



Staff Report

PLANNING DIVISION
COMMUNITY & NEIGHBORHOODS

To: Salt Lake City Planning Commission
From: Doug Dansie – Senior Planner
(801) 535-6182 or doug.dansie@slcgov.com
Date: August 23, 2017
Re: Petition PLNPCM2017-00361 – Zoning Map Amendment

ZONING MAP AMENDMENT

PROPERTY ADDRESSES: 63 (65) South 900 East
PARCEL IDs: 16-05-127-010-0000 (63 South) 16-05-127-032-0000 (65 South)
ZONING DISTRICT: RMF-30 Residential and R-2 Residential
MASTER PLAN: Central City Plan

REQUEST: A request by Jon C. Jones, property owner, to amend the zoning map at 65 South 900 East to match the adjacent zoning at 63 South 900 East. The landlocked parcel (65 South 900 East) is 0.056 acres in size, located behind 63 South 900 East and zoned R-2 Residential. The street fronting parcel, 63 South 900 East, is 0.1117 acres in size and zoned RMF-30.

RECOMMENDATION: Planning Staff recommends that the Planning Commission forward a positive recommendation to the City Council regarding the Zoning Map Amendment.

BACKGROUND AND PROJECT DESCRIPTION: The entire City Zoning Code was rewritten in 1995 and new zoning districts and maps were created to reflect the City's policy. The new maps were parcel based (previous zoning maps were not inherently tied to property lines). At that time, most of east downtown was zoned for higher densities but master plans called for "right sizing" the zoning for neighborhood stability. During the zoning rewrite process, an effort was made to tie the new zoning to what was on the ground and to use property lines as the zoning boundary (so that the zoning map could be administered parcel based through a GIS system). These two properties may or may not have been jointly owned at the time, but the lot lines existed and the rear parcel was placed in the adjacent R- 2 zone, rather than the adjacent RMF-30 zone.

The petitioner's letter mentions generalized potential remodel, upgrade and expansion of the boarding house located at 63 South 900 East, however it is a non-conforming use and is not an allowed use in either the RMF-30 or R-2 zoning districts. While remodel and upgrade are allowed, the boarding house has no expansion potential under either proposed zoning scenario (changing 65 South to RMF-30 or leaving it as is, R-2). Expansion of the non-conforming use onto the adjacent lot is also not permitted. The petitioner has been advised of this. There is no immediate development or remodel proposal.

KEY ISSUES:

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

Issue 1: The 65 South property is zoned R-2, but is land locked and only accessible through the adjacent street fronting parcel, 63 South 900 East, which is privately owned by the same person. The 63 South parcel is zoned RMF-30. The owner would like to not have the parcels differently zoned.

Discussion: Both zoning districts are considered low density and the RMF-30 is only one step up in density from the R-2. R-2 allows twin homes, RMF-30 allows attached homes in number greater than two, but only if lot size minimums are met.

