

# DEPARTMENT of COMMUNITY and NEIGHBORHOODS

Jennifer McGrath Interim Director

#### CITY COUNCIL TRANSMITTAL

Lisa Shaffer, Chief Administrative Officer

Date Received: July 21, 2020
Date sent to Council: July 22, 2020

TO: Salt Lake City Council DATE: 07/21/2020

Chris Wharton, Chair

FROM: Jennifer McGrath, Interim Director Department of Community & Neighborhoods

Jenniner McGrath (Jul 21, 2020 13:09 MDT)

**SUBJECT:** 989 E 900 South RB to CB Zoning Map Amendment

STAFF CONTACT: Daniel Echeverria, Senior Planner, daniel.echeverria@slcgov.com, 801-

535-7165

**DOCUMENT TYPE:** Ordinance

**RECOMMENDATION:** Adopt the ordinance amending the zoning map for the east half of the property at 989 E 900 South as recommended by the Planning Commission

**BUDGET IMPACT:** None

#### **BACKGROUND/DISCUSSION:**

The property owner, Ryan Littlefield, is requesting that the east half of his property at 989 E 900 South be rezoned from the Residential/Business (RB) zone to the Community Business (CB) zone. The property is currently split zoned with the west half of the property zoned CB and the east half zoned RB. The rezone to CB would make the entire property one consistent zone.

The applicant is requesting the rezone as they are considering expansion options for their business on the property and the existing zoning requirements are not conducive to the options they are considering. The



applicant identified the front setback limitation as a key constraint in their presentation to the Planning Commission (located in Exhibit 3f). Their presentation notes they are primarily considering an expansion to the front façade along 900 South. The RB requires a 10' to 15' setback for the building along 900 South whereas the CB zone does not have a front setback requirement and so the building could be built up to the front property line next to the sidewalk with the proposed zone.

The rezone to CB will increase the amount of design regulations applicable to any expansions of the property, including minimum front facade glass requirements, and blank wall length limits. Additionally, for any larger expansions many more design regulations would apply through the required Design Review process. The current RB zone has very few design regulations that would apply to expansions to the building, generally only requiring a door on a street facing facade.

The development potentials of the existing and proposed zones are otherwise similar. The proposed zone also generally complies with the Master Plan designation for the east side of the property, which is designated for "Low Density Residential/Mixed Use." For additional information regarding the two associated zones and the zoning amendment considerations, please refer to the Planning Commission Staff Report found in Exhibit 3b.

#### **PUBLIC PROCESS:**

- Notice of the project and request for comments was sent to the Chairs of the East Liberty Park Community Organization and the East Central Community Council on March 12, 2020.
  - The East Liberty Park Community Organization provided a letter in support of the proposal. That letter is located in Exhibit 3d.
- An "online open house" notice was mailed to property owners/residents within 300 feet of the proposal on April 10, 2020 informing them of the proposal, where to get more information, and who to contact for questions and comments.
  - One letter in support of the proposal was received from a nearby property owner/resident.
  - o No public comments were received in opposition to the proposal.
- The Planning Commission public hearing was held on June 10, 2020. One person spoke during the public hearing in support the proposal.
- Following the public hearing, the Planning Commission voted unanimously to forward a positive recommendation to the City Council for the zone change from RB to CB as requested by the applicant.

#### **EXHIBITS:**

- 1. Chronology
- 2. Notice of City Council Hearing
- 3. Planning Commission June 10, 2020
  - a. Mailed Notice
  - b. Staff Report
  - c. Agenda/Minutes
  - d. Additional Public Comments
  - e. Staff Presentation Slides

- f. Applicant Presentation Slides4. Original Petition5. Mailing List

#### SALT LAKE CITY ORDINANCE No. \_\_\_\_\_ of 2020

(Amending the zoning map pertaining to a parcel of property located at 989 East 900 South Street to rezone a portion of that parcel from RB Residential/Business District to CB Community Business District)

An ordinance amending the zoning map pertaining to a split-zoned parcel of property located at 989 East 900 South Street to rezone a portion of that parcel from RB Residential/Business District to CB Community Business District pursuant to petition number PLNPCM2020-00126.

WHEREAS, Ryan Littlefield submitted an application to rezone a portion of the split-zoned parcel of property located at 989 East 900 South Street from RB Residential/Business

District to CB Community Business District pursuant to petition number PLNPCM2020-00126 in order for the entire parcel to be zoned CB Community Business District; and

WHEREAS, at its June 10, 2020 meeting, the Salt Lake City Planning Commission held a public hearing and voted in favor of forwarding a positive recommendation to the Salt Lake City Council on the application; and

WHEREAS, after a public hearing on this matter, the city council has determined that adopting this ordinance is in the city's best interests.

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. <u>Amending the Zoning Map</u>. The Salt Lake City zoning map, as adopted by the *Salt Lake City Code*, relating to the fixing of boundaries and zoning districts, shall be and hereby is amended to reflect that the portion of the parcel located at 989 East 900 South Street

(Tax ID No. 16-08-180-048-0000), more particularly described on Exhibit "A" attached hereto, presently zoned RB Residential/Business shall be and hereby is rezoned to CB Community Business District, so that the entirety of the parcel is zoned CB Community Business.

SECTION 2. Effective Date. This ordinance shall become effective on the date of its first publication. Passed by the City Council of Salt Lake City, Utah, this \_\_\_\_ day of \_\_\_\_\_\_, 2020. **CHAIRPERSON** ATTEST AND COUNTERSIGN: CITY RECORDER Transmitted to Mayor on \_\_\_\_\_\_. Mayor's Action: \_\_\_\_\_\_\_ Approved. \_\_\_\_\_\_ Vetoed. MAYOR CITY RECORDER (SEAL) APPROVED AS TO FORM Bill No. \_\_\_\_\_ of 2020 Salt Lake City Attorney's Office Published: July 16, 2020 Paul Nielson, Senior City Attorney

## Exhibit "A"

Legal description of the property

Tax ID No. 16-08-180-048-0000

BEG SE COR LOT 1, BLK 1, WOODMANSEE SUB, BLK 1, PL B, SLC SUR; N 89°57'36" E 82.5 FT TO W R OF W LINE OF 1000 E STREET; N 0°00'58" W 123.75 FT; S 89°57'36" W 82.5 FT; S 0°00'58" E 3.75 FT; S 89°57'36" W 95 FT; S 0°00'58" E 120 FT; N 89°57'36" E 95 FT TO BEG.

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### PROJECT CHRONOLOGY

Petition: PLNPCM2020-00126, RB to CB Zoning Amendment at 989 E 900 South

February 13, 2020	Petition submitted by the property owner, Ryan Littlefield
March 2, 2020	Petition assigned to Daniel Echeverria, Senior Planner, for staff analysis and processing.
March 12, 2020	Notice sent to Recognized Community Organizations (East Liberty Park Community Organization and East Central Community Council) informing them of the petition.
April 10, 2020	Online Open House notices sent to property owners/residents within 300 feet of the proposal.
April 27, 2020	End of 45-day Recognized Community Organization notice period.
May 28, 2020	Sign posted on property, agenda posted on City/State noticing websites, and sent out on City listserv for June 10 <sup>th</sup> PC Meeting
May 29, 2020	Notice mailers to property owners/residents within 300 feet sent out and postmarked
June 10, 2020	Planning Commission held public hearing and made positive recommendation to approve proposed rezone

2. NOTICE OF CITY COUNCIL HEARING

#### **NOTICE OF PUBLIC HEARING**

The Salt Lake City Council is considering Petition PLNPCM2020-00126 989 E 900 South RB to CB Rezone – Ryan Littlefield, property owner, is requesting to rezone a portion of his property at 989 E 900 South. The property is currently "split-zoned" wherein the west half of the property is zoned Community Business (CB) and the east half is zoned Residential Business (RB). The applicant is requesting to change the zoning of the east half of the property to CB so that the entire property is zoned CB. The property is currently occupied by a commercial building and parking lot. No new development is currently proposed. Although the applicant has requested that the property be rezoned to the CB zoning district, consideration may be given to another zoning district with similar characteristics. The property is located in District 5, represented by Darin Mano.

As part of their study, the City Council is holding an advertised public hearing to receive comments regarding the petition. During this hearing, anyone desiring to address the City Council concerning this issue will be given an opportunity to speak. The hearing will be held:

DATE:

**TIME:** 7:00 p.m.

**PLACE:** Room 315

City & County Building 451 South State Street Salt Lake City, Utah

If you have any questions relating to this proposal or would like to review the file, please call Daniel Echeverria at 801-535-7165 between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday or via e-mail at <a href="mailto:daniel.echeverria@slcgov.com">daniel.echeverria@slcgov.com</a>.

The City & County Building is an accessible facility. People with disabilities may make requests for reasonable accommodation, which may include alternate formats, interpreters, and other auxiliary aids and services. Please make requests at least two business days in advance. To make a request, please contact the City Council Office at <a href="mailto:council.comments@slcgov.com">council.comments@slcgov.com</a>, 801-535-7600, or relay service 711.

3. PLANNING COMMISSION – June 10, 2020 a. Mailed Notice

U.S. POSTAGE > PITNEY BOWES

SALT LAKE CITY PLANNING DIVISION MAY

FIRST CLASS

06/01/2020 STATE MAIL

Salt Lake City Planning Division Daniel Echeverria SALT LAKE CITY UT 84114 P.O. Box 145480

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#### PLANNING COMMISSION MEETING

June 10, 2020, at 5:30 p.m.

This meeting will be an electronic meeting pursuant to Salt Lake City Emergency Proclamation No. 2 of 2020 (2)(b)

RB to CB Rezone at approximately 989 East 900 South - Ryan Littlefield, property owner, is requesting to rezone a portion of his property at 989 E 900 South. The property is currently "split-zoned" wherein the west half of the property is zoned Community Business (CB) and the east half is zoned Residential Business (RB). The applicant is requesting to change the zoning of the east half of the property to CB so that the entire property is zoned CB. The property is currently occupied by a commercial building and parking lot. No new development is currently proposed. Although the applicant has requested that the property be rezoned to the CB zoning district, consideration may be given to another zoning district with similar characteristics. The property is located in District 5, represented by Darin Mano. (Staff Contact: Daniel Echeverria at (801) 535-7165 or daniel echeverria@slcgov.com) PLNPCM2020-00126

This Meeting will not have an anchor location at the City and County Building. Commission Members will connect remotely.

The Planning Commission meeting will be available on the following platforms:

- YouTube: www.youtube.com/slclivemeetings
- SLCtv Channel 17 Live: www.slctv.com/livestream/SLCtv-Live/2

#### Providing Comments:

If you are interested in participating during the Public Hearing portion of the meeting or provide general comments, email: planning.comments@slcgov.com or connect with us on WebEx at:

http://tiny.cc/slc-pc-06102020

For instructions on how to use WebEx visit: www.slc.gov/planning/ public-meetings

For Planning Commission agendas, staff reports, and minutes, visit the Planning Division's website at slc.gov/planning/public-meetings. Staff Reports will be posted the Friday prior to the meeting and minutes will be posted two days after they are ratified, which usually occurs at the next regularly scheduled meeting of the Planning Commission.



# **Staff Report**

PLANNING DIVISION COMMUNITY & NEIGHORHOOD DEVELOPMENT

**To**: Salt Lake City Planning Commission

From: Daniel Echeverria, 801-535-7165, daniel.echeverria@slcgov.com

Date: June 5, 2020 (publication)

**Re**: PLNPCM2020-00126 RB to CB Rezone

#### **Zoning Map Amendment**

**PROPERTY ADDRESS:** 989 E 900 South (approximate)

PARCEL ID: 16-08-180-048-0000

MASTER PLAN: Central Community Master Plan

**ZONING DISTRICT:** Current - Community Business (CB) and Residential Business (RB)

*Proposed* – Community Business (CB)

#### **REQUEST:**

Ryan Littlefield, property owner, is requesting to rezone a portion of his property at 989 E 900 South. The property is currently "split-zoned" wherein the west half of the property is zoned Community Business (CB) and the east half is zoned Residential Business (RB). The applicant is requesting to change the zoning of the east half of the property to CB so that the entire property is zoned CB. The Central Community Master Plan's Future Land Use map designates the west half of the property for "Community Commercial" and the east half of the property for "Low Residential/Mixed Use (5-10 dwelling units per acre)." The property is currently occupied by a commercial building and parking lot. No new development is currently proposed. Although the applicant has requested that the property be rezoned to the CB zoning district, consideration may be given to another zoning district with similar characteristics.

#### **RECOMMENDATION:**

Based on the findings listed in the staff report, Planning Staff recommends that the Planning Commission forward a favorable recommendation for the rezone request to the City Council.

#### **ATTACHMENTS:**

- A. Zoning and Future Land Use Maps
- B. Applicant's Narrative
- C. CB and RB Zoning Regulation Summaries
- D. Property & Vicinity Photographs
- E. City Master Plan Policies
- F. Analysis of Standards Zoning Map Amendment

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- **G.** Public Process and Comments
- H. Department Review Comments

#### **Petition Description**

The property owner Ryan Littlefield is requesting to rezone the east half of his property from the Residential Business (RB) zone to the Community Business (CB) zone. The property is currently "split-zoned" wherein the west half of the property is zoned CB and the east half is zoned RB. The dividing line between the two zones runs through the middle of the property, crossing through a building on the site.

The property has been split zoned since at least 1995 when the City rezoned the entire City. The zoning was likely meant to correspond with a property line that ran through the middle of the property up until 1993. The split zoning of a



property can make development on a site more difficult as one side of a building has to follow one set of regulations, while the other side has to follow another set.



Bird's eye view of the subject property, looking north

The building on the site was completely remodeled and added onto in 2013. The west portion was required to comply with the CB regulations, while the east side had to comply with the RB regulations. The building is occupied by the property owner's retail business Contender Bicycles.

The applicant has provided a detailed narrative about the reasons for their request and how they believe it complies with the City's considerations for a rezone in Attachment B. The applicant notes in their narrative that they are considering expansion options due to their growing business but has not submitted any development plans.

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#### **Key Facts**

- The property is split-zoned with "CB" zoning on the west half and "RB" zoning on the east half.
- Currently, any new buildings or additions would have to comply with the CB regulations if on the west side of the property, and the RB regulations if on the east side of the property.
- The rezone would allow for greater building coverage on the east half of the property than currently allowed.
- The current RB zone has fewer design requirements for buildings compared to the proposed CB zone.
- The rezone will make it more likely that any significant new additions to the building (or new construction) on the property will be reviewed through a Design Review process, rather than being allowed by right.



