

DEC 18 2001

STEPHEN A. GOLDSMITH

PLANNING DIRECTOR

BRENT B. WILDE

DEPUTY PLANNING DIRECTOR

SALT LAKE CITY CORPORATION

COMMUNITY AND ECONOMIC DEVELOPMENT

PLANNING DIVISION

ROSS C. ANDERSON

MAYOR

COUNCIL TRANSMITTAL

TO: Rocky Fluhart *RF* TRANSMITTAL DATE: _____
Director Management Services

FROM: Stephen Goldsmith, Planning Director *SG*

RE: PETITION 400-01-45. This is a request by the Salt Lake City Planning Commission to amend the Central Community zoning district map by correcting a map error created during the 1995 citywide zoning rewrite for the property at 1321 South 500 East.

Staff Contact: Everett L. Joyce 535-7930

RECOMMENDATION: That the City Council hold a discussion and schedule a public hearing regarding the proposed zoning district map amendment to rezone the rear portion of the parcel at 1321 S. 500 East from "R-1/5000" Residential to "CN" Neighborhood Commercial as described in the attached ordinance.

DOCUMENT TYPE: Ordinance

BUDGET IMPACT: Not applicable.

DISCUSSION:

Issue Origin:

One of the objectives of the 1995 citywide zoning rewrite project was to ensure parcels were not split by two zoning classifications unless appropriate. The intent for the subject parcel was to zone the entire property CN. In 1999, the prospective property owner identified the parcel was split by two zoning districts. At that time the zoning map was administratively corrected. Later, neighborhood problems resulted from students renting the property and inquiring neighbors became aware of the zoning adjustment and objected to the administrative action. The Planning staff determined it was necessary to provide a formal public process to identify and address issues with zoning the entire parcel "CN". This issue was presented to the Planning Commission and they initiated a petition to consider rezoning the entire parcel at 1321 S 500 East to "CN" Neighborhood Commercial. The petition request is to rezone the eastern portion of parcel number 16-07-478-015 located at 1321 South 500 East Street. The rear portion of the lot to be rezoned is 5,020 sq. ft. or 30% of the lot.

Analysis:

The 1974 Central Community Development Plan depicts the properties fronting on 500 East between 1300 South Street and Sherman Avenue as Neighborhood Business. The adjacent properties surrounding the neighborhood business area are designated for low density residential land uses. The draft Central Community master plan update also identifies the property on the Future Land Use map as Neighborhood Commercial.

Adjacent commercial properties fronting 500 East Street are zoned entirely CN. The subject parcel is deeper than the adjacent commercial properties. In 1950, the properties to the south, 1329 South 500 East (Cozza's Market) and 515 Sherman Avenue (single family home), were one corner parcel with the same depth as the 1321 South 500 East parcel. The Board of Adjustment approved a request to permit an addition to the retail store and to allow a two-foot rear yard for a new single-family residence in the rear of the lot facing Sherman Avenue.

This petition has been routed to other City departments for review and comment. The City departments do not have any objection to the proposed rezone.

Public Process:

The request was presented to the Central City and Liberty Wells community councils. The Central City community council heard the rezoning request on August 1, 2001. The community council believed that the property should be rezoned so that parking would be in the rear yard rather than the front yard. The rezoning request was discussed at the Liberty Wells community council meetings of August 8, 2001 and September 12, 2001. The community council recommended that the zoning remain split on the parcel so that the rear yard could not be used for parking because of their belief that the rear yard parking would attract undesirable activities when the business was closed, would interfere with the safety of children in the playground area and was too close to neighboring residential properties. The child safety issue relates to the current potential purchase and use by a daycare center. The Liberty Wells Community Council also expressed concerns with the existing property owner's lack of maintenance of the property.

On October 4, 2001, the Planning Commission approved a motion to forward Petition 400-01-45 with a positive recommendation to the City Council to adopt the proposed Central Community zoning district map amendment to change the zoning of the rear portion of the parcel at 1321 S. 500 East from "R-1/5000" Residential to "CN" Neighborhood Commercial.

Relevant Ordinances:

Section 21A.50.050 Standards for General Amendments.

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Chronology

Proposed Ordinance

City Council Hearing Notice

Notice
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Planning Commission

Public Hearing Notice and Postmark
Planning Commission Staff Report and department comments
Planning Commission agenda and minutes for October 4, 2001

Original Petition

Chronology

May 17, 2001	Planning Commission initiated the petition
August 1, 2001	Petition request presented to the Central City Community Council
August 8, 2001	Petition request presented to the Liberty Wells Community Council
August 27, 2001	Petition review and response request sent to Engineering, Fire, Public Utilities, and Transportation
Sept. 12, 2001	Continued petition discussion at the Liberty Wells Community Council
Sept. 19, 2001	Notice of Planning Commission public hearing
October 4, 2001	Planning Commission public hearing
October 15, 2001	Ordinance request sent to City Attorney
October 18, 2001	Planning Commission ratified minutes of October 4, 2001 meeting
October 29, 2001	Received ordinance from City Attorney
November 8, 2001	Requested ordinance revision from City Attorney
November 15, 2001	Received final revised ordinance from City Attorney

AFFECTS SIDWELL NO.:
16-07-478-015

SALT LAKE CITY ORDINANCE
No. _____ of 2001

(Rezoning property located at approximately 1321 South 500 East)

AN ORDINANCE REZONING THE REAR PORTION OF PROPERTY
LOCATED AT APPROXIMATELY 1321 SOUTH 500 EAST FROM RESIDENTIAL
(R-1-5000) TO NEIGHBORHOOD COMMERCIAL (CN), PURSUANT TO PETITION
NO. 400-01-45.

