



Staff Report

PLANNING DIVISION
COMMUNITY & ECONOMIC DEVELOPMENT

To: Salt Lake City Planning Commission
From: Doug Dansie, AICP, Senior Planner, at (801) 535-6182 or doug.dansie@slcgov.com
Date: December 9, 2015
Re: PLNPCM2013-00809 115 W 1700 South, 1710 S West Temple Zoning Map Amendment

Master Plan & Zoning Map Amendment

PROPERTY ADDRESS: 115 W 1700 South, 1710 S West Temple
PARCEL ID: 15132840020000, 15134270050000
MASTER PLAN: Medium Residential/Mixed-Use, *Central Community Master Plan*
ZONING DISTRICT: CB Community Business District

REQUEST:

The petitioner, Raymond Zaelit, proposes to amend portions of the Salt Lake City Zoning Map from CB Community Business District to RMU-45 Residential Mixed Use District (petition PLNPCM2013-00899). The proposal affects properties located at 115 W 1700 South, 1710 S West Temple.

RECOMMENDATION:

Based on the information contained within this staff report, staff recommends the Planning Commission forward a recommendation of approval to the City Council for the proposed zoning map amendment (see Attachment G – Motions).

POTENTIAL MOTION:

Based on the information contained within this staff report, and comments received, I move the Planning Commission forward a recommendation of approval to the City Council for the proposed zoning map amendments.

ATTACHMENTS:

- A. Petition Narrative
- B. Location
- C. Photos
- D. Excerpts from Zoning Ordinance
- E. Department Comments
- F. Public Process & Comments
- G. Motions

PROJECT DESCRIPTION

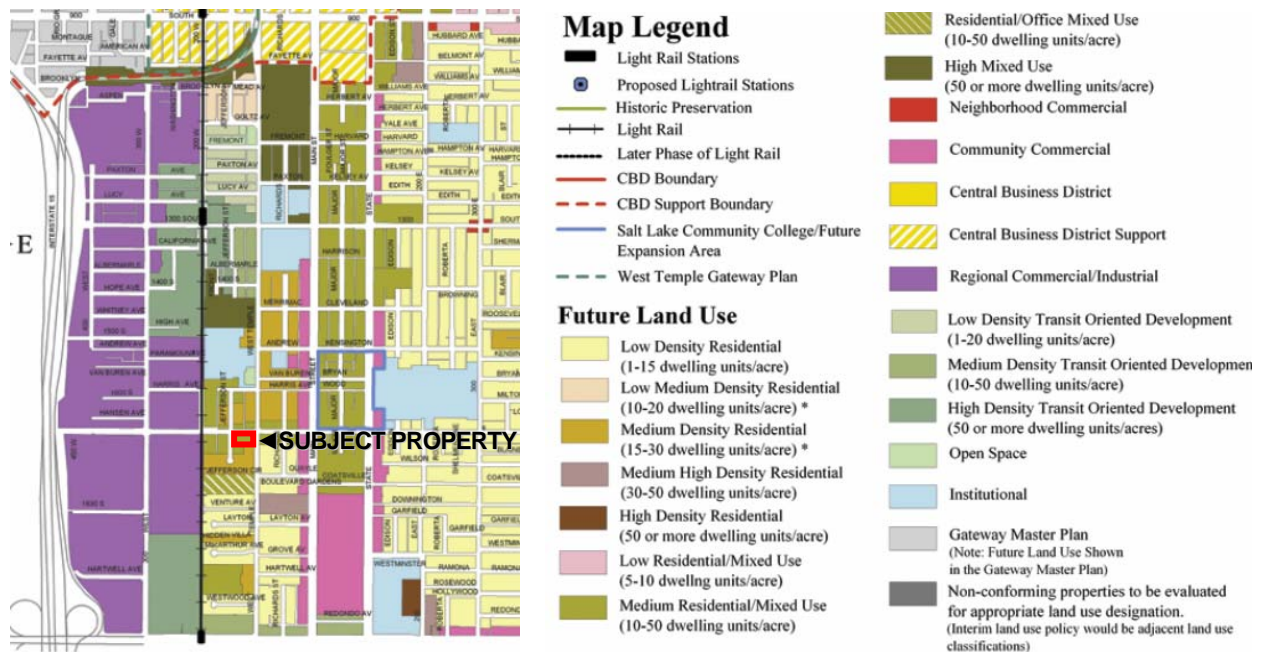
Raymond Zaelit, the owner of Majestic Meat, is requesting the rezone. The existing generational small family owned business is nonconforming to the existing zoning. The USDA is requiring upgrades that are difficult to provide at the existing site. Expansion at this location is not possible without rezoning the property to a zoning district that allows this use. Given the obstacles of up zoning the property to allow more industrial uses, Staff has dissuaded the petitioner from requesting a rezone to General Commercial.

