
SALT LAKE CITY COUNCIL STAFF REPORT

DATE: July 9, 2004

SUBJECT: Petition 400-03-27 & 28 – Westminster College request to:
A. Rezone property at 1182 and 1184 East Blaine Avenue (1747 South) from Single-Family Residential R-1/5000 to Institutional I
B. Amend the Sugar House Community Master Plan
C. Close a portion of an east/west alley adjacent to and south of 1182 and 1184 Blaine Avenue

AFFECTED COUNCIL DISTRICTS: If the ordinance is adopted the rezoning will affect Council District 7

STAFF REPORT BY: Janice Jardine, Land Use Policy Analyst

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

WORK SESSION SUMMARY/NEW INFORMATION:

- A. During the July 8 Work Session, Council Members discussed the following issues/concerns:
1. The need for comprehensive planning in the Westminster area and addressing future growth of the College through the Westminster Small Area Master Plan.
 2. Encouraging the College to be forthcoming in working with the community, Planning Commission and Planning staff regarding their future development plans.
 3. Emigration Creek including protection and preservation of the creek corridor, environmental issues relating to the creek channel such as, erosion, flood control, debris and concrete, and pedestrian trail improvements.
 4. Details regarding to an appeal of the Planning Commission decision to the Land Use Appeals Board relating to approval of a planned development that includes:
 - a. The Alumni house
 - b. A Health, Wellness and Athletic Center
 - c. An elevated athletic playing field and structured parking under the playing field
- B. Mr. Tom Ellison, member of the Westminster College Board of Trustees, has provided the attached letter to provide additional information in response to the Council's discussion at the Work Session. This letter addresses the City's Small Area Master Plan process, Westminster College's future plans and issues related to the Emigration Creek corridor noting the commitments of the College made in the past to be proactive on community planning issues and to be a good steward of the Emigration Creek corridor. Please see the attached letter for details.
- C. Mr. Peter Hoodes, the appellant in the Land Use Appeals Board case, provided the attached letter to clarify the basis for the appeal and reiterate information presented in his appeal regarding Emigration Creek and a factual error in the Planning staff report. Please see the attached letter for details.

POTENTIAL MOTIONS:

1. ["I move that the Council"] Adopt the ordinances to:
 - A. Rezone property at 1182 and 1184 East Blaine Avenue (1747 South) from Single-Family Residential R-1/5000 to Institutional I and amend the Sugar House Community Master Plan; and
 - B. Close a portion of an east/west alley adjacent to and south of 1182 and 1184 Blaine Avenue
2. ["I move that the Council"] Not adopt the ordinances to:
 - A. Rezone property at 1182 and 1184 East Blaine Avenue (1747 South) from Single-Family Residential R-1/5000 to Institutional I and amend the Sugar House Community Master Plan; and
 - B. Close a portion of an east/west alley adjacent to and south of 1182 and 1184 Blaine Avenue
3. ["I further move that the Council"] request that the Administration and Planning Commission take a proactive approach to:
 - A. Address future development plans of Westminster College in the Westminster Small Area Master Plan,
 - B. Encourage Westminster College to finalize and make public a master plan, and
 - C. Further address the clean up of the Emigration Creek within the boundaries of Westminster College.

The following information was provided previously. It is provided again for your reference.

KEY ELEMENTS:

- A. Ordinances for the rezoning, master plan amendment and alley closure have been prepared for Council consideration.
 1. The rezoning and master plan amendment are subject to submission of a storm water drainage plan and approval of that plan by the Salt Lake City Public Utilities Department. The City Recorder is instructed not to record the rezoning and master plan ordinance until the condition has been met and certified by the Planning Director.
 2. The alley closure is subject to maintaining all existing rights-of-way and easements, payment of fair market value for the alley property, and future development is subject to compliance with all City standards and ordinances. The City Recorder is instructed not to record the alley closure ordinance until payment of fair market value to the City has been certified by the City Property Manager.
- B. On June 17, 2004, the City Council set a public hearing date of July 13, 2004 for the proposed rezoning, master plan amendment and alley closure. The actions will facilitate conversion of the home at 1184 Blaine Avenue (1747 South) into an Alumni House, demolition of the home at 1182 Blaine Avenue (1747 South) to provide a yard, patio and garden structure for the Alumni House and integration of the alley property as part of the Alumni house project.
- C. Related actions approved by the Planning Commission included:
 1. Planned development conditional use subject to specific conditions and final action by the City Council on the rezoning, master plan amendment and alley closure. The planned development includes three construction projects:
 - d. The Alumni house
 - e. A Health, Wellness and Athletic Center
 - f. An elevated athletic playing field and structured parking under the playing field

