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## SALT LAKE CITY COUNCIL STAFF REPORT

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**DATE:** July 12, 2002

**SUBJECT:** Proposed ordinances pertaining to:

- Petition No. 400-00-52 – amending zoning regulations to locate parking lots behind buildings and establish pedestrian-oriented design standards in certain commercial and mixed-use zoning districts.
- Petition No. 400-01-48 and 400-01-12 – creating transit-oriented zoning regulations and rezoning a portion of 400 South for transit-oriented land uses

**STAFF REPORT BY:** Janice Jardine, Land Use and Policy Analyst

<b>Document Type</b>	<b>Budget-Related Facts</b>	<b>Policy-Related Facts</b>	<b>Miscellaneous Facts</b>
Ordinance	The proposal has no budget impact.	The proposal is presented to revise an existing ordinance.	The Administration has clearly stated the positive aspects of the proposal.

This staff report combines the paperwork on zoning regulations relating to locating parking lots behind buildings (walkable communities) and transit corridor zones due to the commonalities of both.

The proposed text amendments and rezoning are intended to:

- a. Create walkable, pedestrian-oriented shopping districts
- b. Emphasize pedestrian access
- c. Allow design flexibility
- d. Accommodate the historical development pattern of each zoning district
- e. Emphasize pedestrian and transit orientation, increase densities and reduce the emphasis on automobile-oriented development

Planning staff has provided additional information that includes a brief overview of the proposed ordinances and a summary of related petitions currently being held in the Planning Division pending Council action regarding the proposed changes. Please refer to the attached document for details. Planning has the approval of the Chair and Vice Chair to make an audio-visual presentation on these issues at the July 16<sup>th</sup> Council meeting.

### **OPTIONS AND MOTIONS:**

**Options will be identified after the Administration’s briefing at the Council Work Session on July 16, 2002.**

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### MATTERS AT ISSUE /POTENTIAL QUESTIONS FOR ADMINISTRATION:

Council Members may wish to consider or discuss with the Administration steps taken or options to address the following issues and concerns. Please note that these issues and concerns may not, in some cases, relate specifically to the Zoning Ordinance but address the ‘walkable communities’ and ‘transit-oriented development’ concepts in a broader context.

- A. The Administration’s transmittal for the transit corridor TC zones notes “The Historic Landmark Commission recommended the City Council consider including planned development requirements for all new developments within the TC (transit corridor) zoning districts and also consider the development of design guidelines that would further clarify the compatibility issue in order to ensure new construction in the TC zoning districts does not negatively impact adjacent structures, especially relating to shadowing. Some HLC members commented that shadows may make adjacent structures less desirable and therefore potentially harm the likelihood the structures would be maintained and preserved. The area between 700 and 950 East (the primary focus of concern) is within a National Historic District but not a City Historic District; therefore the Historic Landmark Commission would not normally review new construction (the TC zones intersect with the Central City Historic District only between 500 and 600 East). The attached ordinance represents the Planning Commission recommendation and does not include modifications suggested by the Historic Landmark Commission made after the Planning Commission approval.” Would Council Members like to request that the City Attorney provide a new ordinance that addresses the changes recommended by the Historic Landmark Commission? To Council staff’s knowledge, the City has not addressed the concept of ‘shadowing’ in the past.
- B. The East Central Community Council has provided to the Council a list of written concerns relating to the proposed transit corridors zones. Would Council Members like to request that the City Attorney provide a new ordinance that addresses the concerns expressed by the Community Council? Please refer to the attached letter for details.
- C. The Transit Corridor TC-75 zone allows department stores as a conditional use. Based on recent discussions relating to department stores in the downtown and the Gateway development might there be unintended consequences by allowing department stores as a conditional use in the Transit Corridor TC-75 zone?
- D. The transit corridor zones do not allow gas stations and automobile-related businesses. What is the potential for automobile-related uses such as gas stations locating in commercial zones just outside the Transit Corridor zones and creating and additional traffic impacts on surrounding residential neighborhoods?
- E. Design criteria are established for the front of buildings but not rear or sides of buildings. Near-by neighbors have expressed concern regarding the interface of new buildings with the surrounding low-scale, low-density residential neighborhoods. What is the rationale for not including additional design criteria dealing with architectural features for the back of a building and architectural compatibility with surrounding neighborhoods?
- F. The Police Department provided a list of crime prevention recommendations that are not included in the draft. The Council may wish to request incorporating Crime Prevention Through Environmental Design CPTED concepts as identified by the Police Department and discussed by the Planning Commission and Historic Landmark Commission.
- G. Are there any potential adverse impacts that may be created by eliminating the minimum lot area requirement for planned developments? This was discussed at the Planning Commission meeting.

