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## **SALT LAKE CITY COUNCIL STAFF REPORT**

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**DATE:** November 2, 2004

**SUBJECT:** Petition No. 400-01-45 – Planning Commission request to rezone property located at 1321 South 500 East from Residential R-1/5000 to Neighborhood Commercial CN

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

**AFFECTED COUNCIL DISTRICTS:** District 5

**ADMINISTRATIVE DEPT:** Community and Economic Development  
**AND CONTACT PERSON:** Everett Joyce, Principal Planner

**NOTICE REQUIREMENTS:** Newspaper advertisement 14 days prior to the Public Hearing

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This action would rezone the rear portion of an individual parcel of property that is currently zoned with two different zoning classifications. The first 120 feet of lot depth is zoned Neighborhood Commercial and the rear portion of the property (60 feet) is zoned Residential R-1/5000. The proposed rezoning would allow parking in the rear portion of the property to support commercial use of the existing structure. Please refer to the attached maps for clarification.

### **WORK SESSION SUMMARY AND NEW INFORMATION**

- A. On February 28, 2002, the Council received a briefing from the Administration regarding this rezoning petition. Council Member Love requested additional time to discuss with the Community Council and the petitioner the option of a restrictive covenant that would limit the use of the property to address the community concerns. This was in response to the issues that had been raised by neighboring residents and the Liberty Wells Community Council.
- B. Since that time, Council Member Love and Planning staff worked with the petitioner and the City Attorney's office to develop a restrictive covenant and requested input from the Liberty Wells Community Council.
- C. The petitioner's attorney, Mr. Steve Newton, recently contacted Council staff indicating that Mr. Jayson Critchfield, the property owner, is in agreement with the requirements of the restrictive covenant and requested that this issue be moved forward for a public hearing since a substantial amount of time has elapsed.
- D. In March 2003, the Liberty Wells Community Council provided a letter indicating that the Council voted not to support the request indicating that the ordinance (restrictive covenant) was not strong enough to meet the needs of the neighborhood. (Please see the attached letter for details.)
- E. Key components of the restrictive covenant are summarized below. (Please see the attached draft Declaration of Covenants, Conditions and Restrictions for details.)

1. Use Restrictions - The property may be used for the following specific permitted uses:
  - Offices
  - Financial institutions without drive-through
  - Adult day care center or child day care center
  - Small group home
  - Schools, professional and vocational
  - Art gallery, art studio, dance studio
  - Bed and breakfast
  - Retail goods or retail service uses without drive-through facilities subject to review and approval by the Planning Director to ensure that the intensity of the proposed use is compatible with the surrounding neighborhood character
- a. Commercial activity open to the general public is restricted to the hours between 6:00 a.m. and 10:00 p.m.
- b. Installation and maintenance of a solid fence and landscaped buffer is required along the south property line adjacent to the residential zoning district.
2. Alterations
  - a. Repair, renovation, restoration or other alterations shall comply with all applicable zoning and building code requirements and preserve the residential character of the structure.
  - b. All site and exterior building improvements are subject to approval of the Planning Director.
  - c. The Planning Director may also require additional improvements to mitigate negative impacts on adjacent residential properties.
  - d. A demolition permit is required prior to demolition of the principal structure.
3. New Construction
  - a. Any replacement structure shall be reviewed and approved by the Planning Director to ensure the principal building maintains a compatible residential character.
  - b. Any replacement structure shall have a hip or gable roof with the front building elevation containing not more than 50% glass.
4. General Provisions
  - a. Validity and enforceability of this Declaration are expressly conditioned on City Council approval of the rezoning and recordation of the Declaration.
  - b. The declarant, the City or any subsequent property owners shall have the right to enforce the covenants and restrictions.
  - c. Amendments to the covenants and restrictions shall be executed and acknowledged by the property owner and the City.
  - d. The covenants and restrictions shall be in force for a period of 50-years.
  - e. Nothing in this Agreement shall be construed to obligate the City to rezone the property or prohibit the City from rezoning the property at any time.

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The following information was provided previously for the Council Work Session on February 28, 2002. It is provided again for your reference.

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

- A. Council Members may wish to discuss with the Administration in further detail options or steps taken to address issues, comments and opinions expressed to date relating to mitigation of potential negative impacts on the surrounding residential neighborhood.

