
M E M O R A N D U M

DATE: September 16, 2005
TO: City Council Members
FROM: Russell Weeks
RE: Proposed Ordinance to amend City Code Regarding Regulations for Parking Lots in the Downtown (D-1) Zoning District, Pursuant to Petition No. 400-03-30
CC: Cindy Gust-Jenson, Rocky Fluhart, Louis Zunguze, Alex Ikefuna, Ed Rutan, Gary Mumford, Melanie Reif, Lex Traughber, Janice Jardine

This memorandum is intended to address issues involving a proposed ordinance to amend the *Salt Lake City Code* regarding regulations for parking lots in the Downtown (D-1) Zoning District. The proposed amendments are part of Petition No. 400-03-30. The petition seeks to amend portions of the *City Code's Zoning Ordinance*. Amending the ordinance requires the City Council to hold a public hearing. The petition also would amend City Code Section 18.64.040 which regulates the procedures for demolishing buildings.

The *Discussion/Background* section of the memorandum is divided into two parts. The first part is intended to address specific issues relating to Petition No. 400-03-30. The second part is intended to address perhaps larger issues on which the petition and transmittal may have bearing.

According to the original 2004 transmittal from the Administration, the Planning Commission initiated the petition in response to a request for a parking lot on a property in the D-1 Zoning District where structures had been demolished. (Please refer to attachments Nos. 1 and 2.) The stated purpose of the petition was to keep a balanced ratio of parking spaces to land uses to maintain a healthy visual image. (Please see attachment No. 1, July 14 Planning Commission meeting minutes, Page 1, paragraph 1.)

OPTIONS

Specific to Hearing

- Schedule a public hearing on Petition No. 400-03-30.
- Do not schedule a public hearing on Petition No. 400-03-30.

Specific to Petition

- Adopt the proposed ordinance pursuant to Petition No. 400-03-30.
- Deny Petition No. 400-03-30.
- Adopt the proposed ordinance pursuant to Petition No. 400-03-30 with any amendments the City Council may wish to propose after its briefing and discussion.

POTENTIAL MOTIONS

City Council staff will prepare motion options after the City Council's briefing and discussion.

KEY POINTS

- The Salt Lake City Planning Commission initiated the petition in November 2003 and in July 2004 adopted a motion to favorably recommend the proposed amendments to the City Council.
- The proposed amendments would add new language to the *Zoning Ordinance* section 21A.30.020, chapter 21A.48.100 and *City Code* chapter 18.64 titled *Demolition*.
- The proposed ordinance would apply only to the D-1 Downtown Zoning District roughly bordered by North Temple, 300 East, 700 South and 300 West streets.
- The proposed amendments would add criteria to Planning Commission consideration of petitions for conditional use permits to build commercial parking garages, parking lots or parking decks in the D-1 District. Commercial parking garages, lots, or decks are only allowed as conditional uses in the D-1 District. The proposed amendments would apply only to new petitions for conditional use permits.
- The Planning Commission contended that parking lots should not be allowed in the downtown area on an *ad hoc* basis nor should demolished properties be allowed to remain totally vacant, according to the original transmittal. In addition, the Planning Commission held that converting vacant lots to surface parking lots "is not a land use that is generally recognized as having a positive visual impact in the downtown area."
- The proposed amendments would require – on property where structures have been demolished and cleared away – that new commercial parking garages, parking lots or parking decks proposed to replace the structures be either:
 - Associated with "a proposed principal land use" on the property, or
 - Shown to be necessary for an existing adjacent land use or uses, or
 - Documented to the Planning Commission's satisfaction of the need for more commercial parking in a given area. If the Planning Commission is satisfied there is a need, a petitioner could be granted a conditional use to build a parking lot or structure, but the lot or structure would be required to be part of the Downtown Alliance's Parking Token Program.
- Where structures have been demolished and "no replacement use is proposed" the proposed amendments also would enact landscaping requirements. The requirements would include landscaping the entire perimeter of a property to a depth of 15 feet; planting shade trees every 30 feet; planting shrubs every three feet; and filling in remaining space with groundcover plants. The shrubs and groundcover would be required to be drought tolerant. The amendments also would allow fencing as an element of a landscaping plan, but not "in lieu of the landscaping requirements of this section."

ISSUES/QUESTIONS FOR CONSIDERATION

- Although the City Council supports the Downtown Alliance's parking token program, is a property owner's agreement to participate in the parking token program reason enough for the Planning Commission's favorable consideration of a conditional use permit for a parking lot or structure?

- Should participation in the parking token program carry weight equal to a proposal to build a parking lot “associated with an adjacent principal use?”
- Can the proposed amendment to Section 18.64.040 be waived under Paragraph B of the same section and the provisions in Section 18.64.070?

BACKGROUND/DISCUSSION

PART I

The Administration originally briefed the City Council on Petition No. 400-03-30 last October. As the transmittal letter indicates, Council Members in general supported the proposed ordinance because it dealt to some extent with property uses downtown where buildings had been demolished. However, Council Members listed two issues that concerned them, according to the transmittal letter:

- Should there be a provision in the ordinance to seek designating a parking lot as a conditional use, if the petitioner could prove that a parking lot was necessary for a particularly out of the way place in the D-1 District?
- How should installing a fence on a vacant lot where a building has been demolished be addressed?

The City Council also discussed another issue:

- Although the City Council supports the Downtown Alliance’s parking token program, is a property owner’s agreement to participate in the parking token program reason enough for the Planning Commission’s favorable consideration of a conditional use permit for a parking lot, and should participation in the parking token program carry weight equal to a proposal to build a parking lot “associated with an adjacent principal use?”

The proposed amendments for City Council consideration address all three issues to at least some degree.

Under the proposed ordinance, the Planning Commission could consider a conditional use to allow a parking lot due to the demolition of a building near other buildings in the D-1 District if a petitioner can show that it is “necessary for an existing adjacent land use” or uses. The proposed amendment continues, “Demand shall be demonstrated through affidavits or executed lease agreement for off-site parking. Said lot shall be located within 500 feet of the principal use(s) that it is proposed to serve, and shall not exceed more than 50 percent of the required parking stall count for said use(s).”

Under the proposed ordinance, if a proposed parking lot is not associated with a principal land use or a specific increase in parking demand, “the applicant shall document to the Planning Commission’s satisfaction that there is a need for more commercial parking in a given area and, if so, it must participate in the overall Downtown Token Program.”

Under the proposed ordinance, fencing, in accordance with the *City Code* Section 21A.40.120, “can be used as an element of the overall landscaping plan, however, shall not be used in lieu of the landscaping requirements of this section.”

It should be noted that, according to The Downtown Alliance, 39 parking lots or garages managed by eight different entities participate in the Parking Token Program. According to the Alliance, 60 retail businesses now participate in the program. A number of them joined the program this year after the Alliance dropped the wholesale cost of parking tokens to businesses that distribute them. According to the Alliance, as of June, year-to-date figures indicated that 60 businesses had issued 54,791 tokens, and customers of those businesses had redeemed 34,531 tokens.

Again, the proposed ordinance would allow the Planning Commission to consider participation in the token program as a factor in a request for a conditional use to build a parking lot where a structure was demolished. But under the proposed ordinance, mandatory participation is contingent upon documenting "to the Planning Commission's satisfaction" that "a given area" in the D-1 District needs more commercial parking. It might be noted that City planners estimated at the July 14 Planning Commission meeting that there are more than 16,000 parking spaces in the D-1 District. (Please see attachment No. 1, Planning Division staff report, page 5.)

If the proposed amendments are not adopted, the Planning Commission would have two choices to decide between in considering a petition for a conditional use permit for a parking lot in the D-1 District – approve the permit with the authority to review the design and meet general regulations of the D-1 District outlined in *City Code* Section 21A.30.020 (Please see attachment No. 1, Exhibit 5, Page 2) or deny the permit. It should be noted that, to City Council staff, Section 21A.30.020 is silent on the subject surface parking lots. Under the current ordinance, denying a petition for a surface parking lot appears to leave a property owner the option of leaving a lot vacant without having to landscape it. The amendment to the Section 21A.48.100 would appear to add specific criteria to landscaping vacant lots in the D-1 District.

Part II

The proposed amendments have a fairly long history. They are the result of a 2003 petition by a property owner to expand an existing downtown surface parking lot by demolishing two buildings that had tenants and were eligible for historical designation. Because the property parcel was located mid-block in the D-1 District, the *Zoning Ordinance* did not require a 70-foot to 75-foot landscaped setback. (Please see attachment No. 2, Page 1, first paragraph.)

During consideration of the property owner's petition Planning Division staff and the Planning Commission made several points about the D-1 District zoning and other issues:

- The failure to grant the conditional use would not prevent the demolition of the two buildings, nor would it impose landscaping requirements on the former building sites, and surface parking lots generally are not in keeping with the City's objectives, but the alternative is a vacant lot. (Please see attachment No. 2, Page 4, paragraph B, Subparagraphs 3 and 5.)
- Through the conditional use process the Planning Commission has the ability to approve parking lots without an overall strategy. However, typically parking should be associated with a principal use if a coordinated parking plan is not available. (Please see attachment No. 2, Page, Page 10, paragraph 9.)
- The D-1 District has some landscaping criteria for parking lots, but not necessarily criteria for vacant lots. (Please see attachment No. 2, Page 1, paragraph 4.)

- Neither the Planning Commission nor the Planning staff appears to have the authority to deny the demolition of buildings that are not on the Historic Register. (Please see attachment No. 2, Page 2, paragraph 1.)
- Although the ordinance regulating the D-1 District requires that parking be separated from the street by a building or structure, landscaping in lieu of a structure previously has been approved in the D-1 District as a conditional use. (Please see attachment No. 2, Page 7, paragraph 5.)
- Application of D-1 District requirements is not uniform. For instance, one landowner might be required to build buildings to maintain a street wall, but another landowner might not. (Please see attachment No. 2, Page 10, paragraph 3.)
- The Planning Commission indicated its concern that increasing the number of surface parking lots in the area would decrease the density and the vitality of the downtown area. But planning officials viewed the proposed demolition of building as a greater immediate negative effect on the City than the landscaping of a parking lot. (Please see attachment No. 2, Page 6, Paragraph K, subparagraph 2.)

Some of the Planning Commission's concerns appear to stem from City policy and current land use.

The City Council adopted the *Downtown Plan* in 1995. Two of eight objectives listed under the *Plan's* objectives for the built environment are:

- "Reinforce specific physical qualities and historical development patterns that establish Downtown Salt Lake's unique urban character.
- Reuse existing structures while weaving new projects into the urban fabric."

Another objective calls for the City to "resolve conflicting issues regarding parking." The main strategy listed under the objective is: "Develop a coordinated system of parking to maximize convenience and minimize land area used." (*Downtown Plan*, Page 10.)

Part of the reason the above statements were included in the *Downtown Plan* were observations made in the 1988 Regional/Urban Design Assistance Team study. Two observations in the study were:

"Large blocks of land required for parking interrupt the continuity of any urban design plan. Even with storefront retail on the ground floor it would be very difficult to maintain the design integrity of a street front." (R/UDAT study, Page 28.)

"In lieu of development of on-site parking spaces, allow payment of fees to a public parking authority for construction of centrally located public parking, full or partial subsidy of bus passes and/or other HOV inducements." (R/UDAT study, Page 29.)

Boarded Buildings/Demolition

As noted earlier, one of the proposed amendments would add the following language to City Code Section 18.64.040:

“For parcels in the D-1 zone, a permit for the use replacing the demolished building or structure has been issued by Building Service and Licensing, or a landscape plan for the site has been approved in accordance with section 21A.48.100 (D) of this Code. A performance bond to assure timely and proper installation and maintenance of the landscaping shall be filed with the city in a form acceptable to the city.”

Section 18.64.040 is in the City Code chapter that regulates the demolition of buildings. The particular section requires the filing of a post-demolition use plan for any building that is demolished. It should be noted that paragraph B of the section contains the following language: “In the event the building official determines that landscaping is impracticable or unnecessary given the characteristics of the site and the neighborhood, the landscaping requirement may be waived subject to the provisions of Section 18.64.070 below.”

Section 18.64.070, Paragraph A reads: “If a waiver of the post-demolition use plan is sought under Section 18.64.040 B, the applicant shall file with the building official, on a form provided therefore, a statement of any claimed hardship or other special circumstances justifying waiver of the post-demolition use plan requirements.” Once a statement is filed, it is reviewed by the Housing Advisory and Appeals Board.

One question then for the City Council may be: Can the proposed amendment to Section 18.64.040 be waived under Paragraph B of the same section and the provisions in Section 18.64.070?

The issue that caused the Planning Commission to petition for the proposed amendments is somewhat unique in that the buildings that ultimately were demolished were vacant for a short period of time.

Salt Lake City ordinances are fairly clear on how vacant buildings should be regulated. Section 18.48.080, Paragraph A says, “Any structure which has been boarded and/or vacant over two years is declared to be a public nuisance as detrimental to the safety and public welfare of the residents and property values of this City.”

Sections in Chapter 18.48 require building owners to obtain a permit to board a vacant building (18.48.120); charge building owners \$700 for the first year a building is boarded (18.48.140); after the first year charge building owners an annual boarding fee of \$1,200 and fees of \$25 “for each thirty days, or any portion thereof, in which the annual fees have not been paid.” (18.48.180.) Other sections of Chapter 18.48 allow the City to maintain a boarded building and charge administrative fees (18.48.270) and – if deemed necessary – to demolish a structure and recover the cost of demolition (18.48.070).

The Administration estimates that there are about 130 boarded or vacant buildings city-wide. It should be noted that enforcement cases involving boarded or vacant buildings are generated on a complaint basis, according to the Administration, so the list of boarded or vacant buildings may be larger.

City Council Members and others have asked how Salt Lake City’s ordinances compare with other cities. Research by City Council staff indicated a spectrum of approaches by cities to deal with vacant buildings. Like many cities nationwide, Salt Lake City has used financial incentives to get building owners to reuse buildings. Albany, New York; Los Angeles, Stockton,

California; and Urbana, Illinois used a variety of financial incentives similar to those offered by the Salt Lake City Redevelopment Agency.

Other incentives included Stockton's reducing the cost of a building permit and other city fees if a building vacant for more than six months is rehabilitated. In Los Angeles the owner of a building designated as an "historic-cultural monument" can receive "property tax relief," if the owner signs a contract with the city to preserve the property. Urbana, Illinois, offers tax-increment financing incentives.

On the regulatory side, Evanston, Illinois, appears to have one of the stricter ordinances City Council staff found. Evanston's ordinance requires building owners to register their buildings with Evanston if their buildings become vacant. It requires a vacant building's owner to pay a \$200 annual non-prorated vacant building fee. If a vacant building is a commercial property, Evanston requires the owner to acquire and maintain \$2 million in liability insurance, secure the building and file a "plan of action, with a time schedule, identifying the date the building will be habitable or occupied or offered for occupancy or sale." Evanston also declares that it is its "policy" that. "A vacant building may not remain boarded longer than six months unless an extension of that time is part of a plan approved by the Director (of Community Development). If Evanston determines that a person is in violation of the ordinance, the city can levy a fine of between \$100 and \$750 a day "in addition to any other legal or equitable remedies available to the city." Chicago requires "not less than" \$1 million in insurance for vacant buildings and charges fines of between \$200 and \$1,000 per day for violating the vacant building ordinance. (Please see attachment No. 3.) Other cities such as Albany, New York, and St. Paul, Minnesota, appear to charge an annual vacant building registration fee of \$200 to \$250.

The City of Sea-Tac, Washington, appears to have taken a different tack. An ordinance adopted in July 2003 requires "all vacant buildings" to "appear to occupied, or appear able to be occupied with little or no repairs." In addition, the ordinance requires that, "All fire suppression and alarms systems shall be maintained in a working condition and inspected as required by the Fire Department."