WHEREAS, the City Council of Salt Lake City, Utah, has held public hearings before its own body and before the Planning Commission, and has taken in to consideration citizen testimony, filing, and demographic details of the area, the long range general plans of the City, and any local master plan as part of its deliberations. Pursuant to these deliberations, the City Council has concluded that the proposed change of zoning for the rear portion of the property located at approximately 1321 South 500 East is appropriate for the development of the community in that area.

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. That the rear portion of the property located at approximately 1321 South 500 East which is more particularly described on Exhibit A attached hereto, shall be and hereby is rezoned from Residential (R-1-5000) to Neighborhood Commercial (CN).

SECTION 2. Amendment of Zoning Map. The Salt Lake City Zoning Map, as adopted by the Salt Lake City Code, relating to the fixing of boundaries and zoning districts, shall be, and hereby is amended consistent with the rezoning identified above.

SECTION 3. Conditions. The rezoning identified herein shall be subject to the applicant submitting acceptable plans, and obtaining a permit for each of the following:

- (1) A solid fence on the southern boundary of the property;
- (2) Strong vertical landscaping on the southern boundary; and
- (3) Approval of the final landscaping plan by the Salt Lake City Planning

Director.

SECTION 4. Effective Date. This ordinance shall become effective on the date of its first publication and shall be recorded with the Salt Lake County Recorder. The City Recorder is instructed not to publish or record this ordinance until the conditions identified above have been met, as certified by the Salt Lake City Planning Director.

SECTION 5. Time. If the conditions identified above have not been met within one year from the date that this ordinance is signed, this ordinance shall become null and void. The City Council may, for good cause shown, extend the time period for satisfying the conditions identified above.

Passed by the City Council of Salt Lake City, Utah, this _____ day of _____, 2001.

CHAIRPERSON

ATTEST AND COUNTERSIGN:

CHIEF DEPUTY CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved _____ Vetoed.

MAYOR

ATTEST AND COUNTERSIGN:

CHIEF DEPUTY CITY RECORDER

(SEAL)

Bill No. _____ of 2001.

Published: _____.

APPROVED AS TO FORM
Salt Lake City Attorney's Office
Date 11/15/01
By [Signature]

EXHIBIT "A"

Commencing 73 Feet North from the SW Corner of LOT 11, BLOCK 14, 5 AC
PLAT A, Big Field Survey, thence North 83.67 Feet; thence East 180 Feet;
thence South 83.67 Feet; thence West 180 Feet to the point of beginning.

EAD 11-15-01

SALT LAKE CITY PLANNING COMMISSION STAFF REPORT

Petition 400-01-45
Rezoning property at 1321 S. 500 East
from R-1/5000 to CN
October 4, 2001

REQUEST

Petition 400-01-45 is a request to rezone a portion of a parcel located at 1321 South 500 East from R-1/5000 to CN Neighborhood Commercial.

Historically the property was always split with commercial and residential zoning. In the 1995 citywide zoning rewrite the intent was to zone the entire property CN. In 1999, when it was identified that the parcel was still split by two zoning districts, the zoning map was administratively corrected.

Neighborhood problems resulted from students renting the property and inquiring neighbors became aware of the zoning adjustment and objected to

the administrative action. This petition request will provide a formal public process to zone the entire parcel "CN".



COMMUNITY / NEIGHBORHOOD COUNCIL REVIEW

The request was presented to the Central City and Liberty Wells community councils. The Central City community council heard the rezoning request on August 1, 2001. The community council believed that the property should be rezoned so that parking would be in the rear yard rather than the front yard. The rezoning request was discussed at the Liberty Wells community council meetings of August 8, 2001 and September 12, 2001. The community council recommended that the zoning remain split on the parcel so that the rear yard could not be used for parking because of their belief that the rear yard parking would attract undesirable activities when the business was closed, would interfere with the safety of children in the playground area and was too close to neighboring residential properties. The child safety issue relates to the current potential purchase and use by a daycare center. The Liberty Wells Community Council also expressed concerns with the existing property owner's lack of maintenance of the property.

GENERAL BACKGROUND AND OVERVIEW

Applicant: Salt Lake City Planning Commission

Purpose of zoning map amendment: To correct a zoning map error from the 1995 citywide zoning rewrite that was intended to zone the entire parcel "CN".

Previous Case Files: None

Existing zoning: The existing zoning district map designation is "CN" because of an administrative map correction. This petition request will provide a public process with a formal City decision to the administrative action that designated the entire parcel "CN".

Existing Master Plan Policy: The 1974 Central Community Development Plan depicts the properties fronting on 500 East between 1300 South Street and Sherman Avenue as Neighborhood Business. The adjacent properties surrounding the neighborhood business area are designated for low density residential land uses. The draft Central Community master plan update identifies the property on the Future Land Use map as Neighborhood Commercial.

Affected area and parcel number: The eastern portion of parcel number 16-07-478-015 located at 1321 South 500 East Street. The rear portion of the lot to be rezoned is 5,020 sq. ft. or 30% of the lot.