Zoning map of the subject property. The CB zone is orange (left) and the RB zone is striped pink (right). A larger zoning map is in <u>Atttachment A.</u>

The differences between the two zones and the development potential of the lot under the rezone are discussed in more detail in <u>item 1 of the Key Considerations</u> section below.

#### **Applicable Review Processes and Standards**

#### **Review Processes:** Zoning Map Amendment

Zoning map amendment proposals are reviewed against a set of considerations from the Zoning Code. The considerations are listed in <a href="Attachment F">Attachment F</a>. Planning staff is required by ordinance to analyze proposed zoning map amendments against existing adopted City policies and other related adopted City regulations, as well as consider how a zoning map amendment will affect adjacent properties. However, ultimately, a decision to amend the zoning map is up to the discretion of the City Council.

#### **Community Input**

Notification of this proposal was sent out in March and April to the local community councils and surrounding properties within 300 feet of the property to get community input. The East Liberty Park Community Council provided a letter in support of the rezone. A nearby property owner also submitted a letter in support of the rezone. Those letters are in <u>Attachment G</u>.

#### **KEY CONSIDERATIONS:**

The below considerations were identified through the analysis of the proposal and the zoning amendment consideration standards:

- 1. CB and RB Zoning Development Potential
- 2. Central Community Master Plan Compatibility
- 3. Compatibility with Adjacent Properties

989 E 900 S RB to CB Zoning Map Amendment

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#### Consideration 1: CB and RB Zoning Development Potential

In this split zone situation, any development on the east half of the property must comply with the RB regulations and any development on the west half of the property must comply with the CB regulations. The regulations are not combined and then applied across the entire property. Diagrams of the complete regulations for each individual zone and a full list of their allowed land uses is located in Attachment C.

The CB and RB zones have similar regulations, allowing for many of the same uses and allowing for similarly sized buildings. A few major differences between the two zones are the buildable area limitations and review processes required:

- The RB zone only allows for 50% of a lot to be covered by buildings. The CB zone does not have such a limit.
- The RB zone has front/corner and side setbacks. The CB zone doesn't have such setbacks
  and even has a maximum front/corner setback to encourage buildings to be closer to the
  sidewalk.
- The CB zone requires a public Design Review process for buildings with a first floor exceeding 7,500 square feet. The RB zone doesn't have such a requirement.
- If the property were rezoned to all CB, additions to the building would be subject to the Design Review process if the first-floor area of the building will total more than 7,500 square feet or the entire building floor area will total more than 15,000 square feet overall. The existing first floor is approximately 5,400 square feet in size, so any additions to the first floor over 2,100 square feet would trigger a Design Review process.

The diagrams below show the development potential of the site under the current split-zoning versus the proposed rezone, showing the buildable area limits above. Areas with diagonal hatching are setback areas that don't allow for buildings.



Buildable area with current split-zoning. A ~950 square foot addition could be built on the east half of the property under the current zoning by right. An addition without such size limitations could be built on the west side.



Buildable area if the property is rezoned to CB. There would be no lot coverage limit, except for the rear (west) setback. Building additions over the size threshold would trigger Design Review and additional design guidelines.

The primary development potential difference is that the rezone would allow for greater building coverage on the east side of the property than would otherwise be allowed under the current RB zone. Under current RB zoning, the applicant could build a ~950 square foot addition on the RB zoned east half of the property before running into the 50% lot coverage limitation. Such an addition would take up about a third of the existing parking lot area on that

side. If rezoned to CB, a building could occupy most of the entire lot, except for the rear yard on the west. However, if the building exceeded certain size thresholds, it would trigger compliance with additional design guidelines and the Design Review process.

For comparison, the primary zoning bulk regulations for each district are listed in the table below:

<b>Zoning Standard</b>	RB Zone	CB Zone
Front Setback	<b>20</b> % of lot depth or existing setbacks	o'/None required, maximum setback of
	(10' or 15' for this property)	15' for 75% of façade.
Corner Side Yard	10' or existing setbacks	o'/None required, maximum setback of
	(10' for this property)	15' for 75% of façade.
Interior Side Yard	6'	o'/None required
Rear Yard	<b>25</b> % of lot depth (up to 30')	10'
	(rear yard of the lot is in west CB	
	zoned side of this property)	
Height	30'	30'
Building Size	Not more than <b>50%</b> of lot (within RB	Buildings in excess of 7,500 sq ft on the
Limits	zoned area)	first floor or 15,000 sq ft overall, are
	(currently at 40% lot coverage, so a	subject to Design Review and additional
	~950 sq ft addition is allowed)	design guidelines
		(currently at ~5,400 sq ft 1st floor,
		~13,000 sq ft overall/~9,000 sq ft overall
		if the basement is unfinished and used
		only for storage)

The zones also differ in the design standards required for development, with the CB zone having more standards to comply with to encourage pedestrian engagement and visual interest:

Design Standard	RB Zone	CB Zone		
Glass Requirements	No min./Max. 50% glass overall on a façade	Min. 40% ground floor glass		
Blank Wall Limits	Not regulated.	Limited to 15' without interruption by windows or wall modulations.		
Parking Lot lighting	Limited to 16' height, must be shielded.	Limited to 16' height, must be shielded.		
Mechanical Equipment/Service Area Screening	Not regulated.	Required to be screened.		
Residential Character	Requires pitched roofs for new buildings (not applicable to additions to flat roof buildings), requires maintaining residential exteriors in converting to retail/office, requires addition materials/design to match original building.	Not applicable. If over size threshold, roof style may be regulated through Design Review.		

Although the RB zone requires new buildings to have pitched roofs, existing buildings and additions to those buildings can be flat. The CB zone has roof style regulations for buildings over a size threshold that are subject to Design Review. The Planning Commission can require pitched roofs through that process to vary the roofline or match existing roof shapes on the block.

In addition to the base design standards above, the CB zoning requires buildings over a size threshold (7,500 sq ft 1st floor/15,000 sq ft overall floors) to go through Design Review and comply with additional CB design guidelines. These design guidelines include:

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- Building shall be visually compatible with buildings on the block face
- Rooflines shall be similar to roof shapes on the block face
- Façade treatments should break up building façade to reduce apparent size, including roofline changes, façade plan changes, lower building heights
- Buildings shall provide a continuous street wall of building façade
- The Commission may require greater setbacks/buffering next to low density land uses
- The Commission may require upper levels to be stepped for compatibility

The RB zone does not have a similar Design Review requirement or design guidelines like the above.

Although not explicit about this in its official ordinance purpose statement, the unique design regulations in the RB zone are intended to preserve the residential character of existing residential structures within the zone. For existing residential buildings, the regulations generally work to preserve such structures and their character by limiting changes and requiring preservation of residential architectural elements. However, for existing buildings that have a more commercial character, such as this property, the RB zone has virtually no regulations that would help ensure those buildings are high quality, engage the street, or are pedestrian oriented.

Ultimately, rezoning the property to CB is likely to result in any substantial additions going through a Design Review process with the Planning Commission, providing more design control than if the property remained zoned RB. The CB zone also has more design regulations than the RB zone for both as of right buildings and buildings required to go through Design Review. These additional design regulations will better help ensure that building designs are pedestrian oriented and visually interesting, which are important consideration in a pedestrian oriented business district like 9<sup>th</sup> & 9<sup>th</sup>.

#### Consideration 2: Central Community Master Plan Compatibility

In evaluating a rezoning proposal one of the key considerations is if the proposal complies with the associated community master plan and the plan's future land use map that designates the intended future land uses for a property. The *Central Community Master Plan* future land use map shows a split designation for the property that aligns with the split zoning of the property, as shown below.



The west side is designated with the "Community Commercial" designation and the east side designated with with "Low Residential/Mixed Use (5-10 dwelling units/acre)."

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"Low Density Residential Mixed Use" is defined in the plan as:

The purpose of the Low-Density Residential Mixed Use is to create viable neighborhoods with lower density and low traffic-generating commercial land uses by providing the ability to mix small neighborhood retail and service land uses with residential dwellings. The intent is to maintain populations at compatible low-density levels and help support neighborhood business uses.

Low-density mixed use allows a mix of low-density residential dwellings and small commercial land uses in structures that maintain a residential character. It also allows the integration of residential and small business uses at ground floor levels throughout designated areas in the Central Community. An example of this land use classification is 900 South between 200 and 500 East.

Neither the RB nor the CB zone completely match the "Low Residential/Mixed Use" designation in the master plan. Both zones allow for multi-family development without a density limitation, thus exceeding the noted 5-10 dwelling units an acre.

Additionally, since the property has an existing flat roof building, the existing RB zone does not require that this building or building additions "maintain a residential character." For example, the original flat roof, commercial style building on this site was completely remodeled in 2013 and kept a flat roof and commercial style façade (see <a href="Attachment D">Attachment D</a> for photos). The CB zone, however, does have design guidelines for large buildings going through Design Review that would provide more regulatory guidance for residential character. The guideline allows for the Planning Commission to impose roof styles, such as slopped roofs, for additions to new buildings, if appropriate to ensure compatibility with roof lines found on the block face and lower scale development - better complying with the master plan guidance for "residential character" maintenance for these types of buildings.

Both zones allow a similar mix of low intensity "neighborhood retail and service land uses" as called for in the master plan, including retail, restaurant, and office land uses. The CB zone does allow for a few more intense permitted uses than the RB zone, including minor automotive repair, banks, and restaurant/retail with drive-through, and a few more intense conditional uses, including gas station, hotel/motel, and bed and breakfast manor. See Attachment C for a full list of allowed uses in each zone. zones allow for "mixed-use" development with residential and commercial components. The CB zone allows for a mix commercial ground of on the (restaurant/retail/office/etc.) and residential floor above without unit density limitations. The RB allows a more limited mix, allowing only a single apartment retail or office space. However, the unit above any ground floor would allow a multi-family development to be built without a limit to the number of apartment units as long as it didn't include a commercial ground floor space.

Overall, although the CB zone doesn't completely fall within the master plan's future land use designation, such as with regard to density limitations, it is generally compatible with the description considering the design compatibility requirements of the zone and range of allowed lower intensity commercial land uses.

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#### **Consideration 3: Compatibility with Adjacent Properties**

As part of a zoning amendment request, staff is directed to analyze how adjacent properties may be affected by a change in zoning to the property. In this case, the property is directly adjacent to properties zoned Institutional (I) to the north and CB to the west. Across the street to the east (1000 East) are properties zoned RB and across the street to the south (900 South) are properties zoned RMF-35.

There is an existing residence on the north side of the property in the Institutional zone that will likely be buffered from development to a similar or greater amount with the CB zoning versus the existing RB zoning. This



Map showing adjacent uses and zoning

residence is zoned Institutional (I), which is a zone that doesn't allow for residential uses, so the use is considered "nonconforming." As the property is zoned "Institutional" and not "Residential," the zoning doesn't strictly require a "landscape buffer", as landscape buffers are only required when adjacent to Residential zoned properties.

However, there are elements to the existing zoning and proposed zoning that provide buffering despite the lack of a strict "landscape buffer" requirement. A comparison of the buffering/setback elements for each zone pertaining to that north property line are listed below:

Buffering/Setback Element	RB Zone	CB Zone			
Landscape Buffer next to Institutional Zoned Property	None required	None required			
Parking Lot Landscape Setback (required around any parking lot)	7' with shade trees every 30', 3' tall shrubs, and fencing				
Side Yard Building Setback (Along North Property Line)	6'	0'			
Special Low-Scale Residential Setback Requirements through Design Review	None required	Commission can impose side yard setback for any buildings over size thresholds (7,500 sq ft 1 <sup>st</sup> floor or 15,000 sq ft overall). Size of setback is up to the Commission's discretion to ensure combability with low scale residential use.			

With a rezone to CB, there would be no base requirement for a setback on the north side of the property next to the residence, whereas the RB zone would impose a 6' setback. However, if parking remains on the site in that area, there will continue to be a 7' landscaped setback required regardless of the zone. The property currently provides 19 parking stalls and requires 17. Given that any addition over 1,000 square feet would require 2 additional parking stalls (2 stalls per 1,000 sq ft for retail), it is unlikely that any parking would be removed from the

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property with any expansion. Due to that, the 7' landscape buffer would likely remain for any expansions of the building.



(Left Photo) View of the rear of the property (looking west) showing the 7' wide parking lot landscaping adjacent to the residence to the north. (Right Photo) Alternate view (looking west) centered on the fence line, showing the building, landscaping, and residence. Larger photos are in Attachment D.

Additionally, the existing building is of a size that substantial additions that reach the north area, or any completely new construction on the site that includes that area, would likely involve a floor area size that would trigger Design Review. This process would trigger provisions that allow the Commission to impose a discretionary setback and buffering for compatibility to that low-scale residential home. Overall, despite the lack of a strict side yard setback in the CB zone, a similar or greater setback to that home would be required for development in the CB zone versus the RB zone, due to the required parking lot landscaping and the special discretionary setback that could be required through Design Review.

The RMF-35 zoned properties to the south are buffered by 900 South, where the street provides a significantly wide separation to reduce the potential for any negative impacts. Additionally, the scale of development in that zone is taller (allowing for 35' tall development vs. 30' tall development). Similarly, the RB zoned properties to the east across 1000 East allow for similarly scaled development with similar uses as the CB zone. Those RB properties are buffered by the streetscape, including park strips, large trees, on-street parking, and driving lanes, providing a horizontal and vertical buffer. Given those elements, 1000 East may serve as a more logical dividing line for the transition of the CB to the RB zone along 900 South, providing a built-in buffer to reduce compatibility concerns between zoned areas, as opposed to through the middle of a developed property.

#### **DISCUSSION:**

The proposal has been reviewed against the Zoning Amendment consideration criteria in <u>Attachment F</u>, including criteria regarding the proposed zoning's impact and compatibility on adjacent properties, and compatibility with the associated master plan.

Regarding compatibility with adjacent properties, both the existing and proposed zones have similar development potentials and land use allowances, and so the proposed zoning would have a limited potential for any negative effects on adjacent properties versus the current zoning. The parking required for the uses on the site is likely to preserve existing landscaped buffering next to a lower scale use and the CB design guidelines will help ensure appropriate buffering, scale, and compatible design for any large additions or new developments on the site. The

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existing RB zone has very few design requirements for existing commercial style buildings, and the change to CB will add additional design requirements that help ensure better public facing building design outcomes. The change to CB zoning across the entire lot will result in any substantial future development (large additions or new construction) on the site being subject to Design Review, better ensuring high quality, pedestrian oriented future development. Regarding master plan compatibility, the proposed CB zoning generally fits within the master plan's designation for the property and may better promote some of the master plan's policies regarding compatibility.

Due to these considerations, staff is recommending that the Commission forward a favorable recommendation on this request to the City Council.