Marketing the property as CB has proven difficult because of the general over supply of commercial land in the area and the relatively small size of the lot (when compared to much of the adjacent commercial land). Therefore the petitioner has decided to relocate to another site where their business may expand and market the existing site for a use compatible with the existing master plan using the revenue to relocate. The petitioner has acquired a contract with a potential developer of the site, pending approval of the rezone. The petitioner has also identified a new site within the City to relocate, pending the approval of the rezone.

KEY ISSUES

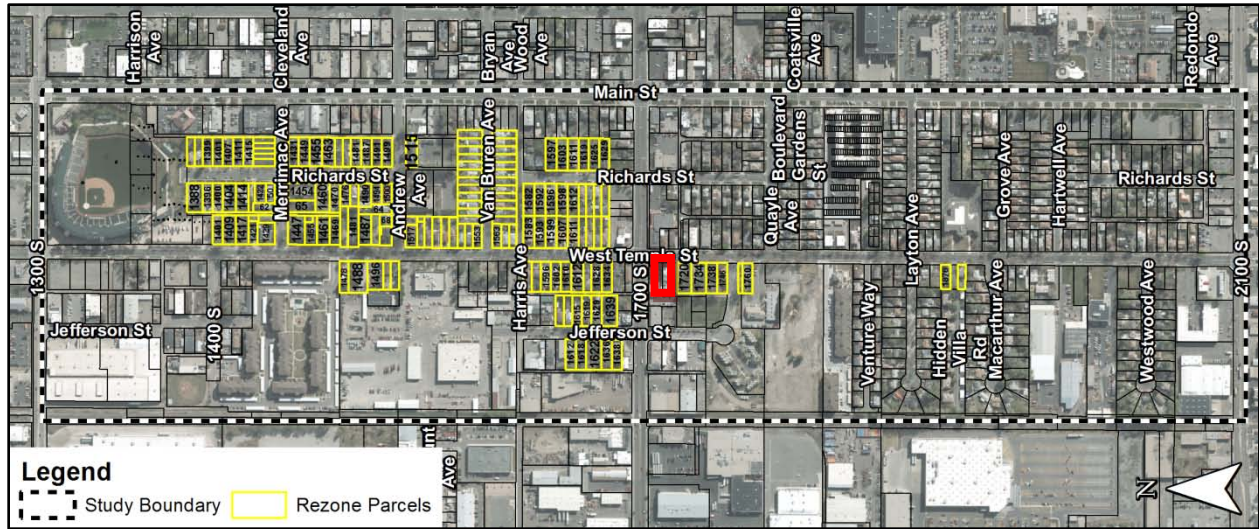
Through analysis of the project, input, and departmental review, staff identified the following key issues:

Issue 1 – Compatibility with master plan



As identified on the map. The site is indicated as Medium Density Residential Mixed Use. Both the RMU-35 and RMU-45 zoning districts would be consistent with the master plan because they have densities between 10 and 50 units per acre. The petitioner has requested RMU-45.