IDENTIFICATION AND ANALYSIS OF ISSUES

Zoning History

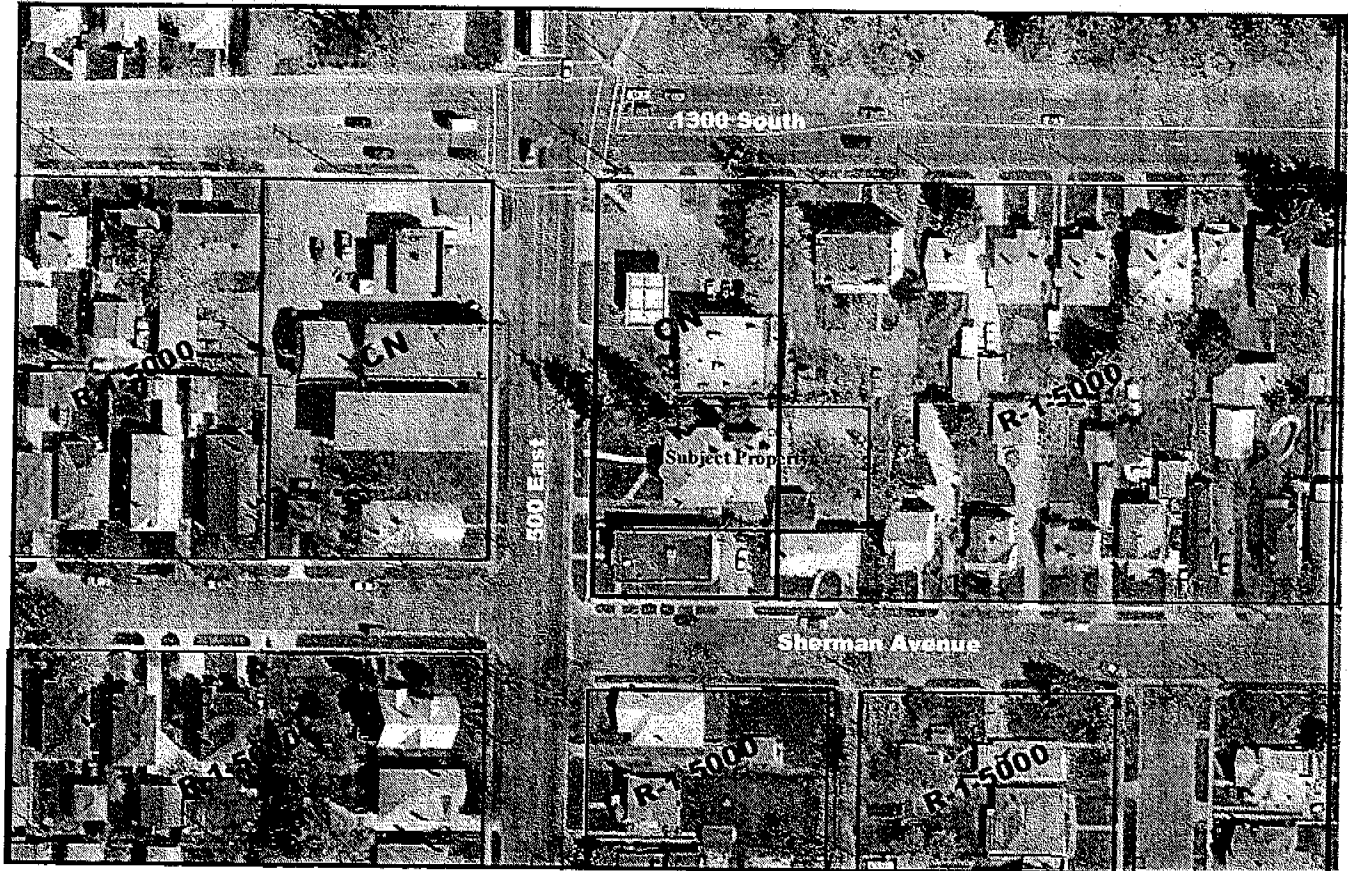
Prior to 1995	Zoning Map	Front 130' was zoned B-3. Rear 50' was zoned R-4.	10,877 sq. ft. 4,183 sq. ft.
1995 Zoning	Preliminary Map:	Entire parcel was zoned CN.	15,060 sq. ft.
	Final Map:	Front 120' was zoned CN. Rear 60" was zoned R-1/5000.	10,040 sq. ft. 5,020 sq. ft.
1999 Zoning	Administrative Map Adjustment:	Entire parcel zoned CN.	15,060 sq. ft.

Administrative Action

Two of the key objectives in the 1995 citywide zoning rewrite project were to base zoning changes on existing land use and to avoid splitting properties with two zoning districts. Through its review of initial zoning rewrite maps, Planning staff identified that the entire subject parcel was to be zoned "CN." In 1999 a new property owner brought the split zoning issue to the attention of the Planning Staff. The administrative determination was that the split zoning on the adopted map was an error. Therefore, the staff corrected the zoning map to make the entire parcel CN Neighborhood Commercial.

Petition Request

Development activity on the subject parcel brought forward concerns by the neighborhood about the existing zoning. Neighboring residents believe that the property should remain with the split zoning because the use of the rear yard for off-street parking would have adverse impacts on adjacent residential properties. Rather than requiring the neighborhood to appeal the administrative mapping action the staff determined it would be best to rescind the administrative action and request a formal petition and zoning map amendment process. The Planning Commission initiated the petition at its July 19, 2001 meeting.



1995 Zoning Boundaries

Differences in Approach to Split Lot Zoning - Pre-1995 and 1995 Zoning Rewrite

Pre-1995 Zoning Approach. Prior to 1995, neighborhood commercial boundaries were set at a standard depth along the block face for the immediate area. In the case of the 1300 South 500 East area, commercial zoning extended 130 feet from the front property line and the remaining portions of lots were zoned residential. Prior to 1995, the zoning ordinance addressed how to treat lots that were split between zoning districts. If the residential portion of the split lot was less than 30' deep the lot would be considered zoned entirely commercial. The zoning ordinance also allowed, as a conditional use, parking lots on residential zoned properties for commercial parking on adjacent lots. Therefore, there were zoning solutions for split lots prior to 1995 that do not exist in the current ordinance.

