

Staff Report

PLANNING DIVISION DEPARTMENT of COMMUNITY and NEIGHBORHOODS

To: Salt Lake City Planning Commission

From: Amanda Roman, Principal Planner

(801) 535-7660 or amanda.roman@slcgov.com

Date: October 28, 2020

Re: PLNPCM2020-00503 Permitting Restaurants in the PL – Public Lands Zone Text Amendment

Zoning Text Amendment

PROPERTY ADDRESS: Citywide PARCEL ID: Not applicable MASTER PLAN: Not applicable

ZONING DISTRICT: PL – Public Lands

REQUEST: Salt Lake City Mayor Erin Mendenhall initiated a petition to amend the text of the Zoning Ordinance to add restaurants as a permitted use within the PL – Public Lands Zoning District. The amendment will affect section 21A.33.070 Table of Permitted and Conditional Uses for Special Purpose Districts. Under the current code, restaurants are not Permitted or Conditional Uses with the zone.

RECOMMENDATION: Based on the findings in the staff report, Planning Staff finds the proposed text amendment adequately meets the standards for general text amendments and therefore recommends that Planning Commission transmit a positive recommendation to the City Council to adopt the proposed zoning ordinance text amendment.

ATTACHMENTS:

- A. Proposed Text Amendment
- B. Public Lands Zoning Map
- **C.** Petition to Initiate
- **D.** Analysis of Standards
- E. Public Process and Comments
- F. Department Review Comments

PROJECT DESCRIPTION AND BACKGROUND: Mayor Mendenhall initiated an amendment to section 21A.33.070 to potentially permit restaurants within the PL – Public Lands Zoning District. Under the current code, restaurants are not permitted as standalone entity, but are allowed as an accessory use. An accessory use is defined as a use that:

- A. Is subordinate in area, extent and purpose to, and serves a principal use;
- B. Is customarily found as an incident to such principal use;
- C. Contributes to the comfort, convenience or necessity of those occupying, working at or being serviced by such principal use;
- D. Is, except as otherwise expressly authorized by the provisions of this title, located on the same zoning lot as such principal use; and
- E. Is under the same ownership or control as the principal use.

The Mayor asked Planning staff to review the Public Lands Zoning District regulations and provide input on the pros and cons of adding restaurants as a permitted use after receiving inquiries from business owners who wish to operate independently of the principal use. An example of this is Cytybyrd Café, which is located within the City and County Building. The restaurant, which operates as an accessory to the main governmental use of the building, may only remain open while the City and County Building is open. This means the restaurant is allowed to operate Monday – Friday until 4 PM and must close on the weekends. These limited hours impact their opportunity to serve customers and ultimately reduces their profit margins. If restaurants were allowed as a principal use, Cytybyrd Café could increase their business hours past 4 PM on Monday – Friday and remain open on weekends.

Special Purpose Districts

The Public Lands Zoning District is under the Special Purpose District umbrella. <u>Section 21A.33.070</u> Table of Permitted and Conditional Uses for Special Purpose Districts only permits 32 of 131 listed uses within the Public Lands zone. An additional 10 uses may be allowed upon Conditional Use approval. The intent of Special Purpose Districts is described as:

Certain geographic areas of the city contain land uses or platting patterns that do not fit traditional zoning classifications (e.g., residential, commercial, industrial) or uniform bulk regulations. These areas currently contain special land uses (e.g., airports or medical centers) which have a unique character, or contain mixed land uses which are difficult to regulate using uniform bulk and density standards. Because these areas have unique land uses, platting patterns and resources, special districts are needed to respond to these conditions. These special purpose districts are further intended to maintain the integrity of these areas, allow for greater flexibility in site design, and achieve the specialized goals for these areas.

The Open Space Zoning District and the Natural Open Space District are also under the Special Purpose District umbrella. While they are similar to the Public Lands Zoning District, they are their own specific zones with different regulations and standards and are generally made up of public parks and open space rather than built public facilities. The proposed text amendment will not change any development regulations or permitted land uses within these zones. Of the three zones, Public Lands allows the most development.