Issue 2 – Compatibility with recently proposed zoning changes. The Planning Commission recently forwarded a positive recommendation to the City Council regarding the down zoning of numerous parcels in the Ballpark Neighborhood. As part of that petition (amend the Central Community Master Plan petition PLNPCM2013-00900 and Salt Lake City Zoning Map petition PLNPCM2013-00899), staff identified approximately 155 parcels currently zoned RMF-35 Moderate Density Multi-Family Residential District—most of which are located between 1300 South and 1700 South—that may be appropriate to rezone single-family. The petition includes the following parcels (outlined in yellow) in relation to the subject property (outlined in red):



Subject property outlined in red

The petition to downzone area in the Ballpark neighborhood was performed with the understanding that there are locations appropriate for higher density development other than where single family homes presently exist. The proposed site is NOT one of the locations proposed for down zoning. It is presently commercially zoned and located on a busy street (1700 South). The proposed zoning and density are actually more consistent with the master plan than the current zoning. Lots to the immediate south are single family and proposed to be down zoned. Land to the southwest is higher density housing, RO zoning, and land to the east and immediate north are zoned CB commercial (although the land to the north is occupied by residential uses). Land to the west is CG General Commercial.

Issue 3 – Difference in development potential between existing and proposed zoning.

The differences between the CB and RMU-45 zoning districts are primarily in their residential requirements. The general setbacks are similar. The primary difference between the two zoning districts is that CB allows commercial, residential or mixed-use buildings to be 30 feet in height. Whereas; RMU-45 allows non-residential uses to be only 20 feet in height but residential and mixed use buildings are allowed to be 45 feet in height. Additionally, in the RMU-45 District, projects adjacent to single and two family zoning districts, which exist to the south, are required to be stepped back 10 feet above the 30 foot height level. (While the RMU-45 zoning has the option for a height up to 55 feet, mixed-use buildings are not allowed to increase height above 45 feet when adjacent to single or two family zoning districts, which is proposed to exist [if the forwarded zoning changes take effect] to the south, therefore this would negate the possibility at this location.)

RMU-35 is also considered a medium density mixed use zoning district. The petitioner did not request RMU-35 because the development potential is not significantly different than the existing CB, which has proven difficult to market. While the RMU-35 would be closer in height to the single family residential district to the south and the adjacent CB zoning, it is also significantly lower than the CG Commercial zoning to the west (which has a height limit of 60 feet; optional to 90 feet) and lower than the RO residential zoning to the southwest (which also has a height limit of 60 feet; optional to 90 feet). The RMU-45 provides the middle height between the adjoining districts and the step back requirement buffers any new proposal from the single family homes.

Excerpts of zoning details are found in Attachment D

DISCUSSION

Zoning Amendment Standards

City Code 21A.50.050 Standards for general (zoning) 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 a decision to amend the zoning map, the city council (and planning commission) should consider the following factors:

- 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 Central City Master Plan future land use map indicates the properties as medium density residential mixed use. According to the master plan, medium density is identified as being 10-50 units per acre. The purpose statement of the RMU-45 zone indicates that it is intended to accommodate less than forty four (44) dwelling units per acre, which is within the range defined as medium density by the master plan.

The Salt Lake City Community Housing Plan indicates that the City Council generally supports mixed- use projects that create a safe, vibrant and walkable neighborhood.

Finding: Staff finds the proposal is consistent with the stated purposes, goals, objectives, and policies of the City as identified in the Central Community Master Plan.

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

Analysis: The “statement of intent” for all residential districts within the City is:

City Code 21A.24.010. The residential districts are intended to provide a range of housing choices to meet the needs of Salt Lake City's citizens, to offer a balance of housing types and densities, *to preserve and maintain the city's neighborhoods* as safe and convenient places to live, to promote the harmonious development of residential communities, to ensure compatible infill development, and to help implement adopted plans (italics added for emphasis).

