

SALT LAKE CITY COUNCIL STAFF REPORT

DATE: September 3, 2004

SUBJECT: Petition 400-03-10 – Shaw Homes, Inc. request to:

- Rezone property at approximately 1551/1545 West 200 South from Residential R-1/5000 to Commercial Neighborhood CN
- Amend the West Salt Lake Master Plan

AFFECTED COUNCIL DISTRICTS: If the ordinance is adopted the rezoning and master plan amendment will affect Council District 2

STAFF REPORT BY: Janice Jardine, Land Use Policy Analyst

ADMINISTRATIVE DEPT. AND CONTACT PERSON: Community Development Department, Planning Division
Marilynn Lewis, Principal Planner

NOTICE REQUIREMENTS: Newspaper advertisement and written notification to surrounding property owners 14 days prior to the Public Hearing

POTENTIAL OPTIONS:

- A. Schedule a public hearing for October 5, 2004.
- B. Do not schedule a public hearing and request additional information from the Administration.
- C. Other options identified at the Council Work Session.

WORK SESSION SUMMARY AND NEW INFORMATION

- A. The Council received a briefing on the proposed rezoning request on April 8, 2004. Council Member Turner expressed concern regarding zoning the property for commercial use. He indicated:
 1. Commercial would have a very difficult time in this location.
 2. The Community would prefer housing to be developed on this site.
 3. The immediate surrounding area has a new 50+ lot subdivision under construction and surrounding housing has been recently renovated. The City has contributed funding to the housing projects.
 4. A railroad quiet zone designation would allow quad gates at 200 South. This would also benefit new and existing housing and the potential residential development of this property.
- B. The Council decided to delay scheduling a public hearing to allow Council Member Turner an opportunity to explore some options.
- C. The following information was provided from the Planning Division regarding the rezoning and Council Member Turner's concerns. (Please see the attached memo for details)
 1. The Planning Division would like to re-affirm the recommendation made by the Planning Commission to rezone the property.

2. The constant noise and vibrations due to the proximity of the Union Pacific Railroad main line and Interstate-80 clearly make this property less appealing as a location for residential development.
3. Of all the possible zoning classifications that could be suggested, the Neighborhood Commercial zone would be the most appropriate because of the following benefits:
 - a. Would preclude negative impacts from the existing transportation corridors on future residential uses.
 - b. There is the potential for development of neighborhood oriented commercial uses on a scale that can be supportive to residents in the area and within walking distance.
 - c. Small commercial development will replace unkempt conditions that currently prevail on the property. If the zoning is not changed, this property will likely remain vacant and unkempt.
- D. The following information was provided from the Administration regarding the railroad quiet zone:
 1. The Administration is currently exploring the possibility of a city-wide quiet zone, which would likely include the crossing at 200 South.
 2. This is being explored under guidelines laid out in a new draft rule from the Federal Railroad Administration.
 3. The City will not know the final form of the rule until December 18, so it would be premature to make any firm assumptions before then.
 4. The Administration is cautiously optimistic that the City could have the crossing at 200 South covered by a quiet zone before too long, probably within the next year or so.

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

KEY ELEMENTS:

- A. An ordinance has been prepared for Council consideration. Items that require Council action include:
 1. Rezoning property located at 1551/1545 West 200 South from Residential R-1/5000 to Commercial Neighborhood CN.
 2. Amending the West Salt Lake Community Master Plan Future Land Use Map from residential to commercial land uses consistent with the proposed zoning.
- B. The Administration's transmittal notes that the original request was to rezone the property from residential to General Commercial CG. The Planning Commission recommended that the property be rezoned to Neighborhood Commercial, a less intense commercial zoning classification. The applicant has accepted the Planning Commission's recommendation.
- C. Additional background provided by the Administration notes that, prior to this rezoning request, the applicant had proposed a three-lot single-family subdivision on the property. Planning staff noted the negative impacts on residential uses due to the Union Pacific main rail line and the Interstate-80 freeway corridor and the inability to secure federal funding or mortgage financing due to noise impacts. On October 3, 2002 prior to the Planning Commission hearing, the applicant withdrew the residential subdivision application and the Planning Commission did not make a decision.
- D. The proposed rezoning would accommodate small-scale commercial development. The Administration's transmittal notes that the applicant has not submitted plans for a specific project at this time. The property is currently vacant. (Please see attached map for reference.) Surrounding land uses include:
 1. Low-density single-family and medium/high density residential developments to the east and south.