Public Lands Zoning District

The purpose of the Public Lands Zoning District is to specifically delineate areas of public use and to control the potential redevelopment of public uses, lands and facilities. The zone allows some commercial uses but also includes parks and open space.

- Permitted uses include art galleries, libraries, offices, off-site parking (including park and ride lots), reception centers, research and development facilities, schools, and utilities.
- Conditional uses include fairgrounds, government facilities, jails, reception centers, and stadiums.
- The zone also supports low impact uses such as gardens, farm stands, outdoor recreation, parks, and open space.

Open Space Zoning District

The purpose of the Open Space Zoning District is to preserve and enhance public and private open space, natural areas, and improved park and recreational areas.

- Permitted uses include some development such as amphitheaters, government facilities, outdoor storage, and utilities.
- Conditional uses include the adaptive reuse of a landmark site, living quarters for a caretake or security guard, and reception centers.
- Low impact uses include agriculture, botanical gardens, farm stands, and public parks.

Natural Open Space District

The purpose of the Natural Open Space Zoning District is to specifically delineate natural areas of special environmental or scenic value and support the preservation of these areas through limited development. The zone consists of primarily undeveloped land. The only four land uses permitted in the zone are informal amphitheaters, open space, and in the case of existing residential dwellings, the zone allows daycares and home occupations.

DISCUSSION:

The proposed changes have been reviewed against the four Zoning Text Amendment Standards in section 21A.50.050 of the Zoning Ordinance. The following information was gathered through an analysis of the existing properties in Salt Lake City. In short, of the 2,368 existing parcels, the proposed text amendment would potentially affect 115 parcels. Further analysis is required to determine which of the parcels could accommodate a restaurant or other permitted use. The zoning map provided in Attachment B shows the parcels meeting the minimum lot size for permitted uses (20,000 square feet) in green and parcels above 5 acres in blue. The yellow parcels are under 20,000 square feet and are not eligible for development. The same information is provided below for clarity.

- o Salt Lake City currently has 2,368 individual parcels within city boundaries.
- Of these parcels, 247 are within the Public Lands Zoning District, the majority of which are government owned.
- 115 Public Lands parcels meet the minimum lot size for permitted uses, which is 20,000 SF (.4591 acres).
- There are 36 parcels above 21,780 SF (5 acres), which is the square footage required for public schools.
- o 25 of the 115 parcels are owned by Salt Lake City Corporation.
- o 12 of the 115 parcels are owned by the State or Federal government, thus not under Salt Lake City's jurisdiction.
- o 3 of the 115 Public Lands parcels are privately owned.

Total	Number	PL parcels over	PL parcels over	PL parcels	PL parcels over	Privately
number	of parcels	20,000 SF	5 acres (the	over 20,000	20,000 SF owned	owned
of SLC	zoned PL	(which could	majority of	SF owned by	by the State or	PL parcels
Parcels		potentially	which are	Salt Lake	Federal	over 20,000
		accommodate a	owned by the	City	Government (not	SF
		restaurant use)	SLC Board of	Corporation	under the City's	
			Education)	_	jurisdiction)	
2,368	247	115	36	25	12	3

While there are 115 Public Lands parcels that meet the minimum lot size required for a permitted use, that doesn't suggest the properties meet the other underlying zoning requirements such as lot width and building setbacks. External factors including location, parking, and development costs may also limit the number of parcels where a restaurant could locate. Many of the parcels are already developed or are intended for use by public schools. Additionally, land owned by the State or Federal government is not under Salt Lake City's jurisdiction, thus doesn't have to comply with the City's underlying zoning requirements. The impact of permitting restaurants is expected to be minimal and will likely only occur on a few parcels in the city.

KEY CONSIDERATIONS:

The key considerations below were identified through department review, public comments, and an analysis of the zoning ordinance and the City's guiding documents such as Plan Salt Lake and the Salt Lake City Urban Design Element.

Adopted Master Planning Documents

One of the guiding principles in Plan Salt Lake is to create a "balanced economy that produces quality jobs and fosters an environment for commerce, local business, and industry to thrive".

