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# M E M O R A N D U M

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**DATE:** August 4, 2005  
**TO:** City Council Members  
**FROM:** Russell Weeks  
**RE:** City Planning Commission Petition No. 400-04-29 (Department Store Locations)  
**CC:** Cindy Gust-Jenson, Rocky Fluhart, Louis Zunguze, Brent Wilde, Gary Mumford, Joel Paterson, Janice Jardine

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This memorandum pertains to two proposed amendments to the *Zoning Ordinance* and a proposed amendment to the *Zoning Map*. The proposed amendments are contained in Petition No. 400-04-29. The petition is scheduled for a briefing at the City Council's work session on August 9.

## OPTIONS

- The City Council could schedule all three proposed ordinances for action.
- The City Council could schedule one or two of the proposed ordinance for action and hold the remainder for further study and consideration.
- The City Council could decline to schedule any or all the proposed ordinances for action.

## POTENTIAL MOTIONS

City Council staff will prepare motions after the August 9 briefing.

## KEY POINTS

- The proposed amendments are the result of the City Council's adoption of Ordinance No. 4 of 2004 in January that year to create seven definitions of the umbrella term "department store." The ordinance also directed the location of "certain department stores in the D-1 and G-MU districts," according to the Administration's transmittal material. In addition, the ordinance created the "Downtown Main Street Core Overlay District."
- The purpose of the "Core Overlay District" is to encourage the concentration of large-scale fashion retailing along the city's Main Street corridor within the boundaries of the "centerlines of South Temple, State Street, 500 South and West Temple Streets," according to the *Zoning Ordinance*.
- A separate motion by Council Member Eric Jergensen and seconded by Council Member Dale Lambert contained the following language: "... express support for the

Planning Commission's efforts to address apparent inconsistencies in the current zoning ordinance which allowed department stores to locate on approximately 47 other downtown blocks ...”

- The Planning Commission on November 12, 2003, “further recommended that the Planning Staff return to the Commission with a subsequent petition to consider where else in the City department stores should be allowed.”
- In the year 2003 “department stores” were allowed in the D-1 (Central Business), D-2 (Downtown Support), C-SHBD (Sugar House Business) and CS (Community Shopping) districts.
- Two of the proposed ordinances would allow – except for large-scale fashion retail stores only in the Core Overlay District – stores that meet one of the seven definitions of “department store” to locate in areas designated as D-1 (other sections of the Central Business District not in the Core Overlay District); D-2 (Downtown Support Commercial District); D-4 (Secondary Central Business District); C-SHBD (Sugar House Business District); CG (Commercial General); CS (Community Shopping); and in one instance CC (Corridor Commercial).
- Currently, the Zoning Ordinance appears to restrict stores contained in the seven definitions to the Downtown Main Street Core Overlay District and the Gateway Mixed-Use District. A “department store” under the old definition may still be a permitted use in districts designated as CS (Community Shopping) and C-SHBD (Sugar House Business District).
- The third proposed ordinance involves changing the designation on the *Zoning Map* of a block bordered respectively by Sixth Avenue, F Street, Fifth Avenue and E Street from CS (Community Shopping) to CB (Community Business District).

### **ISSUES/QUESTIONS FOR CONSIDERATION**

- What was the City Council's intent in supporting the Planning Commission's efforts to “address apparent inconsistencies in the current zoning ordinance which allowed department stores to locate on approximately 47 other downtown blocks.”? Was the intent to concentrate that kind of retail business or to allow for flexibility to address future changes in retail marketing?
- Do the proposed ordinances meet that intent?
- If there is a concern great enough to change the designation of one area on the Zoning Map from CS to CB, are there other areas in or near residential neighborhoods in districts that would be affected by the proposed ordinances that might merit a similar reduction in intensity of use because some kinds of department stores might be inappropriate in those areas?

## DISCUSSION/BACKGROUND

Perhaps the best starting point is to review a chart developed during the City Council's consideration of the seven definitions of "department store."

