
M E M O R A N D U M

DATE: November 1, 2002
TO: City Council Members
FROM: Russell Weeks
RE: Briefing: Library Block – Proposed Amendment to Create a New Public Lands Zoning District
CC: Cindy Gust-Jenson, Rocky Fluhart, David Nimkin, Nancy Tessman, Brent Wilde, Gary Mumford, Joel Paterson, Janice Jardine, Deeda Seed

This memorandum addresses issues involved in proposed ordinances to create a new public lands zoning district titled *Public Lands-2*. The proposed ordinances were drafted to create a land use district specific to what is now known as the Library Block. If adopted, the proposed ordinance would apply to all facilities on the Library Block. It should be noted that the *Library Square Block Plan* the City Council adopted September 3 contains the following language:

“A zoning amendment has been requested to allow the library to lease space for accessory retail outlets to benefit library patrons and other visitors. The main level of the crescent wall will include leasable space for food vendors, gift shops and other compatible uses.”

POTENTIAL MOTIONS

No motions have been suggested because the item is on the work session agenda.

POTENTIAL OPTIONS

- Forward the proposed ordinance for a public hearing and formal City Council consideration that is recommended by the Administration.
- Forward the proposed alternate ordinance for a public hearing and formal City Council consideration that excludes two criteria in the proposed ordinance recommended by the Administration.
- Amend the criteria in either proposed ordinance.
- Amend the permitted and conditional uses listed as exhibits in the proposed ordinance or the alternate ordinance.
- Decline to forward either the proposed ordinance or the alternate ordinance for a public hearing and formal City Council consideration.
- Forward the proposed ordinance to amend the Salt Lake City Zoning Map by changing the zoning designation of Library Square from Public Lands (PL) to Public Lands-2 (PL-2) for a public hearing and formal City Council consideration.
- Decline to forward the proposed ordinance to amend the Salt Lake City Zoning Map by changing the zoning designation of Library Square from Public Lands (PL) to Public Lands-2 (PL-2) for a public hearing and formal City Council consideration.

ISSUES/POTENTIAL QUESTIONS FOR CONSIDERATION

1. Are the two conditions listed in Section 3 Paragraph I of the proposed ordinance recommended by the Administration but omitted in the alternate draft of the proposed ordinance legally defensible?
2. Are the two conditions listed in Section 3 Paragraph I of the proposed ordinance recommended by the Administration but omitted in the alternate draft of the proposed ordinance necessary to achieve the City Council's goals for the Library Block?
3. The Salt Lake City Public Library System Administration has raised a question of whether one condition – “Preference will be given to non-profit organizations” – is absolute or whether the condition can be weighed against an over-arching goal of encouraging activity on the Library Block.
4. The City Council may wish to review the permitted and conditional uses in both drafts of the proposed ordinances to determine if there are any uses that do not meet the Council's goals for the Library Block. Conversely, are there any permitted and conditional uses that might be added to achieve Council goals for the block? (A list of permitted and conditional uses in the proposed ordinances appears further in this memorandum.)

BACKGROUND/DISCUSSION

The Administration has provided three proposed ordinances for City Council discussion. Two of the ordinances are proposed drafts to create a new public lands zoning district titled *Public Lands-2* (PL-2). The third ordinance would amend the *Salt Lake City Zoning Map* to change the zoning designation of Library Square from *Public Lands* to *Public Lands-2*.

The first two proposed ordinances involve the nature of land uses that could take place within an area zoned as PL-2. They are the result of a City Council briefing and discussion on July 9. The briefing and discussion focused on an earlier Administration proposal to amend the text of the existing *Public Lands Zoning District* to allow as permitted uses “accessory retail sales and services for use by the general public.”

The amendment was proposed to support the Salt Lake City Public Library System's plans to have retail businesses at the new Main Library. The businesses would cater to library users. The new library has about 10,000 square feet of space available for retail enterprises – about 3,600 square feet inside the library and 6,400 square feet outside the library's “lens” and facing the new plaza. (Please see attachments.) At the July 9 City Council meeting Library System Director Nancy Tessman said the lease rates for the space would be about \$12 per square foot per year. She said the Library System expected to generate about \$100,000 a year of which \$60,000 to \$70,000 would be used to help generate events on the new plaza.

At the July 9 meeting Council Members said they were concerned about four things: 1.) The potential that the amendment to the existing *Public Lands Zoning District* would allow retail businesses to locate on other areas zoned as Public Lands within the City. 2.) The nature of businesses that would locate at the new Main Library. 3.) The potential for those businesses to compete with existing businesses. 4.) Potential lost opportunities for businesses to locate downtown, particularly along Main Street.

The Council suggested that the Administration develop options for Council consideration that would isolate the effect of the proposed amendment solely to the Library Block and would restrict the kinds of businesses that could locate at the new Main Library.

The Administration then drafted a proposed ordinance that would create a separate PL-2 zoning district. The proposed ordinance contained “accessory retail sales and services for use by the general public” as a permitted use. But the permitted use contained four conditions:

1. Preference to locate in the PL-2 zone would be given to non-profit organizations.
2. The maximum floor area for any business would be 2,000 square feet.
3. Any tenant must be opening a new business or adding a new location, and any tenant would not be allowed to relocate from an existing location in a commercial, downtown or gateway zoning district in Salt Lake City.
4. Preference would be given to prospective tenants who did not operate “formula” businesses. The proposed ordinance then defined “formula” restaurants and retail stores.

It should be noted that conditions Nos. 3 and 4 – including the definitions of “formula” restaurants and retail sales were taken from the Library System’s request for proposals issued in May. The System set a July 26 deadline for submitting proposals.

According to the Administration’s transmittal, the Planning Commission on September 5 recommended that the City Council adopt the proposed ordinance. However, the Planning Commission raised concerns about including language taken from commercial-lease selection criteria in a zoning ordinance and the precedent the inclusion might set.

