
SALT LAKE CITY COUNCIL STAFF REPORT

DATE: August 20, 2004

SUBJECT: Petition 400-99-49 – Planning Commission – request to create two new zoning districts - Residential Mixed Use 35 and 45

AFFECTED COUNCIL DISTRICTS: If the ordinance is adopted the new zoning classifications will affect Council Districts citywide

STAFF REPORT BY: Janice Jardine, Land Use Policy Analyst

ADMINISTRATIVE DEPT. AND CONTACT PERSON: Community Development Department, Planning Division
Doug Dansie, Principal Planner

POTENTIAL MOTIONS:

1. **["I move that the Council"]** Adopt an ordinance creating two new zoning districts - Residential Mixed Use 35 and 45.
 2. **["I move that the Council"]** Not adopt an ordinance creating two new zoning districts - Residential Mixed Use 35 and 45.
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NEW INFORMATION

At the Council meeting on August 10, 2004, the Council closed the public hearing and continued action to August 24, 2004. This action was taken to allow the Planning Division an opportunity to respond to issues raised at the Council Work Session on July 6, 2004.

At the July 6th Work Session, Council Member Saxton asked for an evaluation of options to allow a density or height incentives in order to achieve the types or mix of uses identified in the master plans for areas in which the new zones will be applied.

In response to Council Member Saxton's request, the Planning staff has provided additional information. Key points are summarized below. Please refer to the attached memorandum for details.

- A. The Residential Mixed Use RMU 35 and 45 zoning districts are intended as a mixed-use equivalent to the Residential Multi-Family RMF 35 and 45 zoning districts.
 1. The RMF 35 and 45 zones are exclusively residential and do not allow any commercial uses.
 2. The new districts are designed to accommodate moderate density mixed-use.
- B. The new zoning classifications are most likely to be applied where existing neighborhood commercial centers are now zoned Commercial Neighborhood or Commercial Business. Examples of locations that have been discussed with property owners/developers include:
 1. 400 South 900 West (friendly corners)
 2. 1000 North 900 West (existing neighborhood commercial area)
 3. 500 West north of North Temple

- C. If additional height and density is desired beyond that proposed in the new zoning districts:
1. The existing Residential Mixed Use RMU zoning district accommodates high density, mixed use projects.
 2. Areas where the new zoning may be applied are typically surrounded by lower density residential development and height and adequate parking facilities will be issues. The new zones allow an increase in height only through a public process (conditional use) and there is no decrease in the parking requirements.
 3. The City has provided height incentives in other zoning classifications such as the Gateway Mixed-Use GMU zone. Additional height is allowed for buildings with a non-flat roof and for buildings that provide affordable housing.
- D. Incentives would most likely be for residential use because commercial development is less difficult to attract.
- E. The City has not provided density bonuses in any zoning district but has supported rezoning to higher density zone if additional density is acceptable.

The following information was provided previously for the Council Public Hearing, August 10, 2004. It is provided again for your reference.

WORK SESSION SUMMARY AND NEW INFORMATION

The Council received a briefing on the proposed new zoning districts on July 6, 2004. Issues discussed included:

- A. Overview of the proposed zones:
1. Provides residential densities and height similar to the Residential Multi-Family 35 and 45 zones - moderate to medium densities, 35 and 45 foot height, respectively. A height increase is allowed through the conditional use process. (The RMU 35 allows an increase from 35 feet to 45 feet and the RMU 45 allows an increase from 45 feet to 75 feet.)
 2. Intended to encourage mixed use commercial and residential developments at a lower intensity than the Residential Mixed Use zone.
 3. Does permit separate residential or commercial development.
 4. New zoning could be applied to areas such as smaller commercial neighborhood properties, along arterial corridors (For example, State Street, North Temple, 400 South and 900 West).
- B. Council Member Saxton asked for an evaluation of options to allow a density or height incentive in order to achieve the types or mix of uses identified in the master plans for areas in which the new zones will be applied.

The Planning Director has indicated that Planning staff would be able to provide additional information by the Council meeting on August 24, 2002 responding to Council Member Saxton's request.