After 1995 Zoning Rewrite Approach. Zoning boundaries were established on a parcel base approach rather than a standard depth approach. A key objective of the 1995 Rewrite Project was not to split zone individual parcels. There were rare cases where split lot zoning was intentional. These were usually when the two zoning districts were similar or where parcels were rather large so that there was a realistic potential use on the rear portion of the lot for land uses that the zone permitted. The conditional use approval of commercial parking on residentially zoned lots was eliminated in the 1995 rewrite.

CODE CRITERIA / DISCUSSION / FINDINGS OF FACT

Section 21A.50.050 Standards for General Amendments.

A. Whether the proposed amendment is consistent with the purposes, goals, objectives, and policies of the adopted general plan of Salt Lake City.

Discussion: The proposed amendment is supported by the adopted city master plan. The master plan identifies neighborhood business land uses for the properties fronting on 500 East between 1300 South and Sherman Avenue. The following are policies in the draft Central Community Master Plan, the Urban Design Element and the City's Futures Commission Report that support the provision of placing parking in the rear yards of businesses, which the rezone action would allow.

1. Design and orient buildings to make neighborhoods pedestrian friendly.
2. Developments incorporate a walkable environment that is convenient for residents and employees to travel by transit, bicycle, foot or car.
3. Reduce cumulative air emissions through transportation and parking policies that favor the use of mass transit and non-motorized transportation methods.
4. Require yard areas of properties on principle streets be treated as front yard space.
5. Introduce pedestrian-oriented elements such as landscaping, sidewalk lighting, pedestrian-oriented building and site design into neighborhood commercial centers.

1999 Administrative Zoning Action. The key objectives in the 1995 citywide zoning were to base zoning changes on 1) master plan future land use maps, 2) existing zoning, 3) existing land use, 4) avoid multiple zoning districts on a single property, and 5) to minimize the number of nonconforming properties. Planning staff review of preliminary zoning maps used to create the City's electronic parcel based zoning map identified that the adopted zoning map was in error by splitting the subject parcel with two zoning classifications. The final adopted map was not consistent with the preliminary map wherein, the entire parcel was zoned CN. Staff believes the correct zoning classification for the subject parcel is CN Neighborhood Commercial.

Findings: Rezoning the entire parcel at 1321 South 500 East Street to CN - Neighborhood Commercial would allow parking in the rear yard, which will enhance the neighborhood streetscape and the pedestrian environment. This is consistent with the 1974 Central Community Master Plan, the 2001 draft community master plan, the Salt Lake City Futures Commission Report, and the 1995 citywide zoning rewrite mapping policies.

B. Whether the proposed amendment is harmonious with the overall character of existing development in the immediate vicinity of the subject property.

Discussion: The split zoning on the subject parcel is unique in that the adjacent commercial properties fronting 500 East Street are zoned entirely CN. However, the subject parcel is deeper than the adjacent commercial properties. The rear yard portion of the 1321 S 500 East lot is surrounded by residential properties to the north, west and south. The abutting properties to the north are an apartment complex with four dwelling units and a 7-11 commercial retail store. The abutting residential property to the west is a single-family dwelling. The abutting properties to the south are a single-family dwelling and Rico Brand (Cozza's Market) retail store.

The CN zoning district states the district is intended to provide for small-scale commercial uses that can be located within residential neighborhoods without having significant impacts upon residential uses. To meet this purpose statement, buffer yards are required on any CN lot abutting a residential district. This buffer yard consists of a seven foot wide landscaped area at the property line with the following requirements: 1). Shade trees at a rate of one per thirty linear feet, 2) Shrubs having a mature height of not less than four feet along the entire length of the landscape buffer, 3) Areas not planted with trees or shrubs shall be maintained in turf or groundcover and 4) A solid fence between four and six feet erected at the property line unless waived by the zoning administrator.

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. However, in 1950 the south property, 1329 South 500 East (Cozza's Market), was a corner parcel with the same depth as the 1321 South 500 East parcel. The Board of Adjustment

approved a request for the 1329 South property to permit an addition to the retail store and to allow a two-foot rear yard for a new single residence in the rear of the lot facing Sherman Avenue. Because of this variance, the house is located near the proposed parking area of the subject property. However, there is enough room on the subject property to provide the required seven-foot landscaped buffer. Therefore the adjacent home to the south can be adequately buffered from a parking lot in the rear yard.

Findings: The property owner could satisfy parking requirements for a business in the front yard. Requiring that parking be provided in the front yard would create a greater visual impact on the neighborhood than a parking lot in the rear yard. Parking located in the rear yard would be required to include a landscaped buffer to mitigate impacts from a parking lot on adjacent properties.

The 1321 S. 500 East parcel in the past had the same lot depth as the original parcel to the south. Subdividing the adjacent property into two lots, one with a residence built without adequate rear yard created an inconsistency with the overall development character. The proposed zoning map amendment is harmonious with the overall character of existing commercial development fronting on 500 East Street.