One of the City's initiatives is to support the growth of small businesses, entrepreneurship and neighborhood nodes. Permitting additional uses in the Public Lands zone creates more economic opportunities for local businesses. The Salt Lake City Urban Design Element speaks to implementing pedestrian-oriented design to activate public spaces. Allowing restaurants in this zone would encourage their use in publicly owned spaces that are often underutilized.

Impacts from Allowing Restaurants in PL Zoned Properties

Potential Benefits of Permitting Restaurants

- Permitting restaurants would activate existing buildings and public spaces that are currently underutilized or unprogrammed after peak business hours.
- Restaurants would allow for a broader use of properties and provide an opportunity for local businesses to open and existing businesses to expand their operations.
- Restaurant owners would have to sign a lease with Salt Lake City or the government entity that owns the land, which generates revenue and allows the entity to regulate the use.
- Any new development would be required to adhere to the Public Lands Zoning District standards outlined in <u>section 21A.32.070</u> of the Zoning Ordinance. Outside of public schools, all other permitted uses, such as a restaurant, must meet the following criteria:
 - o Minimum Lot Area: 20,000 square feet (.4591 acres)
 - o Minimum Lot Width: 75 feet
 - Maximum Building Height: Thirty-five feet (35')
 - Minimum Yard [setback] Requirements:
 - Front, Rear and Corner Side Yards: Thirty feet (30')
 - Interior Side Yard: Twenty feet (20')
 - Landscape Yards: All front and corner side yards must meet the requirements outlined in <u>chapter 21A.48</u>. Landscape Buffers: Landscape buffers are required when a lot in the PL Public Lands District abuts a lot in a Single-Family or Two-Family Residential District. Landscaping buffer requirements can be found in <u>chapter 21A.48</u>.

Potential Issues with Permitting Restaurants

Issue 1: Signage

Planning staff asked other city departments and divisions to review and provide feedback on the proposal. During the review process, the issue of how to regulate private signage on public property was raised. Section 21A.46 - Signs On Public Property states, "Except for portable signs authorized pursuant to section 21A.46.055 of this chapter, no sign shall be located on publicly owned land or inside street rights of way, except signs erected by permission of an authorized public agency." Unless the signage code is amended, restaurants will be held to the standard above. This code may have to be addressed in the future as restaurants often provide signage to promote their business.

Issue 2: Parking

Per <u>table 21A.44.030</u> Schedule of Minimum Off-Street Parking Requirements, restaurants are required to have two (2) parking spaces per 1,000 square feet of useable floor area. Shared parking is allowed when multiple uses share the same off-street parking facility. A new off-street parking ordinance has been transmitted to the City Council after receiving a positive recommendation from the Planning Commission on January 8, 2020. If adopted, the off-street parking requirement for restaurants would remain the same. All departmental review comments can be reviewed in Attachment F.

<u>Issue 3: Commercialization of Public Spaces</u>

There have been some concerns from residents and through past planning processes that commercializing public spaces is not appropriate. While the City would generate some revenue from private businesses wishing to operate on government owned land, the number of properties available is limited so the competition with the private market would be minimal. Regarding the current proposal, one resident spoke to this issue. They are in favor of allowing restaurants as a Conditional

Use, subject to forceable restrictions, particularly if they are allowed to serve alcohol. Current code does not permit alcohol establishments within the zone. The Public Lands – 2 zone was established during the development of Library Square. This zone limits the size and types of permitted uses on public lands to minimize the impact a commercial business may have. While this is a separate zoning district, the uses are similar to the Public Lands zone.

Summary:

After reviewing applicable code requirements, staff believes adding restaurants as a permitted use aligns with the intent of the Zoning Ordinance and city-wide planning documents. Only 115 existing properties are zoned Public Lands that also meet the minimum lot size requirement of 20,000 SF for a permitted use. Upon a complete zoning review, these properties may not meet the other zoning standards outlined in code, thus could not accommodate the use. In addition, most properties are owned by a government entity so the business owner would have to sign a lease to operate on the property, which allows the use to be regulated to a higher extent.