1. The Administration's transmittal states that neighboring residents have noted that the property should not be rezoned because the use of the rear yard for off-street parking would have adverse impacts on adjacent residential properties.
  2. The Council received written correspondence noting neighborhood concerns relating to the proposed rezoning. Please see the attached letter for details. Issues include:
    - a. Potential 24-hour business operations.
    - b. Security and safety concerns.
    - c. Parking location and potential adverse impacts on surrounding residential uses.
    - d. Planning Commission meeting procedure.
  3. While the Central City Community Council voted to support the rezoning, the Liberty Wells Community Council voted not to support the rezoning. The Community Council expressed concerns relating to parking in the rear yard including:
    - a. The potential of attracting undesirable activities when the business use is closed.
    - b. Child safety issues relating to the proposal to use the property for a childcare facility and locating the play area in the rear yard.
    - c. Impacts on neighboring residential properties.
  4. The Planning Commission motion included conditions for the installation of a solid fence and strong vertical landscaping along the southern property boundary. The Planning Commission motion did not address that the existing ordinance would allow parking in the front yard behind the required front yard setback. This would be inconsistent with the 'walkable communities' approach.
  5. The Planning staff report notes:
    - a. Rezoning the entire parcel to Neighborhood Commercial would allow parking in the rear yard, which will enhance the neighborhood streetscape and the pedestrian environment.
    - b. The property owner could satisfy parking requirements for a business in the front yard.
    - c. Parking provided in the front yard would create a greater visual impact on the neighborhood than a parking lot in the rear yard.
    - d. Parking located in the rear yard would be required to include a landscaped buffer to mitigate impacts on adjacent properties. (7-foot buffer is required)
    - e. Potential impacts on the property at 515 East Sherman Avenue were self-imposed through the approval of a specific request to construct a home without the required rear yard setback. (In 1950, the Board of Adjustment approved a variance to permit an addition to the existing retail store and allow a two-foot rear yard for a new single-family residence facing Sherman Avenue. The existing home is very close to the property line.)
- B. The Administration's analysis addresses the draft Central Community Master Plan. The Council has previously expressed concern when draft master plans (not adopted by the Council) are cited in policy analysis. Area residents and community council representatives are currently reviewing the draft master plan. The Planning Commission has reviewed the draft but has not taken formal action. A mitigating factor is that elements from the adopted 1974 Central Community Master Plan and the 1990 Urban Design Element are also included in the Administration's analysis.
- C. While the 1995 zoning rewrite established opportunities to allow conversion of residential structures for nonresidential uses, the Council's policy that supports avoiding conversion of homes to business use, "If it looks like a house, it is a house", remains the same. Does the Council wish to revisit this policy? The existing house was previously used for a commercial childcare center and more recently,

a residential rental property. Currently, the structure is being considered for use as a childcare facility.

## KEY ELEMENTS

- A. The Administration's transmittal and Planning staff report provide a detailed background relating to the proposed rezoning and 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 paperwork and Planning staff report for details. Key points are summarized below:
1. Zoning history:
    - a. Prior to 1995, the property was divided with two zoning classifications, Residential R-4 (low-density multi-family) and Business B-3.
    - b. During the 1995 Zoning Rewrite, draft maps zoned the entire parcel for commercial uses. The final zoning map divided the property with two zoning classifications, Residential R-1/5000 and Neighborhood Commercial CN
    - c. In 1999, a new property owner brought the zoning boundary issue to the attention of Planning staff. Staff administratively adjusted the zoning boundary to zone the entire parcel Neighborhood Commercial.
    - d. After 1999, surrounding property owners raised concerns relating to the manner in which the zoning boundary had been adjusted without public notification, adverse impacts due to lack of management as a rental property, recent development activities and lack of property maintenance. Planning staff determined that it would be appropriate to rescind the administrative action and deal with the zoning boundary adjustment through the formal rezoning process.
  2. The parcel layout pattern for the properties fronting on 500 East is unique. The subject lot has a greater depth than the two adjacent commercial lots.
  3. Prior to 1995, zoning boundaries were established based on a standard depth. In this area along 500 East, the commercial zoning boundary extended 130 feet from the front property line and the remaining portion of the lots were zoned residential. The Zoning Ordinance specified that if the residential portion of a lot were less than 30 feet, the commercial zoning classification would apply to the entire lot area. In addition, the Zoning Ordinance allowed parking lots in residential districts as a conditional use.
  4. During the 1995 Zoning Rewrite, zoning boundaries were established on a parcel-based approach rather than using a standard depth. The conditional use process for commercial parking in residential zones was removed from the Zoning Ordinance. The following criteria were used as a basis to create the citywide zoning map:
    - a. Adopted community master plan future land use maps
    - b. Existing zoning
    - c. Existing land use
    - d. Avoid multiple zoning classification on a single property
    - e. Minimize the number of nonconforming uses and properties
- B. Surrounding land uses include an apartment building and a convenience store to the north and commercial and residential uses to the east, south and west.
- C. The purpose of the Residential R-1/5000 zone is to provide for conventional single-family residential neighborhoods on lot not less than five thousand square feet in size. (Zoning Ordinance Sec. 21A.24.070.A)