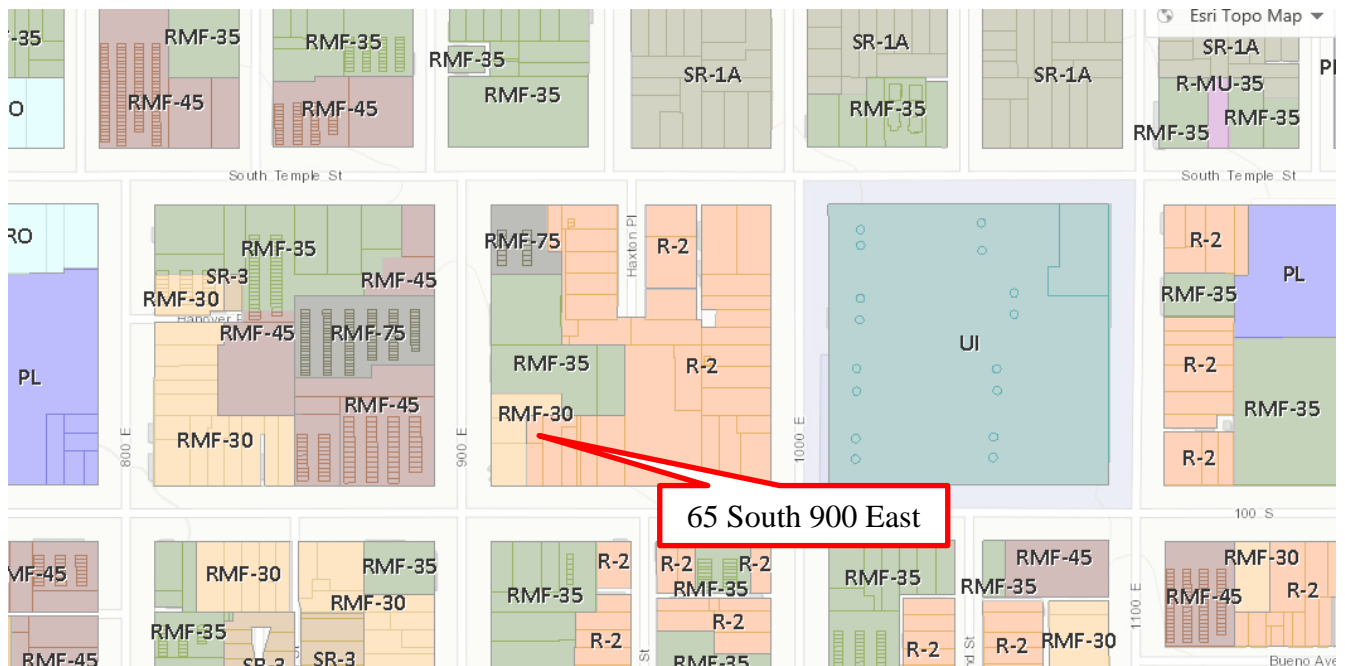
Issue 2: The question has been raised (by a neighbor) as to if the rezone will increase density in the neighborhood.

Discussion: The intent of the original zoning was to zone the neighborhood according to the level of development on the ground. During the 1995 zoning rewrite, the East Central area had the most complex zoning decisions made in the city due to the variety of densities and uses. Much of the zoning in the area, previous to 1995, was zoned for higher density. As noted in Attachment D, the proposed zoning makes no difference in the density allowed, based upon the lot square footage being smaller than what is required to build a single family home in either zoning district (City Code allows at least a single family home on any legally subdivided lot).

The structure at 63 South 900 East is listed by the county assessor as residential, and is used as a boarding home. The rear property 65 south 900 East hosts a garden and is listed by the Assessor as being “associated” with the 63 South parcel.

It should be noted that the service station to the south, which is a non-conforming use in a residential zone, also appears to be split zoned. This split zone bears no direct impact upon the proposal, but is indicative of the split zone issue that occasionally is evident in the city in general and this neighborhood in particular.

65 south 900 East is adjacent to RMF-30 on two sides (and a non-conforming commercial use on a third side) and is listed as an associated parcel to the RMF-30 use by the County Assessor.



NEXT STEPS:

The Planning Commission is expected to provide a recommendation to the City Council for a final decision. If the approval of the Zoning Map Amendment is granted, there would likely be no immediate change at the site without a lot consolidation or other process to make the landlocked parcel developable in conjunction with the main parcel. Or, if the site was developed independently as a legally non-conforming lot that could minimally accommodate a single family home, any new construction would also require Historic Landmark review. If the City Council denies the requested Zoning Map Amendment, the property would likely remain as is, but would still be able to develop independently of the main home, as a legally non-conforming lot that could minimally accommodate a single family home. Again, any new construction would also require Historic Landmark review.