POTENTIAL OPTIONS AND MOTIONS:

3. **["I move that the Council"]** Adopt an ordinance creating two new zoning districts - Residential Mixed Use 35 and 45.
4. **["I move that the Council"]** Not adopt an ordinance creating two new zoning districts - Residential Mixed Use 35 and 45.
5. **["I move that the Council"]** Close the public hearing and continue action to August 24, 2004

The following information was provided previously for the Council Work Session on July 8, 2004. It is provided again for your reference.

KEY ELEMENTS:

- A. An ordinance has been prepared for Council consideration. The Administration notes that the two new zoning districts:
1. Allow mixed-use development while retaining the mass, height and density limitations of traditional multi-family zoning districts.
 2. Are designed to be used in or near lower density residential areas.
 3. Are lower in scale and less intense in the types uses allowed in the existing Residential Multi-Family RMF-75 and Mixed Use MU zoning districts.
 4. Differ from the Residential Multi-Family RMF-35 and RMF-45 in that they allow non-residential uses on the lower floors of buildings or as a separate “stand alone” use. The multi-family zoning districts are entirely residential in nature.
- B. The Administration’s transmittal notes:
1. In 1999, the original petition was initiated by Prowswood Development to accommodate a medium density mixed-use housing development on the former Union Pacific rail yards north of North Temple Street.
 2. In 2000, Prowswood abandoned the development proposal.
 3. The need for the two new mixed-use zoning districts remains.
 4. The Planning Commission has requested that the petition be forwarded the City Council for their consideration.
- C. The purpose of the Residential/Mixed Use Districts, RMU-34 and RMU-45 is to implement the objectives of the applicable master plan through district regulations that reinforce the residential character of the area and encourage the development of areas a low/medium density residential urban neighborhoods containing supportive retail, service commercial and small scale office uses. Please see the attached draft zoning classifications attached to the ordinance for area/height, permitted and conditional uses, parking restrictions, and signage requirements.
- D. The Residential Districts section of the Zoning Ordinance notes that residential districts are intended to provide a range of housing choices to meet the needs of Salt Lake city’s citizens, to offer a balance of housing types and densities, to preserve and maintain the City’s neighborhoods as safe and convenient places to live, to promote the harmonious development of residential communities, to ensure compatible in-fill development, and to help implement adopted plans. (Sec.21A.24.010.A - Statement of Intent)
- E. The public process included a presentation to the Fairpark and Capitol Hill Community Councils at the time Prowswood was pursuing rezoning, the proposed housing development and related street closure.
- F. On November 21, 2002 and October 22, 2003, as noted by the Administration, the Planning Commission discussed and recommended forwarding the new zoning classifications to the City Council. Previous Planning Commission hearings associated with this item included discussion of issues relating to the proposed housing development and a related street closure (500 North). Specific discussion relating to the proposed new zoning classifications is not reflected in the Planning Commission minutes.

MATTERS AT ISSUE /POTENTIAL QUESTIONS FOR THE ADMINISTRATION:

- A. The Council may wish to discuss with the Administration the extent to which potential areas citywide have been identified for application of the new zoning districts and the rationale for not applying the zoning classifications at this time.
1. The Administration notes:
 - a. Although there is no proposal to “map” these districts at the time, there are several areas in the City where the zones would be appropriate.
 - b. Both the draft Central Community Master Plan, the Northwest Master Plan and the draft West Salt Lake Master Plan have identified sites that are appropriate for lower scale mixed-use development.
 - c. The Planning Commission has suggested that the petition be forwarded to the City Council for consideration in order to have zoning classifications available to accommodate developments that assist in implementation of adopted planning policies and master plan goals.
 2. A memorandum dated March 2, 2004 from the Planning Director notes the following information. (Please see the attached memorandum for details.)
 - a. Given the City’s goal of creating additional housing opportunities in the City, the Planning staff considered it appropriate to still recommend the adoption of the proposed new mixed use zoning classification, even though there was no longer a specific project and geographic placement.
 - b. It is important to be proactive and have the zoning classifications in place to be applied when a similar project(s) is proposed.
 - c. Staff has since learned of several conceptual projects that could benefit from these new zoning classifications.
 - d. Such action would signal a proactive planning approach to emerging trends that compliment the City’s established goals on housing.
 3. Rezoning specific properties would eliminate the need for an additional rezoning application process and reduce the time required for a project to begin construction.
 4. The proposed new zoning classifications may include standards or regulations that may not meet the needs or unintentionally restrict future housing developments. For example, at the November 21, 2002 Planning Commission meeting, one Commissioner noted that if the housing plan is to move ahead it is critical that they not have to provide more parking than is necessary to meet their market needs and he would rather see open space than unnecessary parking. Planning staff has indicated that the current parking requirements in the Zoning Ordinance will be applied to uses in the new zones. There is no intent to reduce required parking at this time.
 5. The Planning staff reports note that the new zones are designed to allow for residential densities that are consistent with the Capitol Hill Master Plan.
- B. The Council may wish to discuss with the Administration whether community councils other than the two in the vicinity of the project that was originally contemplated and various business, real estate and property development organizations/representatives were involved in the review process for the proposed new zoning classifications.
1. The Planning staff reports note that presentations were made to Fairpark and Capitol Hill Community Councils at the time Prowswood was pursuing rezoning, the proposed housing development and related street closure.
 2. The mailing list provided in the Administration’s transmittal for the Planning Commission hearings relating to the Prowswood development and street closure indicate that the Community Council Chairs, the West Pocket Business organization and property owners in the area were notified.
- C. The Administration’s analysis references the draft Central Community and West Salt Lake Master Plans. The Council has previously expressed concern when draft master plans (not adopted by the Council) are cited as policy in analysis.
1. The Planning Division has previously indicated that several master plan processes including the draft West Salt Lake Master Plan have been suspended until the Planning Commission has addressed citywide land

use policies and issues identified through the Council's discussions of the Central Community Master Plan have been resolved.

2. The policy and implementation statements in the draft Central Community Master Plan are currently being reviewed by a Council subcommittee.

MASTER PLAN AND POLICY CONSIDERATIONS:

- A. The Administration's transmittal notes several master plans call for mixed-use development. The addition of two new mixed-use zoning districts:
 1. Provides more flexibility in catering to individual community needs.
 2. Accommodates medium density/mixed-use development.
 3. Allows either residential or limited commercial uses on the ground level
 4. Is similar to the existing Residential RMF-35 and RMF-45 in terms of height, mass and density.
- B. The Council has adopted housing policy statements that support creating a wide variety of housing types citywide. The 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.
- C. 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.
- D. 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.
- E. The Council's growth policy notes 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.

CHRONOLOGY:

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

- September 28, 1999 Petition initiated by Prowswood to rezone property between North Temple and 500 North and 500 West and approximately 450 West for residential development
- October 20, 1999 &
January 19, 2000 Capitol Hill Community Council meeting
- October 28, 1999 Fairpark Community Council meeting
- January 6, 2000 Planning Commission issues only hearing
- March 16, 2000 Planning Commission hearing:
 - Creation of two new mixed-use zones
 - Rezone property between 450 and 500 West and North Temple to 500 North from Manufacturing M1 to RMU 35 and 45

- Closure of 500 North at the 500 West railroad crossing
- June 2000 Prowswood withdrew the proposed housing proposal
- November 21, 2002 Planning Commission informal discussion to forward the new zoning classifications to the City Council
- October 22, 2003 Planning Commission motion adopted referring the new zoning classifications to the City Council

cc: Sam Guevara, Rocky Fluhart, DJ Baxter, Ed Rutan, Lynn Pace, Lee Martinez, David Dobbins, Louis Zunguze, Brent Wilde, Doug Wheelwright, Cheri Coffey, Doug Dansie, Jan Aramaki, Marge Harvey, Sylvia Jones, Lehua Weaver

File Location: Community Development Dept., Planning Division, Zoning Ordinance text change