The purpose statement for the proposed R-MU-45 RESIDENTIAL/MIXED USE DISTRICT is:

21A.24.168: A. Purpose Statement: The purpose of the R-MU-45 residential/mixed use district is to provide areas within the city for mixed use development that promotes residential urban neighborhoods containing residential, retail, service commercial and small scale office uses. This district is appropriate in areas where the applicable master plan policies recommend mixed use with a residential density less than forty four (44) dwelling units per acre. The standards for the district reinforce the mixed use character of the area and promote appropriately scaled development that is pedestrian oriented.

Finding: The proposed map amendment furthers the specific purpose statement of the zoning ordinance and master plan by accommodating mixed-use housing consistent with densities prescribed in the Central Community Master Plan. The RMU-45 zoning district is more consistent with the master plan than the existing CB zoning because it has a housing component.

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

Analysis: The proposed zoning change would reduce the height presently allowed in the CB zoning district for an exclusive non-residential use from 30 feet to 20 feet, but allow a mixed-use building up to 45 feet as a permitted use, which is 15 feet higher than the present 30 foot limit of the CB zoning district. (Additional height to 55 feet is allowed through the Conditional Building

and Site Design Review process when the site is NOT adjacent to a single or two family zoning district, however this location would be adjacent if the proposed zoning changes are adopted and therefore this option is not available). If proposed down zoning changes occur, this project would be required to be stepped back 10 feet above the 30 foot height level, along the south property line

Adjacent land uses to the south are single-family homes. Adjacent uses to the west are higher intensity commercial uses. Uses to the north and east are commercial. There is higher density housing to the southwest of this site.

Finding: The intent behind the amendment is to accommodate residential development consistent with the master plan. The rezone will not significantly affect adjacent single family homes, in terms of massing, more than maximum development in the existing CB zone, the zone change does facilitate that the adjacent redevelopment will include residential land uses if the building is over 20 feet in height.

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 subject properties are not subject to any additional overlay zoning districts.

Finding: Staff finds the subject properties are not subject to any applicable overlay zoning districts that impose additional standards.

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: All pertinent Salt Lake City Departments and Divisions have reviewed the proposal and have recommended approval as specified within Attachment E – Department Comments.

Finding: The subject properties are adequately served by public facilities and services, 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.

NEXT STEPS

Following the public hearing, the Planning Commission may recommend approval or denial of the proposed amendment—or some modification of the amendment. The recommendation will be submitted to the City Council.

The City Council will schedule and hold a public hearing to consider the proposed amendment in accordance with the standards and procedures for conduct of a public hearing as set forth in Chapter 21A.10, which is entitled "General Application and Public Hearing Procedures" of the Zoning Title.

Following the hearing, the City Council may adopt the proposed amendment, adopt the proposed amendment with modifications, or deny the proposed amendment. However, no additional land may be rezoned to a different classification than was contained in the public notice, and no land may be rezoned to a less restrictive classification, without a new notice and hearing.

ATTACHMENT A: PETITION NARRATIVE

Zone Change
Majestic Meat
115 West 1700 South

Due to increased volume, and ever changing requirements of the USDA, we need to build a facility that will meet our current business requirements and provided us the opportunity to expand. Majestic Meat is a small (25 employee) family owned business that has conducted business at this location for the past 66 years. Majestic Meat operates on two parcels, of which were purchased with the intentions of expanding in the future. The future has now come and we our told that we are unable to expand due to present zoning. The only option left is to sell the property and move to another site that will allow for us to grow.