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- H. What options might be available to address the following:
- Traffic circulation and pedestrian/traffic conflicts identified by the Transportation Division.
  - Alternative parking solutions such as angle or mid-street parking. (Not applicable in the transit corridor zones, but may be in other areas where the walkable concept is applied.)
  - Public way issues such as adequate pedestrian right of way to accommodate access, ease of movement, mobility and ADA accessibility.
- I. Are there other potential areas citywide or zoning classifications that may be considered for the proposed transit corridor zones or requiring parking lots behind buildings such as the Institutional and Urban Institutional zones? (churches, schools, etc.)
- J. Has consideration been given to application of the proposed changes on a citywide basis versus use of an overlay-type of zoning applied to specific areas of the city? What are the pros and cons?
- K. Whether the Council is comfortable to allow the provision for the Zoning Administrator or Planning Commission to waive, modify or grant exceptions to the requirements of the Zoning Ordinance. This is currently allowed in other sections of the Zoning Ordinance.
- L. In order to consistently and clearly express the policy aspects that the Council supports, might it be appropriate to amend City master plans and other policy documents such as the Transportation Master Plan and the Urban Design Element?
- M. The Administration's transmittal for locating parking lots behind buildings notes presentations to the Business Advisory Board and various real estate organizations. Were the Transportation Advisory Board and the Vest Pocket Business organization involved in the review process? If so, what type of comments or input were received?
- N. Has consideration been given to the implementation of Envision Utah toolbox concepts or other planning tools from other cities such as:
- Transfer of development rights
  - Density bonuses
  - Solar access protection
  - Pedestrian-oriented street and public way designs
  - Incentive programs such as Portland Oregon's transit-oriented development financial incentive programs using federal funds and tax exemptions
  - Establishing an objective evaluation system such as a point system where a development is evaluated based on the criteria in the Zoning Ordinance and awarded points based on a scale or range of points to assess whether or not the standard is met.

### KEY ELEMENTS:

- A. The Administration's transmittal provides a detailed background relating to the proposed Zoning Ordinance text amendments, the transit corridor zone and rezoning on 400 South. The Planning staff report provides findings of fact that support the criteria established in the City's Zoning Ordinance, Sec. 21A.50.050 - Standards for General Zoning Amendments. Please refer to the Administration's transmittal, Planning staff reports and memorandum for details. Key points are summarized below.
1. The proposed changes apply to new construction, remodeling or a change of existing use that would increase the floor area or required parking by more than 50 percent for commercial and mixed-use zoning districts and 25 percent for the transit corridor zone. The minimum lot area required for a planned development will be eliminated. The proposed changes include criteria

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used in other zoning districts in order to maintain consistency in interpretation of the Zoning Ordinance. Specific requirements include:

- a. A maximum building setback for a percentage of the exterior front or face of a building for commercial and mixed-use zoning districts and the entire front or face of a building for the transit corridor zone.
  - b. Main entrances of buildings to be oriented to the street.
  - c. A minimum percentage of glass to be used in buildings at the street level on the exterior front or face of a building.
  - d. Parking lots or structures to be located in the rear or side yard areas with a larger landscaped setback than that required for buildings.
  - e. Parking lot screening and lighting restrictions.
  - f. Additional design criteria are specified but compliance with each individual standard is not required.
  - g. The design criteria will apply to development in the Commercial Shopping CS zone when the district is adjacent to more than 60 percent residential zoning (within 300 feet, either on the same block or across the street).
2. The Transit Corridor zones include the design criteria list above and:
- a. A maximum building height of 50 feet (TC-50) or 75 feet (TC-75)
  - b. No maximum density
  - c. No required rear yard
  - d. A 10-foot landscaped buffer is required next to residentially zoned properties
  - e. A reduction in the number of required off-street parking spaces
  - f. A new permitted and conditional use chart that provides more residential opportunities and emphasizes mixed-use. Automobile-oriented types of uses such as drive-thru facilities are allowed as a conditional use and gas stations are not permitted. Department stores are allowed as a conditional use in the TC-75 zone.
3. The Special Exception, Routine and Uncontested Matters and Planning Commission conditional use processes will be used to allow additional design flexibility, accommodate development that may meet the intent of the ordinance but may not meet specific standards of the zoning district or in cases where pedestrian and transit friendly development does not work effectively.
- a. The Routine and Uncontested Matters process will be used for minor remodeling and in-line additions to existing structures. In most cases, this process is handled administratively at the Permits counter.
  - b. The Planned Development conditional use process will be used for new construction and major expansion of existing facilities.
  - c. The Zoning Administrator or Planning Commission may approve exceptions, a waiver or modifications of the zoning requirements based on findings for a specific set of criteria.
4. The proposed changes for parking lots to be located behind buildings will apply to the following zoning classifications:
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| a. Residential Business                | RB    |
| b. Residential Mixed-use               | RMU   |
| c. Mixed Use                           | MU    |
| d. Neighborhood Commercial             | CN    |
| e. Community Business                  | CB    |
| f. Sugar House Business District       | CSHBD |
| g. South State Street Corridor Overlay | SSSC  |

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5. The proposed transit corridor zones will be applied to properties along 400 South currently zoned Commercial Corridor CC as follows:
  - a. Transit Corridor TC-75 (building height – 75 feet) – 200 East to 700 East (approximately)
  - b. Transit Corridor TC-50 (building height – 50 feet) – 700 East to 950 East (approximately)
- B. Issues discussed at the Planning Commission hearing and Historic Landmark Commission meetings included:
  1. Permitted and conditional uses, parking, building scale and design, pedestrian and traffic safety, exterior lighting and landscaping.
  2. Neighborhood impacts and compatibility relating to noise, lighting, traffic, density, building scale, design and height.

## MASTER PLAN AND POLICY CONSIDERATIONS:

- A. The Council has adopted housing and transportation policy statements that support creating a wide variety of housing types citywide and changing the focus of transportation decisions from moving cars to moving people. The Council's policy statements have been included in the City's Community Housing Plan and Transportation Master Plan. Housing policy statements address a variety of issues including quality design, public and neighborhood participation and interaction, transit-oriented development, encouraging mixed-use developments, housing preservation, rehabilitation and replacement, zoning policies and programs that preserve housing opportunities as well as business opportunities. Transportation policy statements include support of alternative forms of transportation, considering impacts on neighborhoods on at least an equal basis with impacts on transportation systems and giving all neighborhoods equal consideration in transportation decisions. Please see the attached policy statements for details.
- B. During the Council's recent discussions relating to growth, annexations and housing policy, Council Members have expressed support for developments that promote livable community concepts such as:
  1. Pedestrian and bicycle friendly environments
  2. Compact, transit and pedestrian oriented developments
  3. Neighborhood anchor areas or commercial and/or business uses that are necessary to the function of residential neighborhoods or are compatible with residential activity
  4. Local services that are conveniently available or can be provided and are accessible on foot
- C. The Council's adopted growth policy states: It is the policy of the Salt Lake City Council that growth in Salt Lake City will be deemed the most desirable if it meets the following criteria:
  1. Is aesthetically pleasing;
  2. Contributes to a livable community environment;
  3. Yields no negative net fiscal impact unless an overriding public purpose is served; and
  4. Forestalls negative impacts associated with inactivity.
- D. The City's Strategic Plan and the Futures Commission Report express concepts such as maintaining a prominent sustainable city, ensuring the City is designed to the highest aesthetic standards and is pedestrian friendly, convenient, and inviting, but not at the expense of minimizing environmental stewardship or neighborhood vitality. The Plans emphasize placing a high priority on maintaining and developing new affordable residential housing in attractive, friendly, safe environments and creating attractive conditions for business expansion including retention and attraction of large and small businesses. The Plans also support street designs that are pedestrian friendly and developing a multi-modal citywide transportation system.