C. The extent to which the proposed amendment will adversely affect adjacent properties.

Discussion: If the rear portion of the property is rezoned, there is potential for adverse impacts related to off-street parking in the rear yard. This is an issue with any neighborhood commercial land use adjacent to a residential use. As a means to mitigate these potential impacts, the zoning ordinance requires that parking in the CN zone, abutting a residentially zoned property have a seven-foot landscape buffer at the property line. In addition screening of the parking lot is also required to prevent headlights from shining onto abutting properties. Parking lot lighting will discourage inappropriate activity in the rear yard of the subject property.

Residents have identified that the abutting property at 515 E. Sherman Avenue has the greatest impact due to its two-foot rear yard depth. In 1950, the Board of Adjustment permitted expansion of the market and placement of the residential dwelling in the rear of the lot on Sherman Avenue. This action created the potential for impacts because of the inadequate rear yard. Staff does not believe the subject property owner should be penalized for inadequacies on other lots, especially when the CN property owner can meet current zoning regulations.

Findings: Rezoning the entire parcel to CN would permit development consistent with the standards for commercial uses located within residential neighborhoods citywide. The two adjacent properties fronting on 500 East Street are completely zoned CN. Future development of the property will need to meet the landscape buffer yard requirements of the Salt Lake City zoning code to minimize the impact

on adjacent properties. Potential impacts on the property at 515 E. Sherman Avenue were self-imposed through approval of a specific request to construct the home without the required rear yard setback, which protects the residence from impacts on adjacent properties. The rezoning amendment will not adversely impact adjacent properties.

- D. Whether the proposed amendment is consistent with the provisions of any applicable overlay zoning districts, which may impose additional standards.**

Discussion: There are no overlay districts affecting the subject properties.

Findings: This standard is not applicable.

- E. The adequacy of public facilities and services intended to serve the subject property, including but not limited to roadways, parks and recreational facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.**

Discussion: The subject property is already developed. The last long term use of the property was for a commercial day care center. The proposed use is also for a day care center. The property has public facilities and utilities in place.

The Transportation Division recommends rezoning approval to allow parking in the rear yard to provide an improved on-site traffic circulation pattern that would reduce conflict with existing traffic functions impacting the public right of way. The Public Utilities Department had no objections to the petition request. The Engineering Division identified the need for curb, gutter and sidewalk repair. This would be accomplished through the issuance of a building permit on the subject property.

Findings: The public facilities and utilities are adequate to serve the property.

RECOMMENDATION:

Based on the findings of fact, staff recommends that the Planning Commission forward a favorable recommendation to the City Council to change the zoning of the rear portion of the parcel at 1321 S. 500 East from "R-1/5000" Residential to "CN" Neighborhood Commercial.

Everett L. Joyce
October 4, 2001

STEPHEN A. GOLDSMITH

PLANNING DIRECTOR

BRENT B. WILDE

DEPUTY PLANNING DIRECTOR

SALT LAKE CITY CORPORATION

COMMUNITY AND ECONOMIC DEVELOPMENT
PLANNING DIVISION

ROSS C. ANDERSON

MAYOR

SALT LAKE CITY CORPORATION MEMORANDUM

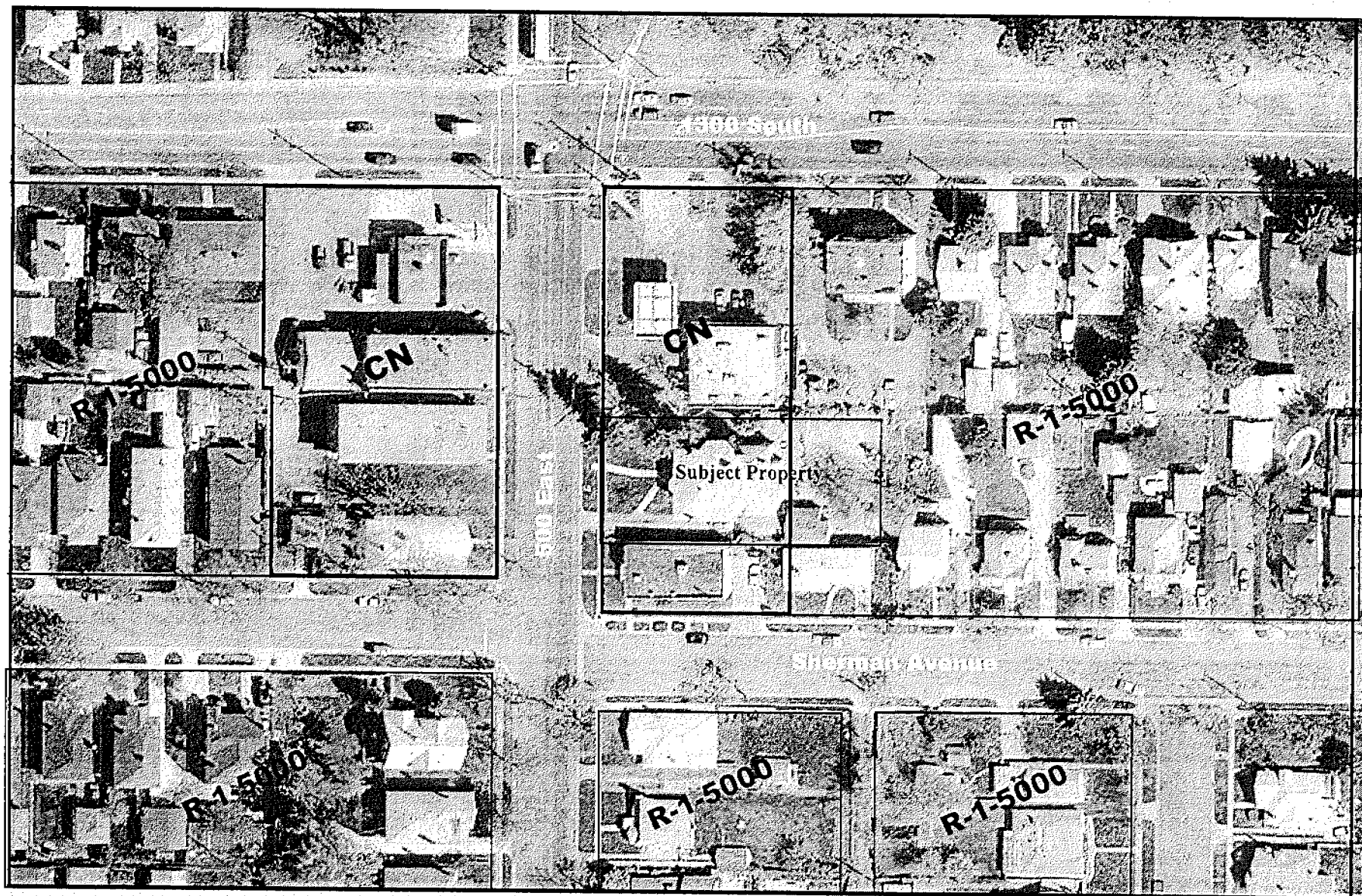
TO: Scott Weiler, Engineering
Brad Larson, Fire
Brad Stewart, Public Utilities
Kevin Young, Transportation
FROM: Everett L. Joyce, Planning Division *ELJ*
SUBJECT: Department response to petition to rezone property at 1321 S. 500 E.
DATE: August 27, 2001