- D. The purpose of the Neighborhood Commercial CN zone is to provide for small-scale commercial uses that can be located within residential neighborhoods without having significant impact upon residential uses. (Zoning Ordinance Sec. 21A.26.020.A.)
- E. The Planning Commission voted to recommend that the City Council approve the proposed rezoning with the following conditions:
  - 1. Erect a solid fence along on the southern property boundary.
  - 2. Plant strong vertical landscaping along the southern property boundary.
  - 3. The Planning Director be granted approval authority for the final landscape plan.
- F. Issues discussed at the Planning Commission hearing included:
  - 1. History of zoning and use of the property.
  - 2. Proposed future use of the property for a childcare facility, the intent to use the rear yard as a play area for the children and not locate parking in the rear yard.
  - 3. Development options and limitations including the potential for parking in the front yard area, buffering requirements for a rear yard parking lot and preservation of mature landscaping.
  - 4. Impacts on adjoining residential properties and the surrounding neighborhood including parking, lighting, property management and maintenance, and safety and security issues.
  - 5. Concern that the current property owner was not present at the meeting.

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

- A. The 1974 Central Community Development Plan includes the following statements:
  - 1. Principles:
    - a. The need to revitalize and stabilize inner-city neighborhoods.
    - b. Greater recognition of mixed-use areas and their relative permanence.
    - c. Neighborhood revitalization as a remedy for obsolescence and decline.
  - 2. Policies and Proposals:
    - a. Population: Central Community program to reverse trend of families leaving for suburbs.
    - b. Urban Design: ...improve the architectural character of neighborhoods.
  - 3. Land Use: Designates the properties on both sides of 500 East between 1300 South and Sherman Avenue (1330 South) for neighborhood business uses. The adjacent properties surrounding the neighborhood business area are identified for low density residential uses (5.5 units per acre).
  - 4. Citizens' Policies and Recommendations:
    - a. Provide an effective means of notifying residents of proposed zoning changes and city activities within their community.
    - b. Organize the City into four block areas each with a citizen representative who will work with City staff in monitoring and reviewing new construction and changes in use of properties within their respective areas.
    - c. Give more consideration to those factors, including residential densities, which give the community a ghetto appearance.
    - d. Establish and enforce architectural controls to preserve the scale and mood of the neighborhoods.
- B. 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. The Urban Design Element is an adopted plan that outlines policy objectives. Applicable policy concepts include:

1. Establish performance criteria for landscaped side yards or buffers rather than prescriptive regulations, particularly where an industrial or retail/commercial district abuts a residential use. (The Zoning Ordinance requires buffers between dissimilar zoning districts rather than between dissimilar land uses.)
  2. Allow individual districts to develop in response to their unique characteristics within the overall urban design scheme for the city.
  3. Ensure that land uses make a positive contribution to neighborhood improvement and stability.
  4. Ensure that building restoration and new construction enhance district character.
  5. Require private development efforts to be compatible with urban design policies of the city regardless of whether city financial assistance is provided.
  6. Treat building height, scale and character as significant features of a district's image.
  7. Ensure that features of building design such as color, detail, materials and scale are responsive to district character, neighboring buildings, and the pedestrian.
- C. The Community Housing Plan contains the following related policy statements:
1. On a citywide basis, the City Council endorses:
    - Policies and programs that preserve housing opportunities as well as business opportunities within the City to ensure the continued existence of a population base and business base. While the Council supports mixed-use development, it also recognizes that there are some zones that are not conducive to residential development. As such, the Council will discourage any housing development in industrial-type zones.
    - Neighborhood anchor areas or commercial uses that are necessary to the function of residential neighborhoods or are compatible with residential activity.
  2. The City Council supports mixed-use and mixed-income concepts and projects that achieve vibrant, safe, integrated walkable neighborhoods through a diverse mix of uses and incomes in areas with established services that:
    - Include public and neighborhood interaction and participation in the design process.
    - Incorporate an assortment of residential, commercial, and professional office uses.
    - Incorporate affordable housing whenever possible.
    - Include a variety of housing types, mixed-income levels, live/work developments, etc.
- D. 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.
- E. 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
- F. The City's Strategic Plan and the Futures Commission Report contain statements that support creating attractive conditions for business expansion including retention and attraction of large and small businesses, but not at the expense of minimizing environmental stewardship or neighborhood

vitality. The documents 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.

## **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.

- August 1, 2001                      Central City Community Council meeting
- August 8, 2001 &                  Liberty Wells Community Council meetings  
September 12, 2001
- September 20, 2001              Planning Commission Hearing

cc:      Rocky Fluhart, Sam Guevara, DJ Baxter, Ed Rutan, Lynn Pace, David Dobbins, Louis Zunguze, Brent Wilde, Cheri Coffey, Everett Joyce, Lehua Weaver, Barry Esham

File Location: Community and Economic Development Dept., Planning Division, Rezoning – 1321 South 500 East



1995 Zoning Boundaries





Recommended Zoning Boundary

~ Liberty Wells Community Council ~

A Utah Nonprofit Organization  
of residents, businesses & property owners  
within the Salt Lake City area of  
900 South to 2100 South; State Street to 700 East

Post Office Box #521744, Salt Lake City, Utah 84152-1744

MAR 18 2003

03.13.03

email this date, hardcopy USPS

Jill Remington Love, District 5 Councilperson  
Salt Lake City Council, #304

AND

Janice Lew, Associate Planner  
Salt Lake City Planning Division, #406

451 South State Street  
Salt Lake City 84111

Re: Petition #400-01-45 zoning 1321 South 500 East

Dear Jill,

At Liberty Wells Community Council regular monthly meeting 12 March 2003, the Council voted that the draft ordinance referenced above was not strong enough to meet the needs of the neighborhood.