2. Housing mitigation – Please see the *Budget Related Facts* section on page 4 for details.
 3. Subdivision amendment to eliminate any unnecessary lot lines interior to the campus, subject to compliance with all City subdivision standards and ordinances, Salt Lake County Engineering and Flood Control requirements and a condition that should the Council not approve the alley closure, the petitioner shall redraw the subdivision boundary to remove the alley property from the amended plat.
- D. The purpose of the Institutional zoning classification is to regulate development of larger public and semipublic uses in a manner harmonious with surrounding uses. The uses regulated by this classification are generally those having multiple buildings on a campus-like site. (Zoning Ordinance Sec. 21A.32.080.A)
- E. The City’s Fire, Police, Public Utilities Departments, and Transportation, and Permits Divisions have reviewed the request. The proposed planned development will be required to comply with City standards and demonstrate that there are adequate services to meet the needs of the project. As previously noted, a campus-wide storm water retention plan approved by the City’s Public Utilities Department is required as a condition of the rezoning and master plan amendment. Specific site development conditions were established by the Planning Commission as part of the planned development conditional use approval.
- F. The public process included two open houses sponsored by Westminster College, presentations to the Sugar House Community Council in October and November 2003, and written notification of the Planning Commission hearing to surrounding property owners. The Administration’s transmittal notes the Sugar House Community Council voted to support the rezoning, master plan amendment and alley closure. The Community Council requested a public access easement for potential trail development be required as a condition of the alley closure.
- G. The Planning Commission voted to recommend that the City Council rezone the property, amend the master plan and close the alley as requested subject to the conditions previously noted.
1. Items discussed by the Planning Commission included:
 - a. The proposed athletic playing field and parking structure and mitigation of potential impacts on the surrounding neighborhood relating to traffic, parking, noise, and lighting.
 - b. Concerns of one neighboring property owner who disputes the location of a property line along the southwestern edge of the playing field/parking structure.
 - c. Emigration Creek including protection and preservation of the creek and riparian corridor, environmental issues relating to the creek channel such as, erosion, flood control, debris and concrete, and pedestrian trail improvements.
 - d. Compliance with the City’s housing mitigation requirements. (This item was addressed separately by the Planning Commission on April 28, 2004.)
 - e. Subdivision vacation and amendment to eliminate unnecessary lot lines. (This item was addressed separately by the Planning Commission on May 26, 2004.)
 - f. Preservation of public pedestrian and bicycle access to the alley and creek corridor.

MATTERS AT ISSUE /POTENTIAL QUESTIONS FOR THE ADMINISTRATION:

- A. The Council may wish to discuss with Administration the status and future timeline for completion of the proposed Westminster Small Area Master Plan. The Westminster College campus is included within the small area plan boundaries.
1. The Planning Staff report notes that a Westminster Campus Master Plan prepared by the College was reviewed and endorsed by the Planning Commission in 2000. Because the Plan was developed by the College for their internal use, the Plan was not adopted as an official City policy document. The Plan identified the eastern lot (1184 Blaine Avenue) as part of the long-range development plans for the College. Both lots (1182 and 1184 Blaine Avenue) are contiguous with the existing campus.
 2. Planning staff has provided the following information:

- a. The City Council allocated funding for this project (through CDBG grants) in July 2001. The contract was awarded to Landmark Design.
 - b. The consultant started their scoping meetings in April 2002. They submitted the preliminary draft in December, 2002.
 - c. The Planning Commission held a briefing on the plan on March 12, 2003 and a public hearing on March 26, 2003. At the March 26, 2003 public hearing, the Planning Commission tabled the review of the plan and requested the following occur prior to their consideration on the plan:
 - Request Westminster College provide the City with information on their future expansion plans.
 - Provide information from the transportation consultants of the Sugar House Business District Small Area Plan project relating to the parking and circulation issues of how the business on the north side of 2100 South interface with the residents to the north.
 - d. Staff has had on-going conversations with Westminster College, but Westminster has yet to provide the City with their future expansion plans for the college.
 - e. Staff is working with the consultant to finalize the traffic recommendations for the Sugar House Business District Small Area Plan. Staff will meet with the consultant on June 28th to review the final draft document relating to traffic issues in the business district.
 - f. Staff will continue to hold off on going back to the Planning Commission with the draft Westminster Small Area Plan project until these issues are resolved.
- B. Council Members may wish to discuss with the Administration the status and future timeline for completion of the proposed revisions to the Housing Loss Mitigation section of the City Code (Sec. 18.97.010) or discuss whether to indicate to the Administration that the Council position on this topic has changed.
1. In March of 2000, the Council discussed with the Administration the need to update and revise the housing mitigation section of the City Code. This was in regard to a request to rezone property and demolish three housing units to construct a convenience store/gas station in Council District 1 at the northeast corner of 700 North.
 2. In April 2000, the Administration identified in the adopted Community Housing Plan the following timeline to complete revisions to the City's Housing Loss Mitigation Ordinance.
 - a. Review and revise current housing mitigation ordinance. Use model ordinances from other communities as appropriate.
 - o Timeline: May 2000 - draft
 - b. Solicit support from community groups and developers for new ordinance.
 - o Timeline: June 2000 and July 2000 - 45 day review and board reviews and approvals
 - c. Review ordinance with City Attorney's office and City Council.
 - o Timeline: August 2000 – City Attorney review
September 2000 – City Council review
- C. Council Members may want to be aware of the issues and comments raised by Mr. Peter Hoodes (the property owner at 1173 Garfield Avenue) at the Planning Commission and Land Use Appeals Board meetings.
1. Issues raised by Mr. Hoodes, relate to the location of a property line along the southwestern edge of the play field/parking structure and environmental, geotechnical and potential flood issues in relation to Emigration Creek.
 2. In response to the issues and discussion by Commissioners, the Commission voted to add the following condition to the conditional use approval. "Public Works, Salt Lake County Flood Control and other public agencies carefully scrutinize conditions that have been brought the Planning Commission's attention by Mr. Peter Hoodes' letter of January 28, 2004."
 3. As part of the review and approval of the subdivision amendment, the Planning Commission established a condition to allow the College to commence construction of the Wellness Center prior to the recordation of a final plat for the amended subdivision. At the Planning Commission meeting it was noted that the property boundary dispute is a civil matter between Mr. Hoodes and the College. The City has no jurisdiction in private property disputes. The subdivision amendment applies only to

