject Property	Zoning District	Land Use	Building Height
216 W Fayette	West	FB-UN2	Residential duplex	11'-0"
966-964 S 200 West	North	FB-UN2	Commercial office	14'-0"
965 S 200 West	East	FB-UN2	Vacant	0'-0"
215 W Fayette Avenue	South	FB-UN2	Vacant, unbuildable remnant parcel abutting 900 South ramp for Interstate-15	0'-0" 31'-0" (elevation of pavement on ramp)

Although the existing land uses that surround the subject property are relatively low, there are other multi-story developments within the immediate neighborhood, one of which is similar to the proposed amendment (according to available GIS data):

Address	Direction from Subject Property	Zoning District	Land Use	Building Height
936 S 200 West	North	FB-UN2	Multi-family residential	36'-0"
932 S 200 West	North	FB-UN2	Multi-family residential	28'-0"
925 S 200 West	North	FB-UN2	Multi-family residential	61'-0"

City Code 21A.27.050.C1a also describes the FB-UN2 District as a form based sub-district that “generally includes buildings up to four (4) stories in height, with taller buildings located on street corner parcels,” which the proposed amendment is consistent with.

Based on the above analysis, Planning Staff recommends that the proposed amendment does not conflict with the purpose statement of the FB-UN2 Form Based Urban Neighborhood District.

DISCUSSION:

As per Section 21A.50.050 a decision to amend the text of the Zoning title 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 a decision concerning a proposed text amendment, the Planning Commission and City Council should consider the following:

Factor	Finding	Rationale
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;	The proposed text amendment is consistent with the purposes, goals, objectives and policies of the City.	Proposal expands housing stock, promotes residential development downtown, and encourages use of mass transit to improve air quality, which policies are described in the 1995 Downtown Master Plan.
Whether a proposed text amendment furthers the specific purpose statements of the zoning ordinance;	The proposed text amendment furthers the specific purpose statements of the zoning ordinance	Through appropriate design regulations contained within the Form Based Urban Neighborhood District regulations, the proposed amendment will facilitate development in compliance with the purpose statement for the FB-UN2 District.
Whether a proposed text amendment is consistent with the purposes and provisions of any applicable overlay zoning districts which may impose additional standards;	The proposed text amendment is consistent with the purposes and provisions of any applicable overlay zoning districts	No overlay zoning districts exist for the subject property impacted by the proposed zoning amendment.
The extent to which a proposed text amendment implements best current, professional practices of urban planning and design.	The proposed text amendment does implement best current, professional practices of urban planning and design.	The proposed amendment is consistent with the <i>Urban Design Element of the Salt Lake City Master Plan</i> and the <i>1995 Downtown Master Plan</i> .
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.	Existing public facilities and services will adequately serve development on the property affected by the proposed amendment.	Salt Lake City Public Utilities, the City Engineer, and the Transportation Division reviewed the petition and did not identify any concerns (see Attachment H – Department Comments).

NEXT STEPS:

If the Planning Commission recommends approval of the zoning amendment, the petition will be transmitted to the City Council to conduct a public hearing and vote to approve, modify, or deny the proposal. If the City Council grants approval of the petition, the applicant will be required to obtain all necessary permits for the project. If denied the applicant would not have City approval to do what is proposed, however the property may be developed under existing building and zoning regulations, which allows a maximum of 4 stories and 50 feet of building height (see Attachment I – Motions).

ATTACHMENT A: LETTER FROM APPLICANT

February 19, 2014

ZONING AMENDMENT

PROJECT DESCRIPTION – 9TH STREET VILLAGE APARTMENTS

I have owned the project site at 964 South 200 West for 25 years. In 1988, I developed a small office/warehouse building on the site. This building has served as my office and as a commercial rental property. I was pleased when the Salt Lake City planners showed a specific interest in this area with the advertising and eventual adoption of the new formed based zoning. I felt this was now the time to redevelop the site and upgrade the use to comply with the new zoning and with the transit orientation of this project area. The new 9th Street Village Apartments will reinforce the goals of city planners for this area. This project will bring energy and vibrancy to this area. This project will enhance the use of the 9th Street transit hub and beautify the area with a new pedestrian friendly streetscape and state of the art building materials.

As I became familiar with the new zoning proposal, I began working with a local architect to design a building that would comply with the FBU1 zoning requirements. My understanding was that buildings located on the corners in this zone would be permitted to be 65 feet in height, so I designed my building to meet this height requirement. This height gave me the unit density and mix that was needed and allowed me to use the first level of the building to provide parking and amenities for the tenants.