In response to the Planning Commission’s concerns the Administration drafted an alternate ordinance for City Council consideration. The alternate ordinance dropped condition Nos. 1 and 4 from the original proposed ordinance. The result then, is “accessory retail sales and services for use by the general public” remains a permitted use in the alternate ordinance with the following conditions:

1. The maximum floor area for any business would be 2,000 square feet.
2. Any tenant must be opening a new business or adding a new location, and any tenant would not be allowed to relocate from an existing location in a commercial, downtown or gateway zoning district in Salt Lake City.

OTHER PERMITTED AND CONDITIONAL USES

The proposed ordinance and the alternate also would amend Section 21-A-32.140 titled *Table of Permitted and Conditional Uses for Special Purpose Districts*. To a large extent the proposed amendments mirror permitted and conditional uses in areas zoned as public lands, but there are some exceptions. Council staff has listed the proposed permitted and conditional uses for the PL-2 zone for City Council review.

PERMITTED USES

- Living quarters for caretakers and security guards
- Accessory offices supporting an institutional use
- Government offices
- Offices
- Offices, research related
- Accessory retail sales and services uses, when located within the principal building and operated primarily for the convenience of employees.
- Accessory retail sales and services uses when located within a principal building.
- Adult daycare centers
- Child daycare centers
- Colleges and universities
- Community and recreation centers
- Exhibition Hall
- Libraries
- Philanthropic uses
- Research, commercial, scientific, educational
- Reuse of schools and churches
- Seminaries and religious institutions
- Schools, K-12 public
- Art galleries
- Museums
- Park (public)
- Accessory uses, except those that are otherwise specifically regulated in this Chapter, or elsewhere in this Title
- Communication towers
- Local government facilities
- Park and ride parking, shared with existing use
- Parking structure
- Public/private utility transmission wires, lines, pipes and poles
- Radio station

CONDITIONAL USES

- Conference center
- Convention center, with or without hotels
- Movie theaters/live performance theaters
- Amphitheaters
- Communication towers, exceeding the maximum building height
- Off-site parking
- Park and ride lots
- Public/private utility buildings and structures

Council Members may wish to inquire about the seeming breadth of some of the uses proposed, and whether they all are germane to the Library Block or to potential future designations of other areas as PL-2 zones.

It should be noted that, according to the minutes of the September 5 Planning Commission hearing included in the Administration transmittal, Planning Commission Members strongly suggested including as permitted uses government offices, institutional use offices and research uses. Commission Member Jeff Jonas said non-profit groups might be more inclined to need space for office uses rather than retail use. According to the minutes, Library System Director Ms. Tessman also indicated that a non-profit, public radio station has applied to use some of the space available, a number of non-profit groups have expressed interest in office and meeting space, and restaurateurs have expressing interest in locating in space facing the library plaza.

It also should be noted that the Library Square Block Plan adopted by the City Council on September 3 contains the following language: “The Library is investigating the feasibility of developing a small theater complex and a lecture hall on the east side of the crescent wall. The theaters will operate in conjunction with the library and will program its activities. A building pad is reserved north of the current library adjacent to 200 East for expanded cultural opportunities.”

According to the minutes, the Planning Commission also questioned how the Library System could maintain control of the specificity and selectivity of the kinds of retail businesses and organizations it is seeking for the new library. Ms. Tessman said the Library Board has the authority to select tenants; the Board has established a policy and procedure for selecting tenants and reviewing tenant mixes; and tenants must sign lease agreements.

OTHER ITEMS

As with the original proposal, the proposed ordinance and the alternate draft include provisions for a maximum building height limit. They also set criteria for minimum yard requirements, required landscape yards, and landscape buffers. It is Council staff’s understanding that the criteria are based on landscaping planned for the Library Block.

As has been reported in the media and discussed at the September 5 Planning Commission meeting, the Library Board had started initial lease negotiations with five businesses or organizations – not including Friends of the Library, which is expected to take up about 820 square feet of the 3,600 square feet available inside the library. A brief description of the five businesses that were involved in lease negotiations as of September 5:

- **Air Terminal Gifts Inc.** – Has proposed a newsstand to sell magazines, newspapers, paperback books, some hardbound books, sundry items and some prepackaged food. The company, which operates three similar newsstands at the Salt Lake City International Airport, has proposed obtaining a space that contains about 410 square feet.
- **Night Flight Comics** – Has proposed a satellite store to its current location in the Cottonwood Mall, 4835 South Highland Drive. The business sells comic books, illustrated novels, and related items.
- **Q Street Fine Crafts** – Has proposed to satellite store to its current location at 88 Q Street. The business sells contemporary craft art such as hand-made jewelry, ceramics, blown glass, metal ware and furniture. It also sells designer household and office items. The satellite store is described as a kiosk in the company’s application.
- **The Salt Lake Roasting Company** – Has proposed a book-themed café that would provide a “full-scale specialty coffee selection,” beverages for children, and bottled beverages. The Roasting Company also would provide fresh-baked pastries, cakes and

finger-foods. The food would be prepared at the Roasting Company's current location at 320 East 400 South.

- **Ten Thousand Villages, Utah** – Has proposed to open a satellite store to its current location at 2186 South Highland Drive. Ten Thousand Villages is a non-profit organization founded by the Mennonite Central Committee. Under the program, the organization sells arts and crafts made by Third World artists.

According to the Library System Administration, additional potential tenants under consideration include:

The English Garden – a flower shop.

Gibbs Smith Publishing – an area publisher with interest in opening a bookstore.

Your Planet – an environment and natural history store.

Salt Lake Film Center – a cinema-study organization.

The Utah Peace Institute – a non-profit organization.