ATTACHMENTS:

- A. Vicinity Map
- B. Photographs of the Sites
- C. Applicant Information
- D. Existing Conditions
- E. Analysis of Map Amendment Standards
- F. Department Comments
- G. Public Process

ATTACHMENT A: VICINITY MAP



ATTACHMENT B: PHOTOGRAPHS OF THE SITES



63 South 900 East. The parcel proposed for rezone (65 South 900 East) is directly behind this Boarding House. It is not visible from any street frontage.



900 East looking northeast (the home in the photo is directly north of the boarding house, the construction in the photo is for a new apartment building)



900 East looking southeast. (The service station is immediately south of the boarding house, on the corner of 900 East and 100 South, and is similarly split zoned)



900 East looking directly west (*Nine and One* condo building across the street)



900 East looking northwest



Home on 100 South, east of service station (the west property line, in the rear side yard, of this home abuts the east property line of the parcel proposed for rezone – it is not visible from the street – the portion of the side yard in this photo abuts the service station)

ATTACHMENT C: APPLICANT INFORMATION

J.J. Jones Investments, LLC
927 E 100 S
Salt Lake City, UT 84102

26APR17

Salt Lake City
Planning & Zoning
451 S State Street, Room 215
Salt Lake City, UT

Re; Rezoning of Property Request
Parcel #16-05-127-032

Currently the property that I own at; 63 S 900 E, Salt Lake City, Utah 84102 (Parcel # 16-05-127-010-000) is zoned as RMF-30 (lot 59' wide by 82.5' Deep) and the adjoining lot behind (Parcel # 16-05-127-032-0000 / lot is 65' wide x 37' deep) is zoned R-2. I respectfully request that the back lot be zoned the same as the front lot; RMF-30.

The property is used as Todd's Boarding Home. It has been a boarding home for well over 30 years (I have lived around the corner since 1988) I plan to remodel, update and expand the existing boarding home to better serve the tenants in the building including veterans. To work on the accessibility of the property. The back property would be used as required parking and a garden that would continue to serve as a natural buffer to the neighbor's property.

Some of the reasons that the present zoning is not appropriate for the area are;

- The South side of the back property and the South side of the front property adjoin a Gas Station and Smoke shop – NEXT to a Business
- Surrounding zoning is RMF-35, RMF-75
- Front lot is zoned RMF-30

Sincerely



Jon C. Jones
Property Owner

ATTACHMENT D: ZONING ORDINANCE STANDARDS

Existing Conditions: The existing home at 63 South 900 East is being used as a boarding home. It is located on 0.1117 acres or a 4,865.652 square foot lot, and is designated as residential by the Salt Lake County Assessor. 65 South 900 East is 0.056 acres 2,439.36 square foot lot and is designated residential accessory by the County Assessor. The total of the two lots is 7,305.012 square feet or 0.1677 acres

The lots at 63 and 65 south 900 East are both substandard lots that are both too small to accommodate a single family home in either zoning district. However; City Code allows at least a single family home to be built on any legal lot. Ironically; if the two lots are combined, the total area would not be sufficient to accommodate a duplex in either the R-2 or RMF-30 zoning districts, therefore there is actually more development potential in leaving the two lots independent, regardless of zoning. The existing boarding home at 63 south 900 East will remain legally conforming/complying. The lot at 65 South 900 East will be allowed to develop with a single family home regardless of whether it is zoned R-2 or RMF-30.

