
SALT LAKE CITY COUNCIL STAFF REPORT

DATE: September 10, 2004

SUBJECT: Petition 400-04-02 – Mr. Rick Plewe – request to rezone property at 2665 E. Parley’s Way (2050-2550 South) from Commercial Business to Residential Multi-Family RMF-35 and amend the East Bench Community Master Plan

AFFECTED COUNCIL DISTRICTS: If the ordinance is adopted the rezoning and master plan amendment will affect Council District 7

STAFF REPORT BY: Janice Jardine, Land Use Policy Analyst

ADMINISTRATIVE DEPT. AND CONTACT PERSON: Community Development Department, Planning Division
Lex Traughber, Principal Planner

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

POTENTIAL MOTIONS:

1. [**“I move that the Council”**] Adopt an ordinance rezoning property at 2665 Parley’s Way from Residential Business RB to Residential Multi-Family RMF-35 and amending the East Bench Community Master Plan as recommended by the Planning Commission. (**Ordinance A – Planning Commission recommendation**)
2. [**“I move that the Council”**] Adopt an ordinance rezoning property at 2665 Parley’s Way from Residential Business RB to Residential Multi-Family RMF-35 and amending the East Bench Community Master Plan subject to the condition that rezoning the property and amending the master plan would not become effective until development plans have been approved and a building permit issued. (**Ordinance B – requested by the City Council**)
3. [**“I move that the Council”**] Not adopt an ordinance rezoning property at 2665 Parley’s Way from Residential Business RB to Residential Multi-Family RMF-35 and amending the East Bench Community Master Plan.

The following information was provided previously for the Council Work Session on September 7, 2004. It is provided again for your reference.

KEY ELEMENTS:

- A. An ordinance has been prepared for Council consideration to:
 1. Rezone property at 2665 E. Parley’s Way (2050-2550 South) from Commercial Business to Residential Multi-Family RMF-35, and
 2. Amend the East Bench Master Plan.

- B. This action would facilitate demolition of the existing 50-unit Country Club Motel and construction of a 42-unit condominium development. The Administration's transmittal notes:
1. The applicant had originally proposed rezoning the property to RMF-45 for a 62-unit condominium project.
 2. The applicant submitted a revised proposal in light of the comments and concerns received from various interested parties.
 3. The revised proposal reflects a decrease in building height and reconfiguration of the access, while keeping the proposed footprint of the building as originally proposed.
 4. This redesign rendered the proposal more compatible with the surrounding area.
- C. Surrounding land uses include:
1. Commercial and medium density multi-family uses to the east and northeast.
 2. Commercial, institutional and low-density single-family uses to the north and west.
 3. Low-density single family uses to the south across Parley's Way.
- D. The purpose of the Commercial Business CB zone is to provide for the close integration of moderately sized commercial areas with adjacent residential neighborhoods. Dwelling units, including multi-family dwellings, above or below first story office, retail and commercial uses or on the street level not located adjacent to the street frontage are permitted uses. Strictly multi-family residential developments are not permitted in this zoning classification. Maximum building height in the zone is 30 feet.
- E. The purpose of the Residential Multi-Family RMF-35 district is to provide an environment suitable for a variety of moderate density housing types including multi-family dwellings. Commercial and office types of uses are not permitted in this zone. Maximum building height in the zone is 35 feet. Maximum density in the RMF-35 zone is 14.5 units per acre for multi-family developments over 15 units above 1 acre.
- F. The public process included a presentation to the Sugar House Community Council and written notification of the Planning Commission hearing to surrounding property owners. The Administration's transmittal notes the Community Council was supportive of the petition.
- G. The City's Fire, Police, and Public Utilities Departments and Transportation and Engineering Divisions have reviewed the request. The development proposal will be required to comply with City standards and demonstrate that there are adequate services to meet the needs of the project.
- H. On July 14, 2004, the Planning Commission voted to forward a positive recommendation to the City Council to rezone the property and amend the East Bench Master Plan Future Land Use Map. In addition, the Planning Commission approved a planned development conditional use for the project subject to certain conditions. Also, on April 28, 2004, the Planning Commission held an "Issues Only" hearing to review the developer's proposal and to identify any issues or concerns from the Planning Commission and property owners in the area. (Please see the Planning staff report or Planning Commission minutes for the specific conditions.)
- I. Issues discussed at the Planning Commission hearings included:
1. Density of the proposed project.
 2. Height, mass, scale and architecture of the proposed building including obstruction of view corridors and potential impacts on surrounding low-density, single-family neighborhoods.
 3. Potential traffic impacts on the surrounding area.