Another way of viewing the issue might be to set aside the number of vacant buildings that may be in the downtown and the apparent ease with which they can be demolished and looking at the number of parking lots in the downtown.

The 1988 R/UDAT study estimated that 25 percent of the downtown was devoted to parking. According to the study, "There is a major investment loss in the land devoted to roads (31 percent) and parking (25 percent). If half the area devoted to parking could be recaptured, it could generate 3 million square feet of tax revenue generating property and/or public open space (over six full blocks)." (R/UDAT study, Page 28.)

The unanswered issue remains, perhaps, is a parking lot, particularly a surface parking lot, of value because it represents a good return on investment, or is land on which a parking lot sits more valuable as a site for a functioning building?

It might be noted that during the Railvolution conference last month, UCLA Professor Donald Shoup proposed, among other things, that Salt Lake City consider municipal public parking facilities to lessen pressure on developers to provide parking for buildings. An informational piece provided by Professor Shoup and referring to surface parking lots quotes a San Francisco ordinance as saying, "No permanent parking lot shall be permitted in [downtown];

temporary parking lots may be approved as conditional uses ... for a period not to exceed two years.”

It might be worth noting that Professor Shoup’s comments mirror one of the R/UDAT study’s recommendations that, “In lieu of development of on-site parking spaces, allow payment of fees to a public parking authority for construction of centrally located public parking, full or partial subsidy of bus passes and/or other HOV inducements.”

A. LOUIS ZUNGUZE
PLANNING DIRECTOR

BRENT B. WILDE
DEPUTY PLANNING DIRECTOR

SALT LAKE CITY CORPORATION
COMMUNITY DEVELOPMENT
PLANNING AND ZONING DIVISION

ROSS C. ANDERSON
MAYOR

DOUGLAS L. WHEELWRIGHT, AICP
DEPUTY PLANNING DIRECTOR

COUNCIL TRANSMITTAL

TO: Rocky Fluhart, Management Services Department **DATE:** March 25, 2005

FROM: Louis Zunguze, Community Development Department

RE: **Petition 400-03-30:** A request by the Salt Lake City Planning Commission to amend the Salt Lake City Code to add language regarding the conversion of vacant properties, due to demolition, to commercial parking garages, lots, or decks in the "D-1" zone. Additionally, vacant properties, due to demolition in the "D-1" zone, where no replacement use is proposed, would be required to install a landscape yard around the entire perimeter of the parcel with drought tolerant landscaping.

STAFF CONTACT: Lex Traughber, Principal Planner, Planning Division
535-6184 or lex.traughber@slcgov.com

DOCUMENT TYPE: Ordinance

RECOMMENDATION: The City Council hold a briefing and schedule a public hearing regarding said Salt Lake City Code text amendment.

BUDGET IMPACT: None

DISCUSSION: This petition was transmitted to the City Council and a briefing was held on October 21, 2004. In general, the Council Members agreed with the basic premise of the petition. The following couple of points were identified by Council Members, as requiring further evaluation:

1. Whether or not it would be prudent to determine the need or demand for additional parking in a specific geographic area. Essentially, what was suggested is that an applicant would have to demonstrate to the Planning Commission that there is a need or demand for the parking in a given area.
2. The issue of fencing was raised in light of the landscaping requirement for vacant lots due to demolition. Council Members had concern that fencing could be installed that could be visually detrimental on a vacant lot.

SALT LAKE CITY ORDINANCE
No. _____ of 2005
(Amending Requirements for Parking Lots in Downtown Zoning Districts)

AN ORDINANCE AMENDING THE SALT LAKE CITY CODE REGARDING
REGULATIONS FOR PARKING LOTS IN THE DOWNTOWN (D-1) ZONING
DISTRICT, PURSUANT TO PETITION NO. 400-03-30.

WHEREAS, the Salt Lake City Code contains certain regulations regarding the creation and appearance of parking lots within the City; and

WHEREAS, the City Council now desires to amend the City Code to add language requiring that new parking lots, on vacant properties resulting from demolition activity in the Downtown (D-1) zoning district, be associated with a proposed principal land use, be necessary for an existing adjacent land use(s), or be documented to show that there is a need for more commercial parking in a given area and, if so, be required to participate in the Downtown Token Program; and

WHEREAS, the City Council also desires to amend the City Code to provide that the perimeter of vacant sites, resulting from demolition activity with no proposed replacement use, in the Downtown (D-1) zoning district, be landscaped; and

WHEREAS, the City Council finds that the proposed amendments are in the best interest of the City;

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

SECTION 1. Section 18.64.040.D of the Salt Lake City Code shall be and hereby is enacted to read as follows:

D. For parcels in the D-1 zone, a permit for the use replacing the demolished building or structure has been issued by Building Services and Licensing, or a landscape plan for the site has been approved in accordance with section 21A.48.100(D) of this Code. A performance

A. LOUIS ZUNGUZE
PLANNING DIRECTOR

BRENT B. WILDE
DEPUTY PLANNING DIRECTOR

DOUGLAS L. WHEELWRIGHT, AICP
DEPUTY PLANNING DIRECTOR

SALT LAKE CITY CORPORATION

COMMUNITY DEVELOPMENT
PLANNING AND ZONING DIVISION

ROSS C. ANDERSON
MAYOR

COUNCIL TRANSMITTAL

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FROM: Louis Zunguze, Community Development Department

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STAFF CONTACT: Lex Traughber, Principal Planner, Planning Division
535-6184 or lex.traughber@slcgov.com

DOCUMENT TYPE: Ordinance

RECOMMENDATION: The City Council hold a briefing and schedule a public hearing regarding said Salt Lake City Code text amendment.

BUDGET IMPACT: None

DISCUSSION: This petition was transmitted to the City Council and a briefing was held on October 21, 2004. In general, the Council Members agreed with the basic premise of the petition. The following couple of points were identified by Council Members, as requiring further evaluation:

1. Whether or not it would be prudent to determine the need or demand for additional parking in a specific geographic area. Essentially, what was suggested is that an applicant would have to demonstrate to the Planning Commission that there is a need or demand for the parking in a given area.
2. The issue of fencing was raised in light of the landscaping requirement for vacant lots due to demolition. Council Members had concern that fencing could be installed that could be visually detrimental on a vacant lot.

Planning Staff considered these comments and the following changes are being recommended as appropriate to address these issues.

1. With respect to parking demand, Planning Staff proposes that the applicant be required to demonstrate that the parking lot meets one of the following criteria:
 - a. The parking lot is associated with a proposed principal land use, or;
 - b. The parking lot is shown to be necessary for an existing adjacent land use(s), or;
 - c. If the parking lot is not associated with a principal land use or a specific increase in parking demand, the applicant shall document to the Planning Commission's satisfaction that there is a need for more commercial parking in a given area and, if so, it must participate in the Downtown Token Program.
2. Concerning the issue of fencing, Planning Staff recommends that fencing be considered as an element of the required landscape yard; however, it cannot be installed in lieu of required landscaping. If fencing is proposed for a particular site, the approval of said fencing would be delegated to the Building Official with the input from the Planning Director. An assessment would be made by the Building Official and the Planning Director to determine if the fencing materials, location, and height are compatible with adjacent properties and the given site.

To that end, Planning Staff recommends that sections 21A.30.D.3e and 21A.48.100.D.2 of the Salt Lake City Code be amended as per the attached ordinance.

SALT LAKE CITY ORDINANCE
No. _____ of 2005
(Amending Requirements for Parking Lots in Downtown Zoning Districts)

AN ORDINANCE AMENDING THE SALT LAKE CITY CODE REGARDING
REGULATIONS FOR PARKING LOTS IN THE DOWNTOWN (D-1) ZONING
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WHEREAS, the City Council now desires to amend the City Code to add language requiring that new parking lots, on vacant properties resulting from demolition activity in the Downtown (D-1) zoning district, be associated with a proposed principal land use, be necessary for an existing adjacent land use(s), or be documented to show that there is a need for more commercial parking in a given area and, if so, be required to participate in the Downtown Token Program; and

WHEREAS, the City Council also desires to amend the City Code to provide that the perimeter of vacant sites, resulting from demolition activity with no proposed replacement use, in the Downtown (D-1) zoning district, be landscaped; and

WHEREAS, the City Council finds that the proposed amendments are in the best interest of the City;

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

SECTION 1. Section 18.64.040.D of the Salt Lake City Code shall be and hereby is enacted to read as follows:

D. For parcels in the D-1 zone, a permit for the use replacing the demolished building or structure has been issued by Building Services and Licensing, or a landscape plan for the site has been approved in accordance with section 21A.48.100(D) of this Code. A performance

bond to assure timely and proper installation and maintenance of the landscaping shall be filed with the city in a form acceptable to the city.

SECTION 2. Section 21A.30.020.D.3e of the Salt Lake City Code shall be and hereby is enacted to read as follows:

e. Parking lots, proposed as a principal use to facilitate a building demolition, shall be permitted as a conditional use with the approval of the Planning Commission pursuant to the provisions of Chapter 21A.54 of this Title, where it is found that the parking lot is:

i. Associated with a proposed principal land use, or;

ii. Shown to be necessary for an existing adjacent land use(s). Demand shall be demonstrated through affidavits or executed lease agreements for off-site parking. Said lot shall be located within 500 feet of the principal use(s) that it is proposed to serve, and shall not exceed more than 50% of the required parking stall count for said use(s), or;

iii. Not associated with a principal land use or a specific increase in parking demand. The applicant shall document to the Planning Commission's satisfaction that there is a need for more commercial parking in a given area and, if so, it must participate in the overall Downtown Token Program.

SECTION 3. Section 21A.30.020.D.9 of the Salt Lake City Code shall be and hereby is enacted to read as follows:

9. Landscape Requirements for Demolition Sites: Vacant lots, resulting from demolition activities where no replacement use is proposed, shall conform to Chapter 21A.48 of this Title, special landscape requirements applicable to the D-1 Central Business District.

SECTION 4. Section 21A.48.100.D.2 of the Salt Lake City Code shall be and hereby is enacted to read as follows:

2. Landscaping for Vacant Lots: Special landscaping shall be required on those lots becoming vacant, where no replacement use is proposed, in conformance with the following:

a. Landscape yard requirement: A landscape yard of fifteen feet (15') shall be required as measured from any point along all property lines.

Fencing, pursuant to Section 21A.40.120, can be used as an element of the overall landscaping plan, however, shall not be used in lieu of the landscaping requirements of this section. The purpose of any fencing on downtown lots, is for aesthetic value only, and shall consist of wrought iron or other similar material (no chain link). Fencing shall be open so as not to create a visual barrier, and shall be limited to a maximum of four feet (4') in height, with the exception of a fence located within thirty feet (30') of the intersection of front property lines on any corner lot as noted in Section 21A. 40.120(D). The approval of a final landscape plan, that includes a fencing element, shall be delegated to the Building Official with the input of the Planning Director, to determine if the fencing materials, location, and height are compatible with adjacent properties in a given setting.

b. Trees: Shade trees shall be provided at the rate of one tree per thirty feet (30') of yard length, rounded up to the nearest whole number.

c. Shrubs: Shrubs shall be provided at the rate of one plant for every three feet (3') of yard length, evenly spaced, limited to a height of not more than three feet (3') . All plants shall be drought tolerant; consult the Salt Lake City water-wise plant list for suggestions. At least forty percent (40%) of the plants must be evergreen.

d. Groundcover: Areas not planted with shrubs and trees shall be maintained in drought tolerant vegetative groundcover.

e. Irrigation: Permanent irrigation shall be installed and used as needed to maintain plant materials in a healthy state.

f. Maintenance: Landscaping shall be installed and maintained in conformance with the approved landscape plan. Landscaping shall be kept free of weeds and litter.

SECTION 5. Effective Date. This ordinance shall become effective on the date of its first publication.

Passed by the City Council of Salt Lake City, Utah, this _____ day of _____, 2005.

CHAIRPERSON

ATTEST AND COUNTERSIGN:

CHIEF DEPUTY CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

CHIEF DEPUTY CITY RECORDER

(SEAL)

Bill No. _____ of 2005.
Published: _____.

APPROVED AS TO FORM
Salt Lake City Attorney's Office
Date March 25, 2005
By Melanie Keif

**COMMUNITY AND ECONOMIC DEVELOPMENT
COUNCIL SUBMITTAL CHECKLIST**

Date:

Petition No: 400-03-30

Supervisor Approval:

[Signature]

Division Director Approval:

[Signature] 8/5/04

Contact Person: Lex Traugber

Phone No. 535-6184

- Initiated by
- City Council
 - Property Owner
 - Board / Commission
 - Other

Contact Person

Planning Commission

Completed Check List attached:

- Alley Vacation/Closure
- Planning / Zoning
- Federal Funding
- Condominium Conversion
- Plat Amendment
- Other

Public Process:

- | | |
|---|---|
| <input type="checkbox"/> Community Council (s) | <input type="checkbox"/> City Web Site |
| <input checked="" type="checkbox"/> Public Hearings | <input type="checkbox"/> Flyers |
| <input checked="" type="checkbox"/> Planning Commission | <input checked="" type="checkbox"/> Formal Notice |
| <input type="checkbox"/> Historic Landmark Commission | <input type="checkbox"/> Newspaper Advertisement |
| <input type="checkbox"/> HAAB review | <input type="checkbox"/> City Television Station |
| <input type="checkbox"/> Board of Adjustment | <input type="checkbox"/> On-location Sign |
| <input type="checkbox"/> City Kiosk | <input type="checkbox"/> City Newsletter |
| <input checked="" type="checkbox"/> Open House | <input type="checkbox"/> Administrative Hearing |
| <input type="checkbox"/> Other | |

Compatible with Ordinance:

Zoning Ordinance:
Section 21A.50.050 – Standards for General Amendments

Modifications to Ordinance:

Zoning Ordinance:
Chapter 21A.30 – Downtown Districts
Chapter 21A.48 – Special Landscape Regulations
Chapter 18.64 – Demolition

Approvals / Input from Other Departments / Divisions

<u>Division</u>	<u>Contact Person</u>
<input type="checkbox"/> Airport:	
<input checked="" type="checkbox"/> Attorney:	Lynn Pace
<input type="checkbox"/> Business Licensing:	
<input checked="" type="checkbox"/> Engineering:	Craig Smith
<input checked="" type="checkbox"/> Fire:	Brad Larson
<input type="checkbox"/> HAND:	
<input type="checkbox"/> Management Services:	
<input type="checkbox"/> Mayor:	
<input type="checkbox"/> Parks:	
<input checked="" type="checkbox"/> Permits / Zoning:	Larry Butcher
<input checked="" type="checkbox"/> Police:	J.R. Smith & Linda Johnson
<input type="checkbox"/> Property Management:	
<input type="checkbox"/> Public Services:	
<input checked="" type="checkbox"/> Public Utilities:	Brad Stewart
<input checked="" type="checkbox"/> Transportation:	Barry Walsh
<input type="checkbox"/> Zoning Enforcement:	

AUG 17 2004

ALISON WEYHER
DIRECTOR

SALT LAKE CITY CORPORATION
COMMUNITY AND ECONOMIC DEVELOPMENT

ROSS C. "ROCKY" ANDERSON
MAYOR

COUNCIL TRANSMITTAL

TO: Rocky Fluhart, Chief Administrative Officer **DATE:** August 6, 2004

FROM: Lee Martinez, Community Development Director

RE: Petition 400-03-30: A request by the Salt Lake City Planning Commission, requesting to amend the Salt Lake City Code to add language regarding the conversion of vacant properties, due to demolition, to commercial parking garages, lots, or decks in the "D-1" zone, requiring said lots to be adjacent to and associated with a primary use and/or a contributing factor to the overall downtown parking scheme. Additionally, vacant properties, due to demolition in the "D-1" zone, where no replacement use is proposed, would be required to install a landscape yard around the entire perimeter of the parcel with drought tolerant landscaping.