We appreciate the time and effort you have invested in trying to reconcile residential commercial perspectives at 1321 South 500 East.

Respectfully,



Catherine New, Chairperson 2002-2003

Liberty Wells Community Council Board of Directors  
1 July 2002 - 30 June 2003

Catherine New, Martha Manzano, Betty H. Eatchel, Robert Skraznas, Jim Fisher  
Leslie Jo Abplanap, Jay Deuel, Marlene Hardy, Robert Hartvigsen, Christian Herrmann, Marie Lupo,  
Marilyn Oblad, Sandi Roundy, Darrin Sanders, Pam Skraznas, Brian Watkins, Carol Watts, Orson West

**February 28, 2002**

**PROCEEDINGS OF THE CITY COUNCIL OF SALT LAKE CITY, UTAH  
WORKING SESSION**

**#4. RECEIVE A BRIEFING REGARDING REZONING FROM RESIDENTIAL  
TO NEIGHBORHOOD COMMERCIAL AT 1321 SOUTH 500 EAST.**

Janice Jardine, Everett Joyce, and Cheri Coffey briefed the Council with the attached handout. Councilmember Christensen asked if the property was currently being used for parking. Mr. Joyce said no. He said off-street parking was available on an adjacent lot.

Councilmember Saxton said she felt the L shape portion of the property should be squared up and kept in the residential zone. Mr. Joyce said a jog in the property line would still exist due to garage and rear yard setbacks. Councilmember Love said the community council wanted to preserve the house but had concerns about undesirable business uses.

Councilmember Love said she felt the community council would be content if the Administration would work with the owners to develop restrictive covenants regarding the types of businesses which would be allowed.

Councilmember Buhler said the area was primarily residential. He said he was concerned about someone acquiring enough property to construct a large business. Councilmember Christensen asked about the differences between CN and RB zones. Mr. Joyce said the RB zone insured the residential character of structures and limited property sizes. All Council Members were in favor of holding the proposal until the Administration had an opportunity to work with the property owner to develop restrictive covenants.

WHEN RECORDED RETURN TO:

Salt Lake City Corporation  
Attn: Planning Director  
451 South State Street  
Salt Lake City, UT 84111

**DECLARATION OF COVENANTS, CONDITIONS  
& RESTRICTIONS FOR  
PROPERTY LOCATED AT 1321 SOUTH 500 EAST  
SALT LAKE CITY, UTAH**

This Declaration is made this \_\_\_\_\_ day of \_\_\_\_\_, 2002, by Jayson and Christine Critchfield, hereinafter referred to as Declarant, in favor of Salt Lake City Corporation.

**RECITALS**

A. Declarant is the owner of the real property more particularly described on Exhibit "A" attached hereto referred to as the "Property", located in Salt Lake City, Salt Lake County, Utah.

B. Declarant is desirous to obtain Neighborhood Commercial (CN) zoning classification on the entire parcel by rezoning the rear sixty feet of the lot, but it is also desirous to do so in a manner that will protect and preserve the character of the neighboring residential properties and in a manner that will not adversely impact neighboring residential properties.

C. Declarant hereby declares that the Property shall be improved, maintained, occupied, held, sold, conveyed, leased and used subject to the covenants running with the land benefiting and burdening the Property.

D. It is the Declarant's intention in imposing these covenants and restrictions to limit the use of the Property for its own benefit and for the greater good of residents of Salt Lake City, and to promote and preserve the compatibility of the use of the Property with the existing uses of other properties in the neighborhood. To further that intent, the covenants and restrictions shall be binding upon the Declarant, its successors, assigns, heirs and lien holders, and may be enforced by the Declarant, any subsequent owner of the Property and Salt Lake City Corporation.

E. Declarant has executed this Declaration voluntarily and without coercion or duress.

## **ARTICLE I USE RESTRICTIONS**

Declarant covenants that, regardless of what uses may be allowed under applicable zoning, the Property shall only be used for the following specific permitted uses: offices; financial institutions without drive through; adult day care center; child day care center; small group home; schools, professional and vocational; art gallery; art studio; dance studio; bed and breakfast; and public/private utility transmission wires, lines, pipes and poles. Retail goods or retail service uses without drive through facilities are allowed subject to review and approval by the Planning Director to ensure that the intensity of the proposed use is compatible with the surrounding neighborhood character. Permitted uses are subject to these general restrictions, and any other restrictions imposed by applicable zoning within the Neighborhood Commercial zoning district.