interior lot lines, vacated streets and alleys within the boundary of the original subdivision, “Perkins Grand View Addition” recorded in February 1890. The amendment would create a new one-lot subdivision “Westminster College Subdivision” and does not affect the external boundary line around the periphery of the subdivision.

4. The actions currently before the City Council (rezoning, master plan amendment and alley closure) are not applicable to the proposed athletic play field and parking structure.

BUDGET RELATED FACTS:

- A. Section 14.52 of the Salt Lake City Code *Disposition of City Owned Alleys* requires the petitioners to pay fair market value of the alley property based upon the value added to the abutting properties. Property Management has determined the market value of the alley property to be \$7,825. Westminster College has accepted this amount as the fair market value of the property.
- B. As noted by the Administration, housing mitigation for the loss of the two single-family residential units (1182 and 1184 Blaine Avenue) is required. Section 18.97 of the Salt Lake City Code *Mitigation of Residential Housing Loss from Rezoning* requires housing loss mitigation of adverse impacts due to the loss of the City’s affordable housing stock when zoning changes are requested to accommodate an expansion of non-residential uses and demolition of residential housing units. Three options are outlined for mitigation of residential housing loss.
 - Replacement housing with adequate security to guarantee completion within two years of granting any rezoning or conditional use permit.
 - Fee based on the difference between housing value and replacement costs
 - Fee where deteriorated housing exists not caused by deliberate indifference of land owner.
 1. Westminster’s housing mitigation plan proposes to count the planned conversion of an existing office space into student housing that would contain 50 new units as replacement of the single-family homes. The renovation would begin within a reasonable period after the completion of the Wellness Center, which is expected within two years. In addition, information provided by the College notes 300 student housing units have been constructed pursuant to the College Master Plan endorsed by the Planning Commission in 2000.
 2. The Administration recommended acceptance of Westminster’s proposal. The Administration also recommended a housing mitigation fee in the form of a bond or other credit consistent with a replacement cost of \$20,934. The Administration notes:
 - a. The requirement to provide housing mitigation within two years of the rezoning may be difficult to meet because of construction phasing.
 - b. An alternative to meeting that requirement could be to require the money from the cash bond to be deposited into the Housing Trust Fund should the applicant fail to build two new residential units within the two year time frame.
 3. The Planning Commission approved a motion to accept Westminster College’s housing mitigation plan and recommended that the requirement for providing “adequate security” be construed as the minimum financial assurance required by law in light of the totality of the circumstance including the College’s past performance and the purpose of this mitigation.

MASTER PLAN AND POLICY CONSIDERATIONS:

- A. The land use policy document that guides development in this area is the Sugar House Community Master Plan adopted November 2001.
 1. The policy statement that relates to Westminster College states “Address issues such as traffic, buffering and encroachment in the Westminster Small Area Plan”.
 2. The Plan notes that Westminster College:

- a. Is a significant feature of the Sugar House community.
 - b. Provides both an educational source of higher learning and cultural activities for the community.
 - c. Serves as an economic asset for the City.
 - d. Provides a population base that helps to support the Sugar House town center businesses.
3. The Plan recommends that a small area master plan be developed for the Westminster Neighborhood. The boundary includes the area between 1700 South to 2100 South and 700 East to 1300 East.
 4. The Future Land Use Map identifies the properties for Low Density Residential land uses (5-10 dwelling units/acre).
 5. The Plan includes the following policy statements that relate to low-density residential uses:
 - a. Support and enhance the dominant, single-family character for the existing low-density residential neighborhoods.
 - b. Maintain the unique character of older predominantly low-density neighborhoods.
 - c. Prohibit the expansion of non-residential land uses into areas of primarily low-density dwelling units.
 6. The Plan indicates that the City Council's alley closure policy (adopted in 2002) should be used to evaluate each new future request or alley closures/vacations.
- B. The Planning Staff report notes that a Westminster Campus Master Plan prepared by the College was reviewed and endorsed by the Planning Commission in 2000. Because the Plan was developed by the College for their internal use, the Plan was not adopted as an official City policy document. The Plan identified the eastern lot (1184 Blaine Avenue) as being part of the long-range development plans for the College. Both lots are contiguous with the existing campus.
- C. The Open Space Master Plan identifies a system of non-motorized transportation corridors that would re-establish connections between urban and natural land forms of the City.
1. The alley property has not been designated for a future trail in the Open Space Master Plan.
 2. The Plan identifies:
 - a. A trail connection along the Emigration Creek corridor through the southern portion of the College and along Wilson Avenue (1780 South south of Blaine Avenue and west of the College). This trail corridor is south of the proposed athletic playing field area.
 - b. Using Wilson Avenue to connect to the Emigration Creek Corridor.
 - c. Connecting the Emigration Creek Corridor to the Canal/McClelland Corridor at 1100 East and Wilson Avenue.
 - d. Westminster College has a master plan in place. A review of this plan should be made to assure the (trail) corridor and Emigration Creek are maintained from 1300 East to the Canal/McClelland Corridor.
- D. The Council's recently adopted alley vacation/closure policy requires petitioners to demonstrate at least one of the following policy considerations:
1. **Lack of Use.** The City's legal interest in the property appears of record or is reflected on an applicable plat; however, it is evident from an on-site inspection that the alley does not physically exist or has been materially blocked in a way that renders it unusable as a public right-of-way;
 2. **Public Safety.** The existence of the alley is substantially contributing to crime, unlawful activity, safe conditions, public health problems, or blight in the surrounding area;
 3. **Urban Design.** The continuation of the alley does not serve as a positive urban design element; or
 4. **Community Purpose.** The petitioners are proposing to restrict the general public from use of the alley in favor of a community use, such as neighborhood play area or garden.

- E. The Planning staff report prepared for the alley closure notes the following:
1. The requested alley closure satisfies policy consideration ‘A’. The alley in its current condition provides limited access through the block. The alley terminates at the campus and accessibility is hindered by encroachments into the alley with landscaping and vegetation.
 2. The requested alley closure satisfies policy consideration ‘B’. The Police Department has provided a crime analysis of offenses in the general location of the alley. Typical types of criminal activity include burglary, car prowls and auto thefts. The Alumni House renovation and increased use of the property should reduce calls for police services. The applicant notes that the alley is contributing to visual blight because portions of the alley are not maintained.
 3. The requested alley closure satisfies policy consideration ‘C’. The value of the alley as a positive urban design element has been compromised by previous closures and its current physical condition in other areas.
 4. The requested alley closure does not satisfy policy consideration ‘D’. The purpose of the proposal is to close a portion of the alley as a public right-of-way with access granted to Westminster College.
- F. The City’s Comprehensive Housing Plan policy statements address a variety of housing 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.
- G. The housing loss mitigation section of the City Code notes the objective to mitigate adverse impacts due to the loss of the City’s affordable housing stock when zoning changes are requested to accommodate an expansion of commercial uses, with due consideration for vested or protected property rights. (City Code, Sec. 18.97.010)
- H. 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.
- I. 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.
- J. 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.

CHRONOLOGY:

The Administration’s transmittal provides a chronology of events relating to the proposed rezoning, master plan amendment and alley closure. Key dates are listed below. Please refer to the Administration’s chronology for details.

- September 18 & 24, 2003 Westminster sponsored open houses
- October & November 2003 Sugar House Community Council meetings
- January 5, 2004 Planning Commission Planned Development Subcommittee reviewed

proposed projects

- January 14, 2004 Planning Commission hearing
- February 27, 2004 Appeal filed with Land Use Appeals Board
- April 26, 2004 Land Use Appeals Board upheld the Planning Commission decision regarding the proposed planned development
- April 28, 2004 Planning Commission action on housing mitigation proposal
- May 26, 2004 Planning Commission action on subdivision amendment

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, Janice Lew, Lehua Weaver, Annette Daley

File Location: Community Development Dept., Planning Division, Rezoning, Master Plan Amendment, Alley Closure, Westminster College, 1182 and 1184 East Blaine Avenue (1747 South)