28 there out

STAFF CONTACT: Lex Traughber, Principal Planner, Planning Division
535-6184 or lex.traughber@slcgov.com

DOCUMENT TYPE: Ordinance

RECOMMENDATION: The City Council hold a briefing and schedule a public hearing regarding said Salt Lake City Code text amendment.

BUDGET IMPACT: None

DISCUSSION: This petition was generated in response to a request for a parking lot on a property where the principal structure(s) had recently been demolished. The key comments expressed during the Planning Commission hearing at that time were that parking lots should not be allowed in the downtown area on an ad hoc basis, nor should demolition properties be allowed to remain totally vacant. The conversion of vacant lots, resulting from demolition activity, to parking lots is not a land use that is generally recognized as having a positive visual impact in the downtown area.

Currently, commercial parking garages, lots, or decks in the D-1 zone are only allowed through the conditional use process. Planning Staff has prepared ordinance language that requires new commercial parking garages, lots, or decks in the D-1 zone, on properties where demolition activity has occurred, to be associated with a primary use and/or a contributing factor to the overall downtown parking scheme (Downtown Alliance – Token Program). This language would provide further specific criteria upon which to base a decision regarding requests for parking spaces.

Additionally, vacant properties, due to demolition activity in the D-1 zone, where no replacement use is proposed, would be required to install a landscape yard around the entire perimeter of the parcel with drought tolerant landscaping, such that the property would not become an "eyesore" in the core of the downtown business district. Currently, landscaping is only required in the setback areas for a given zone. Because the D-1 zone has no setback, demolition sites in this zone have not been required to provide landscaping, resulting in vacant parcels that have a detrimental visual impact on the downtown area.

WLD THE
LANDSCAPING
HAVE TO MEET
CPTED
REQUIREMENTS?

Planning Staff specifically composed ordinance language regarding the requirement for drought tolerant landscaping around the perimeter of a parcel for the purpose of water conservation. The requirement to landscape the entire lot was not proposed considering the current drought conditions in the area. A landscape buffer around the perimeter will accomplish the goal of mitigating potential negative visual impacts, and at the same time it will achieve the need to conserve precious water.

Additionally, a landscape buffer will not only mitigate negative visual impacts, but it will also deter those individuals from loitering on a property if it is entirely landscaped. A fully landscaped parcel in the D-1 zone may be perceived as a public park as opposed to private property. The landscape buffer around the entire perimeter will also prevent the interior of the parcel from becoming a de facto parking lot due to the absence of an access.

The proposed zoning ordinance text amendment would not be retroactive; current vacant parcels or commercial parking lots would not be required to comply with these proposed regulations.

ANALYSIS:

The proposed amendment will enhance the overall character of downtown through the elimination of ad hoc parking lots, as a result of demolition, that typically do not have a positive impact on the area. Additionally, the requirement of landscaping for demolition properties, without a replacement use, will aesthetically enhance said lots.

There is a need to ensure that additional parking in the downtown area accompanies a land use, such that the proportion between parking spaces and land use is maintained in order to keep a healthy visual appearance in the area.

MASTER PLAN CONSIDERATIONS:

Having reviewed the Salt Lake City Downtown Plan, the City Vision and Strategic Plan, and the Salt Lake City Council Policy Statement on the Future Economic Development of Downtown, it is evident that none of these documents specifically address demolition in the downtown area. On the other hand, they all address the need for parking and appropriate areas for this use. The purpose of this proposed text amendment is not to eliminate the possibility of additional parking areas in the D-1 zone, it is simply to encourage a healthy mix of land uses and proportional parking stall counts, and eliminate

potential uses on vacant properties that could have negative visual impacts on the downtown area.

PUBLIC PROCESS:

All property owners in the D-1 zoned district were mailed notification of the proposed zoning ordinance text amendment. In addition, Community Council chairs and various other organizations including but not limited to the Downtown Alliance, the Salt Lake Chamber of Commerce, and the Vest Pocket Business Coalition were notified. An open house was held on June 21, 2004. Those in attendance were generally supportive of the proposed amendments.

On July 14, 2004, the Planning Commission held a public hearing to consider the proposed text amendment. The Planning Commission passed a motion to transmit a favorable recommendation to the City Council to adopt the proposed text amendment with the recommendations as presented in the Planning Staff report.

RELEVANT ORDINANCES:

Salt Lake City Code Chapter 21A.30 – Downtown Districts, Chapter 21A.48 – Special Landscape Regulations, and Chapter 18.64 – Demolition

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 - C) **AGENDA AND MINUTES**
6. **ORIGINAL PETITION**

PROJECT CHRONOLOGY

- November 6, 2003 Petition delivered to Planning Division.
- December 18, 2003 Petition assigned to Lex Traugher, Principal Planner. Research and preparation was conducted intermittently on this petition as time permitted, considering current workload; hence, the lapse of time between the assignment of the petition and department/division referrals.
- May 19, 2004 Memorandum sent requesting department/division comments.
- June 10, 2004 Notice for an "Open House" on June 21, 2004, sent to all property owners in the D-1 zoning district, in addition to other interested parties including all Community Council Chairpersons.
- June 21, 2004 Held an "Open House" to collect input and comments from the public regarding the text amendment proposal.
- June 29, 2004 Notice sent for the July 14, 2004, Planning Commission hearing.
- July 14, 2004 The Planning Commission held a public hearing and passed a motion to forward a favorable recommendation to the City Council to adopt the text amendment language as proposed by Planning Staff.
- July 15, 2004 Requested ordinance from the City Attorney's office.
- July 16, 2004 Began preparing transmittal.
- July 26, 2004 Transmittal submitted to supervisor for review.

SALT LAKE CITY ORDINANCE
No. _____ of 2004

AN ORDINANCE AMENDING THE SALT LAKE CITY CODE REGARDING
REGULATIONS FOR PARKING LOTS IN THE DOWNTOWN (D-1) ZONING
DISTRICT, PURSUANT TO PETITION NO. 400-03-30.

WHEREAS, the Salt Lake City Code contains certain regulations regarding the
creation and appearance of parking lots within the City; and

WHEREAS, the City Council now desires to amend the City Code to add
language requiring that new parking lots, on vacant properties resulting from demolition
activity in the Downtown (D-1) zoning district, must be associated with an adjacent
primary land use or must contribute to the overall parking scheme in the downtown area;
and

WHEREAS, the City Council also desires to amend the City Code to provide that
vacant sites resulting from demolition activity in the Downtown (D-1) zoning district
with no proposed replacement use shall be required to landscape the perimeter of the
property with drought tolerant landscaping; and

WHEREAS, the City Council finds that the proposed amendments are in the best
interest of the City;

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

SECTION 1. Section 18.64.040.D of the Salt Lake City Code shall be and
hereby is enacted to read as follows:

**D. For parcels in the D-1 zone, a permit for the use replacing the
demolished building or structure has been issued by Building Services
and Licensing, or a landscape plan for the site has been approved in
accordance with section 21A.48.100(D) of this Code. A performance**

bond to assure timely and proper installation and maintenance of the landscaping shall be filed with the city in a form acceptable to the city.

SECTION 2. Section 21A.30.020.D.3e of the Salt Lake City Code shall be and hereby is enacted to read as follows:

e. Parking lots shall be permitted as conditional uses with the approval of the Planning Commission pursuant to the provisions of Chapter 21A.54 of this Title, where it is found that the parking lot is associated with an adjacent principal use and/or is contributory to the overall downtown parking program.

SECTION 3. Section 21A.30.020.D.9 of the Salt Lake City Code shall be and hereby is enacted to read as follows:

9. Landscape Requirements for Demolition Sites: Vacant lots, resulting from demolition activities where no replacement use is proposed, shall conform to Chapter 21A.48 of this Title, special landscape requirements applicable to the D-1 Central Business District.

SECTION 4. Section 21A.48.100.D.2 of the Salt Lake City Code shall be and hereby is enacted to read as follows:

2. Landscaping for Vacant Lots: Special landscaping shall be required on those lots becoming vacant, where no replacement use is proposed, in conformance with the following:

a. Landscape yard requirement: A landscape yard of fifteen feet (15') shall be required as measured from any point along all property lines.

b. Trees: Shade trees shall be provided at the rate of one tree per thirty feet (30') of yard length, rounded up to the nearest whole number.

c. Shrubs: Shrubs shall be provided at the rate of one plant for every three feet (3') of yard length, evenly spaced, limited to a height of not more than three feet (3'). All plants shall be drought tolerant; consult the Salt Lake City water-wise plant list for suggestions. At least forty percent (40%) of the plants must be evergreen.

d. Groundcover: Areas not planted with shrubs and trees shall be maintained in drought tolerant vegetative groundcover.

e. Irrigation: Permanent irrigation shall be installed and used as needed to maintain plant materials in a healthy state.

f. Maintenance: Landscaping shall be installed and maintained in conformance with the approved landscape plan. Landscaping shall be kept free of weeds and litter.

SECTION 5. Effective Date. This ordinance shall become effective on the date of its first publication.

Passed by the City Council of Salt Lake City, Utah, this _____ day of _____, 2004.

CHAIRPERSON

ATTEST AND COUNTERSIGN:

CHIEF DEPUTY CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

APPROVED AS TO FORM
Salt Lake City Attorney's Office
Date 8-10-04
By [Signature]

CHIEF DEPUTY CITY RECORDER

(SEAL)

Bill No. _____ of 2004.

Published: _____.

NOTICE OF PUBLIC HEARING

The Salt Lake City Council is considering Petition 400-03-30, a proposal requiring that new parking lots, on vacant properties as a result of demolition activity, in the "D-1" zoning district be associated with an adjacent primary land use or contributing to the overall parking scheme in the downtown area. Additionally, vacant sites as a result of demolition activity in the D-1 district with no proposed replacement use would be required to landscape the parcel perimeter with drought tolerant landscaping.

As part of their study, the City Council is holding an advertised public hearing to receive comments regarding the petition. During this hearing, anyone desiring to address the City Council concerning this issue will be given an opportunity to speak. The hearing will be held:

DATE:

TIME:

PLACE: Room 315
City & County Building
451 South State Street
Salt Lake City, Utah

If you have any questions relating to this proposal or would like to review the file, please call Lex Traughber at 535-6184 between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday or via e-mail at lex.traughber@slcgov.com

Assisted listening devices or interpreting services are available for public meetings. Salt Lake City complies with the American Disabilities Act (ADA). For further information, contact the TDD number 535-6021.

A. LOUIS ZUNGUZE
PLANNING DIRECTOR

BRENT B. WILDE
DEPUTY PLANNING DIRECTOR

DOUGLAS L. WHEELWRIGHT, AICP
DEPUTY PLANNING DIRECTOR

SALT LAKE CITY CORPORATION

COMMUNITY DEVELOPMENT
PLANNING AND ZONING DIVISION

ROSS C. ANDERSON
MAYOR

MEMORANDUM

To: Salt Lake City Council

From: Lex Traughber
Principal Planner



Date: July 26, 2004

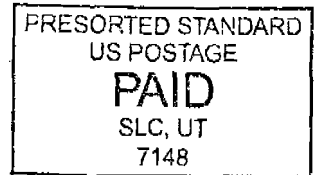
Re: Original notice and postmark for the
Planning Commission hearing on July 14, 2004

The Planning Division instituted an improved method for notifying citizens of Planning Commission meetings. The Planning Division is now sending out a Planning Commission agenda as the method of public hearing notification.

The meeting held on July 14, 2004, was the first meeting for which this new notification process took effect. The notifications were mailed on June 29, 2004, through the copy center. Unfortunately, the notifications were mailed out using a bulk rate and the postmark date does not show on the notifications sent for this meeting.

Since this initial mailing, the procedure has been modified so that the postmark date appears on each notification.

Salt Lake City Planning Division
451 South State Street
Salt Lake City, Utah 84111



LEX TRAUHBER
577 N. WEST CAPITAL ST
APT B
SLC UT 84103

NOTICE OF HEARING

- Note: We comply with all ADA guidelines. Assistive listening devices & interpreter services provided upon 24 hour advance request.
- Salt Lake City Planning Director
451 South State Street, Room 406
SLC, UT 84111
2. After the staff and petitioner presentations, hearings will be opened for public comment. Community Councils will present their comments at the beginning of the hearing.
 3. Speakers will be called by the Chair.
 4. Please state your name and your affiliation to the petition or whom you represent at the beginning of your comments.
 5. Speakers should address their comments to the Chair. Planning Commission members may have questions for the speaker. Speakers may not debate with other meeting attendees.
 6. A time limit may be placed on speakers to ensure everyone has a chance to comment. The Chair will make that determination upon reviewing the number of people wishing to speak.
 7. Speakers should focus their comments on the agenda item. Extraneous and repetitive comments should be avoided.
 8. After those registered have spoken, the Chair will invite other comments. Prior speakers may be allowed to supplement their previous comments at this time.
 9. After the hearing is closed, the discussion will be limited among Planning Commission members and Staff. Under unique circumstances, the Planning Commission may choose to reopen the hearing to obtain additional information.
 10. Meeting notices are made available 14 days in advance. If persons wish to submit written comments, they should be directed to the Planning Division at least 7 days in advance to enable Planning Commissioners to consider those written comments. Comments should be sent to:

5. PLANNING COMMISSION

B. Staff Report

July 14, 2004

DATE: July 14, 2004
TO: Salt Lake City Planning Commission
FROM: Lex Traughber
Principal Planner
Telephone: (801)535-6184
Email: lex.traughber@slcgov.com
RE: **STAFF REPORT FOR THE JULY 14, 2004 MEETING**

CASE #: 400-03-30
APPLICANT: Planning Commission
STATUS OF APPLICANT: City Board
PROJECT LOCATION: This is a zoning ordinance text amendment affecting parcels zoned "D-1" (Central Business District). This zone is only found in the area bound by North Temple and 700 South between 300 West and 300 East.
PROJECT/PROPERTY SIZE: Not applicable
COUNCIL DISTRICTS: District Three – Eric Jergensen
District Four – Nancy Saxton
REQUESTED ACTION: Proposal requiring that new parking lots, on vacant properties as a result of demolition activity, in the "D-1" zoning district are associated with an adjacent primary land use or contributing to the overall parking scheme in the downtown area. Additionally, vacant sites as a result of demolition activity in the D-1 district with no proposed replacement use would be required to landscape the parcel perimeter with drought tolerant landscaping.
PROPOSED USE(S): Not applicable
APPLICABLE LAND USE REGULATIONS: Salt Lake City Zoning Ordinance, Salt Lake City Code Chapter 21A.30 – Downtown Districts & Chapter 18.64 – Demolition

APPLICABLE

MASTER PLANS:

Salt Lake City Downtown Plan
City Vision and Strategic Plan
The Salt Lake City Council Policy Statement on the
Future Economic Development of Downtown

SUBJECT PROPERTY

HISTORY:

Not Applicable

ACCESS:

Not Applicable

PROJECT DESCRIPTION:

This petition was generated in response to a request for a parking lot on a property where the principal structure(s) had recently been demolished. The key comments expressed during the Planning Commission hearing then were that parking lots should not be allowed in the downtown area on an ad hoc basis, nor should demolition properties be allowed to remain totally vacant. The conversion of vacant lots, resulting from demolition activity, to parking lots is not a land use that is generally recognized as having a positive visual impact in the downtown area.

Currently, commercial parking garages, lots, or decks in the D-1 zone are only allowed through the conditional use process. Planning Staff has been assigned the task of preparing ordinance language requiring new commercial parking garages, lots, or decks in the D-1 zone, on properties where demolition activity has occurred, to be associated with a primary use and/or a contributing factor to the overall downtown parking scheme (Downtown Alliance – Token Program). This language would provide further specific criteria upon which to base a decision regarding requests for parking lots.