No commercial activity open to the general public will be conducted beyond the hours of operation from 6:00 a.m. to 10:00 p.m.

Regardless of what uses are conducted on the Property, Declarant agrees that it will install and maintain a solid fence on the south property line adjacent to the residential zoning district and a landscaped buffer as required by City code and as approved by the Salt Lake City Planning Director.

## **ARTICLE II RENOVATION RESTORATION & PRESERVATION**

Declarant and any successors or assigns shall complete the repair, renovation or restoration of the site and structure on the Property as necessary for any proposed use to Salt Lake City's satisfaction and consistent with all applicable zoning and building codes within one year from the date of this Declaration. All site and exterior building improvements are subject to the approval of the Salt Lake City Planning Director. The Planning Director shall approve all plans prior to the commencement of work and shall approve all final improvements. The Planning Director may also require additional improvements beyond those required by City Ordinance that mitigate negative impacts on adjacent residential properties. The repair and renovation or restoration shall be accomplished in a manner which preserves the architectural integrity and residential character of the structure. No demolition of the principal structure shall be allowed without the express written consent of the owners of the Property and Salt Lake City Corporation.

### **ARTICLE III**

#### **NEW CONSTRUCTION**

If Salt Lake City approves demolition of the principal structure any new construction is subject to compliance with applicable zoning and building codes. Any replacement structure shall be reviewed and approved by the Planning Director to ensure that the principal building maintains compatible residential character. Any replacement structure shall have a hip or gable roof with the front building elevation containing not more than fifty percent glass.

### **ARTICLE IV**

#### **OBLIGATION TO MAINTAIN, REPAIR AND REBUILD**

Declarant, and each subsequent owner of the Property, at such owner's sole cost and expense, shall repair and maintain the site and structures on the Property so as to keep the site and structures in a condition consistent with the requirements of all building codes applicable to the Property.

If all or any portion of the site or of any structure on the Property is damaged or destroyed by fire or other casualty, it shall be the duty of the Declarant or the subsequent owner to rebuild, repair or reconstruct the site or structure in a manner that will substantially restore and maintain the residential character prior to the casualty.

### **ARTICLE V**

#### **GENERAL PROVISIONS**

**Condition Precedent to Validity.** Declarant has or will petition Salt Lake City to amend the zoning map for the rear 60 feet of the Property from a Residential (R-1/5000) to a Neighborhood Commercial (CN) classification (the "Petition"). The validity and enforceability of this Declaration are expressly conditioned on approval of the Petition by Salt Lake City. Declarant understands that approval of the Petition will be conditioned upon the recording of this Declaration and upon the compliance with obligations described herein. If the Petition is denied, this Declaration shall be of no force or effect.

**Enforcement.** Declarant, any subsequent owner and Salt Lake City Corporation shall have the right to enforce, by any proceeding in law or in equity, all covenants and restrictions now or hereafter imposed by the provisions of this Declaration.

**Amendments.** The covenants and restrictions of the Declaration may be amended by duly recording an instrument executed and acknowledged by the owners of the Property and Salt Lake City Corporation.

**Duration.** The covenants and restrictions of the Declaration shall run with and bind the land, and shall inure to the benefit of and be enforced by the Declarant, any subsequent owner and Salt Lake City Corporation for a period of fifty (50) years from the date of this Declaration.

**Zoning.** Declarant acknowledges that Salt Lake City retains sole authority as to the zoning of property within the City. Nothing in this Agreement shall be construed to obligate the City to rezone the Property. Regardless of whether or not the Property is rezoned, nothing in this Agreement shall be construed to prohibit the City from rezoning the Property at any time.

DATED: \_\_\_\_\_, 2002

OWNER: \_\_\_\_\_  
Jayson & Christine Critchfield

By: \_\_\_\_\_  
Title: \_\_\_\_\_

STATE OF UTAH                    )  
  :ss.  
County of Salt Lake            )

On the \_\_\_\_\_ day of \_\_\_\_\_, 2002, personally appeared before me  
\_\_\_\_\_, the property owners.

\_\_\_\_\_  
NOTARY PUBLIC  
Residing in Salt Lake County, Utah

My Commission Expires:

\_\_\_\_\_

## Exhibit A

Parcel number 16-07-478-015

### Property description

Commencing 73 feet North from the Southwest corner of Lot 11, Block 14, 5 Acre Plat A; thence North 83.67 feet; East 180 feet; South 83.67 feet; West 180 feet to the point of beginning.



FEB 21 2002

Joseph Schmidtke  
537 East Sherman Ave.  
Salt Lake City, Utah  
Home 487-4508  
Office 535-6688

Mr. Buhler

I understand that the city council is hearing the zoning change for 1325 south 500 east back of the lot from a R1-5000 to light commercial.