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- E. The City's 1990 Urban Design Element includes statements that emphasize preserving the City's image, neighborhood character and maintaining livability while being sensitive to social and economic realities. Applicable policy concepts include:
1. Allow individual districts to develop in response to their unique characteristics within the overall urban design scheme for the city.
  2. Ensure that land uses make a positive contribution to neighborhood improvement and stability.
  3. Ensure that building restoration and new construction enhance district character.
  4. Require private development efforts to be compatible with urban design policies of the city regardless of whether city financial assistance is provided.
  5. Treat building height, scale and character as significant features of a district's image.
  6. Ensure that features of building design such as color, detail, materials and scale are responsive to district character, neighboring buildings, and the pedestrian.
- F. Additional master plans that relate to the proposed transit corridor zoning on 400 South include the Central City and East Downtown Master Plans. The Plans emphasize:
1. The need to revitalize and stabilize the residential neighborhoods.
  2. Preservation and enhancement of the unique character and viability of the East Downtown neighborhood.
  3. Greater recognition of mixed-use areas and their relative permanence.
  4. The need for compatibility review, design guidelines and architectural controls to preserve the scale and character of the neighborhoods with an emphasis on the interface between commercial/business uses and residential development.
  5. Encourage pedestrian-scale and transit-oriented forms of development.
  6. The present design and character of 400 South should be improved with medium-scale commercial buildings to serve the adjoining neighborhoods of East Downtown and Central City.
  7. The commercial strip (400 South) should be replaced with more diverse and pedestrian-oriented activities with a mixture of retail, entertainment and restaurants.
  8. Development in this area should be focused at a pedestrian scale and at the street level with required setbacks and plaza areas designed on a human scale.
  9. Blank building walls should be prohibited and scenic vista areas should be protected including a view of the mountains and key landmark structures.

## CHRONOLOGY:

The Administration's transmittal provides a chronology of events relating to the proposed rezoning. Key meeting dates are listed below. Please refer to the Administration's chronology for full details.

### Petition No. 400-00-52 – Parking lots behind buildings (walkable communities)

- September 14, 2000                      Petition initiated by Community & Economic Development Department
- October 5, 2000                        Mayor's Community Council Chair meeting
- November 16, 2000                    Planning Commission hearing
- December 2000 – January 2001      Presentation to various real estate organizations
- January 18, 2001                        Planning Commission decision
- December 2000 - April 2001        Presentation to Business Advisory Board and various real estate organizations
- January – December 2001            Administration meetings to resolve business community issues
- November 7, 2001                      Historic Landmark Commission meeting
- December 13, 2001                    Planning Commission approval of revised text amendments and recommendation to City Council

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### Petition No. 400-01-48 & 400-01-12 – Transit corridor zoning

- August 4, 1998 Legislative intent initiated by the City Council
- January 18, 2001 400 South rezoning petition initiated by the Planning Commission
- July 18, 2001 East Central Community Council meeting
- August 1, 2001 Central City Community Council meeting
- September 6, 2001 Mayor's Community Council Chair meeting
- November 7, 2001 Historic Landmark Commission meeting
- December 13, 2001 Planning Commission hearing
- January 30, 2002 Historic Landmark Commission meeting

cc: Rocky Fluhart, David Nimkin, DJ Baxter, Steven Allred, Lynn Pace, Margaret Hunt, David Dobbins, LeRoy Hooton, Tim Harpst, Max Peterson, Roger Evans, Stephen Goldsmith, Brent Wilde, Harvey Boyd, Enzo Calfa, Cheri Coffey, Doug Dansie, Sylvia Jones, Barry Esham, Scott Barraclough

File Location: Community and Economic Development Dept., Planning Division, Zoning Ordinance Text Change and Rezoning – Parking lots behind buildings and transit corridor zoning