When the final draft of the FBU1 zone was adopted, the language in the ordinance allowing for the 65 foot building height LEFT OUT the corner of 200 West and Fayette Avenue. This was a huge disappointment to me and left me with a building design that would not work. When I discovered that my project corner had been left out of the final draft, it was too late to change the ordinance. In an attempt to resolve this so that my project can go forward, Michael Maloy recommended that I apply for this text change to the FBU1 zone. Michael presented this change informally to his staff and did not receive any disagreement or objection to the change. Michael also told me that the city master plan encourages taller buildings on the corners of city blocks, so he felt this request was consistent with the goals of the city master plan.

The schedule for this project requires that the funding package be completed no later than August 15th, 2014. Failing to meet this schedule will delay the project for at least another two years. For this reason, I am asking that this amendment be approved and adopted no later than July 1st, 2014.

Thank you very much for consideration of my request. I am confident that the 9th Street Village Apartments will set a new standard of quality and excellence for living in this area.

If you have any further questions, please contact be at:

801-597-6284 or e-mail me at allredconstruction@yahoo.com

Sincerely,

A handwritten signature in black ink, appearing to read "Allred", written in a cursive style.

Michael Allred, Managing Partner

9th Street Villlage Apartments

ATTACHMENT B: PROPERTY PHOTOGRAPHS



Northerly View from Intersection of Fayette Avenue and 200 West



Westerly View from Intersection of Fayette Avenue and 200 West

ATTACHMENT C: VICINITY MAP



900 SOUTH

300 WEST

200 WEST

WASHINGTON

Additional Properties ➔

956 S
966 S
964 S

216 W 970 S

← Subject Property

FAYETTE

RAMP TO I-15

CG

CG

CG

CG

BROOKLYN

ATTACHMENT D: SITE PLAN



SITE SUMMARY	
TOTAL SITE	0.62
# OF D.U.	120
UNITS/ACRE	193.5
PARKING STALLS	55 (100%)
STRUCTURED STALLS	55 (100%)

Public Alley

10 STALLS

12 STALLS

7 STALLS

7 STALLS

13 STALLS

PARKING

VAN

VAN

6 STALLS

ELEV.

STAIR

LOUNGE/
LOBBY

ENTRY

SPA

FITNESS

PLAZA

STAIR

TRASH

OFFICE

Fayette Avenue

200 West



ATTACHMENT E: BULDING ELEVATION

**ALLRED CONSTRUCTION &
PARLEYS PARTNERS
200 W. AND FAYETTE PROPERTY
SALT LAKE CITY, UT**

9th STREET VILLAGE APARTMENTS



An opportunity to bring affordable housing to 964 S. and 200 W.



PARLEYS PARTNERS

ATTACHMENT F: COMMUNITY COUNCIL COMMENTS

**Planned Development
Community Council / Citizen Group Input**

TO: Elke Phillips, Chair of Ball Park Community Council

FROM: Michael Maloy, AICP, Planning Division Staff

DATE: March 4, 2014

RE: Petition PLNPCM2014-00085 for Zoning Text Amendment in the FB-UN2 Form Based Urban Neighborhood District

Michael Allred, 9th Street LLC, is requesting the Salt Lake City Council amend the zoning text of City Code 21A.27.050 for the FB-UN2 Form Based Urban Neighborhood District (codification pending). The purpose of the amendment is to allow additional building height on corner parcels located at 200 West and Fayette Avenue, similar to other corners within the FB-UN2 District. As part of this process, the applicant is required to solicit comments from the Ball Park Community Council. The purpose of the Community Council review is to inform the community of the project and solicit comments / concerns they have with the project. The Community Council may also take a vote to determine whether there is support for the project, but this is not required. (Please note that a vote in favor or against is not as important to the Planning Commission as relevant issues that are raised by the community council.) I have enclosed information submitted by the applicant relating to the project to facilitate your review. The applicant will present this information at the meeting. Planning Staff may attend to clarify regulations, policies, and processes.

If the Community Council chooses to have a project presented to them, the applicant will only be required to meet with the Community Council once before the Planning Staff will begin processing the application. Where a project is located within the boundaries of more than one Community Council or where the project is within six hundred feet of the boundaries of other Community Councils, the Planning Division will hold an Open House. Community Council Chairs will be notified of the meeting and asked to notify the members about the meeting. The Community Council should submit its comments to me, as soon as possible, after the Community Council meeting to ensure there is time to incorporate the comments into the staff report to the Planning Commission. Comments submitted too late to be incorporated into the staff report, can be submitted directly to the Planning Commission, via the Planning Division, for their review prior to the Planning Commission Public Hearing. I will also attend the meeting to answer any questions and listen to the comments made by the Community Council members.