2. The Interstate-80 freeway and Union Pacific rail line to the north.
 3. Vacant property zoned Residential R-1-5000 to the west.
 4. Edison Elementary School to the southwest.
- E. The Commercial Districts section of the Zoning Ordinance notes that commercial districts are intended to provide controlled and compatible settings for office and business/commerce developments, to enhance employment opportunities, to encourage the efficient use of land, to enhance property values and the tax base, to ensure high quality of design, and the help implement officially adopted master plans. (Sec.21A.26.010.A - Statement of Intent) Please see the attached Table of Permitted and Conditional Uses for a comparison of the types of uses permitted in each zone.
1. The purpose of the Commercial Neighborhood zoning district is to provide for small scale commercial uses that can be located within residential neighborhoods without having significant impact upon residential uses.
 2. The purpose of the General Commercial zoning district is to provide an environment for a variety of commercial uses, some of which involve the outdoor display/storage of merchandise or materials.
- F. The property is located within the Airport Influence Zone “C” overlay zoning classification. Properties within this overlay area experience exposure to moderate levels of aircraft noise. The overlay zone has specific height restrictions and noise mitigation requirements for buildings constructed within this overlay zone.
- G. Key points from the Administration’s transmittal and the Planning staff report include the following:
1. Residential uses would not be appropriate on the property due to negative impacts created by the location of the freeway and railroad corridors and the inability to secure federal funding or mortgage financing due to noise impacts.
 2. Rezoning the property to General Commercial, which allows many uses that are incompatible with the residential neighborhood, is not appropriate.
 3. A less intense commercial zone would decrease the potential for residential development or illegal dumping (currently occurring on the property), while providing the opportunity for compatible commercial development that provides services to the neighborhood.
 4. The Neighborhood Commercial zoning district will provide a variety of small neighborhood business development opportunities that would be more complimentary to the neighborhood setting and consistent with the West Salt Lake Master Plan.
- H. Correspondence from Union Pacific included in the Planning staff report notes (Please see the attached electronic mail correspondence for details.):
1. Union Pacific is very concerned about the safety issues created whenever a residential area, small or large, is placed adjacent to or even near an active railroad line.
 2. Union Pacific is opposed to permitting a residential development at this location.
 3. Union Pacific would request that any development that may be approved (residential or commercial) include the requirement to construct a solid barrier between the development and the railroad right-of-way in order to prevent public access onto the railroad right-of-way.
- I. The City’s Fire Department, Police Department, Public Utilities Department, Transportation Division, and Permits Division have reviewed the request. Future development proposals will be required to comply with City standards and demonstrate that there are adequate services to meet the needs of the project. The Police Department representative expressed concern regarding potential adverse impacts to adjacent properties from incompatible activities or business uses. The Police representative notes that property owners in the area have committed to upgrade their properties or have invested in improvements in an effort to improve the neighborhood.
- J. The public process included a presentation to the Poplar Grove Community Council and written notification of the Planning Commission hearing to surrounding property owners. The Administration’s transmittal notes:

1. The Community Council is concerned that some commercial zones, such as the General Commercial zone initially proposed by the applicant, could allow more intensive uses that would be incompatible with surrounding land uses.
 2. On March 26, 2003, the applicant presented their rezoning request to the Community Council. The Council delayed action until their April meeting.
 3. On April 9, 2003, the Community Council's Executive Board made the decision to send a letter on behalf of the Community Council. The letter refused to offer support for this rezoning based on past performance and the aesthetics of Shaw Homes, Inc.'s previous developments on the Westside. (Please see the attached electronic mail correspondence for details.)
- K. On July 9, 2003, the Planning Commission voted to recommend that the City Council rezone the property to Commercial Neighborhood CN and amend the West Salt Lake Community Master Plan.
1. Items discussed by the Planning Commission included:
 - o The potential to close 200 South and establish a quiet zone designation to eliminate the need for train whistles to be used in the area.
 - o That any decision of the Commission regarding the rezoning and master plan amendment would not preclude establishing a railroad quiet zone in the area.
 2. Public comments included:
 - o Commercial development would disrupt the neighborhood.
 - o The intent of property owners in the area to initiate a petition to close 200 South to eliminate the need for train whistles.
 - o The preference for the property to be developed with residential uses to increase property values in the area.
 - o Concern regarding potential negative impacts of future development.