#### **NEXT STEPS:**

The Planning Commission can provide a positive or negative recommendation for the proposed map amendment. The recommendation will be sent to the City Council, who will hold a briefing and additional public hearing on the proposed zoning map amendment. The City Council may make modifications to the proposal and approve or decline to approve the proposed zoning map amendment.

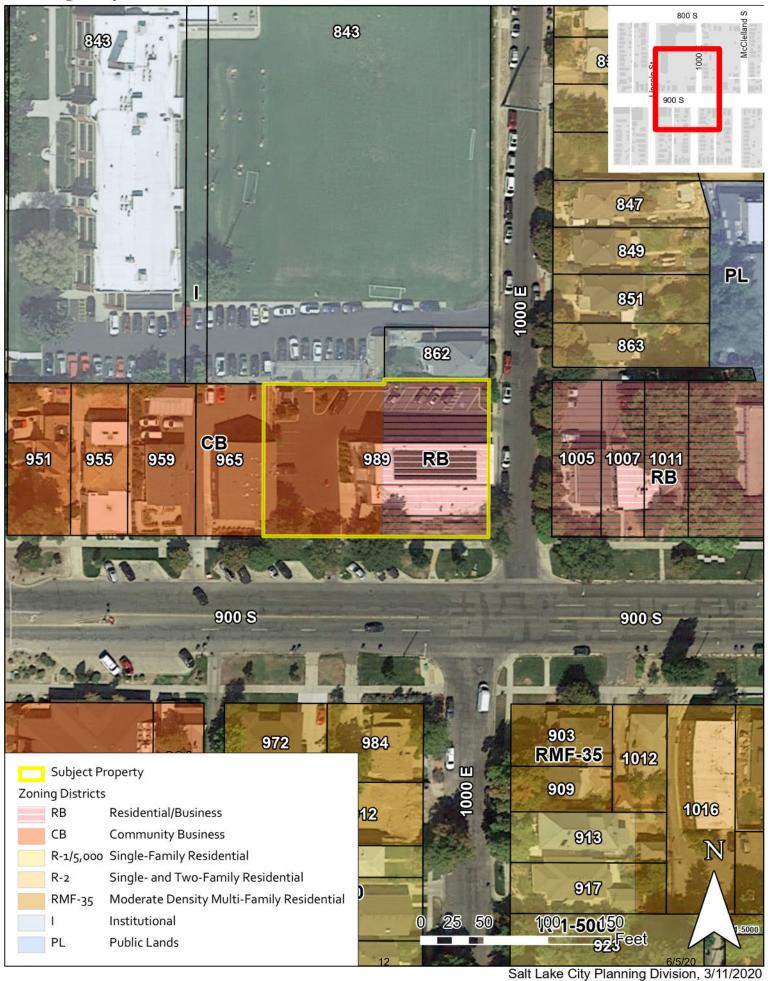
If the zoning map amendment is approved by the City Council, the property owner could propose development and/or land uses that meet the standards of the CB zoning for the entire property.

If denied, the property owner could propose development and/or land uses that meet standards with the RB and CB zoning districts, on the east and west sides of the property respectively. The applicant could also request Planned Development approval to modify the coverage limitation and/or setbacks of the RB zone on the east side of the property. However, the applicant would need to comply with the objectives and standards for Planned Developments and may not necessarily meet those requirements.

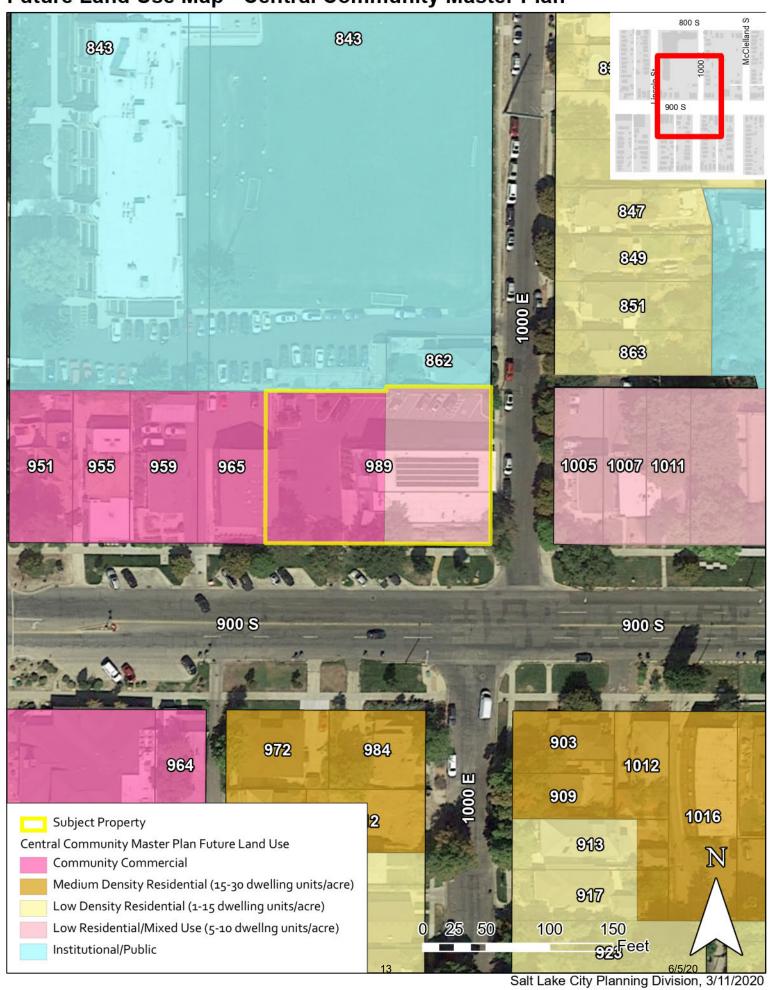
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# ATTACHMENT A: Zoning and Future Land Use Maps

## **Zoning Map**



## Future Land Use Map - Central Community Master Plan



# ATTACHMENT B: Applicant's Narrative



#### BICYCLES

# CONTENDER BICYCLES ZONING AMENDMENT REQUEST

# CONTENDER BICYCLES LITTLEBIRD LLC

989 East 900 South, Salt Lake City, UT 84105 Parcel Number: 16-08-180-048-0000

#### To Whom It May Concern:

Contender Bicycles is located on the northwest corner of 9th South and 10th East. Contender has been a vital part of the 9th and 9th business district since 2001. After years of leasing, the owners, Ryan and Alison Littlefield, knew they wanted to put down more permanent roots in the area. With a determination to stay in the 9th and 9th business district, in 2011 they purchased a property with a run-down office building and set about creating a building that would not only fit in to the 9th and 9th vibe, but also set a high standard for design and integration into both the business district and the adjacent neighborhoods. That project was completed in 2013.

Contender has continued to grow into a thriving business and has become the destination bike shop for cyclists across the intermountain region. Combining this growth with the recent surge in E-bike popularity, Contender has realized a need to expand their retail space. In preliminary discussions on how to best utilize their space and to accommodate the growth of the business,

Contender is faced with the unique challenge of dealing with a dual-zoned property. In the conceptual process, it quickly becomes apparent that the current dual zoning significantly hinders Contender's ability to grow under the more conservative setback requirements of the Residential Business Zone.

With this zoning amendment in place, Contender could pursue a design that allows their business to grow and still conservatively meet the requirements of the Community Business zoning requirements that covers the rest of the block face. The



following discussion sets forth the rationale behind this proposed map amendment.

It is the intent of this document to show that approval of the proposed amendment is in-keeping with the intent of general and local Master Planning. In the following pages this document demonstrates that the proposed amendment will meet and exceed the requirements of the five (5) questions the City Council should consider.

Currently, the structure that occupies the property is classified as non-conforming to what is considered the more restrictive RB district. In referencing current zoning maps, it should be noted that there are two unique classifications in this block First, the property in question is not only dual zoned, but is also the only RB zoning classification on the 9th South block face. Second, the only current residence on the block is zoned as Institutional. zoning classifications appear to be an anomaly to the intent of the zoning districts and overall small area master plan (see East Central Community Small Area Master Plan below).



As illustrated in this image, an amendment to the zoning map would not impact the rest of the block face and does not impact the current residential structure to the north.

#### Per 21 A.50.50 Standards for General Amendment

- B. In making a decision to amend the zoning map, the City Council should consider the following:
- 1. Whether the proposed map amendment is consistent with the purposes, goals, objectives, and policies of the City as stated through its various adopted planning documents;

#### Master Plan(s)

East Central Community Small Area Master Plan (dated 6 January 1993) the property in question is classified under the Support District (see Fig. 4 attached).

- The Support District states "What residential use there is in the area will probably convert to commercial at some time". No further recommendations are made regarding the classification of RB vs. CB or to restrictions to commercial use in the Support District.
- On page 6 of the ECCSAMP 1993 it states that the public "favor the 'Neighborhood Commercial' concept which they view as small and supportive of neighborhood.

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Central Community Master Plan 2005

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- Page 6 of the CCMP states "The land use is predominantly low-density residential and residents are proud and protective of the mixed use they do have."
- Residents are not threatened by a dwelling or building being rebuilt, or by buildings with higher density than the suburban single-family model, nor are they uncomfortable with a certain amount of non-conforming uses. They are committed to protecting a neighborhood where mature trees are the tallest feature of the landscape, and where sidewalks and park strips are extensions of their front rooms.

Summary: Based on the purposes and goals enumerated in the Master Plan(s) the map amendment does not adversely impact the objectives or policies of either the City or the Master Plan(s).

Whether a proposed map amendment furthers the specific purpose statements of the zoning ordinance;

#### **CB** Community Business

Purpose Statement (21A.26.030)

- A. The CB Community Business District is intended to provide for close integration of moderately sized commercial areas with adjacent residential neighborhoods.
  - With this proposed amendment the current use of the property does not change and is
    consistent with the purposes, goals, objectives and policies of the City as they relate
    not only to the CB classification but also to the Support District and the 9th and 9th
    Business district in general.
  - The CB classification that overlays more than half of the property protects the adjacent residences and the overall feel of the neighborhood and the intent of the Master Plan and the associated Zoning Districts thus protecting the stated purpose of 'close integration with adjacent residential neighborhoods'.

Summary: The proposed map amendment improves upon the intent of the zoning ordinance and provides clarity in future improvements to the property by capitalizing on the intent of the CB district requirements by removing the confusing dual zoning classification by creating unity along the entire block face.

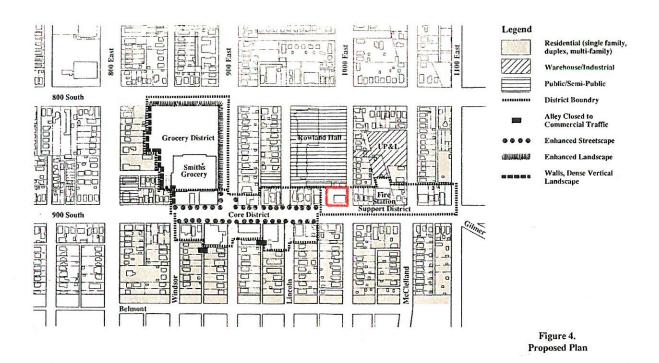
- 3. The extent to which a proposed map amendment will affect adjacent properties;
  - Based on current Salt Lake City Zoning Maps, the adjacent properties are zoned as CB and Institutional. There is one residential property to the north which is zoned Institutional. The proposed map amendment would not impact current or future use of the property in that the CB zoning requirement also address relation to residential property. Additionally the property to the north is currently not compliant and any future changes as a residence are not allowed under current Permitted Use under 21A.33 Land Use Tables.

Summary: The impact of the proposed map amendment is minimal based on the adjacent zoning uses. Approval of the amendment would not adversely affect future uses of this or adjacent properties and meets the goals and objectives of the zoning codes.

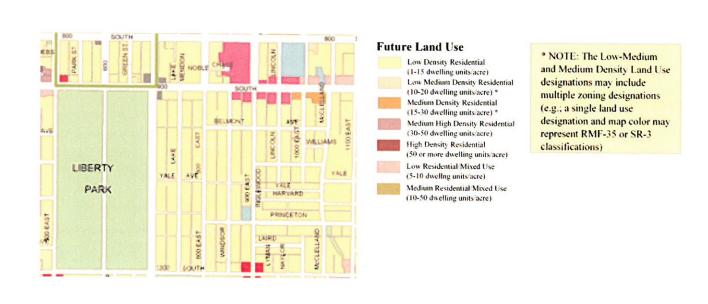
- 4. Whether a proposed map amendment is consistent with the purposes and provisions of any applicable overlay zoning districts which may impose additional standards;
  - There are no known overlay zoning districts which impose additional or higher standards beyond those mentioned heretofore.

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- 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.
  - Given the current partial classification of CB for the property the Zoning Amendment does not increase the need for public facilities and/or services but rather memorializes the current use in its entirety, as CB.



East Central Community Small Area Master Plan



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# ATTACHMENT C: **CB and RB Zoning Regulation Summaries**

The attached documents are a visual summary of the CB and RB zoning regulations and include tables of their allowed land uses.



The purpose of the RB Residential/Business District is to create vibrant small scale retail, service, and office uses oriented to the local area within residential neighborhoods along higher volume streets. Development is intended to be oriented to the street and pedestrian, while acknowledging the need for automobile access and parking. This district is appropriate in areas where supported by applicable Master Plans. The standards for the district are intended to promote appropriate scaled building and site design that focuses on compatibility with existing uses.





3 6 25% of lot depth/30 25% of lot depth/30 20% of lot depth/25' 2

Development Examples

Zoning Diagram of New Development Next to a Single/Two-Family Zone

RB Development Standards (21A.24.160)										
LOT WIDTH		FRONT YARD 1	CORNER SIDE YARD 2	SIDE YARDS <b>3</b>	REAR YARD	LANDSCAPE BUFFERS <b>5</b>			BUILDING COVERAGE 7	
<b>50'</b> min.	sq ft min. <sup>1</sup>	Min. 20% of lot depth, need not exceed 25' <sup>2</sup> Shall be land- scape yard.	Shall be land-	<b>6'/10' min.</b> Corner lots: <b>6' min.</b> <sup>2</sup>	Min. 25% of lot depth, need not exceed 30'	None required.		in front/	Max 50% of lot can be covered by buildings	

- 1. Two-family dwelling requires 8,000 square feet lot area
- 2. For buildings existing on April 12, 1995, required yard shall be no greater than the existing yard.