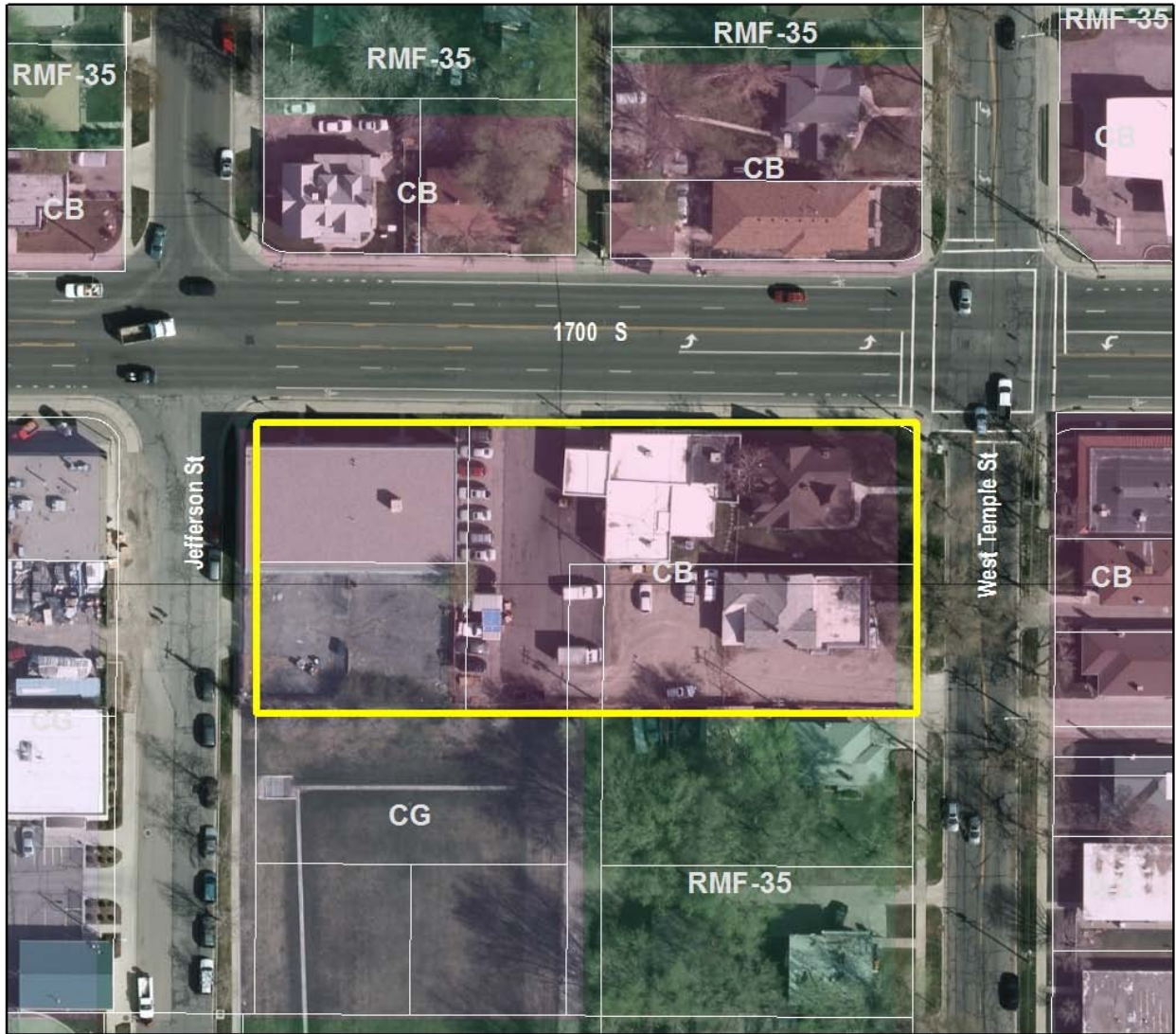
We intend to find a developer for High density housing that will allow for retail stores on the bottom floor - (R-MU-45)

With the city not allowing us to use our property and expand our 3rd generation business of 66 years, we must look to move the business. The present zoning is not attractive for development as told by our realtor and a developer, as large retail warehouses are within 1 square mile radius. Thus the current zoning has caused a serious hardship for our family business.

Yes, Parcel # 15-13-284-002 & #15-13-427-005 requesting to be changed to R-MU-45.