The specification of the R-30 and RMF-2 zoning districts are as follows:

Comparison of Zoning District Dimensional Regulations

Regulation	RMF-30 District	R-2 District
Purpose Statement	The purpose of the RMF-30 low density multi-family residential district is to provide an environment suitable for a variety of housing types of a low density nature, including single-family, two-family, and multi-family dwellings, with a maximum height of thirty feet (30'). This district is appropriate in areas where the applicable master plan policies recommend multi-family housing with a density of less than fifteen (15) dwelling units per acre. Uses are intended to be compatible with the existing scale and intensity of the neighborhood. The standards for the district are intended to provide for safe and comfortable places to live and play, promote sustainable and compatible development patterns and to preserve the existing character of the neighborhood.	The purpose of the R-2 single- and two-family residential district is to preserve and protect for single-family dwellings the character of existing neighborhoods which exhibit a mix of single- and two-family dwellings by controlling the concentration of two-family dwelling units. Uses are intended to be compatible with the existing scale and intensity of the neighborhood. The standards for the district are intended to provide for safe and comfortable places to live and play and to promote sustainable and compatible development patterns.
Minimum Lot Area (in feet-square)	Single-family detached: 5,000 Single-family attached (3 or more): 3,000 each unit Twin homes: 4,000 Two-family: 8,000 Multi-family: 9,000(for three units, 3,000 for each additional)	Single-family detached: 5,000 Twin homes: 4,000 each unit Two-family: 8,000
Minimum Lot Width (in feet)	Single-family detached: 50' Single-family attached: 25' for interior, 35' for corner for each unit Twin homes: 25' each unit Two-family: 50' Multi-family: 80'	Single-family detached: 50' Twin homes: 25' each unit Two-family: 50'

Max Building Height	30'	28' pitched, 20" flat – may be increased with setback or HLC approval
Minimum Yard Requirements	Front yard: 20' Corner side yard: 10' Interior Side Yards – Single family & two-family: 4' and 10" Twin home & single family attached: 0' and 10' Multi-family: 10' Rear yard: 25% of lot, no more than 20" required, need not exceed 25'	Front yard – Average setback or 20 feet Corner side yards: 10' Interior side yards – Single family & two-family: 10 and 4 Twin home; 0 and 10 Rear yard: 25% of lot, no more than 15' required, need not exceed 25'
Maximum Building Coverage	Single-family detached: 45% Single-family attached: 50% Two-family & twin home: 50% Multi-family: 40%	Single family: 40% Two-family: 45%

Comparison of Zoning District Land Use Regulations

21A.33.020 Table of Permitted and Conditional Uses for Residential Districts (excerpt)

Land Use	RMF -30	R-2
Accessory use, except those that are otherwise specifically regulated elsewhere in this title	P	P
Adaptive reuse of a landmark site	C ⁸	C ⁸
Alcohol, brewpub (2,500 square feet or less in floor area)		
Alcohol, dining club (2,500 square feet or less in floor area)		
Alcohol, social club (2,500 square feet or less in floor area)		
Alcohol, tavern (2,500 square feet or less in floor area)		
Animal, veterinary office		
Art Gallery		
Bed and Breakfast Inn		
Bed and Breakfast Manor		
Clinic (medical, dental)		
Community garden	P	C
Community Recreation Center		
Crematorium		C
Daycare center, adult		P
Daycare center, child		P
Dwelling, accessory guest and servant's quarter		
Dwelling, accessory unit	P	P
Dwelling, assisted living facility (large)		
Dwelling, assisted living facility (limited capacity)	C	C
Dwelling, assisted living facility (small)		
Dwelling, dormitory, fraternity, sorority		
Dwelling, group home (large)	C	C
Dwelling, group home (small)	P	P
Dwelling, manufactured home	P	P
Dwelling, multi-family	P	
Dwelling, residential support (large)		
Dwelling, residential support (small)		