Staff agrees that the commercialization of public lands can be inappropriate. But because the Public Lands Zoning District has a limited number of permitted uses, adding restaurants to the land use table would not create additional impacts that couldn't be mitigated through the existing regulations outlined in code. Adding a commercial element to the zone would also encourage a greater use of these properties which typically only support daytime uses. Staff supports allowing restaurants in the Public Lands Zoning District because in addition to supporting parks and open spaces, the zone already allows a variety of commercial uses. The existing commercial element of the zone makes it different than the Open Space or Natural Open Space Zoning Districts, which are designed to protect undeveloped open space and limit the number of commercial uses allowed.

After reviewing city-wide planning documents, zoning regulations, and the existing land uses within the Public Lands Zoning District, staff has concluded that permitting restaurants will uphold the intent of the zone and is consistent with the purposes, goals, objectives, and policies of the city, thus recommends the Planning Commission transmit a positive recommendation to the City Council regarding the proposed text amendment.

NEXT STEPS:

The City Council has the final authority to make changes to the text of the Zoning Ordinance. The recommendation of the Planning Commission for this request will be forwarded to the City Council for their review and decision.

ATTACHMENT A: PROPOSED TEXT AMENDMENT

21A.33.070: TABLE OF PERMITTED AND CONDITIONAL USES FOR SPECIAL PURPOSE DISTRICTS: To view TABLE OF PERMITTED AND CONDITIONAL USES FOR SPECIAL PURPOSE DISTRICTS in PDF, click HERE

Legend: C =	Conditional	P =	Permitted
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Use	Permitted And Conditional Uses By District																
Use	RP	BP	FP	AG	AG-2	AG-5	AG-20	OS	NOS	A	PL	PL-2	Ι	UI	MH	EI	MU
Restaurant		P7									<u>P</u>						P

ATTACHMENT B: PUBLIC LANDS ZONING MAP

PL - Public Lands Zoning District Parcels Properties Zoned PL GIS_ACRES 0 - .44 acres .45 - 5 acres 5.1 - 59.8 acres

Salt Lake City Planning Division, 10/12/2020

ATTACHMENT C: PETITION TO INITIATE



MEMORANDUM

PLANNING DIVISION DEPARTMENT of COMMUNITY and NEIGHBORHOODS

To: Mayor Erin Mendenhall

Cc: Lisa Shaeffer, Chief Administrative Officer; Jennifer McGrath, Deputy Director Department of

Community and Neighborhoods;

From: Nick Norris, Planning Director

Date: June 24, 2020

Re: Zoning amendment related to restaurant in the PL Public Lands Zoning District

The Planning Division has been asked to provide input on the pros and cons of adding restaurants as a permitted use in the PL Public Lands Zoning District. The PL zoning district primarily includes government properties that are used for public schools, government buildings, and government operations. The purpose of the district is to provide areas in the city for public uses and regulate the development of those uses. The zoning district includes lands owned by the State of Utah and the United States. These lands are not subject to the zoning regulations, with the exception of public schools, which are subject to some local regulations.

The zoning district contains some unique land uses that include a variety of food serving establishments, including the City and County Building and Smiths Ballpark and other unique properties such as the Wasatch Plunge building on 300 West.

Adding restaurants to the table of permitted and conditional uses would be required for the use to be allowed in the zoning district. The benefits of doing this include:

- Promoting broader use of the buildings and properties that are zoned PL, specifically those sites that
 already include similar uses such as the restaurant in the City and County Building and potentially
 restaurants on the Smith Ballpark property.
- Activating existing public spaces that are typically difficult to program and activate due to the nature of the site.
- Supports the incubation and provides opportunity for local businesses.
- Generates some revenue for the government entity that owns the property.

There may be some concerns with taking this approach, including:

- Public lands containing commercial businesses competing with private property. This issue arose during the redevelopment of the Library Block and adding commercial space inside the library. The solution was to limit the size and type of uses to reduce competition with private property by creating a new zone (PL-2).
- There may be barriers created by other zoning regulations, such as off-street parking requirements, that make it difficult to establish the use on property that does not have adequate parking to begin with.
- Processing a zoning amendment requires diverting staff resources from other city priorities.

A zoning amendment process can be started by one of four entities:

- · a property owner,
- Mayor,
- · City Council, or
- Planning Commission.