#### **RB Additional Standards**

# NEW NONRESIDENTIAL DEVELOPMENT STANDARDS IF INVOLVING RESIDENTIAL STRUCTURE

**DEMOLITION** 

Construction of a new principal building, parking lot or addition to an existing building for a nonresidential use that includes the demolition of a residential structure shall only be approved as a conditional use pursuant to chapter 21A.54, "Conditional Uses", of this title and provided, that in such cases the planning commission finds that the applicant has adequately demonstrated the following:

- 1. The location of the residential structure is impacted by surrounding nonresidential structures to the extent that it does not function as a contributing residential element to the residential-business neighborhood (RB district); and
- 2. The property is isolated from other residential structures and does not relate to other residential structures within the residential-business neighborhood (RB district); and
- 3. The design and condition of the residential structure is such that it does not make a material contribution to the residential character of the neighborhood.

#### STANDARDS CONTINUE ON NEXT PAGE



#### (RB ZONING STANDARDS CONTINUED)

RB Design Standards* (21A.26.030)					
PARKING LOT LIGHTING	NG RESIDENTIAL CHARACTER				
If next to residential	1. All roofs shall be pitched and of a hip or gable design <b>except additions or expansions to existing</b>				
zone or land use,	buildings may be of the same roof design as the original building;				
lighting limited to	2. The remodeling of residential buildings for retail or office use shall be allowed only if the residential				
16' in height. Must	character of the exterior is maintained;				
be shielded, directed	3. The front building elevation shall contain not more than fifty percent (50%) glass;				
down to minimize	4. Signs shall conform with special sign regulations of chapter 21A.46, "Signs", of this title;				
light encroachment.	5. Building orientation shall be to the front or corner side yard; and				
Lightproof fencing	6. Building additions shall consist of materials, color and exterior building design consistent with the				
required.	existing structure, unless the entire structure is resurfaced.				

<sup>\*</sup>These standards can be modified through the Design Review process, see 21A.59.

#### **ADDITIONAL APPLICABLE STANDARDS**

Additional standards in the zoning ordinance apply to development, including those related to landscaping and parking. Please see the zoning ordinance for the complete applicable regulations.



The CB, Community Business, zoning district is intended to provide for the close integration of moderately sized commercial areas with adjacent residential neighborhoods. The design guidelines are intended to facilitate retail that is pedestrian in its orientation and scale, while also acknowledging the importance of transit and automobile access to the site.

The CB zone allows for a variety of lower intensity commercial uses, such as retail uses, offices, and restaurants. Commercial development does not need to include a residential component, but such mixed-use development is allowed. Multifamily residential development, such as condominiums and apartments, are also allowed and such development does not need to include a commercial use. Front yard building setbacks are limited in this zone so as to encourage a pedestrian building orientation.







Development Examples

Zoning Diagram of New Development Next to Single/Two-Family Zone

CB De	CB Development Standards (21A.26.030)										
LOT WIDTH	LOT AREA	FRONT/CORNER SIDE YARD 1	REAR YARD 2	SIDE YARDS <b>3</b>	LANDSCAPE BUFFERS <b>4</b>	HEIGHT	SURFACE OR STRUCTURED PARKING 6	FLOOR AREA LIMITATION			
No min or max	No min, 4 acre max <sup>1</sup>	<b>0' min</b> , 15' max for 75% of facade <sup>2</sup>	10' min	None	Min. 7' required next to residential zones, includes trees, shrubs, 6' fence	30' max	setback min. 20' from front property line. Parking structures must be setback min. 35' from front/corner property line. No	Design Review <sup>4</sup> required if 1 <sup>st</sup> floor area is >7,500 sq ft or total floor area is >15,000 sq ft			

- 1. Modifiable through Design Review, see 21A.59.
- 2. Modifiable through Design Review; or by the Planning Director for expansions that increase the floor area or parking requirement by less than 50%. See 21A.26.030.F.6 for standards.
- 3. Parking location limits may be modified by the Planning Director, see <u>21A.26.030.F.7</u> for standards.
- 4. Design Review for exceeding floor area limit requires that development meet additional design standards, see <u>21A.59</u> and <u>21A.26.030.E</u> for standards. An unfinished basement used only for storage or parking shall be allowed in addition to the total square footage.

#### STANDARDS CONTINUE ON NEXT PAGE



#### (CB ZONING STANDARDS CONTINUED)

Additional Standards for Buildings Exceeding Floor Area Limitation (21A.26.030.E)					
COMPATIBILITY	ROOFLINE	VEHICULAR ACCESS	FACADE DESIGN	BUFFERS	STEP BACKS
The proposed height and width of new buildings and additions shall be visually compatible with buildings found on the block face.	The roof shape of a new building or addition shall be similar to roof shapes found on the block face.	New buildings and additions shall provide a continuous street wall of buildings with minimal breaks for vehicular access.	Facade treatments should be used to break up the mass of larger buildings so they appear to be multiple, smaller scale buildings. Varied rooflines, varied facade planes, upper story step backs, and lower building heights for portions of buildings next to less intensive zoning districts may be used to reduce the apparent size of the building.	When located next to low density residential uses, the planning commission may require larger setbacks, landscape buffers and/or fencing than what are required by this title if the impacts of the building mass and location of the building on the site create noise, light trespass or impacts created by parking and service areas.	When abutting single- story development and/or a public street, the planning commission may require that any story above the ground story be stepped back from the building foundation at grade to address compatibility issues with the other buildings on the block face and/or uses.

CB Building Design Standards* (21A.37.060.B)				
GROUND FLOOR GLASS	ENTRANCES	MAXIMUM LENGTH OF BLANK WALLS	PARKING LOT LIGHTING	MECHANICAL EQUIPMENT/SERVICE AREA SCREENING
Min. 40% glass & non- reflective, allows 5' of visibility into building; Reducible by 15% for residential	for each	over 15' long; must be broken up by windows, doors,	If next to residential zone/ land use, lighting limited to 16' in height. Must be shielded, directed down to minimize light encroachment. Lightproof fencing required.	Shall be screened from public view/sited to minimize visibility/impact. Ex: Incorporated into building design, screened with compatible building materials, on roof, or in rear/side yard. Service areas include loading docks, refuse containers, and similar. Dumpsters must be min. 25' from adjacent residential or enclosed.

<sup>\*</sup>These standards can be modified through the Design Review process, see 21A.59. See 21A.37.050 for additional standard details.

#### **ADDITIONAL APPLICABLE STANDARDS**

Additional standards in the zoning ordinance apply to development, including those related to landscaping and parking. Please see the zoning ordinance for the complete applicable regulations.

#### PERMITTED AND CONDITIONAL USES COMPARISON - RB AND CB

USE	СВ	RB		
Accessory use, except those that are specifically regulated elsewhere in this title	Р	Р		
Adaptive reuse of a landmark site	Р	Р		
Alcohol, Bar establishment (2,500 square feet or less in floor area)				
Alcohol, Brewpub (2,500 square feet or less in floor area)				
Alcohol, Tavern (2,500 square feet or less in floor area)	C <sup>10,11</sup>			
Animal, Veterinary office	Р	С		
Antenna, communication tower	Р			
Antenna, communication tower, exceeding the maximum building height in the zone	С			
Art gallery	Р	Р		
Bed and breakfast	Р			
Bed and breakfast inn	Р	Р		
Bed and breakfast manor	C <sup>3</sup>			
Clinic (medical, dental)	Р	Р		
Commercial food preparation	Р	Р		
Community garden	Р	Р		
Daycare center, adult	Р	Р		
Daycare center, child	Р	Р		
Daycare, nonregistered home daycare or preschool	P <sup>22</sup>	P <sup>22</sup>		
Daycare, registered home daycare or preschool	P <sup>22</sup>	P <sup>22</sup>		
Dwelling, accessory unit		Р		
Dwelling, Assisted living facility (large)	Р			
Dwelling, assisted living facility (limited capacity)		Р		
Dwelling, Assisted living facility (small)	Р			
Dwelling, Group home (large)	P <sup>17</sup>	C <sup>18</sup>		
Dwelling, Group home (small) when located above or below first story office, retail, or commercial use, or on the first story where the unit is not located adjacent to street frontage 18	Р			
Dwelling, group home (small)		P <sup>19</sup>		
Dwelling, Living quarter for caretaker or security guard	Р			
Dwelling, Manufactured home		Р		
Dwelling, Multi-family	Р	Р		
Dwelling, Rooming (boarding) house	Р	С		
Dwelling, Single-family attached		Р		
Dwelling, Single-family detached		Р		
Dwelling, Twin home		Р		
Dwelling, Two-family		Р		
Eleemosynary facility	Р			
Financial institution	Р			
Financial institution with drive-through facility	P <sup>9</sup>			
Gas station	С			
Government facility	С	С		
Government facility requiring special design features for security purposes	Р			
Home occupation	P <sup>23</sup>	P <sup>24</sup>		
Hotel/motel	С			
Laboratory (medical, dental, optical)		Р		

USE	СВ	RB
Large wind energy system	Р	
Library	Р	С
Limousine service (small)	С	
Mixed use development	Р	P <sup>1</sup>
Mobile food business (operation on private property)	Р	
Municipal service uses, including City utility uses and police and fire stations	С	С
Museum	Р	Р
Nursing care facility	Р	
Office, excluding medical and dental clinic and office	Р	Р
Office	Р	
Open space	Р	
Open space on lots less than 4 acres in size		Р
Park	Р	Р
Off site	Р	С
Park and ride lot	С	
Park and ride lot shared with existing use	Р	Р
Place of worship on lot less than 4 acres in size	Р	С
Reception center	Р	
Recreation (indoor)	Р	Р
Recycling collection station	Р	
Restaurant	Р	Р
Restaurant with drive-through facility	<b>P</b> <sup>9</sup>	
Retail goods establishment	Р	Р
Retail goods establishment, Plant and garden shop with outdoor retail sales area	Р	Р
Retail goods establishment, With drive-through facility	<b>P</b> <sup>9</sup>	
Retail service establishment	Р	Р
Retail service establishment, Furniture repair shop	Р	
Retail service establishment, With drive-through facility	P <sup>9</sup>	
Reverse vending machine	Р	
Sales and display (outdoor)	Р	
School, College or university	Р	
School, Music conservatory	Р	Р
School, Professional and vocational	Р	Р
School, Seminary and religious institute	Р	С
Seasonal farm stand	Р	Р
Studio, art	Р	Р
Theater, live performance	P <sup>12</sup>	C <sup>13</sup>
Theater, movie	С	С
Urban farm	Р	Р
Utility, building or structure	P <sup>2</sup>	<b>P</b> <sup>5</sup>
Utility, transmission wire, line, pipe, or pole	P <sup>2</sup>	P <sup>5</sup>
Vehicle, Automobile repair (minor)	Р	
Wireless telecommunications facility (see section 21A.40.090, table 21A.40.090E of this title)		

#### QUALIFYING PROVISIONS (CONTINUED)

#### **QUALIFYING PROVISIONS**

#### CB:

- **9.** Subject to conformance to the provisions in section 21A.40.060 of this title for drive-through use regulations.
- **10.** Subject to conformance with the provisions in section 21A.36.300, "Alcohol Related Establishments", of this title.
- 11. In CN and CB Zoning Districts, the total square footage, including patio space, shall not exceed 2,200 square feet in total. Total square footage will include a maximum 1,750 square feet of floor space within a business and a maximum of 450 square feet in an outdoor patio area.
- **12.** Prohibited within 1,000 feet of a single- or two-family zoning district.
- **22.** Subject to section 21A.36.130 of this title.
- **23.** Allowed only within legal conforming single-family, duplex, and multi-family dwellings and subject to section 21A.36.030 of this title.

#### RB:

- **1.** A single apartment unit may be located above first floor retail/office.
- **5.** See subsection 21A.02.050B of this title for utility regulations.
- **9.** Subject to conformance with the provisions in section
- 21A.36.300, "Alcohol Related Establishments", of this title.
- **13.** Prohibited within 1,000 feet of a Single- or Two-Family Zoning District.
- **18.** Large group homes established in the RB and RO Districts shall be located above the ground floor.
- **19.** Small group homes established in the RB and RO Districts shall be located above the ground floor.
- 22. Subject to section 21A.36.130 of this title.
- 24. Subject to section 21A.36.030 of this title.

# ATTACHMENT D: **Property & Vicinity Photographs**



View of the RB portion of the property, looking north-west, from the 900 S 1000 East intersection



Panoramic view of the property and street face from 900 South looking north



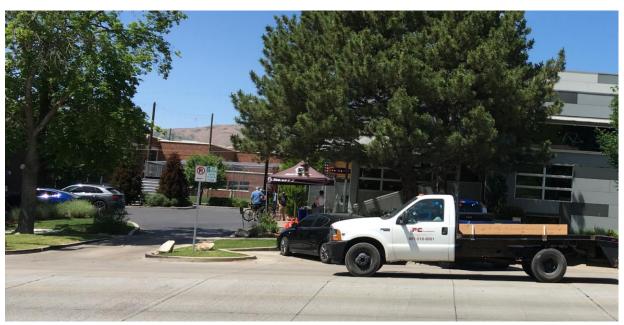
View of the property from the sidewalk across the street on 900 South. The CB side of the building (left) has more street facing glass/windows than the RB side (right).



Panoramic view of the CB properties directly to the west of the subject property, looking north from 900 South. Subject property façade can be seen through the trees on the right.



View looking west down the 900 South sidewalk next to the subject property.



 $\label{lem:continuous} \textit{View of the CB zoned portion of the property (west side)}, \textit{showing the parking lot and CB portion of the building}$ 



View of the east face of the building from 1000 East



View of the rear (north side) of the property from 1000 East, looking west



View looking west of the fence line between the subject property and the Institutional zoned single-family home



View of the back of the property (showing RB zoned area) looking south on 1000 East



View looking north along 1000 East sidewalk, showing parking lot landscaped setback and single-family residences



Alternate angle view looking south directly down 1000 East. RB zoned business property is on the left and the subject proeprty is on the right.



View looking north looking down 1000 East, subject property is on the left



View looking north down 1000 East on the east side of the street, subject property is across the street on the left



Wide view looking north down 1000 East from across the street on 900 South

## ATTACHMENT E: City Master Plan Policies

#### **Central Community Master Plan (2005)**

The property is located within the Central Community Master Plan. The plan's future land use designation for the property is discussed in Key Consideration 2 of the report. The plan's text includes discussion about small scale commercial areas, including those near neighborhoods, and includes a variety of general policies applicable to them. Those discussions and policies are included below:

#### East Central North Neighborhood Policies

#### Commercial:

Ensure that commercial development is compatible with any adjacent residential land uses.

#### Residential Land Use Section

#### Residential business areas

This master plan encourages the type of business activity that owners can either operate out of their residences (live/work space) or in a residential structure. Two residential business neighborhoods provide opportunities for a mix of low-density residential structures and small businesses: 800 and 900 South between 200 and 500 East, and 1100 East between 1300 and 1700 South. Residents of these areas, particularly along 1100 East, are not completely satisfied with the RB designation because the zone is not serving to preserve the residential component.