I live three houses east of the property and I attended the planning commission meeting on behalf of the neighbors.

I feel the meeting was unfair in a number of ways and the planning committee had already made up their minds before the hearing.

A city planner was representing the owner of the property; they wanted to adjust some zoning lines that they had made a mistake on some years back. While it was being presented Brent Wilde a city planner was seating with the committee and was injecting his thoughts.

The owner of the property had brought a man to a neighbor hood council meeting saying he was the new owner and was buying the property and was going to open a day care, which the place had been used as for the past thirty years. This gentleman spent a lot of time cleaning the building and property. He also applied for a business license but never completed the inspection and was denied.

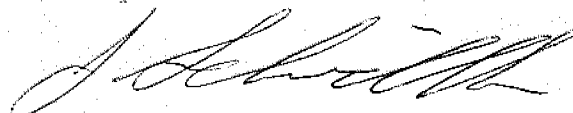
One committee member was worried about the trees in the back being damaged when a parking lot was constructed. The trees have not been maintained and present a big bug problem.

A house to the west is about three to four feet from the property line. One of the committee members though that it was a self induced hardship. But when it was built forty-five years ago, the owner was not aware that the city would change it to a commercial property. The present owner of the property is an individual who has demonstrated he has no respect for the property or the people living around it.

Our main concern as neighbors is that if a parking lot is allowed their it can be leased out any kind of business. Even a twenty four hour business would be able to place cars in this inclosed area all hours of day and night the property is surrounded by a three plex on the north and single family residents on the east and west.

In order to preserve our neighbor hood I strongly feel that this area should remain as an R1-5000.

Sincerely  
Joseph Schmidtke



21A.26.080

**21A.26.080 Table Of Permitted And Conditional Uses For Commercial Districts:**

LEGEND		PERMITTED AND CONDITIONAL USES, BY DISTRICT COMMERCIAL DISTRICTS					
C = Conditional Use	P = Permitted Use						
Use		CN	CB	CC	CS <sup>1</sup>	CSHBD <sup>1</sup>	CG
<b>Residential</b>							
Assisted living center, large			P	P			P
Assisted living center, small			P	P			P
Dwelling units, including multi-family dwellings, above or below first story office, retail and commercial uses or on the first story, as defined in the adopted building code, where the unit is not located adjacent to the street frontage		P	P	P	P	P	P
Group home, large (see section 21A.36.070 of this title)				C			C
Group home, small (see section 21A.36.070 of this title) above or below first story office, retail and commercial uses or on the first story, as defined in the adopted building code where the unit is not located adjacent to the street frontage		P	P	P	P	P	P
Halfway homes (see section 21A.36.110 of this title)							C
Living quarters for caretaker or security guard		P	P	P	P	P	P
Multi-family residential						P	
Nursing home			P	P			P
Residential substance abuse treatment home, large (see section 21A.36.100 of this title)				C			C
Residential substance abuse treatment home, small (see section 21A.36.100 of this title)				C			C
Transitional treatment home, large (see section 21A.36.090 of this title)				C			C
Transitional treatment home, small (see section 21A.36.090 of this title)				C			C
Transitional victim home, large (see section 21A.36.080 of this title)				C			C

(Salt Lake City August 2004)

LEGEND		PERMITTED AND CONDITIONAL USES, BY DISTRICT COMMERCIAL DISTRICTS					
C = Conditional Use P = Permitted Use							
Use	CN	CB	CC	CS <sup>1</sup>	CSHBD <sup>1</sup>	CG	
Transitional victim home, small (see section 21A.36.080 of this title)			C			C	
Office And Related Uses							
Financial institutions, with drive-through facilities		P	P	P	P	P	
Financial institutions, without drive-through facilities	P	P	P	P	P	P	
Medical and dental clinics	P	P	P	P	P	P	
Offices	P	P	P	P	P	P	
Veterinary offices, operating entirely within an enclosed building and keeping animals overnight only for treatment purposes	C	P	P	P	P	P	
Retail Sales And Services							
Auction sales			P			P	
Automobile repair, major			P	C		P	
Automobile repair, minor	C	P	P	P	P	P	
Automobile sales/rental and service			P			P	
Boat/recreational vehicle sales and service			P			P	
Car wash as accessory use to gas station or convenience store that sells gas		P	P	P	P	P	
Car wash, with or without gasoline sales			P	P		P	
Department stores				P	P		
Equipment rental, indoor and outdoor			P			P	
Furniture repair shop		P	P	P	P	P	