Additionally, vacant properties, due to demolition activity in the D-1 zone, where no replacement use is proposed, would be required to install a landscape yard around the entire perimeter of the parcel with drought tolerant landscaping, such that the property would not become an “eyesore” in the core of the downtown business district. Currently, landscaping is only required in the setback areas for a given zone. Because the D-1 zone has no setback, demolition sites in this zone have not been required to provide landscaping, resulting in vacant parcels that have a detrimental visual impact on the downtown area.

The proposed zoning ordinance text amendment would not be retroactive; current vacant parcels or commercial parking lots would not be required to comply with these proposed regulations.

DEPARTMENT/DIVISION COMMENTS:

The following is a summary of the comments received from the various Departments/Divisions. The comments in their entirety are attached to this staff report for review.

1. **Engineering**
Did not have any issues with the proposal.
2. **Fire**
Did not have any issues with the proposal.
3. **Permits & Zoning**
Wanted to know if the current petition could address residential lots as well.
Made specific language suggestions.

Planning Staff note: Because this petition relates only to the D-1 zone, Planning Staff has not expanded the parameters of this proposal to address the subject of demolition in other zoning districts including residential zones.

4. **Police**
Suggested that trees planted on the property be trimmed up to a height of 84 inches to allow for visibility on the lot, otherwise had no concerns.
5. **Public Utilities**
Provided specific suggestions for the proposed language. Suggestions are attached.
6. **Transportation**
Has no issue with the conversion of demolition site to parking lots as long as the proposal is in compliance with standards.

PUBLIC COMMENT:

All property owners in the D-1 zoned district were mailed notification of the proposed zoning ordinance text amendment. In addition, Community Council chairs and various other organizations including but not limited to the Downtown Alliance, the Salt Lake Chamber of Commerce, and the Vest Pocket Business Coalition were notified. An open house was held on June 21, 2004. The "Sign-in" sheet and questionnaires from this meeting are attached for review. In general, those attending the Open House supported the intent of the petition.

ANALYSIS:

Because this petition is a modification of the Zoning Ordinance, the Planning Commission must review the proposal and forward a recommendation to the City Council based on the following standards for general amendments as noted in Section 21A.50.050 of the Zoning Ordinance.

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

Discussion: This proposed text change specifically relates to demolition sites in the D-1 zone, and the conversion of said sites to parking lots or simply vacant ground. Having reviewed the Salt Lake City Downtown Plan, the City Vision and Strategic Plan, and the Salt Lake City Council Policy Statement on the Future Economic Development of Downtown, it is evident that none of these documents specifically address demolition in the downtown area. On the other hand, they all address the need for parking and appropriate areas for this use. The purpose of this proposed text amendment is not to eliminate the possibility of additional parking areas in the D-1 zone, it is simply to encourage a healthy mix of land uses and proportional parking stall counts, and eliminate potential uses on vacant properties that could have negative visual impacts on the downtown area.

Finding: The proposed text changes do not conflict with the purposes, goals, objectives, and policies of the adopted general plan of Salt Lake City.

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

Discussion: The proposed amendment is not site specific, but would apply to all properties zoned D-1 (Central Business District). This particular zoning designation is found in the area bound by North Temple and 700 South between 300 West and 300 East.

Findings: The proposed amendment will enhance the overall character of downtown through the elimination of ad hoc parking lots as a result of demolition that typically do not have a positive impact on the area. Additionally, the requirement of landscaping for demolition properties without a replacement use will aesthetically enhance said lots.

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

Discussion: The amendments, although not site specific, are intended to reduce or minimize adverse affects on adjacent properties in the D-1 zoned area. Additionally, landscaping will minimize the negative visual impact associated with a vacant lot due to demolition.

Findings: The purpose of the proposed amendments is to reduce the potential negative impacts of ad hoc parking lots and the negative visual impact of vacant lots due to demolition.

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

Discussion: The Exchange Place Historic Preservation Overlay District is located within the boundaries of the D-1 district. Prior to the issuance of a demolition

permit, the Historic Landmark Commission must approve a replacement use on the property, which at a minimum would require landscaping.

Finding: The proposed amendment is consistent with the City's applicable overlay districts.

- 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 wastewater and refuse collection.**

Finding: Because this petition is not site specific, this criteria is not applicable.

One final point of discussion, based on a parking inventory received from the Downtown Alliance (attached), it appears that the number of parking spaces in the downtown area is proportional to the various uses in the same area. In other words, the perception that there is inadequate parking in the downtown area is somewhat of a misconception. As the attached matrix shows, there are approximately 16,649 stalls operated by various entities in the downtown area. It is noted that not all of these stalls are in the area of downtown zoned D-1, but all are within close vicinity.

In short, there is a need to ensure that additional parking accompanies a land use, such that the proportion between parking spaces and land use is maintained in order to keep a healthy visual appearance in the downtown area.

RECOMMENDATION:

Based on the comments, analysis, and findings of fact noted in this staff report, Planning Staff recommends that the Planning Commission forward a favorable recommendation to the City Council to adopt the following text, amending the Salt Lake City Code concerning the replacement of demolished buildings with parking lots and the landscaping of demolition sites.

Please note that the following is a summary of the proposed changes. Attached to this staff report are the complete sections from the City Code with the proposed language inserted in an italicized bold format.

Parking Lots

In order to create criteria by which parking lots in the D-1 district can be evaluated, the following language is proposed to be inserted into the zoning ordinance under section 21A.30.020 – D-1 Central Business District.

21A.30.020(D)(3)(e) – Parking lots shall be permitted as conditional uses with the approval of the Planning Commission pursuant to the provisions of Chapter 21A.54 of this Title, where it is found that the parking lot is associated with an adjacent principal use and/or is contributory to the overall downtown parking program.

Landscaping

Landscaping criteria for the D-1 zone is proposed so that vacant lots resulting from demolition activities do not become a detrimental visual element to the downtown district. The following language is proposed to be inserted into the zoning ordinance under section 21A.30.020 – D1 Central Business District.

21A.30.020(D)(9) – Landscape Requirements for Demolition Sites: Vacant lots, resulting from demolition activities where no replacement use is proposed, shall conform to Chapter 21A.48 of this Title, special landscape requirements applicable to the D-1 Central Business District.

This section would direct the reader to Chapter 21A.48, and more specifically Chapter 21A.48.100(D) – D-1 Central Business District where the following section would be added providing specific landscaping standards for vacant lots.

2. Landscaping for Vacant Lots

Special landscaping shall be required on those lots becoming vacant, where no replacement use is proposed, in conformance with the following:

a. Landscape yard requirement

A landscape yard of fifteen feet (15') shall be required as measured from any point along all property lines.

b. Trees

Shade trees shall be provided at the rate of one tree per thirty feet (30') of yard length, rounded up to the nearest whole number.

c. Shrubs

Shrubs shall be provided at the rate of one plant for every three feet (3') of yard length, evenly spaced, limited to a height of not more than three feet (3'). All plants shall be drought tolerant; consult the Salt Lake City water-wise plant list for suggestions. At least forty percent (40%) of the plants must be evergreen.

d. Groundcover

Areas not planted with shrubs and trees shall be maintained in drought tolerant vegetative groundcover.

e. Irrigation

Permanent irrigation shall be installed and used as needed to maintain plant materials in a healthy state.

f. Maintenance

Landscaping shall be installed and maintained in conformance with the approved landscape plan. Landscaping shall be kept free of weeds and litter.

Demolition

Additionally, the following language is proposed to be inserted into the City Code under Chapter 18.64 – Demolition.

Section 18.64.040 – Post Demolition Use Plan Required, shall be changed in the following manner:

D. For parcels in the D-1 zone, a permit for the use replacing the demolished building or structure has been issued by Building Services and Licensing, or a landscape plan for the site has been approved in accordance with section 21A.48.100(D) of this Code. A performance bond to assure timely and proper installation and maintenance of the landscaping shall be filed with the city in a form acceptable to the city.

Attachments:

- Exhibit 1 - Map of D-1 zone
- Exhibit 2- Department/Division Comments
- Exhibit 3 - Public Comments
- Exhibit 4 - Phone Log
- Exhibit 5 – Proposed Ordinance Language
- Exhibit 6- Downtown Alliance Parking Inventory

Exhibit 1 -
Map of "D-1" Zone

Downtown Business District

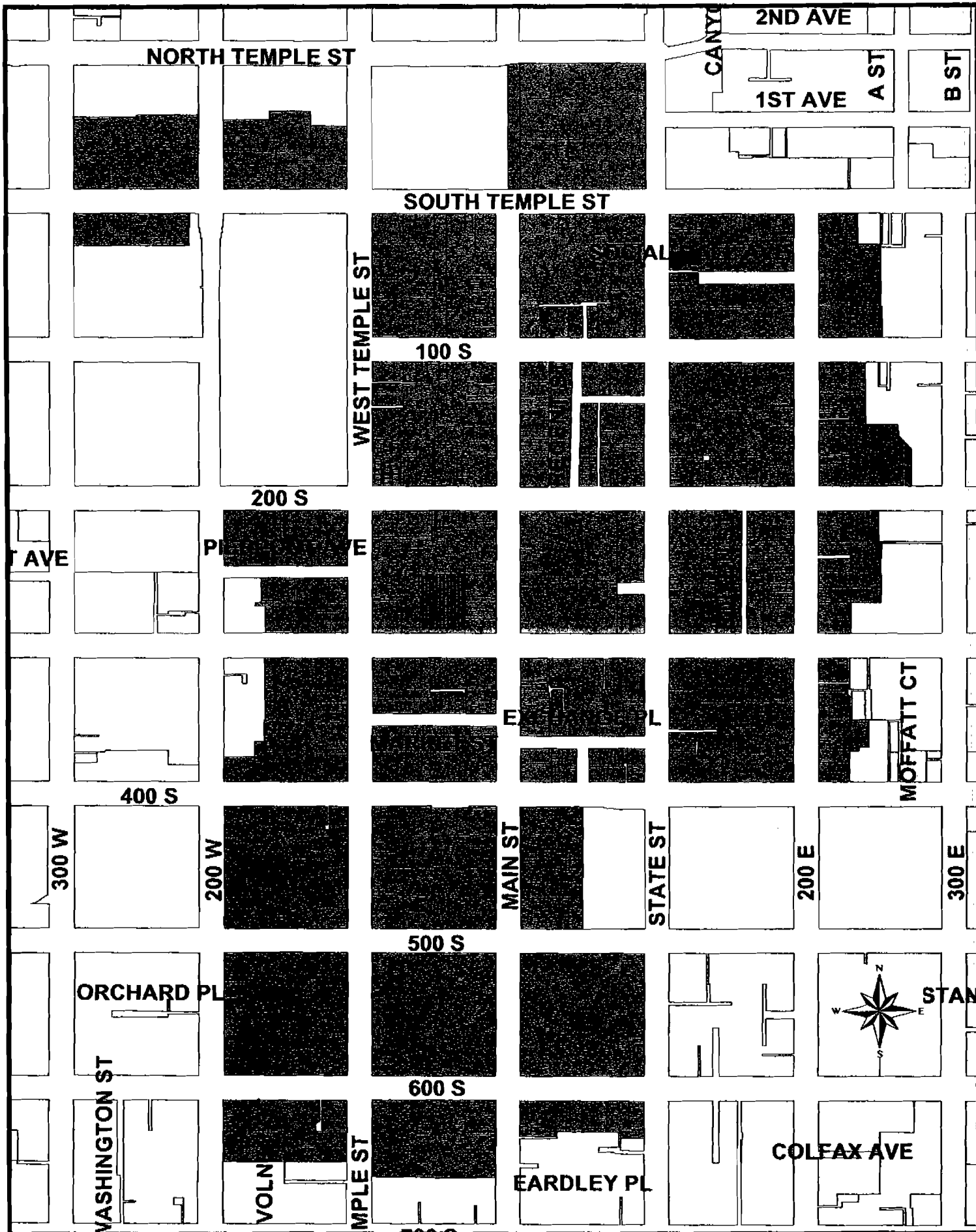


Exhibit 5 –
Proposed Ordinance Language

21A.30.020 D-1 Central Business District:

- A. Purpose Statement:** The purpose of the D-1 Central Business District is to foster an environment consistent with the area's function as the business, retail and cultural center of the community and the region. Inherent in this purpose is the need for careful review of proposed development in order to achieve established objectives for urban design, pedestrian amenities and land use control, particularly in relation to retail commercial uses.
- B. Uses:** Uses in the D-1 Central Business District as specified in the Table of Permitted and Conditional Uses for Downtown Districts found at Section 21A.30.050 of this Chapter, are permitted subject to the general provisions set forth in Section 21A.30.010 of this Chapter. In addition, all conditional uses in the D-1 District shall be subject to design review approval by the Planning Commission.
- C. Organization Of District Regulations:** In addition to regulations that apply to the D-1 Central Business District as a whole, three (3) sets of regulations are contained in this District that apply to specific geographical areas:
- 1. Special Controls Over Block Corners:** These regulations apply only to properties within a specified distance from street intersections, as established in subsection E of this Section.
 - 2. Special Controls Over Mid-Block Areas:** These regulations apply only to the intervening property between block corner properties, as established in subsection F of this Section.
 - 3. Special Controls Over The Main Street Retail Core:** These regulations apply only to the Main Street retail core area, as established in subsection G of this Section. The regulations governing block corners and mid-block areas also apply to the Main Street retail core.
- D. D-1 District General Regulations:** The regulations established in this Section apply to the D-1 District as a whole.
- 1. Minimum Lot Size:** No minimum lot area or lot width is required, except in block corner areas as specified in subsection E5 of this Section.
 - 2. Yard Requirements:**
 - a. Front And Corner Side Yards:** No minimum yards are required, however, no yard shall exceed five feet (5') except as authorized as a conditional use. Such conditional uses shall be subject to the requirements of Part V, Chapter 21A.54 of this Title, as well as design review by the Planning Commission. Where an entire block frontage is under one

ownership, the setback for that block frontage shall not exceed twenty five feet (25'). Exceptions to this requirement may be authorized as conditional uses, subject to the requirements of Part V, Chapter 21A.54 of this Title, and the review and approval of the Planning Commission.

b. **Interior Side And Rear Yards:** None required.

3. Restrictions On Parking Lots And Structures: An excessive influence of at- or aboveground parking lots and structures can negatively impact the urban design objectives of the D-1 District. To control such impacts, the following regulations shall apply to at- or aboveground parking facilities:

a. Within block corner areas and on Main Street, parking lots and structures shall be located behind principal buildings, or at least seventy five feet (75') from front and corner side lot lines.

b. Within the mid-block areas, parking lots and structures shall conform to the following:

i. Retail goods/service establishments, offices and/or restaurants shall be provided on the first floor adjacent to the front or corner side lot line. The facades of such first floor shall be compatible and consistent with the associated retail or office portion of the building and other retail uses in the area.

ii. Levels of parking above the first level facing the front or corner side lot line shall have floors/facades that are horizontal, not sloped.

c. Accessory parking structures built prior to the principal use, and commercial parking structures, shall be permitted as conditional uses with the approval of the Planning Commission pursuant to the provisions of Part V, Chapter 21A.54 of this Title.

d. No special restrictions shall apply to belowground parking facilities.

e. Parking lots shall be permitted as conditional uses with the approval of the Planning Commission pursuant to the provisions of Chapter 21A.54 of this Title, where it is found that the parking lot is associated with an adjacent principal use and/or is contributory to the overall downtown parking program.