However, properly controlled, these residential business areas provide opportunity for individuals to create live/work spaces, develop home occupations that can evolve into viable commercial uses, and provide affordable housing stock. The master plan implementation strategies identify the need for a small area master plan for the 1100 East residential business area to determine appropriate land use and design considerations along this corridor.

#### Mixed Use Policy

- Policy RLU-4.0 Encourage mixed use development that provides residents
  with a commercial and institutional component while maintaining the
  residential character of the neighborhood.
- **RLU-4.2** Support small mixed use development on the corners of major streets that does not have significant adverse impacts on residential neighborhoods

#### Commercial Land Use Section

# Design and scale of commercial property within or adjacent to residential neighborhoods

The appearance of commercial developments that are adjacent to or surrounded by residential neighborhoods is an important issue. Desirable characteristics are clean storefronts, limited signage, compatible scale and building design, and landscaping that improves and complements the neighborhood character, rather than standardized corporate model buildings and logos. To promote local businesses, regulations should be appropriate but not overly restrictive and allow some design flexibility.

#### Mixed land use designations

The plan identifies new mixed use designations to support livable communities. Most of these mixed use areas are located near mass transit centers and light rail stations in the higher-density and commercial-intensive neighborhoods of the Central Community. Other small residential business mixed use areas are supported along 800 and 900 South and 1100 East.

**900** East **900** South (9th and 9th): The East Central Small Area Plan provides opportunity to enhance the diversity of the area by "building up" (vertically) in existing commercial land use designated areas. This concept supports ground level commercial space with apartment or condominium units above the first floor. Neighborhood commercial businesses can extend the unique fabric of the 9th and 9th neighborhood with an inviting pedestrian environment. The introduction of housing into the business district should be encouraged through re-use of existing buildings. New structures should maintain the same height, scale and mass as those existing and should be compatible with existing architecture.

# Policy CLU-1.0 Provide a range of commercial land uses in the Central Community.

- **CLU-1.1** Neighborhood Commercial: Encourage neighborhood-friendly commercial land use areas in the Central Community that are compatible with the <u>residential neighborhood character</u>, scale, and service needs and support the neighborhood in which they are located.
- *CLU-1.2 Community Commercial:* Locate community level retail sales and services on appropriate arterials and do not encroach upon residential neighborhoods or generate community-wide parking and traffic issues.
- **CLU-4.0** Ensure commercial land uses are compatible with neighboring properties.
- **CLU-4.2** Ensure commercial land development does not <u>disrupt existing low-density</u> residential neighborhood patterns and follows future land use designations.

#### **Urban Design Section**

Policy UD-1.0 Support establishment of guidelines, and regulations for urban design to improve the quality of living in the Central Community.

- **UD-1.2** Support zoning regulations that provide opportunities for unique and creative urban design solutions.
- **UD-1.4** Administer urban design through zoning regulations where possible.

#### Implementation Measures

#### Commercial

• Zoning Analysis: Evaluate neighborhood commercial nodes to determine appropriate design guidelines and amend zoning regulations and maps appropriately. Implement a neighborhood commercial node program that addresses land use, design, infrastructure, funding assistance and boundaries relevant to neighborhood commercial and residential growth patterns.

**Discussion:** One of the key matters emphasized throughout the Central Community Master Plan is compatibility. The plan speaks repeatedly about compatibility of new residential and commercial development with existing neighborhoods. In this case, the zoning proposal is not

989 E 900 S RB to CB Zoning Map Amendment

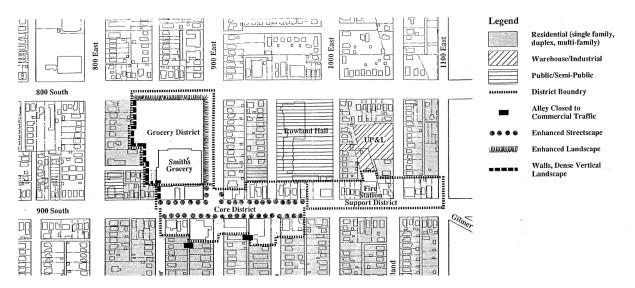
directly adjacent to low-scale residential zoning, reducing the potential for significant negative impacts. Where it does abut a non-conforming single-family home, the new zoning will continue to include a landscaped setback to buffer the home from the site. Additionally, while the proposed zoning will allow greater lot coverage of the site, larger developments would also be required to go through a discretionary review process that takes into consideration compatibility issues and could better ensure compatible development than the existing zoning.

The Master Plan also speaks to urban design requirements being put in place in the zoning to "improve the quality of living in the Central Community." The proposed zoning includes more regulations to ensure quality urban design for larger developments versus the existing zoning. The proposed zoning will also continue to allow for mixed-use development, "building up" in 9<sup>th</sup> and 9<sup>th</sup>, as called for by the master plan. The zoning also implements additional design guidelines for the property as noted as an implementation measure in the plan.

See <u>Key Considerations 1, 2, and 3</u> for further discussion on compatibility requirements and design regulations.

#### East Central Community Small Area Plan 9th and 9th (1993)

The Central Community Master Plan references this small area plan and notes that "small area and neighborhood plans will continue to be administered." That plan identifies this property as being in the "Support District."



The plan describes the district as: "This district is less active as a commercial area and is a mixture of retail, restaurant, office, and institutional uses all of which are viable. What residential use there is in the area will probably convert to commercial at some time." The plan also discusses that the boundaries of these districts generally shouldn't change. The plan doesn't speak to scale, character, or design considerations in this district.

# ATTACHMENT F: Analysis of Standards – Zoning Map Amendment

#### **ZONING MAP AMENDMENT**

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

FACTOR	FINDING	RATIONALE
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;	The proposed amendment is generally consistent with the goals and policies of the applicable master plans.	Consistency of the zone with the Central Community Master Plan is discussed <u>under Key Consideration 2</u> . While the proposed zoning designation doesn't completely align with all of the aspects discussed in the Future Land Use designation for the property, it generally complies with its intent in supporting low scale mixed use development with limited, lower intensity land uses that serve the neighborhood and nearby community.
		The Central Community Master Plan also has several policies relating to ensuring compatibility of commercial development with neighborhoods. As discussed in the Master Plan Policy section in <a href="https://doi.org/10.1001/journal.com/Attachment E">Attachment E</a> and the Key Considerations section, the proposed CB zoning will provide similar or better compatibility protections than the existing RB zone.
2. Whether a proposed map amendment furthers the specific purpose statements of the zoning ordinance.	The proposal generally furthers the specific purpose statements of the zoning ordinance.	The purpose of the zoning ordinance is to promote the health, safety, morals, convenience, order, prosperity, and welfare of the present and future inhabitants of Salt Lake City, to implement the adopted plans of the city, and, in addition:  A. Lessen congestion in the streets or roads; B. Secure safety from fire and other dangers; C. Provide adequate light and air; D. Classify land uses and distribute land development and utilization; E. Protect the tax base; F. Secure economy in governmental expenditures; G. Foster the city's industrial, business and residential development; and H. Protect the environment. The change in zoning will support the ability of a local business to expand, fostering the City's business development and protecting the City's tax base. The zoning change is relatively minor from the

existing zoning and so would not significantly impact any other of the general Zoning Ordinance purposes.

The purpose statement of the proposed CB zone is: The CB Community Business District is intended to provide for the close integration of moderately sized commercial areas with adjacent residential neighborhoods. The design guidelines are intended to facilitate retail that is pedestrian in its orientation and scale, while also acknowledging the importance of transit and automobile access to the site.

The zone would be applied to an existing commercial property that is part of a moderately sized commercial area (9<sup>th</sup> and 9<sup>th</sup>) and would apply regulations to ensure compatibility of development with the surrounding neighborhood.

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

The change in zoning is not anticipated to create any substantial new negative impacts that wouldn't be anticipated with the current zoning.

In general, the current and proposed zones are low scale mixed-use zones with a limited variety of lower intensity commercial uses. The proposed CB zoning district will allow for a few slightly more intense commercial uses and greater building coverage than the existing RB zone. However, the RB zone currently already allows for similarly scaled development and uses with generally the same limited potential for negative effects on adjacent properties.

Regarding more specific impacts to adjacent properties, to the east of the property is a public street (1000 East), which creates a buffer between any development on the site and other RB zoned properties across the street. This street "buffer" limits the potential for negative effects to properties across the street from more intensive uses or from more limited front setbacks. This also applies to properties to the south of the site, where 900 South provides a buffer to the RMF-35 zoned properties. These properties have a height allowance of 35 feet.

To the north of the site is a single-family home within an Institutional (I) district. This property has been zoned Institutional since 1995 and designated for institutional uses in the Central Community Master Plan. The parking lot landscape setback and

YAYLARIA WA	There is no	Design Review requirements that help ensure compatibility of the site with that adjacent lower scale single-family home are discussed in <a href="Key Consideration 3">Key Consideration 3</a> .  Overall, as discussed in Key Considerations section of the staff report, lot and bulk standards are similar in the two zoning districts and so there is limited potential for new negative impacts from the zone change. The parking lot landscape requirement, required for any zone, will likely ensure the existing 7' landscape buffer remains adjacent to the lower scale residential property with any additions or new construction on the site. The reduced front/corner setbacks as well as the Design Review requirement and design guidelines for larger buildings within the CB zone are likely to better encourage more pedestrian-oriented development in the future and also limit the potential for negative impacts from the zone change due to compatibility and design requirements for large developments and additions.
4. Whether a proposed map amendment is consistent with the	applicable overlay district that imposes	The subject property is not located within any zoning overlays.
purposes and provisions of any	additional development standards on	
applicable overlay zoning districts which may impose additional standards	this property.	
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.	The proposal does not increase the need for improvements beyond that required by existing zoning allowances.	The site is located within a developed area of the City and has zoning with a similar development potential to the zoning being proposed. The change of zoning is not likely to increase the need for roadways, parks, recreation facilities, police, fire protection, or schools. Any future development would be reviewed by the Public Utilities department and if additional water or sewer capacity is required to serve the property, the owner/developer would need to make the necessary public improvements.

# ATTACHMENT G: Public Process and Comments

#### **Public Notice, Meetings, Comments**

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

- Early notification/online Open House notices mailed out April 2, 2020
  - Notices were mailed to property owners/residents within ~300 feet of the proposal
  - One inquiry was received regarding why the applicant was requesting the rezone.
     The individual was directed to the applicant's narrative for their intent.
- The Planning Division provided a 45-day comment period notice to the associated community councils for the property, East Central and East Liberty Park.
  - The East Liberty Park Community Council provided a letter in support of the proposal.
  - No letter or other input was received from the East Central Community Council.

Notice of the public hearing for the proposal included:

- Public hearing notice mailed on May 29, 2020
- Public hearing notice posted on May 29, 2020
- Public notice posted on City and State websites and Planning Division list serve on May 28, 2020

#### **Public Input:**

One letter in support of the proposal from a nearby property owner/resident was received and is included on the following page.

A letter in support of the proposal was provided from the East Liberty Park Community Council and is also included on the following page.

No other public input was received.

DATE: 4-29-20

#### Planning Commissioners,

We are contacting you regarding the proposed RB to CB rezone (PLNPCM2020-00126) of the property at 989 East 900 South requested by the owner, Ryan Littlefield of Contender Bicycles. We have discussed the request amongst the board members of ELPCO and recommend that the Planning Commission approve the rezone request.

The parcel currently is "split-zoned" with the eastern portion zoned RB and the western portion zoned CB. We feel that applying two different zoning regulations to a single property such as this should have never occurred. It creates a hardship for the owner to develop the property due to conflicting regulations that would be applied to any improvements to the property. Additionally, this situation could affect the value and sale potential for any future buyer should the current owner decide to sell the property.

To publicize the online open house for this proposal, ELPCO published an article about the re-zone request in our April 20, 2020 e-newsletter, where it was the top link clicked by our readers. [Link: <a href="https://mailchi.mp/c23b1f0aff61/community-updates-elpco-online-meeting-this-thurs-7pm?e=25a3240928">https://mailchi.mp/c23b1f0aff61/community-updates-elpco-online-meeting-this-thurs-7pm?e=25a3240928</a>].

We also posted links to the online open house on the ELPCO Facebook page, which has over 1,200 followers [Link: <a href="https://www.facebook.com/ELPCO/">https://www.facebook.com/ELPCO/</a>].

In conclusion, for the sake of consistency and with respect for the property owner's rights, we recommend that the re-zone request be approved.

#### Regards,

Jason Stevenson & Darryl High - ELPCO Co-chairs

Dave Richards & Judi Short - ELPCO Land Use Advisors

#### **Echeverria, Daniel**

From: Chris Demuri

**Sent:** Monday, April 27, 2020 5:45 PM

**To:** Echeverria, Daniel

**Subject:** (EXTERNAL) Split zoning contender bldg.

#### To:

Daniel, the planning commission, and city council members . It is my hope that you would approve to upgrade the zoning at the "Contender Bike Building" to all CB zoning from the problematic split zoning it has presently. As a 9th &9th Resident and an owner of SNB and other zoned buildings in the 9th &9th area it is my opinion that The Littlefield's work to improve the building and area over all is exemplary. Please allow them the ability to proceed with their good work. Work that will continue to improve our area and the quality of life in our city. Who doesn't want more bike use and it's obvious benefits?

Thank you for your service and expeditiously aiding folks like Ryan and Allison to continue improving our Local Community.

Chris DeMuri

East Liberty resident and property owner.

Sent from my iPhone

# ATTACHMENT H: **Department Review Comments**

**Planning Staff Note:** As this rezone does not substantially change the development potential of the site and no immediate development has been proposed with the application, City departments, including Building Services, Engineering, Transportation, and Public Utilities did not provide any concerns with the rezone.

PLANNING COMMISSION – June 10, 2020 c. Agenda/Minutes

### SALT LAKE CITY PLANNING COMMISSION MEETING AGENDA

This meeting will be an electronic meeting pursuant to Salt Lake City Emergency Proclamation No. 2 of 2020 (2)(b)

June 10, 2020, at 5:30 p.m.

