

## Item # C-2

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# SALT LAKE CITY COUNCIL STAFF REPORT

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**DATE:** July 2, 2004

**SUBJECT:** Petition No. 400-02-25 – Request by the City Planning Commission to amend the Zoning Map by changing the designation of 402 South 900 West from RMF-35 (moderate density multi-family residential) to CN (neighborhood commercial)

**AFFECTED COUNCIL DISTRICTS:** If the ordinance is adopted, the rezoning will affect City Council District 2

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

**ADMINISTRATIVE DEPT. AND CONTACT PERSON:** Community and Economic Development – Planning Division  
Marilynn Lewis, Planner

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## POTENTIAL MOTIONS:

1. ["I move that the Council"] Adopt the proposed ordinance amending the Zoning Map and rezoning the property located at 402 South 900 West from Moderate Density Multi-Family Residential (RMF-35) to Neighborhood Commercial (CN).
2. ["I move that the Council"] Not adopt the proposed ordinance amending the Zoning Map and rezoning the properties located at 402 South 900 West from Moderate Density Multi-Family Residential (RMF-35) to Neighborhood Commercial (CN).

## WORK SESSION SUMMARY:

1. During the June 10<sup>th</sup> Work Session Council Members asked for clarification regarding the location of the property. The Council also asked whether the entire parking lot was mistakenly zoned. The Administration indicated that the property location is the old Neff Floral site, and that only a small portion of the parking lot was mistakenly zoned.

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

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## KEY ELEMENTS:

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1. During the 1995 Zoning rewrite, a parking lot parcel at 402 South 900 West was mistakenly zoned residential instead of commercial. The majority of the property is zoned Neighborhood Commercial (CN); however, the southernmost portion of the parcel is zoned Moderate Density Multifamily Residential (RMF-35). This parcel is the former Neff Floral property complex consisting of three attached buildings and the parking lot.
2. As a result of the mapping error, the property cannot be counted toward required off-street parking for the adjacent commercial businesses. A petition was initiated by the Planning Commission to correct this issue.
3. The Administration's paperwork indicates:
  - A. The purpose for the change is to zone the parking lot the same zone as the rest of the property.
  - B. This correction will assist existing and new neighborhood businesses with parking requirements.
  - C. On November 21, 2002, the Planning Commission voted to initiate a petition to correct the error made during the 1995 zoning rewrite.
4. The public process included a presentation of the petition to the Executive Board of the Poplar Grove Community Council. On December 4, 2002 the Executive Board voted unanimously in support of the proposed map amendment and decided not to advance the issue to the full Community Council. Please refer to the Executive Board's letter of support included in the Administration's packet.
5. During the Planning Commission's public hearing on February 12, 2003, the Planning Commission voted to recommend that the City Council approve the amendment to the Zoning Map for the subject property. Public comments were received during the public hearing, and the Planning Commissioners voted to transmit a favorable recommendation to the City Council based on the Findings of Fact. (See the attached Findings of Fact included in the Administration's packet.)

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

1. Given that Zoning Map Amendment processing fee is \$500.00, the Planning Division has established a policy to take the initiative, through the Planning Commission, to rectify zoning map errors rather than burden the private property owners with paying the associated fees and going through the process. This mechanism is triggered only in circumstances where the situation is clearly the result of an error.
2. In this case, the property owner was not charged because after initial review, it was clearly determined that this situation was brought about by an error on the City's part.
3. The Transportation Division indicated that the existing driveway approach on 400 South does not align with the isle space and conflicts with the ADA parking stall. The Transportation Division recommended that the driveway approach be revised to comply with City standards for all parking and maneuvering functions. The Council may wish to ask the Administration whether this issue has been resolved.

## **MASTER PLAN AND POLICY CONSIDERATIONS:**

1. The Planning staff report notes that amending the zoning map by rezoning the property for neighborhood commercial development would be in keeping with the surrounding land uses and would be consistent with the overall character of the area.
2. 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:

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- A. Allow individual districts to develop in response to their unique characteristics within the overall urban design scheme for the city.
  - B. Ensure that land uses make a positive contribution to neighborhood improvement and stability.
  - C. Ensure that building restoration and new construction enhance district character.
  - D. Require private development efforts to be compatible with urban design policies of the city regardless of whether city financial assistance is provided.
  - E. Treat building height, scale and character as significant features of a district's image.
  - F. Ensure that features of building design such as color, detail, materials and scale are responsive to district character, neighboring buildings, and the pedestrian.
3. The Council's growth policy notes that growth in Salt Lake City will be deemed the most desirable if it meets the following criteria:
- A. Is aesthetically pleasing
  - B. Contributes to a livable community environment
  - C. Yields no negative net fiscal impact unless an overriding public purpose is served; and
  - D. Forestalls negative impacts associated with inactivity.
4. 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.

## CHRONOLOGY:

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

- December 4, 2002                      Poplar Grove Community Council Executive Committee meeting
- December 31, 2002                    Executive Committee submitted letter
- February 12, 2003                    Planning Commission hearing

cc: Sam Guevara, Rocky Fluhart, DJ Baxter, Ed Rutan, Lynn Pace, Lee Martinez, David Dobbins, Louis Zunguze, Brent Wilde, Doug Wheelwright, Janice Jardine, Cheri Coffey, Marilynn Lewis, Barry Esham

File Location: Community and Economic Development Dept., Planning Division, Rezoning, Planning Commission, 402 South 900 West