<b>Department Store Definitions</b>				
<b>Title</b>	<b>Merchandise Lines</b>	<b>Price Range</b>	<b>Square Footage</b>	<b>Kinds of Stores</b>
<b>Conventional Department Store</b>	Broad range, mainly apparel, home goods	Moderate	More than 100,000 square feet	Kohl's, J.C. Penney, Mervyns
<b>Fashion-Oriented Department Store</b>	Nationally advertised brands; 40 percent sales area for apparel, shoes, cosmetics, accessories; some appliances; some seasonal or special catalogs	Not listed in ordinance	More than 100,000 square feet	Meier & Frank, Bloomindales, Macy's, Dillards, Marshall Fields, Bon Marche, Broadway, Broadway Southwest, Robinsons-May
<b>Specialty Fashion Department Store</b>	Apparel, fashion accessories, jewelry, limited items for home and housewares – often exclusive offerings	High-end	80,000 to 130,000 square feet	Lord & Taylor, Nieman Marcus, Nordstrom, Saks Fifth Avenue
<b>Mass Merchandising Store</b>	High-volume, fast turnover, variety of merchandise including apparel and home goods	Generally lower prices	More than 80,000 square feet	Wal-Mart, K-Mart, Target, Fred Meyer, Shopko
<b>Specialty Store</b>	Broad range of single category of goods	Competitive prices	20,000 to 100,000 square feet	Home Depot, Toys "R" Us, Petsmart, Michaels, Barnes & Noble, Circuit City, Galyan's, Pep Boys, CompUSA
<b>Superstore &amp; Hypermarket</b>	General line of groceries with general lines of apparel, furniture, appliances	Discount prices	120,000 to 180,000 square feet	Wal-Mart Supercenter; Meijer's; Fred Meyer's (with grocery; Super Target

Title	Merchandise Lines	Price Range	Square Footage	Kinds of Stores
Warehouse Club Store	General merchandise, packaged and bulk foods, restricted lines of popular merchandise	Not listed in ordinance – paid membership required	120,000 to 150,000 square feet	B.J.'s Wholesale Club; COSTCO; Sam's Club

According to the Administration transmittal, the current ordinance allows the location of “conventional department stores,” “fashion-oriented department stores,” “mass merchandising stores,” “specialty fashion department stores,” and “specialty stores” only in the D-1 district “within the boundaries and subject to the provisions of the Downtown Main Street Core Overlay District.” (Please See Exhibit A titled *Section 21 A.30.050 Table of Permitted and Conditional Uses for the Downtown Districts* attached to the proposed ordinance.)

The Gateway Mixed-Use District allows the location of “conventional department stores,” “mass merchandising stores,” “specialty stores,” and “superstores and hypermarkets.” (Table: Page 3, Administration transmittal.)

Under the proposed ordinance to amend Section 21A.30.050, *Table of Permitted and Conditional Uses for the Downtown Districts*, fashion-oriented department stores and specialty fashion department stores would remain restricted to the Downtown Main Street Core Overlay District. However, conventional department stores, mass merchandising stores, and specialty stores could locate anywhere within the D-1 (Central Business) District. The three kinds of stores also could locate in the D-2 (Downtown Support) District and the D-4 (Secondary Central Business) District. Superstores and Hypermarkets also could locate in the D-2 District.

Under the current Section 21A.26.080 titled *Table of Permitted and Conditional Uses for Commercial Districts*, “department stores” – apparently under the definition of “department store” that existed before the City Council adopted the seven definitions – are allowed to locate in districts designated CS (Community Shopping) and in the C-SHBD (Sugar House Business District.)

Under the ordinance to amend the *Table of Permitted and Conditional Uses for Commercial Districts* in Section 21A.26.080 conventional department stores would be permitted uses in districts designated CS and in the Sugar House Business District. Mass merchandising stores would be permitted uses in the two kinds of districts and in districts designated CG (Commercial General). Specialty stores would be permitted uses in those three kinds of districts plus districts designated as CC (Corridor Commercial). Superstores and hypermarkets would be permitted uses in districts designated CS and CG. Warehouse club stores would be permitted uses in areas designated as CG.

Two things might be noted. First, the Administration transmittal indicates that the two ordinances would affect every City Council district. The transmittal contains a map showing where department stores – under the seven definitions – would be permitted. (Please see Planning Commission Staff Report Exhibit 1 *Map of Affected Zoning Districts*.) The map can be compared with the two maps provided by the Planning Division. One map shows the areas where department stores were permitted in the year 2003. The other map shows the CS and CG districts

in Salt Lake City. The second item that might be noted is the size of buildings in the seven definitions of “department store” range in size from 20,000 square feet to 180,000 square feet.

The third proposed ordinance would change the designation of a block bordered by Sixth Avenue, F Street, Fifth Avenue and E Street from CS (Community Shopping) to CB (Community Business) on the *Zoning Map*. According to the Administration transmittal on Page 2, “The reason for the map amendment is that certain types of department stores proposed to be allowed in the CS District are not appropriate for this location.”