(The order of the items may change at the Commission's discretion)

This Meeting will **not** have an anchor location at the City and County Building. Commission Members will connect remotely. We want to make sure everyone interested in the Planning Commission meetings can still access the meetings how they feel most comfortable. If you are interested in watching the Planning Commission meetings, they are available on the following platforms:

- YouTube: www.youtube.com/slclivemeetings
- SLCtv Channel 17 Live: www.slctv.com/livestream/SLCtv-Live/2

If you are interested in participating during the Public Hearing portion of the meeting or provide general comments, email; planning.comments@slcgov.com or connect with us on Webex at:

• <u>http://tiny.cc/slc-pc-06102020</u>

Instructions for using Webex will be provided on our website at SLC.GOV/Planning

PLANNING COMMISSION MEETING WILL BEGIN AT 5:30 PM APPROVAL OF MINUTES FOR MAY 27, 2020 REPORT OF THE CHAIR AND VICE CHAIR REPORT OF THE DIRECTOR

#### **UNFINISHED BUSINESS**

1. Conditional Use ADU at approximately 1020 S Lincoln Street - A request by Andrea Palmer, property owner representative, for Conditional Use approval for a 425 square foot detached accessory dwelling unit (ADU) on a property located at approximately 1020 S Lincoln Street. The property is zoned R-1/5,000 Single Family Residential and is located within Council District 5, represented by Darin Mano. (Staff Contact: Linda Mitchell at (801) 535-7751 or linda.mitchell@slcgov.com) Case number PLNPCM2019-01079

#### **PUBLIC HEARINGS**

2. Conditional Use ADU at approximately 1180 South 800 East - A request by Alexis Suggs, property owner representative, for Conditional Use approval for a 633 square foot detached accessory dwelling unit (ADU) above a new 2-car garage on a property located at approximately 1180 South 800 East. The property is zoned R-1/5,000 Single Family Residential and is located within Council District 5, represented by Darin Mano. (Staff Contact: Linda Mitchell at (801) 535-7751 or linda.mitchell@slcgov.com) Case number PLNPCM2020-00122

3. RB to CB Rezone at approximately 989 East 900 South - Ryan Littlefield, property owner, is requesting to rezone a portion of his property at 989 E 900 South. The property is currently "split-zoned" wherein the west half of the property is zoned Community Business (CB) and the east half is zoned Residential Business (RB). The applicant is requesting to change the zoning of the east half of the property to CB so that the entire property is zoned CB. The property is currently occupied by a commercial building and parking lot. No new development is currently proposed. Although the applicant has requested that the property be rezoned to the CB zoning district, consideration may be given to another zoning district with similar characteristics. The property is located in District 5, represented by Darin Mano. (Staff Contact: Daniel Echeverria at (801) 535-7165 or daniel.echeverria@slcgov.com) PLNPCM2020-00126

For Planning Commission agendas, staff reports, and minutes, visit the Planning Division's website at <a href="slc.gov/planning/public-meetings">slc.gov/planning/public-meetings</a>. Staff Reports will be posted the Friday prior to the meeting and minutes will be posted two days after they are ratified, which usually occurs at the next regularly scheduled meeting of the Planning Commission.

# SALT LAKE CITY PLANNING COMMISSION MEETING MINUTES EXCERPT This meeting was held electronically pursuant to Salt Lake City Emergency Proclamation No. 2 of 2020 (2)(b) June 10, 2020, at 5:30 p.m.

A roll is being kept of all who attended the Planning Commission Meeting. The meeting was called to order at 5:30:39 PM. Audio recordings of the Planning Commission meetings are retained for a period of time.

Present for the Planning Commission meeting were: Chairperson Adrienne Bell, Vice Chairperson Brenda Scheer, Commissioners; Maurine Bachman, Amy Barry, Carolynn Hoskins, Jon Lee, Matt Lyon, Andres Paredes, Sara Urquhart, and Crystal Young-Otterstrom.

Planning Staff members present at the meeting were: John Anderson, Planning Manager; Nick Norris, Planning Director; Molly Robinson, Planning Manager; Paul Nielson, Attorney; Linda Mitchell, Principal Planner; Daniel Echeverria, Senior Planner; and Marlene Rankins, Administrative Secretary.

John Anderson, Planning Manager, provided the public with participation information.

#### 5:54:59 PM

RB to CB Rezone at approximately 989 East 900 South - Ryan Littlefield, property owner, is requesting to rezone a portion of his property at 989 E 900 South. The property is currently "splitzoned" wherein the west half of the property is zoned Community Business (CB) and the east half is zoned Residential Business (RB). The applicant is requesting to change the zoning of the east half of the property to CB so that the entire property is zoned CB. The property is currently occupied by a commercial building and parking lot. No new development is currently proposed. Although the applicant has requested that the property be rezoned to the CB zoning district, consideration may be given to another zoning district with similar characteristics. The property is located in District 5, represented by Darin Mano. (Staff Contact: Daniel Echeverria at (801) 535-7165 or daniel.echeverria@slcgov.com) PLNPCM2020-00126

Daniel Echeverria, Senior Planner, reviewed the petition as outlined in the Staff Report (located in the case file). He stated Staff recommended that the Planning Commission forward a positive recommendation to the City Council.

Ryan Littlefield and Stewart Gray, applicants, provided a presentation with their considerations in requesting the rezone and conceptual design consideration for future additions to the building.

#### **PUBLIC HEARING 6:11:52 PM**

Chairperson Bell opened the Public Hearing;

Zachary Dussault – Stated his support of the application. He also stated the only thing he disagrees with on the presentation is that the new parking ordinance update would reduce parking slightly.

Seeing no one else wished to speak; Chairperson Bell closed the Public Hearing.

#### **MOTION** 6:14:18 PM

Commissioner Lyon stated, based on the information in the staff report, the information presented, and the input received during the public hearing, I move that the Planning Commission recommend that the City Council approve the proposed map amendment, PLNPCM2020-00126 989 E 900 South RB to CB Rezone.

Commissioner Barry seconded the motion. Commissioners Urquhart, Hoskins, Scheer, Paredes, Lyon, Lee, Barry, Bachman, and Young-Otterstrom voted "Aye". The motion passed unanimously.

The meeting adjourned at 6:18:19 PM

June 8, 2020

Dear Salt Lake City Planning Commissioners,

We are contacting you regarding the proposed RB to CB rezone (PLNPCM2020-00126) of the property at 989 East 900 South requested by the owner, Ryan Littlefield of Contender Bicycles. We have discussed the request amongst the board members of ELPCO and recommend that the Planning Commission approve the rezone request.

The parcel currently is "split-zoned" with the eastern portion zoned RB and the western portion zoned CB. We feel that applying two different zoning regulations to a single property such as this should have never occurred. It creates a hardship for the owner to develop the property due to conflicting regulations that would be applied to any improvements to the property. Additionally, this situation could affect the value and sale potential for any future buyer should the current owner decide to sell the property.

To publicize the online open house for this proposal, ELPCO published an article about the re-zone request in our April 20, 2020 e-newsletter, where it was the top link clicked by our readers. [Link: <a href="https://mailchi.mp/c23b1f0aff61/communityupdates-elpco-online-meeting-this-thurs-7pm?e=25a3240928">https://mailchi.mp/c23b1f0aff61/communityupdates-elpco-online-meeting-this-thurs-7pm?e=25a3240928</a>].

We also posted links to the online open house on the ELPCO Facebook page, which has over 1,200 followers [Link: https://www.facebook.com/ELPCO/].

Finally, we posted a notice about the June 10, 2020 SLC Planning Commission meeting in our June 8, 2020 ELPCO e-newsletter -- including a PDF copy of this letter.

In conclusion, for the sake of consistency and with respect for the property owner's rights, we recommend that the re-zone request be approved.

Regards,

Jason Stevenson & Darryl High ELPCO Co-chairs

Dave Richards & Judi Short ELPCO Land Use Advisors



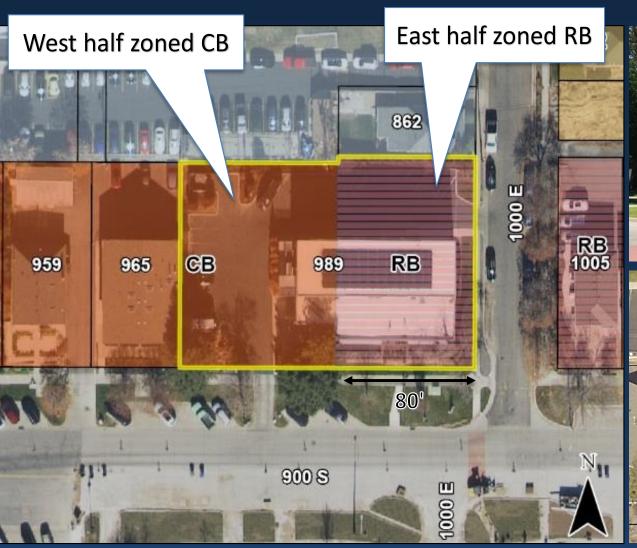
# Salt Lake City Planning Commission



June 10, 2020
Contender Bicycle 989 E 900 S RB to CB Rezone
Zoning Map Amendment

# 989 E 900 S RB to CB Rezone





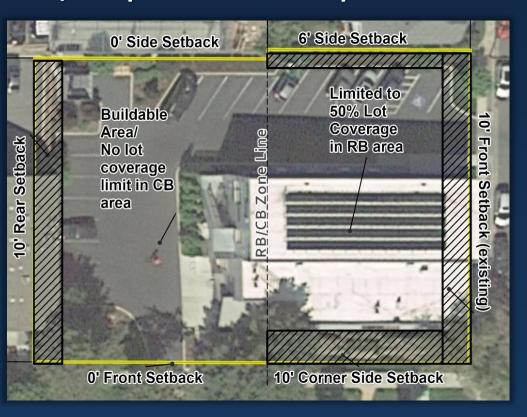




# **Development Potentials**



## **CB/RB Split Zoned Developable Area**



## **CB Zoned Developable Area**



- 50% lot coverage limit on east half
- 10' Front/Corner setbacks
- 6' Side Setback
- 10' Rear Setback

- No lot coverage limit
- No front/corner/side setbacks
- 15' max. front setback
- 10' Rear Setback

# **Development Regulations - Design**



# Residential Business (RB)

- 30' height limit
- Few Applicable Design Standards
  - No glass min. or blank wall max.
  - No other façade controls
- No roof design controls for additions
- (doesn't require sloped roofs for existing flat roof buildings)
- No design controls for nonresidential style buildings
- Limits modifications to character features of existing residential style buildings

# **Community Business (CB)**

- 30' height limit
- More Applicable Design Standards
  - 40% glass min./15' blank wall max.
- Roof design control through Design Review for large additions/new build
- Scale/massing/setbacks/design can be controlled by Design Review for larger additions/new builds
  - Design guidelines for CB zone

# Master Plan Compliance – Future Land Use





## **Future Land Use**

## Low Density Res/Mixed Use (5-10 du/ac)

- Low traffic generating commercial uses
- Small neighborhood retail/service uses
- Mix of residential (above)/small businesses at ground level
- Small commercial uses that maintain a residential character

## Zoning

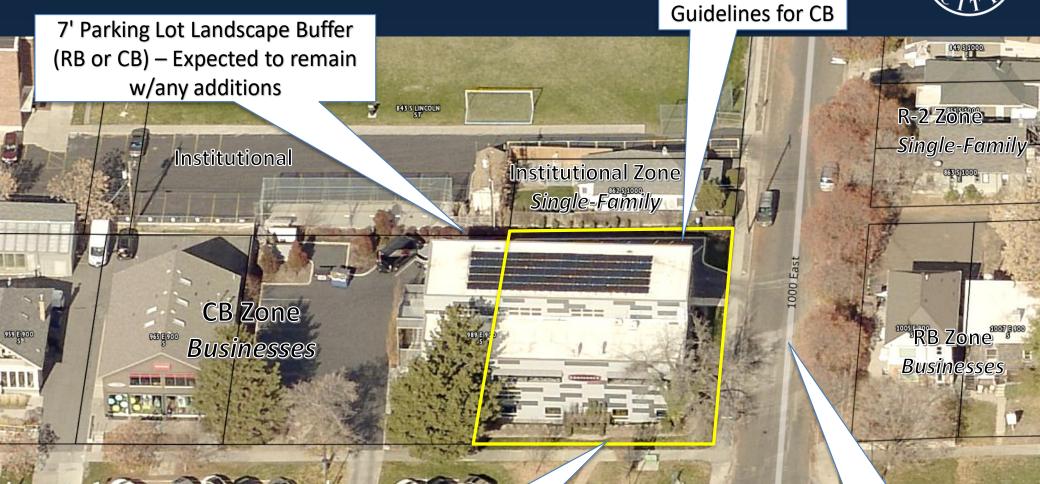
- RB/CB zone attributes
  - Both exceed density limits
  - Similar low intensity uses
  - Both allow mixed use
- RB zone residential character not required for additions, but limits lot coverage
- CB zone requires scale, roof style, coverage/compatibility review for larger additions & new buildings

# **Potential Impacts/Compatibility**

900 South



Design Review/



Street Buffer 900 South

Street Buffer 1000 East

### Recommendation



### Recommend positive recommendation to City Council

- Generally complies with master plan guidance
- Overall better regulations for compatibility and building design

### **Community Input**

- One letter in support from resident/prop owner
- Letter in support from community council (ELPCO)
- No concerns received



## **CONTENDER BICYCLES 989 East 900 South**







### REQUEST FOR ZONING AMENDMENT

Contender Bicycles has seen significant growth in their business over the last decade. In order to accommodate that growth they have explored many options including a possible expansion to their existing square footage. In consideration of these different options they found the dual-zone made it challenging to come up with an optimal solution.

As initial ideas were considered regarding use of the existing zoning restrictions, Contender quickly realized that many options had impacts on not only affordability, and practicality of design, but also would have had an impact on existing community concerns such as parking. Initial concepts of expansion to the west were considered but were not appealing because of the impact on parking. With the increased business traffic at Contender it has only served to highlight how critical it is to maintain the current parking capacity while exploring design options for growth of the existing retail and storage spaces.

As evidenced by neighborhood group comments, Contender takes great pride in adding to the neighborhood. The Zoning Amendment Request takes into consideration the duty and responsibility that Contender feels to the community.

In the following slides, we will show the current limitations to growth imposed by the dual zoning; initial schematic considerations for parking and expansion to the west. We also show the potential for growth based on the granting of the Zoning Amendment Request. Finally we will show some initial design concepts that consider those updated zoning requirements. It is our hope that these slides indicate the level of consideration Contender has put into this request and the intent to use the amendment to elevate through good design that continues the partnership Contender has with the 9th and 9th business and residential community.