Following are City adopted criteria that the Planning Commission will use to make their decision. The City's technical staff will review the project to ensure it complies with adopted policies and regulations. Input from the Community Council / citizen groups can be more general in nature and focus on issues of impacts to abutting properties and compatibility with the neighborhood. Staff is not looking for you to make comments on each of the below listed criteria, but general comments should pertain to the criteria 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 statements of the zoning ordinance;
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.

Please submit your written comments to the Planning Division by mail at Salt Lake City Planning Division, PO Box 145480, Salt Lake City, UT 84111-5480; by FAX at (801) 535-6174 or via e-mail to me at michael.maloy@slcgov.com.

If you have any questions, please call me at (801) 535-7118 or via e-mail.

COMMUNITY COUNCIL COMMENTS:

The above referenced applicant, met with the Ball Park Community Council on March 6, 2014. Approximately _____ people attended the meeting. Those in attendance made the following comments relating to the project.

There were many questions on this proposal. The question of parking was not considered answered well by the attendees. Also the height was not received well.

This is comment form Jesse Hulse that was asked to be read, as he could not attend.

“There may be specifics that we don't know about this project, but generally speaking Jason and I don't think this is in the best interest of the other residents and property owners - this particular spot has already been negatively impacted by over-scaled buildings and we don't need more of the same.

Also, once one person gets an allowance, it sets a bad precedent and makes it that much easier for the next person to try to change the rules.

Thanks again,

Jesse J Hulse NCARB “

Principal, Atlas Architects Inc

Another issue the attendees had issues with was the high density of his apartment building.

All in all, about 2/3 of the attendees votes against granting Mr. Allred a zoning change.

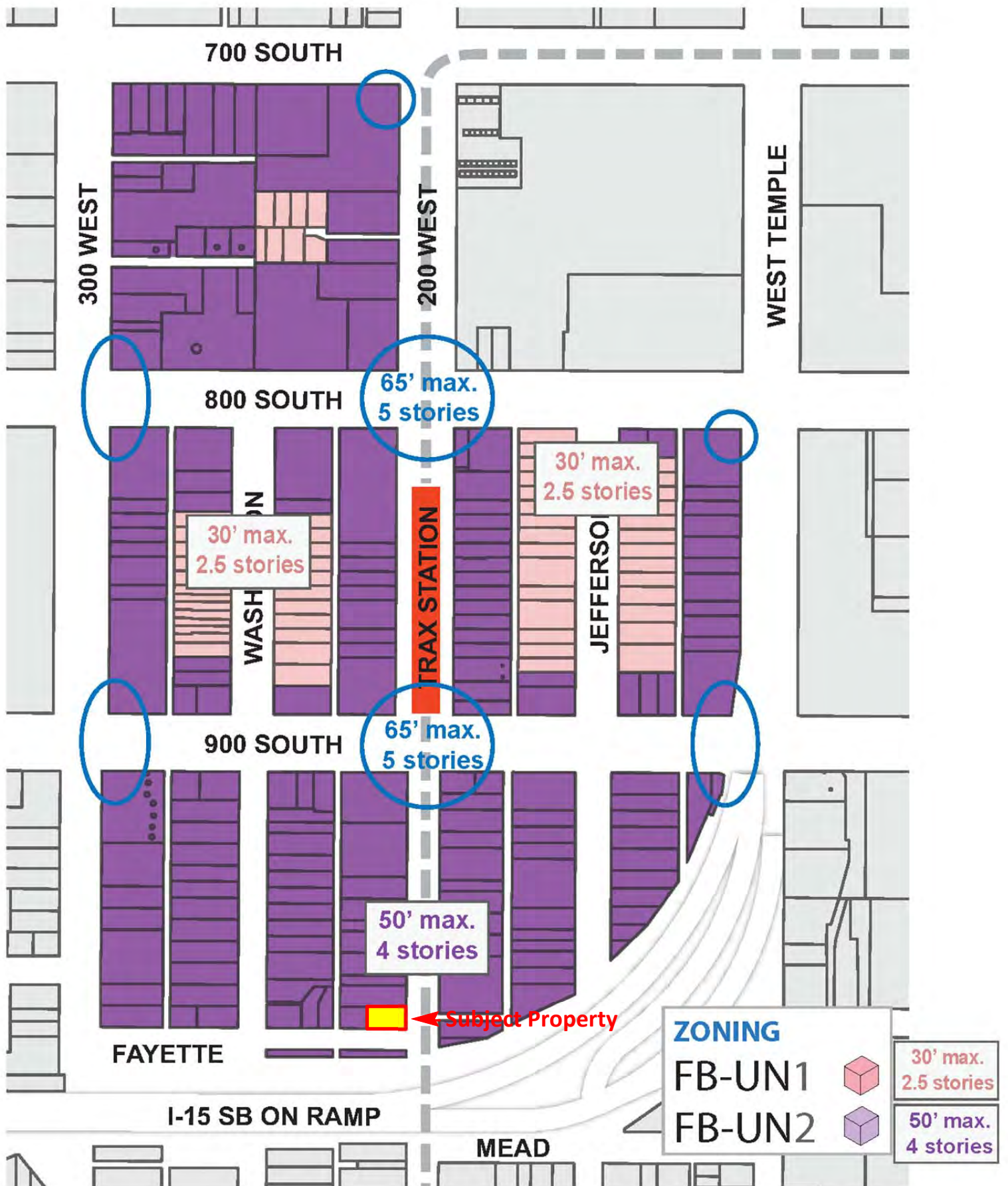
In general, was the group supportive of the project?