MATTERS AT ISSUE /POTENTIAL QUESTIONS FOR THE ADMINISTRATION:

- A. Council Members may wish to discuss whether it would be appropriate to request that the City Attorney's office prepare an ordinance that specifies the rezoning would not take effect until development plans have been approved and a building permit issued.
1. In the past, Planning Commission recommendations and ordinances prepared for rezoning requests that include a proposed development contain a section that specifies that the ordinance rezoning the property would not become effective until development plans have been approved and a building permit issued.
 2. This type of action has been taken to provide assurance to the community that the proposed development would occur as presented at the time of the rezoning request.
 3. At the July 14 Planning Commission hearing, a resident affected by the project noted that the modified plan had addressed several of the issues related to the project most notably height and setback. A request was made that the planned development approval ensure that the project would be constructed as presented.
 4. The Planning Commission discussed whether the architectural variations as presented should be included as a condition but did not include a specific condition in the approval.
 5. Planning staff noted that the Planning Commission could reference the plans that were submitted at the hearing (instead of including a specific condition in the ordinance).
- B. Council Members may wish to discuss with the Administration whether for the future it may be appropriate to amend the Zoning Ordinance to include a modified design review process that would address design and compatibility issues similar to those encountered with the proposed project and be less cumbersome and time consuming for the developer, the public and City staff. (The Council could ask the Administration to consider the concept and respond at a future date.)
1. A conditional use is not required for the proposed project in the Residential Multi-Family RMF-35 zoning classification.
 2. The Planning staff and Planning Commission Planned Development Subcommittee suggested that the applicant submit a planned development conditional use application in order to address special design elements of the building, specifically the height of several façade elements and encroachment of the porte cochere into the required front yard setback.
 3. The following meetings were held to review the original and revised development proposals. (Please refer to the Chronology section on pg. 5 for specific dates.)
 - a. Sugar House Community Council meeting.
 - b. Planning Commission "Issues Only" hearing.
 - c. Planning Commission Planned Development Subcommittee meeting with developer to discuss project and provide direction for the applicant.
 - d. Developer sponsored Open House at the property to review revised project plans with the community.
 - e. Planning Commission public hearing to consider the proposed rezoning, master plan amendment and revised project plans for the conditional use planned development application.
 4. The Planning staff report notes:
 - a. All of the comments received from Department/Divisions, Community Council and citizens were in response to the request for the RMF-45 zone.
 - b. Because the revised proposal calls for a zone that would be less intense, one that would have less of an impact, Planning staff did not re-refer the request out the various Department/Divisions and the Community Council.
 - c. The comments received from these entities did not indicate any substantial issues with the RMF-45 proposal, therefore making a re-referral for the RMF-35 proposal unnecessary.
 5. As previously noted, issues discussed at the Planning Commission hearings included:
 - a. Density of the proposed project.

- b. Height, mass, scale and architecture of the proposed building including blocking view corridors and potential impacts on surrounding low-density single-family neighborhoods.
- c. Potential traffic impacts on the surrounding area.