No

ATTACHMENT B: LOCATION



ATTACHMENT C: PHOTOS



Site: West Temple (both buildings)



View from corner W Temple 1700 S



1700 South façade



Rear yard



Home to the south



Looking south on W Temple West side



Looking south on W Temple east side

Corner 1700 South West Temple



Northwest corner



Northeast corner



Southeast corner

1700 South



Looking west, North Side



South Side



Multi family to the southwest, when viewed from rear portion of site



Multi-family (street entrance from West Temple)

**ATTACHMENT D: EXCERPTS FROM ZONING
ORDINANCE**

21A.24.168: R-MU-45 RESIDENTIAL/MIXED USE DISTRICT:

D 3. Nonresidential, Multi-Family Residential and Mixed Use Developments:

- a. Front yard: Minimum five feet (5'). Maximum fifteen feet (15').
- b. Corner side yard: Minimum five feet (5'). Maximum fifteen feet (15').
- c. Interior side yard: No setback is required unless an interior side yard abuts a single or two-family residential district. When a setback is required, a minimum ten foot (10') setback must be provided, and the minimum side yard setback shall be increased one foot (1') for every one foot (1') increase in height above thirty feet (30'). Buildings may be stepped so taller portions of a building are farther away from the side property line. The horizontal measurement of the step shall be equal to the vertical measurement of the taller portion of the building.
- d. Rear yard: Twenty five percent (25%) of lot depth, but need not exceed thirty feet (30').

E. Maximum Building Height: The maximum building height shall not exceed forty five feet (45'), except that nonresidential buildings and uses shall be limited by subsections E1, E2, E3 and E4 of this section. Buildings taller than forty five feet (45'), up to a maximum of fifty five feet (55'), may be authorized through the conditional building and site design review process and provided, that the proposed height is supported by the applicable master plan.

1. Maximum height for nonresidential buildings: Twenty feet (20').
2. Nonresidential uses are only permitted on the ground floor of any structure.
3. Nonresidential uses in landmark sites are exempt from the maximum height for nonresidential buildings and the maximum floor area coverage limitations.
4. For any property abutting a single-family or two-family residential district, the maximum height is limited to forty-five feet (45') and may not be increased through any process.

F. Minimum Open Space: For residential uses and mixed uses containing residential uses, not less than twenty percent (20%) of the lot area shall be maintained as open space. This open space may take the form of landscaped yards or plazas and courtyards, subject to site plan review approval.

G. Landscape Buffers: Where a lot in the R-MU-45 district abuts a lot in a single-family or two-family residential district, landscape buffers shall be provided as required in Chapter 21A.48, "Landscaping and Buffers", of this title.

H. Design Standards: These standards apply when constructing a new building, an addition of one thousand (1,000) square feet or more that extends a street facing building façade, additions that increase the height of an existing building or when specifically indicated below.

1. **Minimum Ground Floor Glass:** The ground floor elevation facing a street of all new buildings shall not have less than sixty percent (60%) glass surfaces between three (3) and eight feet (8') above grade. All ground floor glass shall be nonreflective and allow visibility into the building for a depth of at least five feet (5'). The planning director may approve a modification to ground floor glass requirements if the planning director finds:
 - (a) The requirement would negatively affect the historic character of an existing building;
 - (b) The requirement would negatively affect the structural stability of an existing building; or
 - (c) The ground level of the building is occupied by residential uses, in which case the sixty percent (60%) glass requirement may be reduced to forty percent (40%).
2. **Ground Floor Uses:** On the ground floor, a permitted or conditional use other than parking shall occupy at least seventy-five percent (75%) of the width of any street-facing building façade. All portions of such ground floor spaces shall extend a minimum of twenty five feet (25') into the building. Parking may be located behind these spaces.
3. **Ground Floor Building Materials:** Other than windows and doors, eighty percent (80%) of the remaining ground floor wall area shall be clad in durable materials. Durable materials include brick, masonry, textured or patterned concrete and/or cut stone. Other materials may be used as accent or trim provided they cover twenty percent (20%) or less of the ground floor adjacent to a street. Other materials may be approved at the discretion of the planning director if it is found that the proposed material is of a durable material and is appropriate for the ground floor of a structure.