Land Use	RMF -30	R-2
Dwelling, rooming (boarding) house		
Dwelling, single-family (attached)	P	P
Dwelling, single-family (detached)	P	P
Dwelling, twin home and two-family	P	P
Eleemosynary facility	C	C
Financial institution		
Funeral home		
Government facility	C	C
Laboratory (medical, dental, optical)		
Library		
Mixed-use development		
Mobile food business (operation on private property)		
Municipal service use, including city utility use and police and fire station	C	C
Museum		
Nursing Care Facility		
Office, excluding medical and dental clinic and office		
Open space on lots less than 4 acres in size	P	P
Park	P	P
Parking, off site (to support nonconforming uses in a residential zone or uses in the CN or CB zones)		
Parking, park and ride lot shared with existing use	P	P
Place of worship on lots less than 4 acres in size	C	C
Reception center		
Recreation (indoor)		
Restaurant		
Restaurant with drive-through facility		
Retail goods establishment		
Retail goods establishment, plant and garden shop with outdoor retail sales area		
Retail service establishment		
School, music conservatory		
School, professional and vocational		
School, seminary and religious institute	C	C
Seasonal, farm stand		
Studio, art		
Theater, live performance		
Theater, movie		
Urban farm	P	P
Utility, building or structure	P ⁵	P ⁵
Utility, transmission wire, line, pipe, or pole	P ⁵	P ⁵

5. See subsection 21A.02.050B of this (Zoning) title for utility regulations.
8. Subject to conformance with the provisions of subsection 21A.24.010.T of this (Zoning) title.

ATTACHMENT E: MAP AMENDMENT STANDARDS

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

Standard	Finding	Rationale
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;	Complies	Central Community Master Plan: Calls for “Non-conforming properties to be evaluated for appropriate land use designation”. The plan identifies the vacant lot at 65 South 900 East and the non-conforming service station on the corner of 100 south and 900 East with this designation. The boarding house at 63 South 900 East is identified as “low medium density residential (10-20 units per acre). It is non-conforming and has no expansion potential for the boarding use. The vacant lot at 65 South 900 East (proposed for rezone) has no development on it, but would be allowed a single family home under any zoning classification. There is no immediate development associated with this zoning amendment and the potential density does not change with either the RMF-30 or R-2 zoning.
Whether a proposed map amendment furthers the specific purpose statements of the zoning ordinance;	Complies	The decision to amend the zoning map creates consistency between two associated parcels, which provides some administrative benefit for the owner and County Assessor, but is generally irrelevant in terms of density..
The extent to which a proposed map amendment will affect adjacent properties;	Complies	There is no change in density allowed for a lot this size in either zoning district, therefore there is no impact on adjacent properties.
Whether a proposed map amendment is consistent with the purposes and provisions of any applicable overlay zoning districts which may impose additional standards; and	Complies	The site is within a historic district, which would provide further review to any future development or redevelopment proposal.
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.	Complies	The proposal was routed to applicable City Department/Divisions for comment. There were no comments received that would indicate that the adequacy of public facilities and services is insufficient for existing development.

ATTACHMENT F: DEPARTMENT COMMENTS

Public Utilities; Blayde McIntire
No Comment

Zoning Review: Gregory Mikolash
No zoning related issues associated with this request so long as the rear yard setback for the RMF-30 zone is met.

Engineering: Scott Weiler
No objections to the proposed zone change.

Fire: Edward Itchon
No comment

ATTACHMENT G: PUBLIC PROCESS

Meetings & Public Notice

The following is a list of public meetings that have been held, and other public input opportunities, related to the proposed project.

May 26, 2017 – The Avenues and East Central Community Councils were noticed of the proposed zoning amendment.

June 6, 2017 – A notice was sent to all neighbors outlining input opportunities.

June 15, 2017 – An open house was held at the Salt Lake City and County Building, regarding the zoning amendment.

July 5, 2017 – The Avenues Community Council heard the issue at their regularly scheduled meeting. The Council was generally supportive, however, no formal vote was taken.

Notice of the Planning Commission public hearing for the proposal include:

- Newspaper notice sent on August 10, 2017
- Notices mailed on August 10, 2017.
- Property posted on August 11, 2017.
- Agenda posted on the Planning Division and Utah Public Meeting Notice websites on August 10, 2017.

Comments

City Department/Division comments regarding the zoning amendment are attached. No comments were received that would preclude the proposed zoning amendment.

Staff received one phone call requesting information regarding the proposal.