Petition 400-01-45 is a request to rezone the rear portion of a parcel from R-1-5000 to CN that is located at 1321 South 500 East. The Sidwell parcel number is 16-07-478-015. The first 120 feet of lot depth is zoned CN Neighborhood Commercial. There exists a large house that was previously used as a commercial daycare center for 60 children. The rezoning would allow for parking in the rear of the lot to support commercial use of the existing structure.

This request is made to provide a finding in the staff report to the Planning Commission that City services are adequate to support rezoning the property.

Evaluation criteria: **The adequacy of public facilities and services intended to serve the subject property, including but not limited to roadways, parks and recreational facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.**

Please review this rezone request and identify if you have any issues or concerns regarding the provision of services if rezoning the entire lot to CN occurs. I would appreciate it if you could respond by September 7th. Thank you for your assistance in this matter. If you have any questions please e-mail me or call me at 535-7930.



1995 Zoning Boundaries

Joyce, Everett

From: Stewart, Brad
Sent: Wednesday, August 29, 2001 10:13 AM
To: Joyce, Everett
Cc: Garcia, Peggy; Cowles, Vicki
Subject: Rezone petition at 1321 S. 500 E.

Salt Lake City Public Utilities has no objection to the rezoning petition at the above mentioned location. Public Utilities does not foresee any water, sewer or storm drainage capacity issues for uses that are typical for the proposed zoning and size of lot.

Brad

STEPHEN A. GOLDSMITH
PLANNING DIRECTOR
BRENT B. WILDE
DEPUTY PLANNING DIRECTOR

SALT LAKE CITY CORPORATION
COMMUNITY AND ECONOMIC DEVELOPMENT
PLANNING DIVISION

ROSS C. ANDERSON
MAYOR

SALT LAKE CITY CORPORATION
MEMORANDUM

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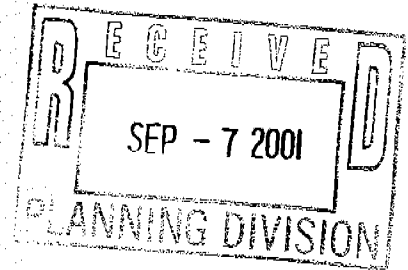
FIRE DEPARTMENT

NAME *ELJ*
DATE 8-29-01
☒ OK ☐ DEFICIENCIES

ALISON GREGERSEN WEYHER
DIRECTOR

SALT LAKE CITY CORPORATION
COMMUNITY AND ECONOMIC DEVELOPMENT

ROSS C. "ROCKY" ANDERSON
MAYOR



September 7, 2001

Everett L. Joyce
Planning Division
451 South State Street, Room. 406
Salt Lake City, Utah 84111

Re: Petition #400-01-45 to rezone the rear portion of a lot, at 1321 South 500 East, from R-1-5000 to CN.

Dear Everett:

The Division of Transportation review comments and recommendations are for approval of the proposed rezone as follows:

We recommend approval to provide on site traffic circulation to allow parking in the rear for an existing 60 children Daycare facility and reduce conflict with existing traffic functions impacting the public way.

Please feel free to call me, at 535-6630 if you have any further questions.

Sincerely,

Barry D. Walsh.
Transportation Engineer Assoc.