4. Minimum First Floor Glass: The first floor elevation facing a street of all new buildings or buildings in which the property owner is modifying the size of windows on the front facade within the D-1 Central Business District shall be at least forty percent (40%) glass surfaces, except that in the Main Street retail core where this requirement shall be sixty percent (60%). All first floor

glass in the Main Street retail core shall be nonreflective-type glass. Exceptions to this requirement may be authorized as conditional uses, subject to the requirements of Part V, Chapter 21A.54 of this Title. The Zoning Administrator may approve a modification to this requirement, as a routine and uncontested special exception, pursuant to the procedures found in Part II, Chapter 21A.14 of this Title, if the Zoning Administrator finds:

1. The requirement would negatively impact the historic character of the building, or
2. The requirement would negatively impact the structural stability of the building.

5. Interior Plazas, Atriums And Galleries: Interior plazas, atriums and galleries shall be permitted throughout the D-1 Central Business District.

6. Location Of Service Areas: All loading docks, refuse disposal areas and other service activities shall be located on block interiors away from view of any public street. Exceptions to this requirement may be approved through the site plan review process when a permit applicant demonstrates that it is not feasible to accommodate these activities on the block interior. If such activities are permitted adjacent to a public street, a visual screening design approved by the Zoning Administrator shall be required.

7. Landscape Requirements: All buildings constructed after April 12, 1995, shall conform to the special landscape requirements applicable to the D-1 Central Business District as contained in Part IV, Chapter 21A.48 of this Title.

8. Mid-Block Walkways: As part of the City's plan for the downtown area, it is intended that mid-block walkways be provided to facilitate pedestrian movement within the area. To delineate the public need for such walkways, the City has formulated an official plan for their location and implementation, which is on file at the Planning Division office. All buildings constructed after the effective date hereof within the D-1 Central Business District shall conform to this officially adopted plan for mid-block walkways.

9. Landscape Requirements for Demolition Sites: *Vacant lots, resulting from demolition activities where no replacement use is proposed, shall conform to Chapter 21A.48 of this Title, special landscape requirements applicable to the D-1 Central Business District.*

E. Special Controls Over Block Corners:

1. Intent: Special controls shall apply to land at block corners to encourage greater commercial vitality in the downtown by focusing a higher level of development intensity at street intersections. Control over the intensity of

development on blocks is needed due to the large size of blocks and streets and the resulting effects on pedestrian/vehicular circulation and business activity.

2. "Block corner" means the ninety degree (90o) intersection of private property adjacent to the intersection of two (2) public street rights of way both of which are at least one hundred thirty two feet (132') wide.

3. "Corner building" means a building, the structure of which rises above the ground within one hundred feet (100') of a block corner on the street face and one hundred feet (100') in depth.

4. For corner buildings, the provisions of this subsection shall extend to one hundred sixty five feet (165') from the block corner on the street face and one hundred sixty five feet (165') in depth.

5. **Lot Size And Shape:** The size and shape of the lot shall conform to the following. Lots existing prior to April 12, 1995, which do not meet these requirements shall be exempt.

a. **Minimum Lot Area:** Ten thousand (10,000) square feet.

b. **Minimum Lot Width:** One hundred feet (100').

6. **Height Regulations:** No corner building shall be less than one hundred feet (100') nor more than three hundred seventy five feet (375') in height. The minimum one hundred foot (100') high portion of the building shall be located not further than five feet (5') from the lot line along front and corner lot lines. Buildings higher than three hundred seventy five feet (375') may be allowed in accordance with the provisions of subsections E6a and E6b of this Section.

a. **Conditions For Taller Corner Buildings:** Corner buildings may exceed the three hundred seventy five foot (375') height limit provided they conform to the following requirements:

i. To minimize excessive building mass at higher elevations and preserve scenic views, some or all of the building mass over the three hundred seventy five foot (375') height level shall be subject to additional setback, as determined appropriate through the conditional use approval process.

ii. Not less than one percent (1%) of the building construction budget shall be used for enhanced amenities, including art visible to the public, enhanced design elements of the exterior of the building or exterior spaces available to the public for cultural or recreational activities. The property owner shall not be required to exceed one hundred thousand dollars (\$100,000.00) in required amenities.



iii. The operation of uses within the building, including accessory parking facilities, shall comply with the adopted traffic demand management guidelines administered by the City Traffic Engineer.

b. Additional Standards For Certain Height Modifications:

i. The first one hundred feet (100') of height shall not be set back from the street front more than five feet (5') except that setbacks above the first fifty feet (50') may be approved as a conditional use.

ii. Modifying the height will achieve the preservation of a landmark site or contributing structure in an H Historic Preservation Overlay District.

iii. Modifying the height will allow interim service commercial uses to support the downtown community.

c. Conditional Use Approval: A modification to the height regulations in subsection E6a of this Section may be granted as a conditional use, subject to conformance with the standards and procedures of Part V, Chapter 21A.54 of this Title. Such conditional uses shall also be subject to design review.

F. Special Controls Over Mid-Block Areas:

1. **Intent:** Special controls shall apply to land located at the middle of blocks. Such controls are needed to establish coordinated levels of development intensity and to promote better pedestrian and vehicular circulation.

2. **Area Of Applicability:** The controls established under this subsection shall apply to:

a. Buildings constructed after April 12, 1995; and

b. All intervening land between block corner properties, as established in subsection E2 of this Section.

3. **Height Regulations:** No building shall be more than one hundred feet (100') in height; provided, that taller buildings may be authorized as a conditional use, subject to the requirements of Part V, Chapter 21A.54 of this Title, and design review.

G. Special Controls Over The Main Street Retail Core:

1. **Intent:** Special controls shall apply to land located within the Main Street retail core area to preserve and enhance the viability of retail uses within the

downtown area. The regulations of this subsection shall be in addition to the requirements of subsections E and F of this Section.

2. Area Of Applicability: The controls established in this subsection shall apply to property developed or redeveloped after April 12, 1995, when located along any block face on the following streets:

- a. Main Street between South Temple Street and 400 South Street;
- b. 100 South Street between West Temple Street and State Street;
- c. 200 South Street between West Temple Street and State Street; and
- d. 300 South Street between West Temple Street and State Street.

3. First Floor Retail Required: The first floor space of all buildings within this area shall be required to provide uses consisting of retail goods establishments, retail service establishments or restaurants, public service portions of businesses, department stores, art galleries, motion picture theaters or performing arts facilities.

4. Restrictions On Driveways: Driveways shall not be permitted along Main Street, but shall be permitted along other streets within the Main Street retail core area, provided they are located at least eighty feet (80') from the intersection of two (2) street right-of-way lines. (Ord. 35-99 §§ 33-35, 1999; Ord. 88-95 § 1 (Exh. A), 1995; Ord. 26-95 § 2(15-1), 1995)

21A.48.100 Special Landscape Regulations:

This section has been affected by a recently passed ordinance, No. 13 of 2004.
Go to new ordinance.

In addition to the foregoing requirements, special landscape regulations shall apply to certain zoning districts. These regulations are established below.

A. FP Foothills Protection District:

1. **Landscape Plan Required:** A landscape plan, conforming to sections 21A.48.030 and 21A.48.050 of this chapter, shall be required for all uses within this district. This plan shall delineate the proposed revegetation of disturbed areas of the site, and road/driveway areas. The landscape plan shall extend one hundred feet (100') beyond the disturbed site area and twenty five feet (25') beyond the limits of grading for roads/driveways, but need not include any portions of the site designated as undevelopable unless these areas are disturbed.
2. **Maximum Disturbed Area:** The maximum disturbed area shall not exceed ten percent (10%) of the total site area.
3. **Tree Preservation And Replacement:** Existing trees over two inches (2") in caliper that are removed from the site to accommodate development shall be replaced. Whenever microclimate conditions make it practical, the proportion of replacement tree species shall be the same as the trees removed.
4. **Limits On Domestic Turf:** To help promote the intent of this district by minimizing the impact on the natural landscape, the area of domestic turf grasses shall not exceed thirty percent (30%) of the area to be landscaped and shall not encroach into undevelopable areas.
5. **Slope Revegetation:** All slopes graded or otherwise disturbed shall be restored/replanted. Restored vegetation shall consist of native or adapted grasses, herbaceous perennials, or woody trees and shrubs as appropriate for slope, soil and microclimate conditions.
6. **Irrigation:** Irrigation shall be installed to provide needed water for at least the first two (2) years of growth to establish revegetation of natural areas. Irrigation for areas of domestic turf and ornamental landscaping shall be provided at the discretion of the property owner, however all systems shall be subject to the review and approval of the zoning administrator.
7. **Erosion Protection:** As a condition of site plan approval, a plan for erosion protection shall be submitted with the landscape plan.

B. FR-1 And FR-2 Foothills Residence District:

1. Landscape Plan Required: A landscape plan conforming to sections 21A.48.030 and 21A.48.050 of this chapter, shall be required for all uses within this district. This plan shall delineate the proposed revegetation of disturbed site areas.
2. Tree Preservation And Replacement: Existing trees over two inches (2") in caliper that are removed from the site to accommodate development shall be replaced. Whenever microclimate conditions make it practical, the proportion of replacement tree species shall be the same as the trees removed.
3. Slope Revegetation: All slopes graded or otherwise disturbed shall be restored/replanted. Restored vegetation shall consist of native or adapted grasses, herbaceous perennials, or woody trees and shrubs as appropriate for slope and microclimate conditions.
4. Irrigation: Irrigation shall be installed to provide needed water for at least the first two (2) years of growth to establish revegetation of natural areas. Irrigation for areas of domestic turf and ornamental landscaping shall be provided at the discretion of the property owner, however all systems shall be subject to city review and approval.
5. Erosion Protection: As a condition of site plan approval, a plan for erosion protection shall be submitted with the landscape plan.

C. CC Commercial District:

1. Special Front Yard Landscaping: Special front yard landscaping shall be required in conformance with the following:
 - a. The first fifteen feet (15') of lot depth shall be devoted to landscaping. Driveways and sidewalks may be located within this area to serve the building and use on the lot;
 - b. Shrubs limited to a height of not more than three feet (3'), shall be provided at the rate of one shrub for every two feet (2') of lot width. A mix of shrub species is recommended, and at least forty percent (40%) of the shrubs must be evergreen;
 - c. Trees shall be provided at the rate of one tree for every twenty five feet (25') of lot width, rounded to the nearest whole number. Evergreen trees or shade trees may be substituted with ornamental trees, subject to the review and approval of the development review team; and

- d. Areas not planted with shrubs or trees shall be maintained in turf or as vegetative groundcover. A drought tolerant groundcover is recommended.
2. Irrigation: Permanent irrigation shall be installed and used as needed to maintain plant material in a healthy state.
3. Maintenance: Landscaping shall be installed and maintained in substantial conformance with the approved landscape plan. Landscaping shall be kept free of weeds and litter.

D. D-1 Central Business District:

1. Right Of Way Landscaping: The principal area of focus for landscaping in the D-1 district shall be along sidewalks and parkways. Landscaping on private property shall be subject to the regulations below and in the D-1 district.

a. Location: Landscape areas shall be located a minimum of two feet (2') from back of the street curb and shall be located in conformance with the adopted beautification plan for an approved beautification district. If the beautification plan does not address the site in question, the location of landscape areas shall be determined through the site plan review process.

b. Trees: Shade trees shall be planted as specified through the site plan review process.

c. Shrubs/Groundcover: The ground surface of the landscape area may be suitable for the planting of shrubs, groundcover or flowers depending on use and pedestrian patterns. Tree grates or other improvements may be required to facilitate pedestrian circulation along the street. The ground surface shall be determined by the beautification plan, or in the absence of specific direction from the plan, the site plan review process.

2. Landscaping for Vacant Lots: Special landscaping shall be required on those lots becoming vacant, where no replacement use is proposed, in conformance with the following:

a. Landscape yard requirement: A landscape yard of fifteen feet (15') shall be required as measured from any point along all property lines.

b. Trees: Shade trees shall be provided at the rate of one tree per thirty feet (30') of yard length, rounded up to the nearest whole number.

c. Shrubs: Shrubs shall be provided at the rate of one plant for every three feet (3') of yard length, evenly spaced, limited to a height of not

more than three feet (3') . All plants shall be drought tolerant; consult the Salt Lake City water-wise plant list for suggestions. At least forty percent (40%) of the plants must be evergreen.

d. Groundcover: Areas not planted with shrubs and trees shall be maintained in drought tolerant vegetative groundcover.

e. Irrigation: Permanent irrigation shall be installed and used as needed to maintain plant materials in a healthy state.

f. Maintenance: Landscaping shall be installed and maintained in conformance with the approved landscape plan. Landscaping shall be kept free of weeds and litter.

E. Transitional Overlay District: All conditional uses in the transitional overlay district shall conform to the following landscape/buffer requirements. Permitted uses shall be exempt from these requirements.

1. Landscaped Front And Corner Side Yard: All front and corner side yards shall be maintained as landscape yards. The improvement of such landscape yards shall be consistent with the character of the residential neighborhood.

2. Landscaped Interior Side Yard: Where the interior side yard abuts a residential use, a landscape yard eight feet (8') in width shall be provided. This landscape yard shall be improved as set forth below:

a. A six foot (6') high solid fence or wall shall be constructed from the front yard setback line to the rear lot line. The outside edge of this fence or wall shall be located no less than seven feet (7') from the side lot line. The requirement for a fence or wall may be waived by the zoning administrator if the building elevation facing the residential property is of a design not requiring screening by a fence or wall;

b. Deciduous shade trees shall be planted within the landscape yard. One tree per thirty (30) linear feet of landscape yard shall be required, although the spacing of trees may be arranged in an informal manner.

c. A continuous row of shrubs (deciduous or evergreen) shall be planted along the entire length of the landscape yard. The size of the shrubs shall not be less than four feet (4') in height at the time of maturity. The spacing of shrubs shall not be greater than five feet (5') on center. Shrubs must be set back from the side lot line at least four feet (4') on center; and

d. All parts of the landscape yard not covered by shrubs shall be planted in grass.

5. PLANNING COMMISSION

C. Agenda/Minutes

July 14, 2004

Planning Commission Minutes
July 14, 2005

Petition No. 400-03-30, by the Salt Lake City Planning Commission, requesting to amend the Salt Lake City Zoning Ordinance to add language relating to the conversion of vacant properties, due to demolition to commercial parking garages, lots, or decks in the "D-1" zone, requiring said lots to be adjacent to and associated with a primary use and/or a contributing factor to the overall downtown parking scheme. Additionally, vacant properties, due to demolition in the "D-1" zone, where no replacement use is proposed, would be required to install a landscape yard around the entire perimeter of the parcel with drought resistant landscaping.

This item was heard at 6:13 p.m.

Principal Planner Lex Traughber presented the petition as written in the staff report. He noted should the proposed amendment be approved it would not be retroactive. Current vacant parcels or parking lots will not be required to comply with the proposed regulations. The purpose of the proposed amendment is a means to keep the ratio of parking spaces to land use balanced so that the City maintains a healthy visual appearance in the Downtown Area. The relevant City departments and divisions reviewed the proposal and their comments were included in the staff report. Mr. Traughber stated that Staff held an Open House in June and those in attendance were generally in support of the petition. Mr. Traughber noted that Staff has included in the staff report an analysis of the amendment based upon the City Code. Based upon the comments, analysis, and findings of fact noted in the staff report Planning Staff recommends that the Planning Commission forward a favorable recommendation to the City Council to adopt the proposed text, amending the Salt Lake City Code concerning the replacement of demolished buildings with parking lots and the landscaping of demolition sites.

Commissioner Diamond asked if the three major land owners in the area attended that Open House in June. He asked if the proposed language was available at that time.

Mr. Traughber said that he believed that those stakeholders had representation at that Open House. He added that the proposed language was available and it was very well received.

Chair Muir asked how the proposal has been noticed.

Mr. Traughber replied that all of the property owners within the "D-1" zone as well as the Community Council Chairs and various other entities including the Downtown Alliance and such were noticed.

Chair Muir referred to Larry Butcher's recommendation that the Planning Commission follow the residential requirement, by requiring complete landscaping. He asked Mr. Traughber to comment.