The Planning Division typically provides a memo to the Mayor to sign to initiate a zoning amendment. The memo explains the issue, provides a brief description of the process, and the resources required. For this potential proposal, the process would follow the typical engagement processes that include notification of all community councils and a 45-day comment period. Following the 45-day comment period the Planning Division would prepare for a public hearing with the Planning Commission. After the Planning Commission makes a recommendation, the matter is transmitted to the City Council for a decision.

In the interest of time and to avoid redundancy, this memo includes a signature block to initiate the petition if that is the decided course of action. If the decided course of action is to not initiate the application, the signature block can remain blank. Please notify the Planning Division when the memo is signed or if the decision is made to not initiate the petition.

Please contact me at ext. 6173 or <u>nick.norris@slcgov.com</u> if you have any questions. Thank you.

Concurrence to initiate the zoning text amendment	t petition as noted above.
E. March 9	July 2, 2020
Erin Mendenhall, Mayor	Date

ATTACHMENT D: ANALYSIS OF STANDARDS

ZONING TEXT AMENDMENTS

21A.50.050: 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 concerning a proposed text amendment, the City Council should consider the following:

Factor	Finding	Rationale
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;	Complies	One of the guiding principles of the 2015 Plan Salt Lake is to create a balanced economy that fosters an environment for commerce, local business, and industry to thrive. Expanding the number of properties where a restaurant can operate supports business owners and the local economy. The Salt Lake City Urban Design Element encourages greater use of public areas for eating, entertainment, etc. It also speaks to the importance of prioritizing street-level activity when developing pedestrian-oriented spaces. Properties zoned Public Lands typically have daytime activity, but once the primary use closes for the evening the property isn't fully utilized. Permitting restaurants would expand the operational hours and allow for more "eyes on the street".
2. Whether a proposed text amendment furthers the specific purpose statements of the zoning ordinance;	Complies	The purpose statement of the Public Lands District is to specifically delineate areas of public use and to control the potential redevelopment of public uses, lands and facilities. The majority of the properties zoned Public Lands are government owned. Any development or business proposals on City-owned land would have to comply with the underlying zoning requirements, complete a site plan review, and receive various department approvals. State and Federally owned properties function independently and do not have to adhere to the City's 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	Complies	The proposed change primarily affects the base zoning district. If a parcel which is zoned Public Lands is also located within the airport overlay district or a local historic district, the proposal will have to comply with the applicable standards of the overlay district.
4. The extent to which a proposed text amendment implements best current, professional practices of urban planning and design.	Complies	The proposed text amendment would diversify the use of existing public spaces and promote activity in spaces that are currently underutilized or unprogrammed. Promoting additional uses increases street activity and allows more opportunities for "eyes on the street", thus increasing security. Restaurants would adhere to the established zoning standards outlined in section 21A.32.070 of code, such as, lot size, lot width, setbacks, and landscape buffers. Of the 247 properties zoned Public Lands only 115 properties could potentially meet the zoning requirements to accommodate a restaurant.

ATTACHMENT E: PUBLIC PROCESS AND COMMENTS

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

Recognized Organizations Notice:

Staff contacted all community council chairs and recognized organizations on August 4, 2020. None of the community councils requested additional information or provided comments within the 45-day comment period.

Open House:

From August 4, 2020 to September 20, 2020, information and a request for comments regarding the proposal was posted to the City's Online Open House page.

Public Hearing Notice:

A notice of the public hearing for this text amendment includes:

- Public hearing notice published in the newspaper on October 17, 2020.
- Public hearing notice was posted on City and State websites on October 15, 2020.

Public Comments:

At the time of the publication of this staff report, five public comments have been received. The comments are included below. Any additional comments received will be forwarded to the Planning Commission.

From: Steve Alder
To: Roman, Amanda
Subject: (EXTERNAL)

Date: Monday, August 10, 2020 12:31:23 PM

Facilities on public lands.

I am confused by the zone, since the city seems to deny that it has any zoning authority on state or federal lands, how does the city have any power to restrict or permit food or beverage services on public lands and if it can why can't the city zone research park.