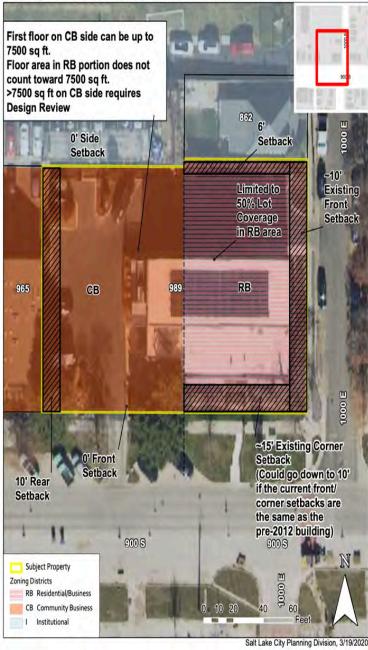






## **RB Zoning Limitations**





This graphic illustrates potential footprint options based on the RB zoning requirements (provided by the SLC Planning Division). The existing front setback would allow for just under 5' of growth to the south (900 South). Within the confines of the 50% lot coverage there is room for growth to the north along 1000 East. As these aerials illustrate, that area is currently in use as and provides 5 standard and 1 ADA stall of off-street parking (at 45 degrees).

Use of space to the north of the property would benefit the square footage of the building but would have a negative impact on community parking concerns and would reduce the off-street parking below the minimum required for the square footage. Additionally, based on the current configuration of the building, the elevator, required restrooms and electrical infrastructure are located on the north side of the building, thus dramatically limiting the possibility to use any additional square footage to the north as sales floor.



## **Proposed CB Zoning Options**

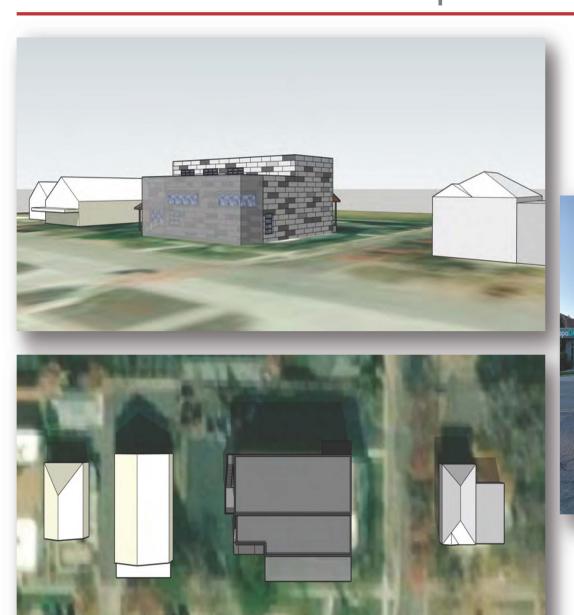
This graphic represents conceptual layouts for additions under the CB yard guidelines. The light blue represents buildable area per CB zoning with the consideration that parking already creates natural setbacks to not only the west property, but also to the north. The magenta represents the desirable addition footprint based on maximizing showroom floor space.

The white dashed areas indicate the 18 parking stalls located on the site that are critical to the Owner to preserve.

Granting of the amendment request would facilitate growth of optimal floor area without compromising the desired intent for the Master Plan for the area while preserving 100% of the current critical off-street parking.



# **Initial Concepts for Addition**





## **Additional Studies – Conceptual Addition**





### BICYCLES

The images shown here represent initial concept studies done to understand the requirements for glazing, meeting the minimum and maximum setback requirements and the benefit analysis of the added showroom square footage if taken to the property line.



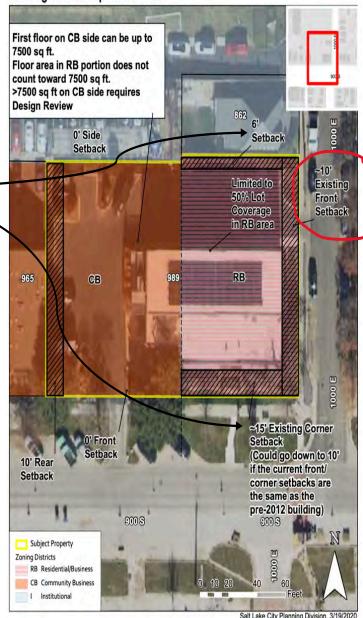
### Conclusion

The owners of Contender recognize the concerns that could arise out of converting the existing RB portion of the property to CB. Currently, while zoned Institutional, they have a residential neighbor to the north that ostensibly is protected under the RB zoning requirements. As illustrated by this City document, orientation of the RB property with the front facing east, the buffer provided to the north neighbor is only 6'. Because of pre-existing setbacks, the current building can be oriented to the east and thus setbacks can be considered at 6' and 10' for side yards (as illustrated here).

With the switch of the property to CB and given the existing orientation of parking, front of property would more naturally be south facing thus creating a required 10' minimum rear yard, which increases the buffer by 4' to the adjacent property to the north.

Thus we can see that a switch from RB to CB provides additional protections to the property to the north, within the confines of current zoning parameters. Any future additions to the current building or new development of the site would afford the community more assurance that the local residence and any adjacent RB properties would not be adversely impacted but instead protected. For any future development under CB, the Planning Commission has the provision to require larger setbacks and landscape buffers to further mitigate any encroachment on the low-density residential property to the north.

### **Existing RB Development Limits**









BICYCLES









#### BICYCLES

# CONTENDER BICYCLES ZONING AMENDMENT REQUEST

CONTENDER BICYCLES
LITTLEBIRD LLC

989 East 900 South, Salt Lake City, UT 84105 Parcel Number: 16-08-180-048-0000

#### To Whom It May Concern:

Contender Bicycles is located on the northwest corner of 9th South and 10th East. Contender has been a vital part of the 9th and 9th business district since 2001. After years of leasing, the owners, Ryan and Alison Littlefield, knew they wanted to put down more permanent roots in the area. With a determination to stay in the 9th and 9th business district, in 2011 they purchased a property with a run-down office building and set about creating a building that would not only fit in to the 9th and 9th vibe, but also set a high standard for design and integration into both the business district and the adjacent neighborhoods. That project was completed in 2013.

Contender has continued to grow into a thriving business and has become the destination bike shop for cyclists across the intermountain region. Combining this growth with the recent surge in E-bike popularity, Contender has realized a need to expand their retail space. In preliminary discussions on how to best utilize their space and to accommodate the growth of the business,

Contender is faced with the unique challenge of dealing with a dual-zoned property. In the conceptual process, it quickly becomes apparent that the current dual zoning significantly hinders Contender's ability to grow under the more conservative setback requirements of the Residential Business Zone.

With this zoning amendment in place, Contender could pursue a design that allows their business to grow and still conservatively meet the requirements of the Community Business zoning requirements that covers the rest of the block face. The



following discussion sets forth the rationale behind this proposed map amendment.

It is the intent of this document to show that approval of the proposed amendment is in-keeping with the intent of general and local Master Planning. In the following pages this document demonstrates that the proposed amendment will meet and exceed the requirements of the five (5) questions the City Council should consider.

Currently, the structure that occupies the property is classified as non-conforming to what is considered the more restrictive RB district. In referencing current zoning maps, it should be noted that there are two unique classifications in this block First, the property in question is not only dual zoned, but is also the only RB zoning classification on the 9th South block face. Second, the only current residence on the block is zoned as Institutional. zoning classifications appear to be an anomaly to the intent of the zoning districts and overall small area master plan (see East Central Community Small Area Master Plan below).



As illustrated in this image, an amendment to the zoning map would not impact the rest of the block face and does not impact the current residential structure to the north.

#### Per 21 A.50.50 Standards for General Amendment

- B. In making a decision to amend the zoning map, the City Council should consider the following:
- 1. Whether the proposed map amendment is consistent with the purposes, goals, objectives, and policies of the City as stated through its various adopted planning documents;

#### Master Plan(s)

East Central Community Small Area Master Plan (dated 6 January 1993) the property in question is classified under the Support District (see Fig. 4 attached).

- The Support District states "What residential use there is in the area will probably convert
  to commercial at some time". No further recommendations are made regarding the
  classification of RB vs. CB or to restrictions to commercial use in the Support District.
- On page 6 of the ECCSAMP 1993 it states that the public "favor the 'Neighborhood Commercial' concept which they view as small and supportive of neighborhood.

Central Community Master Plan 2005

- Page 6 of the CCMP states "The land use is predominantly low-density residential and residents are proud and protective of the mixed use they do have."
- Residents are not threatened by a dwelling or building being rebuilt, or by buildings with higher density than the suburban single-family model, nor are they uncomfortable with a certain amount of non-conforming uses. They are committed to protecting a neighborhood where mature trees are the tallest feature of the landscape, and where sidewalks and park strips are extensions of their front rooms.

Summary: Based on the purposes and goals enumerated in the Master Plan(s) the map amendment does not adversely impact the objectives or policies of either the City or the Master Plan(s).

Whether a proposed map amendment furthers the specific purpose statements of the zoning ordinance;

#### **CB Community Business**

Purpose Statement (21A.26.030)

- A. The CB Community Business District is intended to provide for close integration of moderately sized commercial areas with adjacent residential neighborhoods.
  - With this proposed amendment the current use of the property does not change and is
    consistent with the purposes, goals, objectives and policies of the City as they relate
    not only to the CB classification but also to the Support District and the 9th and 9th
    Business district in general.
  - The CB classification that overlays more than half of the property protects the adjacent residences and the overall feel of the neighborhood and the intent of the Master Plan and the associated Zoning Districts thus protecting the stated purpose of 'close integration with adjacent residential neighborhoods'.

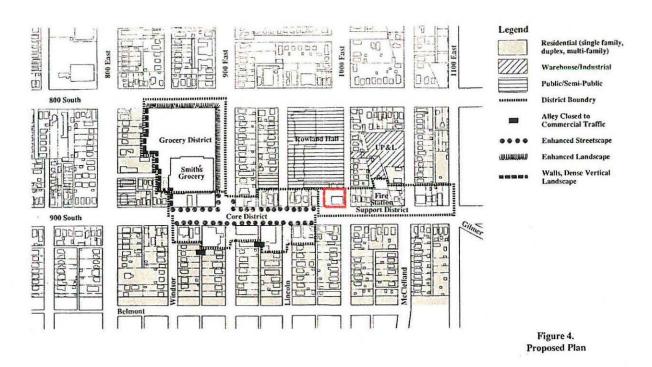
Summary: The proposed map amendment improves upon the intent of the zoning ordinance and provides clarity in future improvements to the property by capitalizing on the intent of the CB district requirements by removing the confusing dual zoning classification by creating unity along the entire block face.

- 3. The extent to which a proposed map amendment will affect adjacent properties;
  - Based on current Salt Lake City Zoning Maps, the adjacent properties are zoned as CB and Institutional. There is one residential property to the north which is zoned Institutional. The proposed map amendment would not impact current or future use of the property in that the CB zoning requirement also address relation to residential property. Additionally the property to the north is currently not compliant and any future changes as a residence are not allowed under current Permitted Use under 21A.33 Land Use Tables.

Summary: The impact of the proposed map amendment is minimal based on the adjacent zoning uses. Approval of the amendment would not adversely affect future uses of this or adjacent properties and meets the goals and objectives of the zoning codes.

- 4. Whether a proposed map amendment is consistent with the purposes and provisions of any applicable overlay zoning districts which may impose additional standards;
  - There are no known overlay zoning districts which impose additional or higher standards beyond those mentioned heretofore.

- 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.
  - Given the current partial classification of CB for the property the Zoning Amendment does not increase the need for public facilities and/or services but rather memorializes the current use in its entirety, as CB.



East Central Community Small Area Master Plan





OWN FILL NAME	CVAVAL A D D D	OVAVAL CITY OVAVAL CTA	OMAN ZID
OWN_FULL_NAME	OWN_ADDR	OWN_CIT\OWN_STA	_
LKRIV TR	844 S LINCOLN ST	SALT LAKE UT	84102
ROWLAND-HALL-ST MARKS SCHOOL ROWLAND-HALL-ST MARKS HOSPITAL	720 S GUARDSMAN WY	SALT LAKE UT	84108
	720 S GUARDSMAN WY	SALT LAKE UT	84108
LHD PROPERTIES LLC	2783 E SHERWOOD DR	SALT LAKE UT	84108
PATRICIA E MCCLEARY	862 S 1000 E	SALT LAKE UT	84102
DARRELL S FIELDSTAD; DANIEL S FIELDSTA		SALT LAKE UT	84105
955 INDUSTRIES LLC	955 E 900 S	SALT LAKE UT	84105
MEAD-FERRO INVESTMENTS LLC	1425 E HARVARD AVE	SALT LAKE UT	84105
BEEHIVE STATE BUILDINGS LLC	51 E 400 S # 210	SALT LAKE UT	84111
LITTLEBIRD LLC	2425 E MICHIGAN AVE	SALT LAKE UT	84108
LC GRETCHEN	4203 S ADONIS DR	SALT LAKE UT	84124
GP JENKINS INVESTMENTS LLC	3094 S 1935 E	SALT LAKE UT	84106
TRUST NOT IDENTIFIED	8364 TOP OF THE WORLD DR	COTTONWUT	84121
MAITE GASBARRO; THOMAS NORIEGA		SALT LAKE UT	84105
ANTHONY MICHAEL LAGGON; CAYLIN MIC		SALT LAKE UT	84105
GARY JENKINS	916 S 1000 E	SALT LAKE UT	84105
QUALITY NINE REALTY, LLC	922 S 1000 E	SALT LAKE UT	84105
LTD COMBINED EQUITIES	1373 SKYLINE DR	BOUNTIFUUT	84010
COMBINED EQUITIES LTD	1373 E SKYLINE DR	BOUNTIFUUT	84010
UTAH POWER & LIGHT COMPANY	825 NE MULTNOMAH ST #1900		97232
GINA G KUSNIER	847 S 1000 E	SALT LAKE UT	84102
WILLIAM H STIRLING	849 S 1000 E	SALT LAKE UT	84102
JASON RANDALL	851 S 1000 E	SALT LAKE UT	84102
LYDIA OJUKA; BEN RILEY (JT)	863 S 1000 E	SALT LAKE UT	84102
PACIFICORP	825 NE MULTNOMAH ST #1900	PORTLANE OR	97232
SID GREEN LLC	1005 E 900 S	SALT LAKE UT	84105
L&MP TRUST	1635 E YALECREST AVE	SALT LAKE UT	84105
DAVID L SANTIVASI	1011 E 900 S	SALT LAKE UT	84105
UTAH POWER & LIGHT CO	825 NE MULTNOMAH ST #1900	PORTLANE OR	97232
SALT LAKE CITY CORPORATION	451 S STATE ST # 425	SALT LAKE UT	84111
KELLY C FAVERO	1041 E BRYAN AVE	SALT LAKE UT	84105
KATHLEEN MCDONALD	1441 UTE BLVD SE 330	PARK CITY UT	84098
PARK WEED WILLIS; STEPHANIE K WILLIS (	∫913 S 1000 E	SALT LAKE UT	84105
JESSICA M EVANS	1012 E 900 S	SALT LAKE UT	84105
CARRIAGE PARK PROPERTIES LLC	1016 E 900 S	SALT LAKE UT	84105
EVAN C JENKINS; TINA M JENKINS (JT)	1018 E 900 S	SALT LAKE UT	84105
MER TRUST	917 S 1000 E	SALT LAKE UT	84105
SHERYL J PHILLIPS	927 S 1000 E	SALT LAKE UT	84105
NAOMI RICE	1176 E SECOND AVE	SALT LAKE UT	84103
Current Occupant	844 S LINCOLN ST	Salt Lake C UT	84102
Current Occupant	850 S LINCOLN ST	Salt Lake C UT	84102
Current Occupant	852 S LINCOLN ST	Salt Lake C UT	84102
Current Occupant	856 S LINCOLN ST	Salt Lake C UT	84102
Current Occupant	937 E 900 S	Salt Lake C UT	84105
Current Occupant	862 S 1000 E	Salt Lake C UT	84102
Current Occupant	951 E 900 S	Salt Lake C UT	84105
•			