Mr. Traughber replied that it was discussed, and Staff decided that was beyond the parameters of the current proposal. He added that perhaps that would warrant another petition.

Chair Muir asked Staff what is purpose of the proposal.

Mr. Traugher replied that the primary purpose is to eliminate uses that may have a detrimental impact on the Downtown area. He added that it is also intended to provide language to assist the decision makers with requests of this nature.

Mr. Zunguze added that there needs to be a balance maintained between properties that are set aside for actual uses and those that are set aside for parking. The City is constantly fighting a battle of perception regarding the notion that there is not enough parking, as noted in the staff report there are over 16,000 parking stalls currently in the Downtown. Mr. Zunguze stated that the Planning Commission also recently acted on a petition regarding signage that indicates where parking is available. The intent of this petition is to maintain a healthy balance between uses while having a nice visual appearance of Downtown.

Chair Muir opened the public hearing.

No one was forthcoming.

Chair Muir closed the public hearing.

Chair Muir asked if the Commission may require drought tolerant vegetation to ensure that property owners use proper landscaping.

Mr. Traugher indicated that the City provides a list of drought tolerant species which could be used as a guide.

Commissioner Diamond asked if a property owner were to landscape an entire parcel, would they then assume the liability of the public on their property as if it were a park. He asked if this proposal allows property owners to construct a harmonious fence that would respect their rights as a property owner.

Mr. Zunguze agreed that that is needed and stated that there is a fencing ordinance that Staff could look to as an example.

Commissioner Scott referred to the proposed 15-foot perimeter of landscaping saying that she felt that is not adequate as a visual barrier for an unsightly interior of a lot. She added that there would be less of a chance for the lot to be used as an illegal parking lot if the entire lot were landscaped.

Motion for Petition No. 400-03-30

Commissioner Scott made a motion regarding Petition No. 400-03-30, based on the comments, analysis, and findings of fact noted in the staff report that the Planning Commission forward a favorable recommendation to the City Council to adopt the proposed text, amending the Salt Lake City Code concerning the replacement of demolished buildings with parking lots and the landscaping of demolition sites as noted in the staff report with the following modification regarding the landscaping for vacant lots section 2 a. ***Landscaping shall be required for the entire lot.***

Commissioner Daniels seconded the motion.

Commissioner Daniels said that in the past the Planning Commission has allowed petitioners to include a portion of a lot if their intent is to have temporary parking when they would eventually have another use for the property. He wondered if the motion with the landscaping modification is in conformance with the Planning Commission's past practice.

Chair Muir agreed with Commissioner Daniels that perhaps a precedent has been set when a lot is associated with an existing use.

Commissioner Scott noted that the vacant lots which are being discussed are those without a replacement use proposed.

Commissioner Diamond felt that if the Commission requires more stringent landscaping, it may accelerate the thought process and the urgency to do something positive with vacant property. He felt that the landscaping should be defined in detail.

Chair Muir felt that the landscaping requirement is reasonable considering the value of the property Downtown.

Commissioner Scott noted that the proposal requires that a landscaping plan be submitted. She did not feel that the Commission needs to be more specific in that regard. She felt that the review of the landscaping plan by the Planning Director is sufficient.

Commissioner McDonough indicated concern with water use when requiring the entire lot to be landscaped. She noted that drought tolerant plants require a considerable amount of water initially. She said that she is reticent to require more than the 15-foot buffer, which she felt would accomplish the issues which are being discussed. Commissioner McDonough stated that if the Commission is going to require complete landscaping then the entire landscaping portion of the proposal should be rethought from a conservancy standpoint and the center of the lot should have different requirements.

Chair Muir called for the question.

Commissioner Chambless and Commissioner Scott voted "Aye". Commissioner Daniels, Commissioner De Lay, Commissioner Diamond, Commissioner McDonough, and Commissioner Noda voted "Nay". Prescott Muir as Chair did not vote. Two Commissioners voted in favor, and five Commissioners voted against, and therefore the motion failed.

Motion for Petition No. 400-03-30

Commissioner De Lay made a motion regarding Petition No. 400-03-30, based on the comments, analysis, and findings of fact noted in the staff report that the Planning Commission forward a favorable recommendation to the City Council to adopt the following text, amending the Salt Lake City Code concerning the replacement of demolished buildings with parking lots and the landscaping of demolition sites.

Please note that the following is a summary of the proposed changes.

Parking Lots

In order to create criteria by which parking lots in the D-1 district can be evaluated, the following language is proposed to be inserted into the zoning ordinance under section 21A.30.020 – D-1 Central Business District.

21A.30.020(D)(3)(e) – Parking lots shall be permitted as conditional uses with the approval of the Planning Commission pursuant to the provisions of Chapter 21A.54 of this Title, where it is found that the parking lot is associated with an adjacent principal use and/or is contributory to the overall downtown parking program.

Landscaping

Landscaping criteria for the D-1 zone is proposed so that vacant lots resulting from demolition activities do not become a detrimental visual element to the downtown district. The following language is proposed to be inserted into the zoning ordinance under section 21A.30.020 – D1 Central Business District.

21A.30.020(D)(9) – Landscape Requirements for Demolition Sites: Vacant lots, resulting from demolition activities where no replacement use is proposed, shall conform to Chapter 21A.48 of this Title, special landscape requirements applicable to the D-1 Central Business District.

This section would direct the reader to Chapter 21A.48, and more specifically Chapter 21A.48.100(D) – D-1 Central Business District where the following section would be added providing specific landscaping standards for vacant lots.

2. Landscaping for Vacant Lots

Special landscaping shall be required on those lots becoming vacant, where no replacement use is proposed, in conformance with the following:

a. Landscape yard requirement

A landscape yard of fifteen feet (15') shall be required as measured from any point along all property lines.

b. Trees

Shade trees shall be provided at the rate of one tree per thirty feet (30') of yard length, rounded up to the nearest whole number.

c. Shrubs

Shrubs shall be provided at the rate of one plant for every three feet (3') of yard length, evenly spaced, limited to a height of not more than three feet (3'). All plants shall be drought tolerant; consult the Salt Lake City water-wise plant list for suggestions. At least forty percent (40%) of the plants must be evergreen.

d. Groundcover

Areas not planted with shrubs and trees shall be maintained in drought tolerant vegetative groundcover.

e. Irrigation

Permanent irrigation shall be installed and used as needed to maintain plant materials in a healthy state.

f. Maintenance

Landscaping shall be installed and maintained in conformance with the approved landscape plan. Landscaping shall be kept free of weeds and litter.

Demolition

Additionally, the following language is proposed to be inserted into the City Code under Chapter 18.64 – Demolition.

Section 18.64.040 – Post Demolition Use Plan Required, shall be changed in the following manner:

D. For parcels in the D-1 zone, a permit for the use replacing the demolished building or structure has been issued by Building Services and Licensing, or a landscape plan for the site has been approved in accordance with section 21A.48.100(D) of this Code. A performance bond to assure timely and proper installation and maintenance of the landscaping shall be filed with the city in a form acceptable to the city.

Commissioner Daniels seconded the motion.

Commissioner Daniels, Commissioner De Lay, Commissioner Diamond, and Commissioner Noda voted "Aye". Commissioner Chambless, Commissioner McDonough, and Commissioner Scott voted "Nay". Prescott Muir as Chair did not vote. Four Commissioners voted in favor, and three Commissioners voted against, and therefore the motion passed.

Commissioner Diamond suggested that Staff look at other Cities as examples of promoting garden space on the rooftops of buildings as well as using roof drainage for irrigation purposes.

Mr. Zunguze appreciated that suggestion and stated that that is something that will be discussed with the Public Services Division.

Planning Commission Minutes
July 9 and October 8, 2003

July 9

Petition No. 410-642, a request by Post Office Properties, for conditional use approval of a commercial surface parking lot at 43 and 45 West 300 South, in a Downtown D-1 zoning district.

This hearing began at 6:32 p.m.

Planner Doug Dansie briefly discussed the highlights for the proposed conditional use. He explained that the existing site accommodates two buildings that house two businesses; an antique store and Ya'but's pool hall. He discussed the historic nature of the two structures and concluded that although both buildings are eligible for historical designation, the owner has decided not to list the structures on the historic register. As outlined in the staff report, the applicant is proposing to demolish the two buildings and expand the existing surface parking lot (which is adjacent to the Ya'but's building). Because this parcel is located mid-block, the zoning does not require a 70 to 75-foot landscaped setback. Mr. Dansie referred to a map showing the layout of what the combined parking lot would look like. The applicant intends to put in bermed landscaping, which would require about five feet along 300 South. This would eliminate the current situation where cars are parked immediately adjacent to the sidewalk. Mr. Dansie explained that technically ingress and egress are required for each separate lot; therefore, the Salt Lake City Transportation Division has asked for cross-easements. Staff recommends the approval of the parking lot with the following recommendations: The Commission require cross-easements or the lot lines to be eliminated to deal with drainage and access across lot lines; and the recommendation to have the Planning Director's final approval of the landscaping.

Commissioner Chambless asked if there are indications as to how long the existing parking lot has been there. Mr. Dansie replied that the historic records survey from 1979 only contain information for the two structures on the lot, which leads him to believe the existing parking lot was there at the time the survey was taken. Commissioner Chambless asked what the envisioned length of time the proposed parking lot may remain. Mr. Dansie answered by saying the applicant has indicated that they intend to use the parking lot for the newly renovated Zephyr building and there is the possibility that it could be there a long time. Commissioner Chambless felt that there is sufficient parking for cars in that area. Mr. Dansie indicated that that is debatable depending upon when you are trying to get a parking space. Commissioner Chambless stated that other than on a Friday or Saturday night, there is an abundance of parking in that area.

Commissioner Seelig referred to the time frame that the space would serve as a parking lot and asked if the City could enforce a time limit or define parameters as to how long the space could remain a parking lot. Mr. Zunguze explained that commercial parking lots are conditional uses and when they are called out as such they are legitimate uses. He added that if the applicant does not request a temporary parking lot, then the Commission does not have the ability to force them to turn this application into a temporary parking lot. Commissioner Seelig clarified that this could conceivably stay a parking lot forever.

Commissioner Seelig asked what requirements are imposed on former building sites as far as maintenance and landscaping. Mr. Dansie answered that the permits counter will only impose a

landscaping requirement if the zoning district has a specific landscaping requirement in place. In the Downtown zone, you can build up to the property line. By code a parking lot must have 5 percent of landscaping interior to the parking lot, as well as, 7 feet of buffer to the side yard. There are landscaping criteria for parking lots, but not necessarily for a vacant site.

Commissioner Chambless asked for Mr. Dansie's view, as the Downtown Planner, if this parking lot approval would contribute to the revitalization of the Downtown area. Mr. Dansie replied that a building with a business in it would be more contributing but the question would be whether or not we want a vacant lot or would we want an improved parking lot because we do not have the tools to deny a demolition of a building that is not on the Historic Register.

Commissioner Scott asked if the applicant indicated either surface parking or a vacant lot. Mr. Dansie replied that the applicant requested a conditional use for a parking lot. They decided to demolish the buildings because they would need a considerable amount of reinvestment to renovate the structures.

Chair Jonas invited the applicant to speak to this issue.

Mr. Tony Rampton, the attorney representing Post Office Properties, spoke to the Commission regarding the problems with the existing situation. He gave details of the two structures being in a state of considerable disrepair and a realistic concern for fire danger. The use of this site depends on the economy of Salt Lake City in that it would be uneconomical to keep this space as a parking lot when and if the Downtown area becomes revitalized. At this point, there is not an economic justification for renovating the existing structures or building new structures.

Commissioner Seelig asked Mr. Rampton how long Post Office properties have owned the dilapidated structures. Mr. Rampton said he did not know. Commissioner Seelig asked if it would be fair to say that during the time they have owned it, Post Office Properties has been responsible in keeping the structures in a condition whatever that condition may be. Mr. Rampton replied that the structures have been maintained and repaired to the degree necessary to allow tenancy, but the larger issue now is that these buildings require renovation.

Chair Jonas interjected that the applicant has the right to demolish the structures and the petition before the Commission is to decide if they are going to allow a parking lot.

Chair Jonas opened the public hearing.

Chair Jonas read a letter of opposition into the record from Maun Alston at 44 West 300 South. Stating that "because this area of town is mainly parking lots and few buildings, I don't want to see more old buildings torn down and we don't need more of this kind of parking. This will further hurt Downtown vitality."

Mr. David Alston at 44 West 300 South spoke in opposition saying his residence is across the street and there is adequate parking. He finds it difficult to accept the City discussing revitalization and then allowing the demolition of historic structures that contain viable businesses. He felt the City could prevent people from purchasing buildings and allowing them to fall into disrepair where the only option is to tear the buildings down.

Chair Jonas closed the Public Hearing.

Chair Jonas said he is not anxious to see another parking lot; however, he disagrees with the idea that these buildings are viable businesses.

Commissioner Chambless offered the contrast that the existing parking lot has been there since at least 1979. In 1979, he recalls six high-rise building cranes replacing existing buildings with new buildings. He added that there is sufficient parking in that area as well as light rail. Chair Jonas asked if the preference is an empty lot. Commissioner Chambless responded that he would rather see a revitalized Downtown.

Commissioner Scott reminded the Commission of the conditional use Standard B which refers to the development being in harmony with the general purposes and intent of the title.

Commissioner Noda concurred and added that she is troubled with the idea of another surface parking lot. She also has concerns with the requirements; specifically, Standard B and whether or not the parking lot is in harmony with the overall City Master Plan. Commissioner Noda referred to the new parking along 300 South. She said she would almost rather see the lot vacant than another parking lot. Commissioner Noda added that at this point our economy is weak and it may take a while before something else would replace the proposed parking lot. She said she is inclined to not allow the conditional use.

Commissioner Seelig agreed with Commissioner Scott and Commissioner Noda and added that an approval may not be worth going against the Downtown Master Plan, or moving away from the City's vision of alternative transportation. She felt this petition is not in harmony with the general purposes and intent of the title.

Commissioner McDonough pointed out that in principle; Finding B is not in harmony with the Master Plan. She said that overall, this property is a part of a series of properties that are slated to be redeveloped. In the bigger scheme of things, she feels the parking lot is not going to stay there for an extended length of time and will have to change in response to what will eventually happen in that area. She is more inclined to approve the petition.

Chair Jonas reiterated that especially in relation to Standard B, it is not the goal of the Downtown Master Plan, to create another surface parking lot. He referred to the streetscape as "missing teeth" where you have building, parking lot, building, which is very detrimental to the flow of a walkable community. In this case the parking lot may be the best alternative. He would rather see a parking lot with nice landscaping than an empty lot.

Motion for Petition 410-642

Commissioner Scott made a motion to deny petition 410-642, requesting a conditional use of a commercial surface parking lot at 43 and 45 West 300 South based on the standards for conditional uses item B that the proposed development, by the Planning Commission's estimation, is not in harmony with the purpose and intent of the Master Plan. Commissioner Chambless seconded the motion.

Commissioner Seelig asked to add to the motion standard K based on the testimony from the public that this may negatively impact the vitality of Downtown. Commissioner Scott accepted the amendment. Commissioner Chambless accepted that as well.

Commissioner McDonough verified that the Commission is not disapproving the destruction of the structures; they may still be removed whether or not the parking lot is approved.

Amended Motion for Petition 410-642

Commissioner Scott made a motion to deny petition 410-642, requesting a conditional use for a commercial surface parking lot at 43 and 45 West 300 South based on the standards for conditional uses items B & K that the proposed development, by the Planning Commission's estimation, is not in harmony with the purpose and intent of the Master Plan and based on testimony from the public that this may negatively impact the vitality of Downtown. Commissioner Chambless seconded the motion. _

21.54.080 Standards for Conditional Uses.

A. The proposed development is one of the conditional uses specifically listed in this Title.

Discussion: Commercial parking lots are permitted as a conditional use according to the D-1 Land Use Table 21A.30.050. Design modifications are allowed according to interpretation of 21A.30.020.D.3 and 21A.54. The standard that needs modifying is the requirement that the parking lot be separated from the street by a structure.