Sent from Mail for Windows 10

From: <u>Jason Cowan</u>
To: <u>Roman, Amanda</u>

Subject: (EXTERNAL) Petition Number: PLNPCM2020-00503 Permitting Restaurants

Date: Saturday, August 15, 2020 2:27:23 PM

Hello Ms. Roman,

I am in support of permitting restaurants to use land deemed PL Zone. Restaurants need all the help they can get during this time and if expanding their operations to these PL zoned areas its good for us all.

Thank you.

Jason Cowan

To call or text:

From: James Webster
To: Roman, Amanda

Subject: (EXTERNAL) Restaurants on public lands

Date: Wednesday, September 9, 2020 12:35:47 AM

This appears as a gateway to enable Jon Bates et.al. to further commercialize public institutional lands as an unwarranted "educational or research mission".

Traffic impacts alone merit denial. Jim Webster, RLA

Sent from my iPhone

Sent from my iPhone

 From:
 Scott Kisling

 To:
 Roman, Amanda

 Cc:
 Judi Short

Subject: (EXTERNAL) PLNPCM2020-00503 comment Date: Saturday, September 12, 2020 1:49:31 PM

Dear Commissioner,

I am in favor of including restaurants as a Conditional use in PL Zones, subject to enforceable restrictions, especially if restaurants are allowed to serve alcohol – a necessary element for their financial success. I strongly believe sufficient constraints must be in place to prevent the appearance of commercializing our parks. It's always difficult to tie proposals such as this to any particular language in the applicable Master Plans, but I believe that conditionally approving this use certainly addresses the *spirit* of the documents. Warm regards,

Scott Kisling

Salt Lake City, UT

From: René smink
To: Roman, Amanda

Subject: Re: (EXTERNAL) Restaurant in public lands zoning district: yes please

Date: Monday, September 14, 2020 11:13:29 AM

Perfect I vote YES

Regards, Un Saludo, Met vriendelijke groet,

René H.A. Smink

From: Roman, Amanda < Amanda. Roman@slcgov.com>

Sent: Monday, September 14, 2020 09:02 **To:** René smink <

Subject: RE: (EXTERNAL) Restaurant in public lands zoning district: yes please

Rene,

I hope you are well. Yes, if the amendment is approved and restaurants are listed as a "Permitted Use" then Cytybyrd would be able to operate on the weekends.

Best.

Amanda Roman Principal Planner

PLANNING DIVISION COMMUNITY and NEIGHBORHOODS SALT LAKE CITY CORPORATION

TEL 801-535-7660 www.slc.gov/planning

From: René smink < > Sent: Sunday, September 13, 2020 8:46 PM

To: Roman, Amanda < Amanda. Roman@slcgov.com>

Subject: Re: (EXTERNAL) Restaurant in public lands zoning district: yes please

Thanks, would this mean that the city bird at washington square could open weekends?

Regards, Un Saludo, Met vriendelijke groet, René H. A. Smink

ATTACHMENT F: DEPARTMENT REVIEW COMMENTS

Public Utilities (Jason Draper at jason.draper@slcgov.com)

"Public Utilities does not object to the proposed text amendment. All restaurants will be required to meet public utility standards, policies, and ordinances. All restaurants require grease removal systems. There may be cost associated with restaurants including meter costs, and sewer lateral replacement or installation to accommodate this use."

Transportation (Michael Barry at michael.barry@slcgov.com)

"Each restaurant will need to accommodate the required off-street parking."

Public Lands (Kristin Riker at kristin.riker@slcgov.com)

"I [Kristin Riker] have spoken with Public Services Attorneys and with Planning regarding the impact of this action. I am supporting to move this forward."

Engineering (Scott Weiler at scott.weiler@slcgov.com)

Engineering has no objections.

HAND (Lani Eggertsen-Goff at lani.eggertsen-goff@slcgov.com)

HAND does not have any concerns related to this proposal.

Zoning, Building and Fire (Gregory Mikolash at gregory.mikolash@slcgov.com)

There are no zoning, building, or fire related issues associated with this request.

Sustainability (Vicki Bennett at vicki.bennett@slcgov.com)

No concerns from Sustainability.

Police (Scott Teerlink at scott.teerlink@slcgov.com)

No concerns from Police on this proposal.