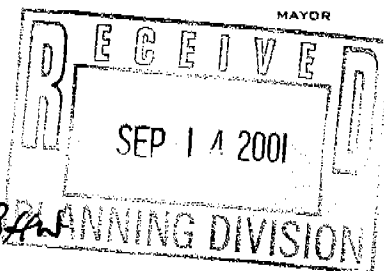
cc: Kevin J. Young, P.E.
Scott Weiler, Engineering
file

RICHARD GRAHAM
PUBLIC SERVICES DIRECTOR

SALT LAKE CITY CORPORATION

DEPARTMENT OF PUBLIC SERVICES

ROSS C. "ROCKY" ANDERSON
MAYOR



TO: EVERETT L. JOYCE, PLANNING
FROM: SCOTT WEILER, P.E., ENGINEERING
DATE: SEPTEMBER 12, 2001
SUBJECT: Rezoning for property at 1321 S. 500 East

City Engineering review comments are as follows:

1. SLC Engineering has no objection to the proposed rezone.
2. It is our understanding that a plat will not be required for this project.
3. Curb, gutter and sidewalk exist in 500 East Street along the frontage of the proposed project. Approximately 8 sections of curb & gutter are badly cracked and must be replaced. Also, two sidewalk joints are uneven causing a tripping hazard and must be ground down or replaced with new concrete. The existing drive approach is expected to remain.
4. Prior to installing public way improvements a permit to work in the public way must be obtained from SLC Engineering.

cc: Craig Smith
Bill Brown
Brad Stewart
Barry Walsh
Vault

SALT LAKE CITY ENGINEERING
324 SOUTH STATE STREET, SUITE 310, SALT LAKE CITY, UTAH 84111
TELEPHONE: 801-535-7961 FAX: 801-535-6093

**AGENDA FOR THE
SALT LAKE CITY PLANNING COMMISSION MEETING
In Room 126 of the City & County Building at 451 South State Street
Thursday, October 4, 2001, at 5:45 p.m.**

The Planning Commission will be having dinner at 5:00 p.m., in Room 126. During the dinner, Staff may share planning information with the Planning Commission. This portion of the meeting will be open to the public.

1. APPROVAL OF MINUTES from Thursday, September 20, 2001

2. PUBLIC HEARINGS

- a. **PUBLIC HEARING at 5:50 p.m.** - Petition No. 410-554, a request by Pace Pollard Architects, representing the Utah Opera Company, requesting a conditional use for additional building height of up to three stories or forty-five feet for an addition to the Utah Opera Company production studios at 336 North 400 West. (Staff: Nelson Knight at 535-6260)
- b. **PUBLIC HEARING at 6:10 p.m.** - Petition No. 400-01-47, by the Salt Lake City Planning Commission, requesting to amend Chapter 21A.24.010G - Residential Flag Lot Standards and Section 21A.54.150E - Planned Development Standards of the Salt Lake City Zoning Ordinance. (Staff: Ray McCandless at 535-7282)
- c. **PUBLIC HEARING at 6:40 p.m.** - Petition No. 400-01-04, by Joan and Ryan Williams, requesting to close a portion of March Street (2955 West) between 500-570 South; and to declare the subject portion of the street as surplus property. The requested action will facilitate current and future commercial redevelopment of the two abutting properties (Williams property and Turner Gas Co.) and for security of the abutting business owners. (Staff: Jackie Gasparik at 535-6354)
- d. **PUBLIC HEARING at 7:00 p.m.** - Petition No. 400-01-48, a request by The Salt Lake City Council to create a Transit Oriented Zoning District and Petition No. 400-01-42, a request by the Salt Lake City Planning Commission to rezone the 400 South Ogden Commercial Corridor to Transit Oriented Zoning, between 200 and 900 East. (Staff: Doug Dansie at 535-6182) **THIS ITEM HAS BEEN POSTPONED**
- e. **PUBLIC HEARING at 7:30 p.m.** - Petition No. 400-01-45, a request by the Salt Lake City Planning Commission to amend the zoning district map so that all of the parcel at 1321 South 500 East Street is zoned CN Neighborhood Commercial. The rear 60' of the parcel is presently zoned R-1-5000. (Staff: Everett Joyce at 535-7930)
- f. **PUBLIC HEARING at 7:55 p.m.** - Petition No. 400-01-49, by the Salt Lake City Administration, requesting that Salt Lake City adopt an ordinance that grants the Mayor authority to approve temporary uses relating to the 2002 Winter Olympic Games, which are not currently allowed by existing ordinances.

3. OTHER BUSINESS

- a. The Woodbury Corporation is requesting an extension of time for petition number 410-458, which granted approval for the renovation and expansion of the Redman building, located at 1240 East 2100 South in the Sugar House Business District. The Commission granted planned development approval for residential condominium ownership and subdivision approval on October 19, 2000. (Staff: Melissa Anderson at 535-6184)

Salt Lake City Corporation complies with all ADA guidelines. If you are planning to attend the public meeting and, due to a disability, need assistance in understanding or participating in the meeting, please notify the City 24 hours in advance of the meeting and we will try to provide whatever assistance may be required. Please call 535-7757 for assistance.

PLEASE TURN OFF CELL PHONES AND PAGERS BEFORE THE MEETING BEGINS. AT YOUR REQUEST A SECURITY ESCORT WILL BE PROVIDED TO ACCOMPANY YOU TO YOUR CAR AFTER THE MEETING. THANK YOU.

PUBLIC HEARING - Petition No. 400-01-48, a request by The Salt Lake City Council to create a Transit Oriented Zoning District and Petition No. 400-01-12, a request by the Salt Lake City Planning Commission to rezone the 400 South CC Commercial Corridor to Transit Oriented Zoning, between 200 and 900 East.

This item was postponed.

PUBLIC HEARING - Petition No. 400-01-45, a request by the Salt Lake City Planning Commission to amend the zoning district map so that all of the parcel at 1321 South 500 East Street is zoned CN Neighborhood Commercial. The rear 60' of the parcel is presently zoned R-1-5000.

Ms. Arnold recused herself from this hearing as she has a conflict of interests.