LEGEND		PERMITTED AND CONDITIONAL USES, BY DISTRICT COMMERCIAL DISTRICTS					
C = Conditional Use P = Permitted Use							
Use	CN	CB	CC	CS <sup>1</sup>	CSHBD <sup>1</sup>	CG	
Gas station (may include accessory convenience retail and/or "minor repairs" as defined in part VI, chapter 21A.62 of this title)	P	P	P	P	P	P	
Health and fitness facility		P	P	P	P	C	
Liquor store		C	C	C	C	C	
Manufactured/mobile home sales and service						P	
Pawnshop						P	
Restaurants, with drive-through facilities	C	P	P	P	P	P	
Restaurants, without drive-through facilities	P	P	P	P	P	P	
Retail goods establishments with drive-through facilities	C	P	P	P	P	P	
Retail goods establishments without drive-through facilities	P	P	P	P	P	P	
Retail services establishments with drive-through facilities	C	P	P	P	P	P	
Retail services establishments without drive-through facilities	P	P	P	P	P	P	
Truck repair, large						P	
Truck sales and rental, large			P			P	
Upholstery shop		P	P	P	P	P	
Value retail/membership wholesale						P	
Institutional Uses (Sites < 2 Acres)							
Adult daycare center	P	P	P	P	P	P	
Child daycare center	P	P	P	P	P	P	

LEGEND		PERMITTED AND CONDITIONAL USES, BY DISTRICT COMMERCIAL DISTRICTS					
C = Conditional Use P = Permitted Use							
Use	CN	CB	CC	CS <sup>1</sup>	CSHBD <sup>1</sup>	CG	
Community recreation centers on lots less than 4 acres in size	P	P	P	P	P	P	
Government facilities (excluding those of an industrial nature and prisons)	P	P	P	P	P	P	
Museum		P	P	P	P		
Music conservatory		P	P	P	P		
Places of worship on lots less than 4 acres in size	C	P	P	P	P	P	
Schools, professional and vocational	P	P	P	P	P	P	
Commercial And Manufacturing							
Bakery, commercial						P	
Blacksmith shop						P	
Blood donation centers, commercial and not accessory to a hospital or medical clinic			C			P	
Cabinet and woodworking mills						P	
Commercial laundries, linen service and dry cleaning						P	
Industrial assembly						P	
Laboratory; medical, dental, optical			P	P	P	P	
Laboratory; testing			C	C		P	
Miniwarehouse			P			P	
Motion picture studio				P	P	P	
Photo finishing lab			P	P	P	P	
Plant and garden shop, with outdoor retail sales area	C	C	C	C	C	P	

LEGEND		PERMITTED AND CONDITIONAL USES, BY DISTRICT COMMERCIAL DISTRICTS					
C = Conditional Use P = Permitted Use							
Use	CN	CB	CC	CS <sup>1</sup>	CSHBD <sup>1</sup>	CG	
Sign painting/fabrication						P	
Warehouse			P			P	
Welding shop						P	
Wholesale distributors			P			P	
Recreation, Cultural And Entertainment							
Amusement park				P		P	
Art gallery	P	P	P	P	P	P	
Art studio	P	P	P	P	P	P	
Commercial indoor recreation			P	P	P	P	
Commercial outdoor recreation				C		P	
Commercial video arcade			P		P	P	
Dance studio	P	P	P	P	P	P	
Live performance theaters			P	P	P	P	
Miniature golf			P	P		P	
Movie theaters				P	P	P	
Natural open space and conservation areas	C	C	C	C	C	C	
Parks and playgrounds, public and private, on lots less than 4 acres in size	P	P	P	P	P	P	
Pedestrian pathways, trails, and greenways	P	P	P	P	P	P	
Private club		C	C	P	P	P	

LEGEND	PERMITTED AND CONDITIONAL USES, BY DISTRICT COMMERCIAL DISTRICTS					
C = Conditional Use P = Permitted Use						
Use	CN	CB	CC	CS <sup>1</sup>	CSHBD <sup>1</sup>	CG
Sexually oriented businesses						P <sup>2</sup>
Squares and plazas on lots less than 4 acres in size	P	P	P	P	P	P
Tavern/lounge/brewpub; 2,500 square feet or less in floor area			P	P	P	P
Tavern/lounge/brewpub; more than 2,500 square feet in floor area			C	C	P	P
Miscellaneous						
Accessory uses, except those that are specifically regulated in this chapter, or elsewhere in this title	P	P	P	P	P	P
Ambulance services, dispatching, staging and maintenance conducted entirely within an enclosed building			P	P	P	P
Ambulance services, dispatching, staging and maintenance utilizing outdoor operations						P
Auditorium			P	P	P	P
Auto salvage (indoor)						P
Bed and breakfast	P	P	P	P	P	P
Bed and breakfast inn	P	P	P	P	P	P
Bed and breakfast manor	C <sup>3</sup>	C <sup>3</sup>	P		P	P
Bus line terminals			P			P
Bus line yards and repair facilities						P
Commercial parking garage or lot			C		P	P
Communication towers		P	P	P	P	P
Communication towers, exceeding the maximum building height		C	C	C	C	C
Contractor's yard/office (including outdoor storage)			C			P