4. **Entrances:** Provide at least one operable building entrance for every street facing façade. Additional operable building entrances shall be required for each seventy five feet (75') of street-facing building facade.
5. **Maximum Length of Blank Walls:** The maximum length of any blank wall uninterrupted by windows, doors, art or architectural detailing at the ground floor level along any street facing façade shall be fifteen feet (15'). Changes in plane, color, texture, materials, scale of materials, patterns, art, or other architectural detailing are acceptable methods to create variety and scale. This shall include architectural features such as bay windows, recessed entrances or windows, balconies, cornices, columns, or other similar architectural features. The architectural feature may be either recessed or project a minimum of twelve inches (12").
6. **Building Equipment and Service Areas:** All building equipment and service areas shall be located on the roof of the building or in the rear yard. These elements shall be sited to minimize their visibility and impact, or screened and enclosed as to appear to be an integral part of the architectural design of the building.
7. **Stepback Requirement:** Floors rising above thirty feet (30') in height shall be stepped back ten (10') horizontal feet from the building foundation at grade, in those areas abutting a single or two-family residential district and/or public street.
8. **Parking Structures:** Parking structures not attached to the principal building shall maintain a forty five foot (45') minimum setback from a front or corner side yard property line or be located behind the primary structure.
9. **Modifications to Design Standards:** Exceptions to this requirement may be authorized through the conditional building and site design review process, subject to the requirements of [Chapter 21A.59](#) of this title, and the review and approval of the planning commission.

21A.26.030: CB COMMUNITY BUSINESS DISTRICT:

E. Maximum Building Size: Any building having a fifteen thousand (15,000) gross square foot floor area of the first floor or a total floor area of twenty thousand (20,000) gross square feet or more, shall be allowed only through the conditional building and site design review process. An unfinished basement used only for storage or parking shall be allowed in addition to the total square footage.

F. Minimum Yard Requirements:

1. Front Or Corner Side Yard: No minimum yard is required. If a front yard is provided, it shall comply with all provisions of this title applicable to front or corner side yards, including landscaping, fencing, and obstructions.
2. Interior Side Yard: None required.
3. Rear Yard: Ten feet (10').
4. Buffer Yards: Any lot abutting a lot in a residential district shall conform to the buffer yard requirements of [chapter 21A.48](#) of this title.
5. Accessory Buildings And Structures In Yards: Accessory buildings and structures may be located in a required yard subject to section [21A.36.020](#), table [21A.36.020B](#) of this title.
6. Maximum Setback: A maximum setback is required for at least seventy five percent (75%) of the building facade. The maximum setback is fifteen feet (15'). Exceptions to this requirement may be authorized through the conditional building and site design review process, subject to the requirements of [chapter 21A.59](#) of this title, and the review and approval of the planning commission. The planning director, in consultation with the transportation director, may modify this requirement if the adjacent public sidewalk is substandard and the resulting modification to the setback results in a more efficient public sidewalk. The planning director may waive this requirement for any addition, expansion, or intensification, which increases the floor area or parking requirement by less than fifty percent (50%) if the planning director finds the following:
 - a. The architecture of the addition is compatible with the architecture of the original structure or the surrounding architecture.
 - b. The addition is not part of a series of incremental additions intended to subvert the intent of the ordinance.