Current Occupant	955 E 900 S	Salt Lake C UT	84105
Current Occupant	959 E 900 S	Salt Lake C UT	84105
Current Occupant	965 E 900 S	Salt Lake C UT	84105
Current Occupant	843 S LINCOLN ST	Salt Lake C UT	84102
Current Occupant	989 E 900 S	Salt Lake C UT	84105
Current Occupant	952 E 900 S	Salt Lake C UT	84105
Current Occupant	964 E 900 S	Salt Lake C UT	84105
Current Occupant	972 E 900 S	Salt Lake C UT	84105
Current Occupant	984 E 900 S	Salt Lake C UT	84105
Current Occupant	974 E 900 S	Salt Lake C UT	84105
Current Occupant	912 S 1000 E	Salt Lake C UT	84105
Current Occupant	916 S 1000 E	Salt Lake C UT	84105
Current Occupant	922 S 1000 E	Salt Lake C UT	84105
Current Occupant	825 S 1000 E	Salt Lake C UT	84102
Current Occupant	835 S 1000 E	Salt Lake C UT	84102
Current Occupant	843 S 1000 E	Salt Lake C UT	84102
Current Occupant	847 S 1000 E	Salt Lake C UT	84102
Current Occupant	849 S 1000 E	Salt Lake C UT	84102
Current Occupant	851 S 1000 E	Salt Lake C UT	84102
Current Occupant	863 S 1000 E	Salt Lake C UT	84102
Current Occupant	841 S 1000 E	Salt Lake C UT	84102
Current Occupant	1005 E 900 S	Salt Lake C UT	84105
Current Occupant	1007 E 900 S	Salt Lake C UT	84105
Current Occupant	1011 E 900 S	Salt Lake C UT	84105
Current Occupant	839 S 1000 E	Salt Lake C UT	84102
Current Occupant	1023 E 900 S	Salt Lake C UT	84102
Current Occupant	903 S 1000 E	Salt Lake C UT	84105
Current Occupant	909 S 1000 E	Salt Lake C UT	84105
Current Occupant	913 S 1000 E	Salt Lake C UT	84105
Current Occupant	1012 E 900 S	Salt Lake C UT	84105
Current Occupant	1016 E 900 S	Salt Lake C UT	84105
Current Occupant	1018 E 900 S	Salt Lake C UT	84105
Current Occupant	917 S 1000 E	Salt Lake C UT	84105
Current Occupant	923 S 1000 E	Salt Lake C UT	84105
Current Occupant	1032 E 900 S	Salt Lake C UT	84105
Salt Lake City Planning Division			
Daniel Echeverria	P.O. Box 145480	SALT LAKE UT	84114
East Liberty Park Community			
Organization	PO BOX 520123	SALT LAKE UT	84125
East Central Community Council			
Esther Hunter	606 TROLLEY SQ	SALT LAKE UT	84102



### **MOTION SHEET**

CITY COUNCIL of SALT LAKE CITY

**TO:** City Council Members

FROM: Brian Fullmer

Policy Analyst

DATE: October 6, 2020

RE: 989 East 900 South RB to CB Zoning Map Amendment

PLNPCM2020-00126

This is the second scheduled public hearing for this petition. The Council may consider taking action tonight.

### **MOTION 1 (close and adopt)**

I move that the Council close the public hearing and adopt the ordinance.

### **MOTION 2 (close and defer)**

I move that the Council close the public hearing and defer action to a future Council meeting.

### **MOTION 3 (close and reject)**

I move that the Council close the public hearing and reject the ordinance.

### **MOTION 4 (continue hearing)**

I move that the Council continue the public hearing to a future Council meeting.



### COUNCIL STAFF REPORT

Item Schedule:

Briefing: August 18, 2020 Set Date: August 18, 2020

Public Hearing #1: September 15, 2020 Public Hearing #2: October 6, 2020

Potential Action: October 6, 2020

CITY COUNCIL of SALT LAKE CITY

**TO:** City Council Members

FROM: Brian Fullmer

Policy Analyst

DATE: October 6, 2020

RE: 989 East 900 South RB to CB Zoning Map Amendment

PLNPCM2020-00126

### PUBLIC HEARING #1 SUMMARY

No comments were received at the September 15 public hearing. The Council closed the hearing and noted a second hearing scheduled for October 6, 2020. The Council could consider taking action that night.

The following information was provided for the August 18 work session. It is provided again for background purposes.

### WORK SESSION SUMMARY

A Council Member asked for more information about a potential buffer between the subject property and a single-family residence to the north. Planning staff noted changes to the Design Review process stating the Planning Commission can impose additional setback and massing changes to reduce impact to adjacent properties. These changes were added to address compatibility concerns when applying the CB zone.

A question was raised about whether Planning received input from the adjacent resident in a single-family house. Planning stated they have not heard from that resident. It was noted multiple notices were sent to the property. Asked what the likelihood of that property owner



requesting a change from Institutional to residential, Planning staff stated they couldn't say. The future land use map calls for that property to remain Institutional.

In response to a Council Member question about whether the design review process is automatic if changes are made to a building in the CB zone, Planning responded the process is automatic if certain thresholds are met. In this instance, if the subject property owner increased the building size by approximately 1/3 the Design Review process would be triggered.

There was a question about the RB zone's purpose. Planning staff stated it is intended to preserve the residential home character for buildings converted to commercial use. It is useful for those buildings, but less so for commercial-style buildings.

A Council Member asked about parking requirements under RB and CB zoning designations. Planning responded they both require two spaces per 1,000 square feet of building space.

A designer working with the applicant addressed the Council stating They have not yet explored how the property would used if the entire parcel is zoned CB vs. the east half remaining RB. It was his opinion changing the east half zoning to CB simplifies the owner's ability to be compatible with the neighborhood.

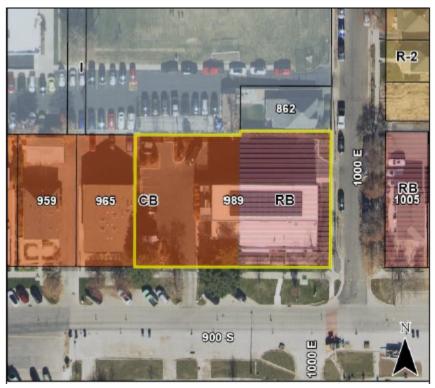
## The following information was provided for the August 18 work session. It is provided again for background purposes.

The Council will be briefed about an ordinance to rezone a portion of the property at 989 East 900 South in City Council District Five. The property is currently "split-zoned" with the west half of the property zoned Community Business (CB) and the east half zoned Residential Business (RB). The applicant would like to change zoning on the east half to CB, so the entire parcel is zoned CB.

The Central Community Master Plan Future Land Use map designates the property's west half as "Community Commercial" and the east half "Low Residential/Mixed Use (5-10 dwelling units per acre)." The property currently has a commercial building where the property owner's business, Contender Bicycles is located and a parking lot.

The applicant stated he is considering a building expansion, but no development plans have been submitted to date. Under current zoning, any new buildings or additions would need to comply with CB zoning requirements for the west half of the property and RB requirements for the east half.

Planning staff recommended and the Planning Commission forwarded a unanimous positive recommendation to the City Council for this proposed rezone.



Aerial view of nearby zoning designations with subject parcel outlined in yellow. (Page 1 of the Administration's transmittal)

**Goal of the briefing:** Review the proposed zoning map amendment and determine if the Council supports moving forward with the proposal.

### **POLICY QUESTION**

1. Does the Council support the Planning Commission's recommendation to adopt the proposed changes?

#### ADDITONAL INFORMATION

The subject property has been split-zoned since at least the 1995 City rezone. Zoning for this property likely corresponded with a property line that ran through the property until 1993. The building was remodeled and expanded in 2013. The west side was required to meet CB requirements and the east side RB.

The proposed rezone would allow for greater building coverage on the east half of the property than under the current RB zoning. The RB zoning designation has fewer design requirements than the CB zone. Any significant additions to the current building or new construction would likely be reviewed through a Design Review process under CB zoning rather than "by right" under the current RB zoning.

Through analysis of the proposal and zoning amendment consideration standards, Planning staff identified three key considerations which are summarized below. For the complete analysis, please see pages 17 - 24 of the Administration's transmittal.

### 1. CB and RB Zoning Development Potential

The CB and RB zones have similar regulations allowing for many of the same uses and similar sized buildings. If the east half of the property is not rezoned, any additional development on that

portion would need to meet RB zoning requirements. A few significant differences between the RB and CB zoning designations are summarized below. A table on page 19 of the Administration's transmittal includes additional comparisons of the two zoning designations.

- A maximum of 50% a lot can be covered by buildings under the RB zone. The CB zone doesn't have this limit.
- The RB zone has front/corner and side setbacks. The CB zone doesn't have these setbacks but has maximum front/corner setbacks to encourage buildings to be closer to the sidewalk.
- The CB zone requires a public Design Review process for buildings with a first floor exceeding 7,500 square feet. There is no such requirement under the RB zone.
- If the east half of the property is rezoned to CB, additions to the building's first floor that make it total more than 7,500 square feet (or 15,000 square feet for the entire building) will require a Design Review. The existing first floor is approximately 5,400 square feet, so additions to the first floor more than 2,100 square feet would require Design Review.

The following image from page 18 of the Administration's transmittal illustrates development potential of the property under the current split-zoning and the proposed CB zoning designation:



Buildable area with current split-zoning. A  $\sim$ 950 square foot addition could be built on the east half of the property under the current zoning by right. An addition without such size limitations could be built on the west side.



Buildable area if the property is rezoned to CB. There would be no lot coverage limit, except for the rear (west) setback. Building additions over the size threshold would trigger Design Review and additional design guidelines.

### 2. Central City Community Master Plan Compatibility

The Central City Community Master Plan future land use map shows the property with a split designation which aligns with the current split-zoning. The Plan designates the property's west side as "Community Commercial, while the east side is designated "Low Residential/Mixed Use (5-10 dwelling units/acre."

Neither the current RB or CB zoning designations fully match the "Low Residential/Mixed Use" master plan designation. Both RB and CB zoning allows for multi-family development without density limitations and could exceed the 5-10 dwelling units/acre noted above.

The RB zone does not require the building or additions to "maintain a residential character." The building on this site was remodeled in 2013 and retained its flat roof and commercial style. Under the proposed CB zone, there are design guidelines for large buildings going through Design Review which provide more regulatory guidance for residential character. These guidelines allow the

Planning Commission to impose roof styles such as sloped roofs for additions to buildings if appropriate to help ensure compatibility with roof lines found on the block. These could potentially better comply with the master plan guidance to maintain a "residential character" for buildings.

Both the RB and CB zoning designations allow for similar low intensity "neighborhood retail and service land uses" such as retail, restaurant and office uses. The CB zone allows for some more intense permitted uses than the RB zone including minor automotive repair, banks and restaurant/retail with drive-through. Some additional conditional uses including gas station, hotel/motel, and bed and breakfast manor allowed under CB zoning (see Attachment C on pages 33 – 40 of the Administration's transmittal for a more complete summary of CB and RB zoning regulations).

It is Planning staff's opinion that although the CB zone does not completely match the master plan's future land use designation, it is generally compatible with the description considering design requirements of the zone and allowed lower intensity commercial land uses.

### 3. Compatibility with Adjacent Properties

As part of a zoning amendment request, Planning staff analyzes how adjacent properties may be affected by a zoning change. For this property, the adjacent parcels to the north are zoned Institutional (I), and CB to the west. Across 1000 East to the east are properties zoned RB and across 900 South to the south are parcels zoned RMF-35. There is an existing single-family residence in the Institutional zone adjacent to the north. Residential uses are not allowed in the Institutional zone, so the use is considered "nonconforming." Because the property is zoned Institutional, a landscape buffer is not required as buffers are only required when adjacent to residential zoned properties.

If the east half of the property is rezoned CB, there is no base requirement for a setback on the north side of the property next to the residence, but a six-foot setback is required under the RB zone. If parking remains on the north side of the property there will continue to be a seven-foot landscaped setback as it is required regardless of the zoning designation. Planning staff believes it is unlikely any parking would be removed from the property with a building expansion.

Properties to the south and east are buffered by 900 South and 1000 East respectively. The streetscapes, park strips, large trees, on-street parking and driving lanes provide horizontal and vertical buffering. Planning staff noted 1000 East may serve as a logical dividing line for the transition from the CB to RB zone, providing a built-in buffer to reduce compatibility concerns between zoned areas rather than in the middle of a developed property.

#### ANALYSIS OF STANDARDS

Attachment F (pages 52 - 54 of the Administration's transmittal) includes zoning amendment criteria against which this proposal was reviewed. Planning staff found the proposal is generally consistent with the policies and goals of applicable master plans and furthers the specific purpose statements of the zoning ordinance. If approved the zoning change is not anticipated to create any substantial new negative impacts that would not be anticipated with the current zoning.

#### PUBLIC PROCESS

• Notice of the project and request for comments was sent to the Chairs of the East Liberty Park Community Organization and the East Central Community Council March 12, 2020.

- The East Liberty Park Community Organization provided a letter in support of the proposal. That letter is in Exhibit 3d.
- An "online open house" notice was mailed to property owners/residents within 300 feet of the proposal April 10, 2020 informing them of the proposal, where to get more information, and who to contact for questions and comments.
  - o One letter in support of the proposal was received from a nearby property owner/resident.
  - o No public comments were received in opposition to the proposal.
- The Planning Commission public hearing was held June 10, 2020. One person spoke during the public hearing in support the proposal.
- Following the public hearing, the Planning Commission voted unanimously to forward a
  positive recommendation to the City Council for the zone change from RB to CB as
  requested by the applicant.