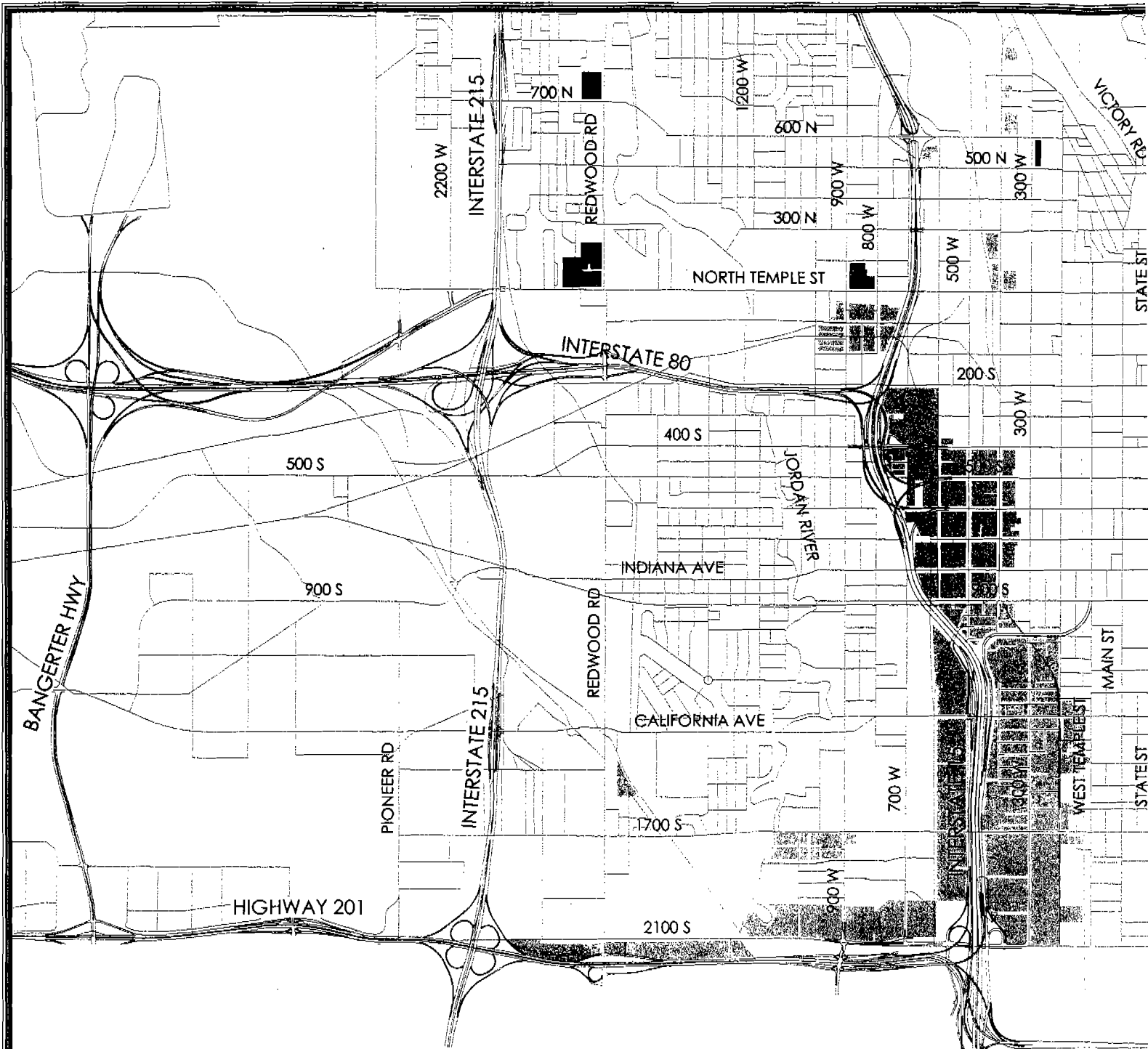
According to the Administration transmittal, “Each community master plan includes a future land use map to guide zoning amendments and development activities. The future land use maps indicate appropriate locations for various intensities of commercial development. (Please see transmittal document Pages 3 and 4.)

The transmittal also indicates that the CS (Community Shopping) and CC (Corridor Commercial) “have built in mechanisms which require discretionary review by the Planning Commission and allows the City to impose conditions and affect site design to lessen impacts on adjacent residential land.” (Please see items E and F on Page 9, Planning Commission Staff Report.)