MASTER PLAN AND POLICY CONSIDERATIONS:

- A. The Administration's transmittal and Planning staff report notes:
 - 1. The East Bench Master Plan (April 1987) is the adopted land-use policy document that guides new development in the area surrounding the proposed rezoning and master plan amendment.
 - 2. The Future Land Use Map identifies this area for Neighborhood Business uses. (As previously noted, amending the Future Land Use Map in the East Bench Master Plan is part of this petition.)
The Planning staff report notes:
 - a. The Neighborhood Business designation is inappropriate for a residential condominium complex.
 - b. The Plan's Future Land Use Map will be amended to reflect a land use designation of High Density Residential – Over 20 Units per Gross Acre.
 - c. The Plan notes that there must be documented community support for the proposal; the Community Council supports the proposal in addition to several neighbors. Planning Staff notes that there are also neighbors and property owners in the immediate vicinity who are opposed.
 - d. The property is located on a street that can handle the traffic, and the site is large enough for adequate open space and parking without overcrowding on the lot.
 - e. The revised proposal to reduce the building height specifically addresses the policy that multifamily projects must be of a density, scale, and design that will not negatively impact neighboring properties.

- B. The East Bench Community Master Plan provides the following information to address multifamily housing development:
 - 1. The East Bench Citizen Housing Committee generally supports multiple-family developments where they will not harm surrounding neighborhoods, and City officials agree that the East Bench should provide a reasonable amount of such housing.
 - 2. Identifying specific sites in this long range plan, however, is difficult and unwise because it encourages speculation and creates unnecessary neighborhood concern and controversy. Conditions may change the suitability of specific sites, or other sites may become available to satisfy needs.
 - 3. Rather than identifying specific sites for higher density in this study, zoning change compatibility considerations outlined in Appendix I* should be used to evaluate potential sites when the City receives requests for zoning change.
 - 4. This approach should not be interpreted as a means of accommodating numerous multiple-family developments in East Bench. Zoning changes for multiple-family dwellings should be considered sparingly, and only to accommodate projects that community residents endorse as being in the community's best interest.
 - 5. The Planning Commission and the City Council should use the criteria to determine that zoning changes and new developments are in the best interest of the City and community.
 - 6. *Appendix I – Zoning Change Compatibility Considerations – Proposals to change zoning for new multiple family residential uses should be evaluated with the following considerations:
 - a. Proponents must demonstrate that any zoning change is clearly justified by the substantive provision of this master plan.
 - b. There must be a demonstrated need for the new multiple-family proposal and documented community support. Property owners must address the issue of housing need in the whole City perspective and why the proposed site is the best location with regard to the best interest of the community and the City.
 - c. Property must be on a street that can handle the traffic.

- d. The site must be large enough for adequate open space and parking without overcrowding on the lot.
 - e. Multiple-family projects must be of a density, scale and design that will not negatively impact neighboring residential properties.
 - f. Multiple-family projects should not develop in areas with strong low-density character.
 - g. Multiple-unit structures should be combined with or be adjacent to non-residential activities such as retail centers, parks, and schools.
- C. The City's Comprehensive Housing Plan policy statements address a variety of housing issues including quality design, public and neighborhood participation and interaction, transit-oriented development, encouraging mixed-use developments, housing preservation, rehabilitation and replacement, zoning policies and programs that preserve housing opportunities as well as business opportunities.
- D. 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.
- E. 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.
- F. The City's 1990 Urban Design Element includes statements that emphasize preserving the City's image, neighborhood character and maintaining livability while being sensitive to social and economic realities.

CHRONOLOGY:

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

- January 9, 2004 Petition delivered to Planning Division
- February 4, 2004 Sugar House Community Council meeting
- April 28, 2004 Planning Commission Issues only hearing
- May 18, 2004 Planning Commission Subcommittee meeting with developer to discuss project and provide direction for the applicant
- July 8, 2004 Developer sponsored Open House – review of revised project plans
- July 14, 2004 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, Lex Traugher, Lehua Weaver, Annette Daley

File Location: Community Development Dept., Planning Division, Rezoning and Master Plan Amendment, Rick Plewe, 2665 E. Parley's Way (2050-2550 South)