Finding: Commercial parking lots are allowed as a conditional use. Modification of design standards is allowed as a conditional use in the D-1 zoning district.

B. The proposed development is in harmony with the general purposes and intent of this Title and is compatible with and implements the planning goals and objectives of the City, including applicable City master plans.

Discussion: The Downtown Master Plan generally discourages the construction of surface parking lots, favoring higher density development and parking structures instead. Surface parking lots may be a legitimate interim use on a short-term basis.

The dilemma posed by this proposal is that failure to grant the conditional use will not prevent the demolition of buildings nor will it impose landscaping requirements on the former building sites.

The adjacent site to the west is presently devoted to parking. The buildings proposed for demolition may be removed and replaced with landscaping without going through the conditional use process.

Finding: Surface parking lots are generally not in keeping with the objectives of the City; however, the alternative is a vacant lot.

Commission Finding: By the Planning Commissions estimation, the proposed conditional use is not in harmony with the purpose and intent of the Master Plan.

C. Streets or other means of access to the proposed development are suitable and adequate to carry anticipated traffic and will not materially degrade the service level on the adjacent streets.

Discussion: The project has been reviewed by the Salt Lake City Transportation Division. Because of the small number of parking stalls being added, traffic loads are not significantly being increased.

Finding: The Transportation Division states that the increased parking will have no significant impact to the existing streets system.

D. The internal circulation system of the proposed development is properly designed.

Discussion: The Salt Lake City Transportation Division has reviewed the proposed design and determined that the new parking layout may be designed to meet City criteria and will improve the general circulation of the parking lot. They have asked that a plan be submitted that shows its full integration into the existing parking lot because the proposed aisle and parking stall location will affect the existing lot. Transportation is comfortable with using the existing access point for the expanded parking lot.

Finding: New aisle widths and layout may improve the internal circulation of the lot; however, an integrated parking layout is required for Transportation Division final review.

E. Existing or proposed utility services are adequate for the proposed development and are designed in a manner that will not have an adverse impact on adjacent land uses or resources.

Discussion: Utilities are adequate. The major issue raised by Salt Lake City Public Utilities is the multiple lot lines on the site. The lots should be combined or cross easements granted for drainage.

Finding: Utilities are adequate although easements must be granted or lot issues resolved prior to issuance of a building permit.

F. Appropriate buffering is provided to protect adjacent land uses from light, noise and visual impacts.

Discussion: There will be three remaining buildings on this block face: The JC Penney Building (Zion's Bank), the vacant University of Utah/Altius Health Plan Building and the Zephyr/Siegfried Building.

There is no buffering between existing buildings and existing parking. There is no parking lot landscaping.

The new parking lot adds buffer landscaping along the eastern edge, which presently does not exist. It also provides landscaped areas in the corners of the new lot.

Finding: Buffering will be provided between the new parking lot and the adjacent building. The street frontage will not have buffering.

G. Architecture and building materials are consistent with the development and compatible with the adjacent neighborhood.

Discussion: The proposed use is a parking lot; therefore, the criterion is not applicable.

Finding: Not applicable

H. Landscaping is appropriate for the scale of the development.

Discussion: The ordinance requires that parking be separated from the street by a building or structure. Landscaping in lieu of a structure has been approved through the conditional use process at other locations in the D-1 zoning district. This proposal will provide no separation between the street and the parking lot except for a bollard and chain system. The existing parking lot to the west has no landscaping. Landscaping is provided as a buffer to the building on the east side of the parking lot.

Landscaping would be more effective if the front yard also had a barrier, vertical landscaping (berm) or horizontal landscaping (15-foot setback) across both the old and new lots to screen automobiles.

Finding: The development has a landscaped buffer on the east side.

I. The proposed development preserves historical, architectural and environmental features of the property.

Discussion: The existing buildings are eligible for the historical register, but have not been designated.

Finding: The buildings (particularly the Stamp Building) are worthy of historical designation, but because they are not listed, their demolition cannot be prevented.

J. Operating and delivery hours are compatible with adjacent land uses.

Discussion: Adjacent land uses consist of offices and parking. Because much of the parking is leased for monthly rates, hours of the parking lot will coincide with the adjacent offices.

Finding: Hours of operation are consistent with adjacent land uses.

K. The proposed conditional use or, in the case of a planned development, the permitted and conditional uses contained therein, are compatible with the neighborhood surrounding the proposed development and will not have a material net cumulative adverse impact on the neighborhood or the City as a whole.

Discussion: There is great concern that increasing the number of surface parking lots in the area will decrease density and the vitality of the downtown area. However, the proposed demolitions will occur regardless of approval of this parking lot. The proposed demolition of buildings has a greater immediate negative effect on the City than the landscaping of the parking lot; however, demolitions are a normal part of the redevelopment process and cannot be prevented by the City.

Finding: Reconfiguration and adding landscaping to an existing parking lot has a net positive effect on the City when compared to alternatives.

Commission Finding: Based on testimony from the public that the proposed conditional use may negatively impact the vitality of Downtown.

L. The proposed development complies with all other applicable codes and ordinances.

Discussion: While there may be details to clarify (stall size, aisle width, etc.) prior to issuance of a building permit, there are no outstanding issues that will prevent the proposed parking lot from meeting City code.

Dead drives will be removed and any portion of the sidewalk disturbed by construction will need to be repaired.

Finding: The parking lot will be required to meet all other building codes prior to receiving a building permit.

Commissioner Chambless, Commissioner Daniels, Commissioner Noda, Commissioner Scott, and Commissioner Seelig voted "Aye." Commissioner McDonough voted "Nay". Jeff Jonas, as chair, did not vote. The motion passed.

October 8, 2003

Petition No. 410-642, a request by Post Office Properties, for conditional use approval of a commercial surface parking lot at 43 and 45 West 300 South, in a Downtown D-1 zoning district.

This hearing began at 7:04 p.m.

Planner Doug Dansie presented the petition as written in the staff report. He stated that the petition was originally heard by the Commission on July 9, 2003 and the petition was denied. Subsequently, on August 13, 2003, there was a motion to rehear the issue. He stated that commercial parking lots are a conditional use in the D-1 zoning district. He explained the use of commercial parking in that it is for profit and it is not required parking for a specific use as oppose to an accessory parking lot that has a designated use. He said that the proposed parking lot is at a mid-block location and there is a restriction that the lot must be behind a building or structure. He said that since the July hearing, the two structures that were there have now been demolished. The motion from the August hearing was to have the Petitioner come back to the Commission to discuss their long range plans.

Commissioner Noda referred to the statement in the staff report that no information was available at the time of packet distribution and asked why no information was available. Mr. Dansie replied that when he spoke to the Petitioner about the rescheduled hearing, they conveyed to him that they would like to come and present their information at the meeting.

Commissioner Chambless asked how many parking spaces the proposed parking lot would accommodate. Mr. Dansie answered 28 spaces. Commissioner Chambless asked Mr. Dansie where the nearest Trax station is to that location. Mr. Dansie answered one-half block.

Commissioner Muir referred to the restriction of a mid-block location that the parking lot must be behind a building or structure and asked what is meant by a building or structure. Mr. Dansie answered that it would include anything that would physically screen the parking lot.

Commissioner Muir asked why Staff is willing to accept a landscape buffer as a substitute for that requirement if it is in the Ordinance. Mr. Dansie replied that through the conditional use process, the Planning Commission has had the authority to waive or modify different requirements and has done so on previous parking lots in the D-1 zone. Commissioner Muir restated that this is an exception and the City would not be setting precedence. Mr. Dansie said that that is correct.

Commissioner Muir referred to surface parking lots in general in the City and asked at what point does the City find these lots a cumulative negative effect.

Commissioner Diamond stated that he feels the City has reached that point now and Salt Lake is becoming a city of asphalt.

Commissioner Seelig referred to the Downtown Master Plan, which states "one of the strategies is to develop a coordinated system of parking to maximize convenience and minimize land area use," and asked Mr. Dansie if that was ever pursued. Mr. Dansie answered yes, through the token program where many can share in the profit and the validation program. One of the problems that the City has had historically regarding private parking lots is that each parking lot is operated differently.

Chair Jonas opened that public hearing.

Mr. David Bernolfo, General Manager for the Post Office Properties spoke to the Commission. He said that Salt Lake City is vibrant along 300 South after 5:00 P.M. and parking is a big component to the success of that area. He said that people prefer to park in a surface parking lot rather than a parking structure. He referred to the new GSA Courthouse that is proposed to be built in that area, and said that it will put a large strain on the parking currently there. He said that according to conversations he has had with GSA, they do not intend to build a structure dedicated to parking because they are concerned that someone may park a car with a bomb inside. Mr. Bernolfo spoke about his properties and said that the two structures were demolished due to the economic hardship to remodel them. He spoke of other plans to develop a market once the Zephyr Club is relocated. The building might also house a post office for the community in that area. He spoke of a dispute with the University of Utah regarding the wall that separates the University property from his property. The University of Utah is very concerned with back filling against the wall. Mr. Bernolfo said that Post Office Properties is currently in discussions with them and unfortunately he expects that there will be a delay in finding a solution. He said that light rail is great, but many businesses downtown such as restaurants, night clubs and hotels depend on surface parking. He said that Post Office Properties is certainly not trying to take down buildings and put in parking lots. They removed the structures because they were a hazard. Now they have a dirt lot that is an eyesore for the community. He stated that 300 South is a great area that is growing and will need more parking for future development.

Commissioner Scott asked how long Post Office Properties has owned the two lots for the proposed surface parking lot. Mr. Bernolfo answered about 15 years.

Commissioner Scott asked if Mr. Bernolfo had made efforts to contact the City to preserve the one structure that had more integrity. Mr. Bernolfo answered that they had not explored that. He added that they would like to develop something major on that corner.

Chair Jonas informed Commissioner Scott that Mr. Bernolfo, with his various entities, is one of the largest property owners in the City. Chair Jonas felt that it is safe to say the City has been in regular discussion with him regarding the development of a number of those properties.

Commissioner DeLay said that as a patron of the businesses that were demolished, those buildings were frightening structures to be in. She said that it is unfortunate those buildings were demolished, but she has faith in the developer and what they have in mind.

Chair Jonas noted the vibrancy on 300 South and said that many wish this were the case on Main Street.

Commissioner Chambless asked Mr. Bernolfo to give details with regard to his comment about discussions and delay on the part of the University of Utah.

Mr. Bernolfo stated that the University of Utah received notice of the demolition of the two structures and never responded.

Commissioner Chambless asked Mr. Bernolfo who specifically he spoke to at the University. Mr. Bernolfo said that he did not have that information with him. He said that the University stated that the wall which separates his property from the University property is a common wall. He said that when the Post Office Properties took down their wall, the University wall stayed standing. Mr. Bernolfo said that he is concerned with the duration of time to resolve the issue with the University.

Commissioner DeLay referred to the request by Mr. John Huish, Director of the University of Utah Campus Design and Construction, to include the resolution of the wall as a condition of approval. She asked if it would be appropriate for the Planning Commission to make such a condition. Mr. Dansie answered that it would normally be a building code issue but because this is a conditional use process it may be appropriate to raise the issue in terms of its effect on the parking lot design.

Chair Jonas said that all parties involved are now aware that this needs to be dealt with.

Commissioner Seelig referred to the statement in the staff report that the demolished structures were not listed on the Historic Register. She asked the Applicant why he did not list the structures. Mr. Bernolfo stated that he did not think the structures were worthy of a historic designation. He said that if they were worthy, then he would have been contacted by the historic preservationist.

Mr. Bernolfo stated that he is concerned with the Planning Commission's position regarding the letter from the University. He said that if the Planning Commission denies the conditional use petition, the negotiations with the University will be one-sided. He said that the University may argue that it is the responsibility of Post Office Properties to shore-up the University structure because Post Office Properties demolished their structure. He said that his position is that Post Office Properties did not interfere with the University structure because they received notification regarding the demolition.

Ms. Grace Sperry addressed the Commission to say that at one time she was the Chairperson for the Downtown Preservation and Development Subcommittee. She said that their purpose was to list the one hundred most historic buildings still remaining in Downtown Salt Lake and among those buildings still standing was the Salt Lake Stamp Building. She said that the Subcommittee made specific attempts to get the owners to list the Stamp Building on the register and the owners refused because they had other plans.

The Applicant declined the opportunity to rebut the public comment.

Chair Jonas closed the public hearing.

Commissioner Scott said that at the July meeting when the Commission denied the conditional use petition, she felt that it was very clear the buildings were eligible for Historic Register. She said that it needs to be made apparent to all of the property owners in the Downtown area that the revitalization of Downtown should be a priority. Allowing buildings to deteriorate or force viable businesses to move are not conducive to the revitalization. Commissioner Scott said that the need for additional parking in that area is lessened due to the loss of two viable businesses. She said that it is not the intent of the Master Plan to allow more parking lots. She said that the Planning Commission should not accept a surface parking lot just because they do not want to see a vacant lot. She said that she encourages Post Office Properties and all other Downtown land owners to be more responsible in maintaining their properties. Commissioner Scott stated that if the Commission makes the decision to deny the petition, she felt that the Commission should trigger a landscaping provision for empty lots. She said that the Planning Commission should send the message that they will not accept dirt and weed covered lots as an alternative to surface parking lots.

Commissioner Daniels said that he is not in favor of more surface parking lots. He is in favor of the Downtown revitalization and he believes that getting people to come Downtown to enjoy the night life is an integral part of the plan, and part of that plan is providing places for people to park. He said that there is a market for a parking lot in that area.

Chair Jonas said that he agrees with the idea to initiate landscaping on the vacant lots Downtown. He said that he disagreed with the idea that revitalization can not happen when structures are demolished. Chair Jonas said that he does not think new construction is always bad. He said that from a safety standpoint, the Applicants made a reasonable and rational decision to demolish those two structures. He said that with this approval, a large part of that street will be landscaped.

Commissioner Noda said that she agreed with Commissioner Scott in that the City is turning into a sea of asphalt in many of the areas of Downtown. She said that there is plenty of parking allowed and another parking lot will not have a positive impact on Downtown. She encouraged the Applicant to develop a market as he suggested.

Commissioner DeLay felt that the Commission did not have the right to force a financial burden on the Applicant to build a restaurant or market. She said that she believed the Applicant is positively trying to change that area, but it is in transition right now.

Commissioner Muir said that the Commission did impose a financial burden on the Hamilton Properties located on Main Street. They had to construct a building that had no tenants just to maintain the street frontage. He said that he is not sure why that was imposed then and not now. He felt the problem is that the Commission has not been given good solutions. He said that he is prepared to accept the petition before the Commission. He said that the Planning Commission

should make a request that Staff look at this issue and forward a recommendation to City Council to impose a moratorium on future demolitions without an immediate plan for a building project. He said that Downtown is not about surface parking lots, it is about streetscape and continuity.

Commissioner Scott reiterated that it is important that there be dialogue and thought before buildings are torn down.

Commissioner DeLay agreed with Commissioner Muir's idea of a moratorium, she felt it would be a good solution. She asked if the Commission would agree to a moratorium on all parking lots.

Chair Jonas said that there are ways parking lots can be permitted uses; such as the case with the Hamilton Partners Properties on Main Street. They did not want to go through the conditional use process, so they put in the structures to avoid it.

Commissioner Seelig said that she appreciated Commissioner DeLay's comment regarding a moratorium on all parking lots; however, since a Coordinated Parking Plan is referenced in the Downtown Master Plan, the Commission should follow it. If a Coordinated Parking Plan does not exist, then the Commission should request such a plan.