MATTERS AT ISSUE /POTENTIAL QUESTIONS FOR THE ADMINISTRATION:

- A. The Council may wish to discuss with Administration whether the Planning Commission's recommendation for rezoning the property Commercial Neighborhood (rather than the General Commercial zone originally requested) has been discussed with the Poplar Grove Community Council to determine if the less intense zoning classification would be acceptable to the Community Council. As previously noted, the Community Council is concerned that some commercial zones, such as the General Commercial zone initially proposed by the applicant, could allow more intensive uses that would be incompatible with surrounding land uses. The letter submitted by the Community Council's Executive Board refused to offer support for the rezoning based on past performance and the aesthetics of Shaw Homes, Inc.'s previous developments on the Westside.
- B. The Council may wish to discuss with the Administration how the proposed rezoning and potential future commercial development of this property fits within the Administration's overall economic development plan for the west side of the City.
- C. The Council may wish to discuss with the Administration steps that have been taken to address the neighborhood concerns regarding noise impacts from the railroad and Union Pacific's request for construction of a solid barrier along the railroad right-of-way to prevent public access onto the rail line.
1. If the property is rezoned without a specific development proposed for the property, there is the potential for an "over-the-counter" permit to be issued in the future for a permitted use without ensuring the noise and access concerns are addressed. (The Neighborhood Commercial zone requires a 10 ft. rear yard setback. Fencing or a solid barrier is not required unless the property abuts property zoned for residential use.)
 2. As noted in the Planning Commission minutes, property owners in the area indicated their intent to initiate a petition to close 200 South and establish a quiet zone designation to eliminate the need for train whistles to be used in the area. The Planning Commission indicated the intent that any

decision of the Commission regarding the rezoning and master plan amendment would not preclude establishing a railroad right of way in the area. Planning staff has indicated to Council staff that a petition has not been filed by the property owners with the Planning Division.

MASTER PLAN AND POLICY CONSIDERATIONS:

- A. The West Salt Lake Community Master Plan's Future Land Use Map currently identifies this property for residential land uses. The Planning staff report notes that amending the master plan and rezoning the property for commercial development would decrease the potential for residential development or illegal dumping (currently occurring on the property) while providing the opportunity to allow compatible commercial development that provides services to the neighborhood.
- B. The West Salt Lake Community Master Plan, adopted in March 1995, notes:
 - 1. Functional and attractive commercial enterprises are one of the most important features to a viable neighborhood community.
 - 2. Residents in the area have consistently expressed the need for businesses that provide basic necessities to be located within the West Salt Lake Planning Community.
 - 3. There is sufficient vacant and marginally utilized land zoned for commercial use to meet commercial land use demand of projected population and employment levels to the year 2000.
 - 4. Traditional zoning practices either allowed neighborhood commercial services to develop on all four corners of an intersection or encouraged more intense development along both sides of a major street for at least several blocks.
 - 5. Ideally, commercial development should be clustered where shared parking, comparative shopping, effective landscaping, and other site design standards can be appropriately maintained.
- C. The City's Strategic Plan and the Futures Commission Report express concepts such as maintaining a prominent sustainable city, ensuring the City is designed to the highest aesthetic standards and is pedestrian friendly, convenient, and inviting, but not at the expense of minimizing environmental stewardship or neighborhood vitality. The Plans emphasize placing a high priority on maintaining and developing new affordable residential housing in attractive, friendly, safe environments and creating attractive conditions for business expansion including retention and attraction of large and small businesses.
- D. The Council's growth policy notes that growth in Salt Lake City will be deemed the most desirable if it meets the following criteria:
 - 1. Is aesthetically pleasing;
 - 2. Contributes to a livable community environment;
 - 3. Yields no negative net fiscal impact unless an overriding public purpose is served; and
 - 4. Forestalls negative impacts associated with inactivity.
- E. 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:
 - 1. Allow individual districts to develop in response to their unique characteristics within the overall urban design scheme for the city.
 - 2. Ensure that land uses make a positive contribution to neighborhood improvement and stability.
 - 3. Ensure that building restoration and new construction enhance district character.
 - 4. Require private development efforts to be compatible with urban design policies of the city regardless of whether city financial assistance is provided.
 - 5. Treat building height, scale and character as significant features of a district's image.
 - 6. Ensure that features of building design such as color, detail, materials and scale are responsive to district character, neighboring buildings, and the pedestrian.

CHRONOLOGY:

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

- March 26, 2003 Poplar Grove Community Council meeting
- April 9, 2003 Poplar Grove Community Council Executive Board meeting
- April 25, 2003 Poplar Grove Community Council Executive Board submitted written input on behalf of full the Community Council. The Community Council decided not to support the rezoning request.
- May 14, 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, Cheri Coffey, Marilyn Lewis, Marge Harvey, Barry Esham

File Location: Community Development Dept., Planning Division, Rezoning and Master Plan Amendment, Shaw Homes, Inc., 1551/1545 West 200 South