H. Maximum Height: Thirty feet (30').

I. Entrance And Visual Access:

1. Minimum First Floor Glass: The first floor elevation facing a street of all new buildings or buildings in which the property owner is modifying the size of windows on the front facade, shall not have less than forty percent (40%) glass surfaces. All first floor glass shall be nonreflective. Display windows that are three-dimensional and are at least two feet (2') deep are permitted and may be counted toward the forty percent (40%) glass requirement. Exceptions to this requirement may be authorized through the conditional building and site design review process, subject to the requirements of [chapter 21A.59](#) of this title, and the review and approval of the planning commission. The planning director may approve a modification to this requirement if the planning director finds:
 - a. The requirement would negatively impact the historic character of the building,
 - b. The requirement would negatively impact the structural stability of the building, or
 - c. The ground level of the building is occupied by residential uses, in which case the forty percent (40%) glass requirement may be reduced to twenty five percent (25%).

Appeal of administrative decision is to the planning commission.

2. Facades: Provide at least one operable building entrance per elevation that faces a public street. Buildings that face multiple streets are only required to have one door on any street, if the facades for all streets meet the forty percent (40%) glass requirement as outlined in subsection I1 of this section.
3. Maximum Length: The maximum length of any blank wall uninterrupted by windows, doors, art or architectural detailing at the first floor level shall be fifteen feet (15').

ATTACHMENT E: DEPARTMENT COMMENTS

Public Utilities - Jason Draper (jason.draper@slcgov.com or 801-486-6751)

No objections to zone change.

Utility Infrastructure may need to be improved for mixed use or multifamily use.

Engineering - Scott Weiler (scott.weiler@slcgov.com or 801-535-6159)

No objections

Transportation - Michael Barry (michael.barry@slcgov.com or 801-535-7147)

No objections from Transportation

ATTACHMENT F: PUBLIC PROCESS & COMMENTS

PUBLIC NOTICE, MEETINGS, AND COMMENTS

The following is a list of public meetings, and other public input opportunities, that the City coordinated for the proposed master plan and zoning map amendments.

Notice of Application:

On October 13, 2013, Planning Division staff contacted Bill Davis, Chair Ballpark Community Council, to inform the community council of the proposed Zoning Map amendments and allow 45 days to respond with any concerns or comments. The Chair indicated the Council was generally supportive.

December 2, 2015

Doug

I'd like to submit some preliminary comments concerning the Majestic Meat rezone proposal. We have our regularly scheduled public meeting which is the first one we have had since this petition was submitted. We meet every other month. I will plan on presenting it at tomorrow's meeting for general discussion. I am very confident that it will be favorably received.

The Ballpark Community Council has been working on a document titled, A Vision for the Ballpark Neighborhood - a Model Transit Oriented Community. The first phase was a downzone of the existing single family homes in the neighborhood. Part of the second phase is to review the existing commercial zoning with the intent of encouraging the higher density residential development.

This zoning proposal is what we will hope will encourage exactly the type of development that we want to see in the neighborhood i.e. higher density residential with street facing, ground floor commercial.

I will submit additional comments after the meeting tomorrow.

Best regards

Bill Davis - Chairperson

Ballpark Community Council

Notice of Public Hearing:

- Public hearing notice mailed on November 25, 2015
- Public notice posted on City and State websites and Planning Division list serve on November 25, 2015

Public Input:

Staff has received two phone calls from adjacent property owners and a walk-in inquiry from an interested party, who inquired regarding the proposed zoning change: no position was conveyed in favor or against. One expressed concern over parking and traffic.

ATTACHMENT G: MOTIONS

POTENTIAL MOTIONS FOR THE SALT LAKE CITY PLANNING COMMISSION

Staff Recommendation:

Based on the information contained within this staff report, and comments received, I move the Planning Commission forward a recommendation of approval to the City Council for the proposed zoning map amendments.

Not Consistent with Staff Recommendation:

Based on the information contained within this staff report, and comments received, I move the Planning Commission forward a recommendation of denial to the City Council for the proposed zoning map amendments.

Note:

If motion is to recommend denial, the Planning Commission shall make findings based on the Zoning Amendment standards and specifically state which standard or standards are not compliant. See “discussion” for applicable standards.