Chair Jonas said that in the meetings with the City Council Chair and Vice-Chair, they have asked that the Commission send smaller, more specific issues to City Council. City Council has expressed concern with the Planning Commission initiating petitions with many massive elements.

Mr. Zunguze said that the issue here is that through the conditional use process, the Planning Commission has the ability to approve parking lots without the benefit of an overall strategy. He said that the City Council is expected to take action due to on-going concerns that a number of buildings are in danger of potential demolition and may become parking lots; the City Council will be taking a look at changing that policy. Typically, parking should be associated with a principal use, absent of a coordinated parking plan. He said that it is disastrous to allow stand alone parking lots to be permitted in an adhoc fashion.

Commissioner Chambless said that he is concerned with the approval of a parking lot located so close to Trax station. He also does not agree with the demolition taking place without communication or dialogue.

Commissioner Diamond gave Mr. Bernolfo advice on how to develop his properties to be more walkable. He said that Mr. Bernolfo may want to take a look at the space he is proposing to develop and possibly develop a beer garden or something to the effect that would increase the streetscape and public presence. He said that he feels the two buildings that were demolished were a loss of two interesting structures; however, he understands the economic hardship. He said that something should have been recognized at the point of filing for the demolition permit regarding the wall dispute.

Mr. Bernolfo responded to the development suggestions given by Commissioner Diamond. He said that if Post Office properties could do something different at this time, they would. He said that the Commission is going to be very pleased with the outcome of that corner. He said that when and if the GSA Courthouse is built, a majority of the parking there will be lost.

Commissioner Muir said that the dispute between the University of Utah and Post Office Properties is not germane to the Planning Commission, and is a legal dispute between two land owners.

Commissioner Seelig referred to the Planning Commission's discussion regarding initiation of a petition to conduct a formal evaluation of parking needs in the Downtown area. She noted that the Commission was presented the choice of either a vacant lot or asphalt, and said that it would be relevant to investigate opportunities that would mitigate negative impacts on the communities in the Downtown zoning district and City-wide; as well as investigating opportunities where a vacant lot could provide enhancements.

Motion

Commissioner Scott made a motion to deny Petition No. 410-642 requesting a conditional use for a commercial surface parking lot at 43 and 45 West 300 South, based on the standards for conditional uses items B-K as listed in the staff report, that the proposed development is not in harmony with the purpose and intent of the Master Plan and based on testimony heard this evening and the fact that the vitality of Downtown could be negatively impacted. Commissioner Chambless seconded the motion.

Commissioner Chambless, Commissioner Diamond, Commissioner Noda, Commissioner Scott, and Commissioner Seelig voted "Aye". Commissioner Daniels, Commissioner Delay, and Commissioner Muir voted "Nay". Jeff Jonas as Chair did not vote. Five Commissioners voted in favor and three Commissioners voted against, and therefore the motion was approved.

Initiated Petitions

Commissioner Seelig initiated a petition to investigate potential opportunities to mitigate any negative impacts and enhance any positive impacts of vacant lots in the "D-1" Downtown zoning district.

Chicago Municipal Ordinance

13-12-125 Vacant buildings — Owner required to act--Enforcement authority.

(a) (1) The owner of any building that has become vacant shall within 30 days after the building becomes vacant, or within 30 days after the effective date of this ordinance, whichever is later, file a registration statement for each such building with the department of buildings on forms provided by the department of buildings for such purposes. The registration shall remain valid for one year from the date of registration. The owner shall be required to annually renew the registration as long as the building remains vacant and shall pay an annual registration fee of \$100.00 for each registered building; provided, however, that all eleemosynary, religious, educational, benevolent or charitable associations and all governmental agencies shall be exempt from the payment of the annual registration fee. The owner shall notify the department of buildings, within 20 days, of any change in the registration information by filing an amended registration statement on a form provided by the department of buildings for such purposes. The registration statement shall be deemed prima facie proof of the statements therein contained in any administrative enforcement proceeding or court proceeding instituted by the city against the owner or owners of the building. Registration of a building in accordance with this section shall be deemed to satisfy the registration requirement set forth in Section 13-10-030 and the notification requirement set forth in Section 13-11-030.

(2) In addition to other information required by the commissioner of buildings, the registration statement shall include the name, street address and telephone number of a natural person 21 years of age or older, designated by the owner or owners as the authorized agent for receiving notices of code violations and for receiving process, in any court proceeding or administrative enforcement proceeding, on behalf of such owner or owners in connection with the enforcement of this Code. This person must maintain an office in Cook County, Illinois, or must actually reside within Cook County, Illinois. An owner who is a natural person and who meets the requirements of this subsection as to location of residence or office may designate himself as agent. By designating an authorized agent under the provisions of this subsection the owner is consenting to receive any and all notices of code violations concerning the registered building and all process in any court proceeding or administrative enforcement proceeding brought to enforce code provisions concerning the registered building by service of the notice or process on the authorized agent. Any owner who has designated an authorized agent under the provisions of this subsection shall be deemed to consent to the continuation of the agent's designation for the purposes of this subsection until the owner notifies the department of buildings of a change of authorized agent or until the owner files a new annual registration statement. Any owner who fails to register a vacant building under the provisions of this subsection shall further be deemed to consent to receive, by posting at the building, any and all notices of code violations and all process in an administrative proceeding brought to enforce code provisions concerning the building.

(b) The owner of any building that has become vacant, and any person maintaining, operating or collecting rent for any building that has become vacant shall, within 30 days, do the following:

(1) enclose and secure the building;

(2) post a sign affixed to the building indicating the name, address and telephone number of the owner and the owner's authorized agent for the purpose of service of process. The sign shall be of a size and placed in such a location so as to be legible from the nearest public street or sidewalk, whichever is nearer; and

(3) maintain the building in a secure and closed condition and maintain the sign until the building is again occupied or until repair or completion of the building has been undertaken.

(c) The owner of any building that has become vacant shall, within 30 days, acquire or otherwise maintain liability insurance, in an amount of not less than \$300,000.00 for buildings designed primarily for use as residential units and not less than \$1,000,000.00 for any other building, including, but not limited to, buildings designed for manufacturing, industrial, storage or commercial uses, covering any damage to any person or any property caused by any physical condition of or in the building. Any insurance policy acquired after the building has become vacant shall provide for written notice to the commissioner of buildings within 30 days of any lapse, cancellation or change in coverage. The owner and the owner's authorized agent for service of process shall provide evidence of the insurance, upon request, to the commissioner of buildings or his or her designee.

(d) The building commissioner may issue rules and regulations for the administration of this section. These rules may designate board-up materials and methods which must be used when securing a building so that the boarding is reasonably incapable of being removed by trespassers or others acting without the building owner's consent. Any person who violates any provision of this section or of the rules and regulations issued hereunder shall be fined not less than \$200.00 and not more than \$1,000.00 for each offense. Every day that a violation continues shall constitute a separate and distinct offense.

(e) For purposes of this section, "vacant" means a building which is lacking habitual presence of human beings who have a legal right to be on the premises, or at which substantially all lawful business operations or residential occupancy has ceased, or which is substantially devoid of content. In determining whether a building is vacant, it is relevant to consider, among other factors, the percentage of the overall square footage of the building or floor to the occupied space, the condition and value of any items in the building and the presence of rental or for sale signs on the property; provided that a residential property shall not be deemed vacant if it has been used as a residence by a person entitled to possession for a period of at least three months within the previous nine months and a person entitled to possession intends to resume residing at the property; and further provided that multi-family residential property containing five or more dwelling units shall be considered vacant when substantially all of the dwelling units are unoccupied.

(Added Coun. J. 10-2-91, p. 6032; Amend Coun. J. 4-12-00, p. 29471, § 1; Amend Coun. J. 12-4-02, p.99931, § 9.1)

A. LOUIS ZUNGUZE
PLANNING DIRECTOR

BRENT B. WILDE
DEPUTY PLANNING DIRECTOR

SALT LAKE CITY CORPORATION
COMMUNITY DEVELOPMENT
PLANNING AND ZONING DIVISION

ROSS C. ANDERSON
MAYOR

DOUGLAS L. WHEELWRIGHT, AICP
DEPUTY PLANNING DIRECTOR

COUNCIL TRANSMITTAL

TO: Rocky Fluhart, Management Services Department **DATE:** March 25, 2005

FROM: Louis Zunguze, Community Development Department

RE: **Petition 400-03-30:** A request by the Salt Lake City Planning Commission to amend the Salt Lake City Code to add language regarding the conversion of vacant properties, due to demolition, to commercial parking garages, lots, or decks in the "D-1" zone. Additionally, vacant properties, due to demolition in the "D-1" zone, where no replacement use is proposed, would be required to install a landscape yard around the entire perimeter of the parcel with drought tolerant landscaping.

STAFF CONTACT: Lex Traughber, Principal Planner, Planning Division
535-6184 or lex.traughber@slcgov.com

DOCUMENT TYPE: Ordinance

RECOMMENDATION: The City Council hold a briefing and schedule a public hearing regarding said Salt Lake City Code text amendment.

BUDGET IMPACT: None

DISCUSSION: This petition was transmitted to the City Council and a briefing was held on October 21, 2004. In general, the Council Members agreed with the basic premise of the petition. The following couple of points were identified by Council Members, as requiring further evaluation:

1. Whether or not it would be prudent to determine the need or demand for additional parking in a specific geographic area. Essentially, what was suggested is that an applicant would have to demonstrate to the Planning Commission that there is a need or demand for the parking in a given area.
2. The issue of fencing was raised in light of the landscaping requirement for vacant lots due to demolition. Council Members had concern that fencing could be installed that could be visually detrimental on a vacant lot.

Planning Staff considered these comments and the following changes are being recommended as appropriate to address these issues.

1. With respect to parking demand, Planning Staff proposes that the applicant be required to demonstrate that the parking lot meets one of the following criteria:
 - a. The parking lot is associated with a proposed principal land use, or;
 - b. The parking lot is shown to be necessary for an existing adjacent land use(s), or;
 - c. If the parking lot is not associated with a principal land use or a specific increase in parking demand, the applicant shall document to the Planning Commission's satisfaction that there is a need for more commercial parking in a given area and, if so, it must participate in the Downtown Token Program.
2. Concerning the issue of fencing, Planning Staff recommends that fencing be considered as an element of the required landscape yard; however, it cannot be installed in lieu of required landscaping. If fencing is proposed for a particular site, the approval of said fencing would be delegated to the Building Official with the input from the Planning Director. An assessment would be made by the Building Official and the Planning Director to determine if the fencing materials, location, and height are compatible with adjacent properties and the given site.

To that end, Planning Staff recommends that sections 21A.30.D.3e and 21A.48.100.D.2 of the Salt Lake City Code be amended as per the attached ordinance.

SALT LAKE CITY ORDINANCE
No. _____ of 2005
(Amending Requirements for Parking Lots in Downtown Zoning Districts)

AN ORDINANCE AMENDING THE SALT LAKE CITY CODE REGARDING
REGULATIONS FOR PARKING LOTS IN THE DOWNTOWN (D-1) ZONING
DISTRICT, PURSUANT TO PETITION NO. 400-03-30.

WHEREAS, the Salt Lake City Code contains certain regulations regarding the creation and appearance of parking lots within the City; and

WHEREAS, the City Council now desires to amend the City Code to add language requiring that new parking lots, on vacant properties resulting from demolition activity in the Downtown (D-1) zoning district, be associated with a proposed principal land use, be necessary for an existing adjacent land use(s), or be documented to show that there is a need for more commercial parking in a given area and, if so, be required to participate in the Downtown Token Program; and

WHEREAS, the City Council also desires to amend the City Code to provide that the perimeter of vacant sites, resulting from demolition activity with no proposed replacement use, in the Downtown (D-1) zoning district, be landscaped; and

WHEREAS, the City Council finds that the proposed amendments are in the best interest of the City;

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

SECTION 1. Section 18.64.040.D of the Salt Lake City Code shall be and hereby is enacted to read as follows:

D. For parcels in the D-1 zone, a permit for the use replacing the demolished building or structure has been issued by Building Services and Licensing, or a landscape plan for the site has been approved in accordance with section 21A.48.100(D) of this Code. A performance

bond to assure timely and proper installation and maintenance of the landscaping shall be filed with the city in a form acceptable to the city.

SECTION 2. Section 21A.30.020.D.3e of the Salt Lake City Code shall be and hereby is enacted to read as follows:

e. Parking lots, proposed as a principal use to facilitate a building demolition, shall be permitted as a conditional use with the approval of the Planning Commission pursuant to the provisions of Chapter 21A.54 of this Title, where it is found that the parking lot is:

i. Associated with a proposed principal land use, or;

ii. Shown to be necessary for an existing adjacent land use(s). Demand shall be demonstrated through affidavits or executed lease agreements for off-site parking. Said lot shall be located within 500 feet of the principal use(s) that it is proposed to serve, and shall not exceed more than 50% of the required parking stall count for said use(s), or;

iii. Not associated with a principal land use or a specific increase in parking demand. The applicant shall document to the Planning Commission's satisfaction that there is a need for more commercial parking in a given area and, if so, it must participate in the overall Downtown Token Program.

SECTION 3. Section 21A.30.020.D.9 of the Salt Lake City Code shall be and hereby is enacted to read as follows:

9. Landscape Requirements for Demolition Sites: Vacant lots, resulting from demolition activities where no replacement use is proposed, shall conform to Chapter 21A.48 of this Title, special landscape requirements applicable to the D-1 Central Business District.

SECTION 4. Section 21A.48.100.D.2 of the Salt Lake City Code shall be and hereby is enacted to read as follows:

2. Landscaping for Vacant Lots: Special landscaping shall be required on those lots becoming vacant, where no replacement use is proposed, in conformance with the following:

a. Landscape yard requirement: A landscape yard of fifteen feet (15') shall be required as measured from any point along all property lines.

Fencing, pursuant to Section 21A.40.120, can be used as an element of the overall landscaping plan, however, shall not be used in lieu of the landscaping requirements of this section. The purpose of any fencing on downtown lots, is for aesthetic value only, and shall consist of wrought iron or other similar material (no chain link). Fencing shall be open so as not to create a visual barrier, and shall be limited to a maximum of four feet (4') in height, with the exception of a fence located within thirty feet (30') of the intersection of front property lines on any corner lot as noted in Section 21A. 40.120(D). The approval of a final landscape plan, that includes a fencing element, shall be delegated to the Building Official with the input of the Planning Director, to determine if the fencing materials, location, and height are compatible with adjacent properties in a given setting.

b. Trees: Shade trees shall be provided at the rate of one tree per thirty feet (30') of yard length, rounded up to the nearest whole number.

c. Shrubs: Shrubs shall be provided at the rate of one plant for every three feet (3') of yard length, evenly spaced, limited to a height of not more than three feet (3') . All plants shall be drought tolerant; consult the Salt Lake City water-wise plant list for suggestions. At least forty percent (40%) of the plants must be evergreen.

d. Groundcover: Areas not planted with shrubs and trees shall be maintained in drought tolerant vegetative groundcover.

e. Irrigation: Permanent irrigation shall be installed and used as needed to maintain plant materials in a healthy state.

f. Maintenance: Landscaping shall be installed and maintained in conformance with the approved landscape plan. Landscaping shall be kept free of weeds and litter.

SECTION 5. Effective Date. This ordinance shall become effective on the date of its first publication.

Passed by the City Council of Salt Lake City, Utah, this _____ day of _____, 2005.

CHAIRPERSON

ATTEST AND COUNTERSIGN:

CHIEF DEPUTY CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

CHIEF DEPUTY CITY RECORDER

(SEAL)

Bill No. _____ of 2005.
Published: _____.

APPROVED AS TO FORM
Salt Lake City Attorney's Office
Date March 25, 2005
By Melanie Reif