about 2/3 of the attendees votes against granting Mr. Allred a zoning change.

Signature of the Chair or Group Representative

Elke Phillips, BallPark Community Council Chair

ATTACHMENT G: FB-UN2 DISTRICT BUILDING HEIGHTS



Corners circled in blue above correspond with building heights specified in Table 21A.27.050E2, which permits 5 stories with a maximum of 65' on parcels located on the corners of West Temple at 800 or 900 South, 200 West at 700, 800 or 900 South, and 300 West at 800 or 900 South. All heights are measured from established grade.

ATTACHMENT H: DEPARTMENT COMMENTS



Department Comments

964 S 200 West

PLNPCM2014-00085

Date	Task/Inspection	Status/Result	Action By	Comments
2/25/2014	Staff Assignment	Routed	Maloy, Michael	
2/26/2014	Transportation Review	Complete	Walsh, Barry	The proposed height amendment presents no issue to the transportation corridor of 200 West and Fayette Avenue. Standard development regulations address required public right of way improvements for Fayette Avenue and Transportation requirements for parking and alternative transportation modes (bike, car pool, electric vehicles, etc.).
3/6/2014	Community Council Review	Complete	Maloy, Michael	Ball Park Community Council received a presentation from the applicant on the proposed zoning amendment. Approximately 2/3 of attendees opposed the proposal citing concerns with building height, development density, and design.
3/17/2014	Engineering Review	Complete	Weiler, Scott	No objections to the revised height restrictions. When civil plans are prepared, please submit them to SLC Engineering for review. A Permit to Work in the Public Way is required, prior to performing in work in the public way.
5/6/2014	Planning Division Review	Complete	Maloy, Michael	Petition is consistent with pattern of additional building height on corners of historic 10 acre grid, which is recommended in the Urban Design Element of the Salt Lake City Master Plan. The proposal is also within and adjacent to the FB-UN2 District which permits greater density and building height than the FB-UN1 District.
5/16/2014	Building Review	Complete	Maloy, Michael	No comments received.
5/16/2014	Fire Code Review	Complete	Maloy, Michael	No comments received.
5/16/2014	Police Review	Complete	Maloy, Michael	No comments received.
5/16/2014	Public Utility Review	Complete	Maloy, Michael	No comments received.
5/16/2014	Sustainability Review	Complete	Maloy, Michael	No comments received.
5/16/2014	Zoning Review	Complete	Maloy, Michael	No comments received.

ATTACHMENT I: MOTIONS

Recommended Motion:

Based on testimony received, plans presented, and the findings listed within the staff report, I move that the Planning Commission transmit a favorable recommendation to the City Council relating to Petition PLNPCM2014-00085 to amend the Form Based Urban Neighborhood Districts ordinance to allow one additional story and up to 15 additional feet of building height for street corner parcels adjacent to the intersection of Fayette Avenue (approximately 975 South) and 200 West.

**Table 21A.27.050E2
FB-UN2 Building Form Standards**

Building Regulation		Building Form				
Building height and Placement:		Cottage Development ¹	Row House	Multi-Family Residential	Mixed Use	Storefront
H	Height	2.5 stories, 30' maximum from established grade	4 stories with a maximum of 50'. 5 stories with a maximum of 65' on parcels located on the corners of West Temple at 800 or 900 South, 200 West at 700, 800 or 900 South, <u>200 West at Fayette Avenue</u> , and 300 West at 800 or 900 South. All heights measured from established grade			

Note:

1. See subsection G of this section for additional standards.

Not Consistent with Staff Recommendation:

Based on testimony received, plans presented, and the findings listed within the staff report, I move that the Planning Commission transmit a negative recommendation to the City Council relating to Petition PLNPCM2014-00085 to amend the Form Based Urban Neighborhood Districts ordinance to allow one additional story and up to 15 additional feet of building height for street corner parcels adjacent to the intersection of Fayette Avenue (approximately 975 South) and 200 West.

The Planning Commission shall make findings on the Zoning 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.