Mr. Joyce presented the staff report. Historically the property was always split with commercial and residential zoning. In the 1995 citywide zoning rewrite the intent was to zone the entire property CN. In 1999, when it was identified that the parcel was still split by two zoning districts, the zoning map was administratively corrected. Neighborhood problems resulted from students renting the property and inquiring neighbors became aware of the zoning adjustment and objected to the administrative action. This petition request will provide a formal public process to zone the entire parcel 'CN'.

Mr. Nelson asked if the backyard could be used for commercial uses (parking), if the property is not rezoned.

Mr. Joyce stated that the backyard could not be used for parking. The daycare facility that was on the property, is non-conforming because of the rear yard being zoned R-1-5/000.

Ms. Barrows asked if there was a negative to leaving the zoning split, other than the City likes parcels to have single zones.

Mr. Joyce stated that as a commercial property, it is restricted in its uses compared to other properties that are zoned CN. He explained that with the current zoning, a commercial use would have to provide off street parking in the front yard. All the trees and vegetation would have to be removed and two driveways would have to be brought in from the road.

Mr. Wilde explained the way the property is currently zoned, the rear yard is not able to satisfy any benefit to a commercial business.

Ms. Barrows was concerned about losing the two mature trees in the rear yard of the property, if the zoning were changed.

Mr. Wilde suggested that the Planning Commission recommend a conditional rezone requiring a parking layout that preserves the trees.

Mr. Jonas was concerned about the impact of this property on the adjoining neighbors.

Mr. Wilde explained that if a parking lot were built in the rear yard, there would be a seven-foot landscape buffer on all three sides. The Planning Commission has the authority to require a six-foot solid light-proof fence.

Mr. Boyden was concerned that if the trees were left in the rear parking lot, additional parking may have to be required in the front yard.

Mr. Jonas was concerned that even with the zone change, the parking could still be placed in the front yard.

Mr. Wilde suggested making a condition that the parking be placed in the rear yard.

Mr. Daniels opened the public hearing.

Joseph Schmidtke, resident, stated the new owner wants to put another daycare facility on the parcel and he does not want to put a parking lot in the rear yard. He stated the owner of the property is only going to use the bottom floor of the house for this business and the rear yard as a play area for the children. There are currently five parking stalls on the property. He is opposed to changing the zoning in the rear yard. He is concerned that opening the access to the rear yard with a parking lot will encourage transients to the property.

Mr. Jonas and Ms. Barrows stated they didn't understand what difference it would make whether the rear yard was left as it is or made into a parking lot and how it would attract transients.

Mr. Schmidtke stated the owner was going to keep a dog and put security lights in the rear yard when the business is not open. He feels the new property owner is going to take care of the property.

Ms. Barrows explained that the Planning Commission is concerned with the long term zoning issues.

Jean Palmer, realtor that sold the property to the current property owner, stated that if what Mr. Schmidtke says is true, the property has been sold again. She did not believe that the home has sold and changed hands. She stated the previous owner had a daycare center in the home for 45 years. She stated the previous owner sold this property as the mortgage holder and the first trustee on the deed. This was to be her income for the rest of her life. She believes there are conflicts within the neighborhood causing opposition to this rezoning. She is in favor of this petition so a viable commercial enterprise can be established on this property.

Ms. Barrows asked who owns the property.

Mr. Wilde explained that the property owner could be in the process of selling the property. He is not aware of who owns the property.

Mr. Schmidtke stated a contract has been signed to sell the property.

Ms. Barrows asked if a daycare business could operate on the property with the current zoning.

Mr. Wilde explained that a daycare business could operate on the property as long as they can satisfy the eight parking stall requirement in the front or side yards.

Ms. Barrows asked if on-street parking could be included for the parking requirement.

Mr. Wilde explained that on-street parking could be included if it were approved by the Development Review Team. He stated that eight stalls for a daycare center is not an unreasonable amount when you consider that the employees and parents would need parking stalls.

Mr. Daniels closed the public hearing.

Ms. Barrows is concerned that the property owner was not present at the meeting. She is concerned about the type of business that could be established on this parcel. She does not want to lose the trees that are on the property.

Mr. Boyden stated the difficulty is that there is a non-usable area of land at the rear of this property. If parking is placed on the property, trees will be lost. He felt the parcel should be zoned consistently.

Ms. Barrows agreed that the parcel should have consistent zoning. She felt that a daycare facility is important to the community.

Mr. Jonas stated that the purpose of the CN zone is to create a successful commercial business. The Planning Commission should make this parcel as potentially successful as possible.

Mr. Muir agreed with Mr. Jonas. The Planning Commission needs to acknowledge that the parcel is historically a commercial property and should do whatever is necessary to make the commercial venture thrive.

Mr. Jonas asked that a condition of approval should include a solid fence, strong vertical landscaping and the final landscaping plan to meet with the approval of the Planning Director.

Motion for Case #400-01-45:

Ms. McDonald made a motion for Petition No. 400-01-45, based on the findings of fact to forward a favorable recommendation to the City Council to change the zoning of the rear portion of the parcel at 1321 South 500 East from R-1/5000 Residential to CN Neighborhood Commercial.

Conditions of Approval:

1. Erect a solid fence on the southern boundary.
2. Plant strong vertical landscaping on the southern boundary.
3. The Planning Director be granted approval authority for the final landscape plan.

Ms. Barrows seconded the motion. Ms. Barrows, Ms. McDonald, Mr. Chambless, Mr. Muir, Mr. Nelson, Mr. Boyden and Mr. Jonas voted "Aye". Mr. Daniels, as Chairperson, did not vote. The motion carried.