LEGEND		PERMITTED AND CONDITIONAL USES, BY DISTRICT COMMERCIAL DISTRICTS						
C = Conditional Use P = Permitted Use	Use	CN	CB	CC	CS <sup>1</sup>	CSHBD <sup>1</sup>	CG	
	Farmers' market			C	C		P	
	Flea market (indoor)			P	P	P	P	
	Flea market (outdoor)						P	
	Funeral home			P	P	P	P	
	Homeless shelter						C	
	Hotel or motel			P		P	P	
	Impound lot						C	
	Intermodal transit passenger hub						C	
	Kennels						P	
	Limousine service, utilizing 4 or more limousines						P	
	Limousine service, utilizing not more than 3 limousines		C	C			P	
	Microbrewery						P	
	Park and ride lots		C	C	C	P	P	
	Park and ride, parking shared with existing use		P	P	P	P	P	
	Pet cemeteries <sup>4</sup>						P	
	Off site parking; as per chapter 21A.44 of this title			P		C	P	
	Outdoor sales and display		C	P	C	P	P	
	Outdoor storage			C			P	
	Outdoor storage, public			C			P	



LEGEND		PERMITTED AND CONDITIONAL USES, BY DISTRICT COMMERCIAL DISTRICTS					
C = Conditional Use P = Permitted Use							
Use	CN	CB	CC	CS <sup>1</sup>	CSHBD <sup>1</sup>	CG	
Precision equipment repair shops			P			P	
Public/private utility buildings and structures	C	C	P	P	C	P	
Public/private utility transmission wires, lines, pipes and poles <sup>2</sup>	P	P	P	P	P	P	
Radio, television station				C	P	P	
Recreational vehicle park (minimum 1 acre)			C				
Recycling collection station	P	P	P	P	P	P	
Reverse vending machines	P	P	P	P	P	P	
Taxicab facilities, dispatching, staging and maintenance						P	
Temporary labor hiring office						P	
Vehicle auction use						P	
Vending carts on private property as per chapter 5.65 of this code					P		
Wireless telecommunications facility (see table 21A.40.090E of this title)							

**Qualifying Provisions:**

1. Development in the CS district and CSHBD district shall be subject to planned development approval pursuant to the provisions of section 21A.54.150 of this title.
2. See subsection 21A.02.050B of this title for utility regulations.
3. When located in a building listed on the Salt Lake City Register of Cultural Resources (see subsection 21A.24.010S of this part and subsection 21A.26.010K of this chapter).
4. Subject to Salt Lake City/County health department approval.
5. Pursuant to the requirements set forth in section 21A.36.140 of this title.

(Ord. 18-04 § 2, 2004; Ord. 17-04 § 6 (Exh. E), 2004; Ord. 13-04 § 7 (Exh. B), 2004; Ord. 6-03 § 1 (Exh. A), 2003; Ord. 23-02 § 3 (Exh. A), 2002; Ord. 2-02 § 1, 2002; Ord. 38-99 § 6, 1999; Ord. 35-99 § 29, 1999; Ord. 19-98 § 2, 1998; amended during 5/96 supplement; Ord. 88-95 § 1 (Exh. A), 1995; Ord. 84-95 § 1 (Exh. A), 1995; Ord. 26-95 § 2(13-7), 1995)

21A.26.090

21A.26.090 Summary Table Of Yard And Bulk Requirements—Commercial Districts:

District Name	YARD AND BULK REGULATIONS									
	Lot Area Regulations	Minimum Lot Width	Maximum Building Size	Maximum District Size	Maximum Building Height	Minimum Front Or Corner Side Yard	Minimum Interior Side Yard	Minimum Rear Yard	Required Landscape Yard	Landscape Buffer Yards <sup>1</sup>
CN neighborhood commercial	No minimum Maximum area: 16,500 sf	None	None	90,000 sf	25' or 2½ stories	15'	No minimum	10'	Front and corner side yards	7'
CB community business	No minimum; lots over 4 acres are conditional uses	None	Up to 15,000 sf first floor; or 20,000 sf total floor area permitted > is a conditional use	None	30' or 2 stories	No minimum; otherwise 15' parking setback	No minimum	10'	Front and corner side yards, if provided	7'
CS community shopping	60,000 sf minimum excluding pad sites	150'	None	None	45' or 3 stories	30'	15'	30'	The first 15' of front and corner side yards	15'
CC corridor commercial	10,000 sf minimum	75'	None	None	30' or 2 stories Conditional use; maximum 45' or 3 stories	15'	No minimum	10'	Front and corner side yards; 15'	7'
CSHBD Sugar House business district	No minimum Multi-family: 9,000 sf for 3 units plus 500 sf/unit	None	Less than 20,000 sf is a permitted use Greater than 20,000 sf is a conditional use	None	90' or 6 stories Conditional use; maximum 150' or 10 stories	No minimum required	No minimum	None	None	7'