Nevertheless, the City Council may wish to consider requesting more research on whether there are other locations by or near residential areas that warrant the same consideration as the block bordered by Sixth Avenue, F Street, Fifth Avenue and E Street. It should be noted that the Planning Commission’s discussion of the proposed amendments appear to focus solely on the ordinance that would change the designation of the block mentioned above from CS to CB.

Finally, the City Council may wish to ask the Administration how the proposed ordinances correspond to the following items from the 2003 *Salt Lake City Council Policy Statement on The Future Economic Development of Downtown*.

- The City Council recognizes that Main Street is the core of our downtown commercial, tourist, and convention activity. To encourage the relocation of retail or other commercial businesses or other key “anchors” away from Main Street will undermine these activities to the long-term detriment of downtown, including the Gateway and other development. The continued vitality of Main Street is essential to the economic and cultural health of our great city.
- The City should continue to support and encourage retail on Main Street, with complimentary retail at The Gateway, Trolley Square, and in East Downtown in an effort to generate economic growth in the broader downtown area.



# CG and CS Zoning Districts

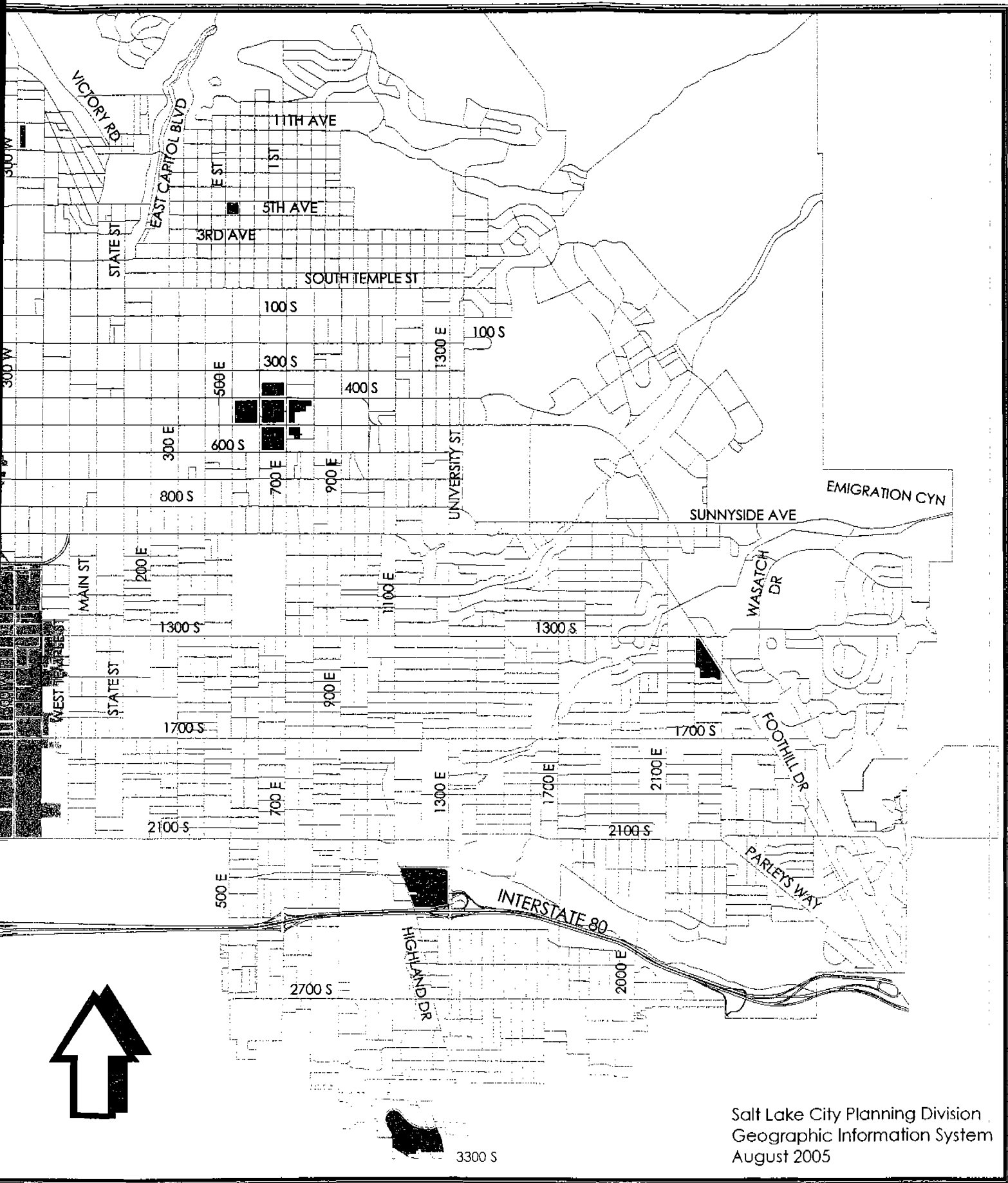


CG - General Commercial

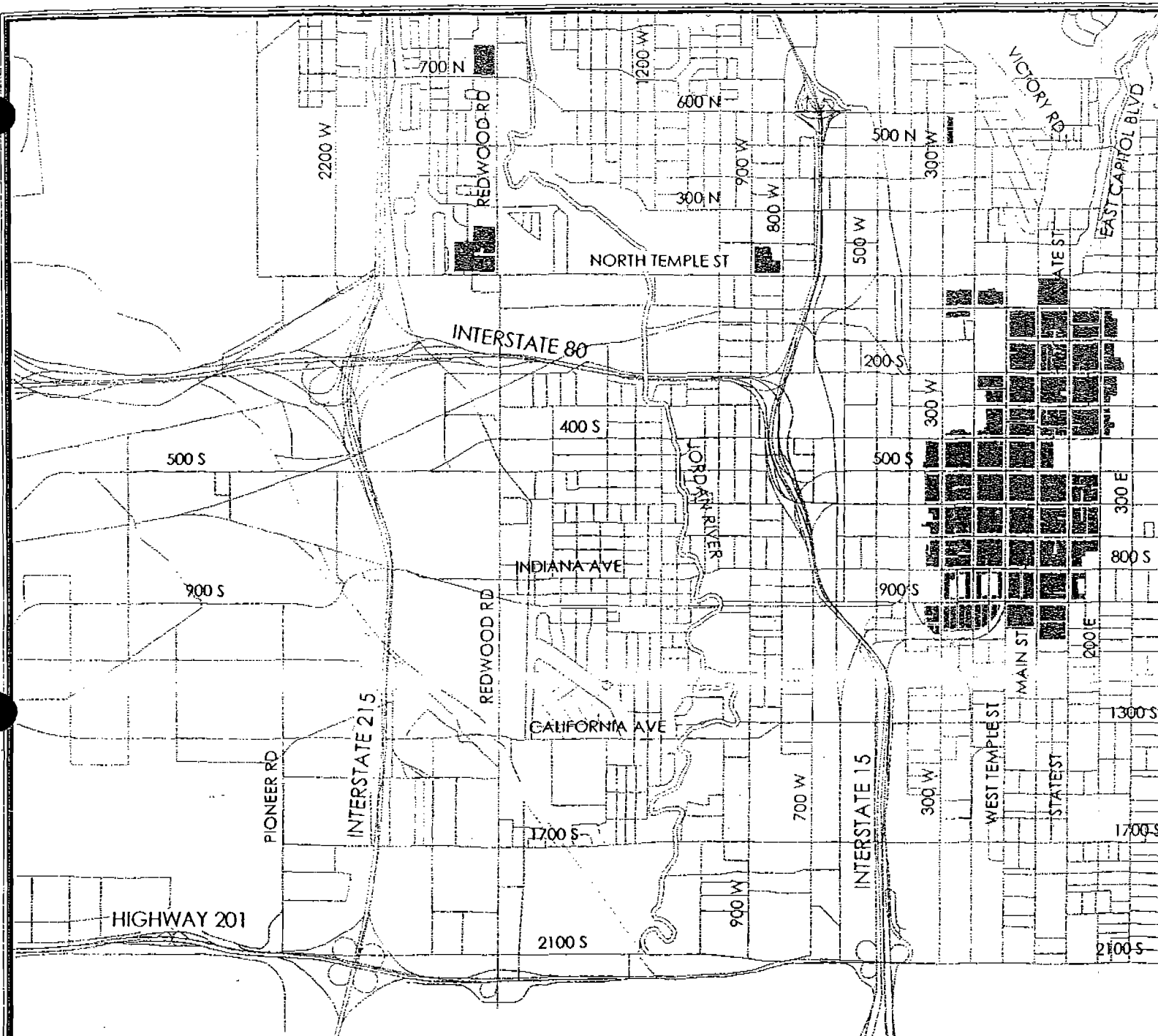


CS - Community Shopping







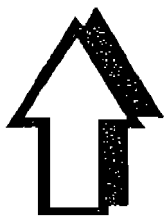


Salt Lake City Planning Division  
 Geographic Information System  
 August 2005

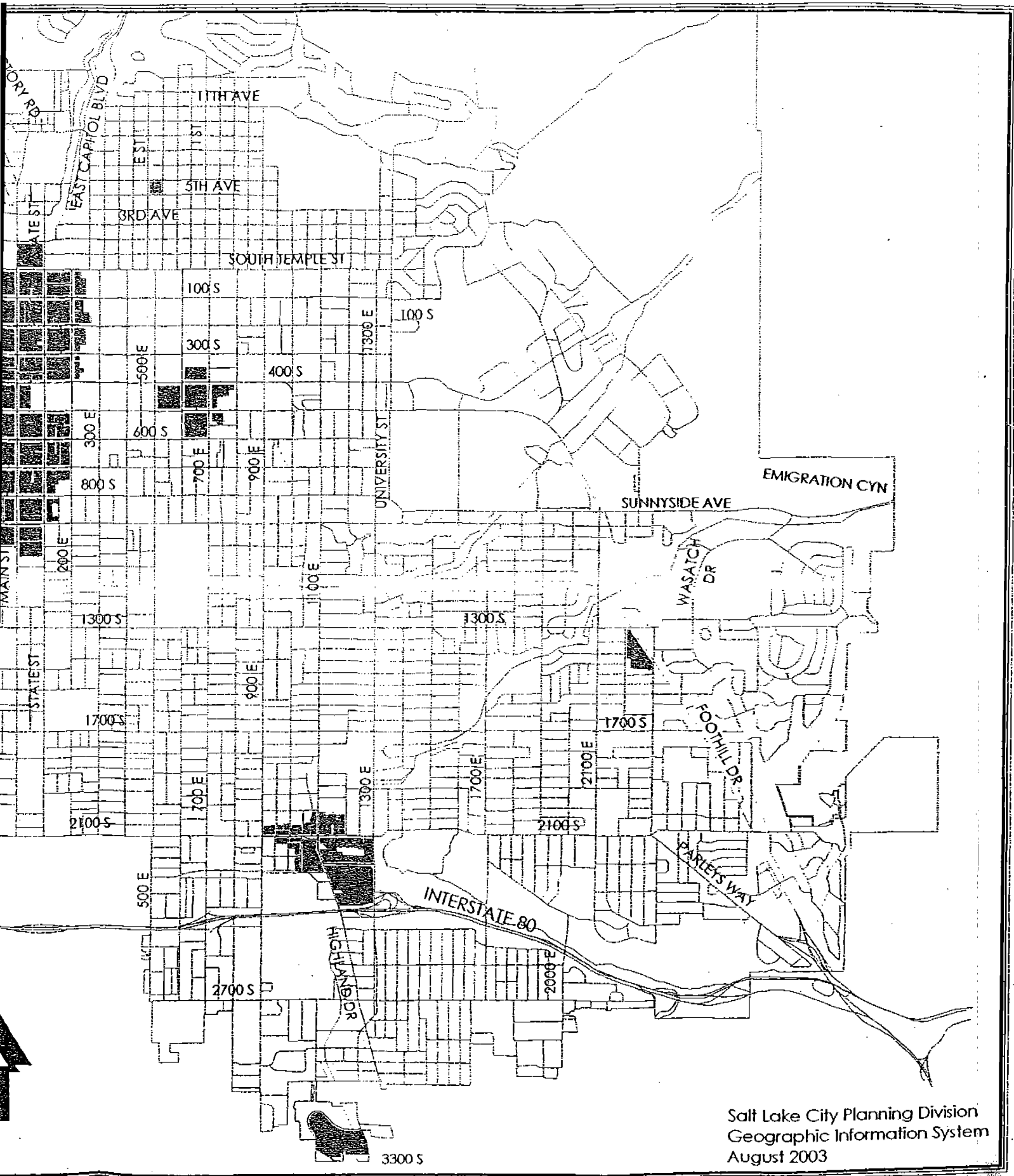


**Zoning Districts that allow Department Stores**

-  C-SHBD - Sugar House Business District
-  CS - Community Shopping
-  D-1 - Central Business District
-  D-2 - Downtown Support District







Salt Lake City Planning Division  
Geographic Information System  
August 2003

A. LOUIS ZUNGUZE  
DIRECTOR  
  
BRENT B. WILDE  
DEPUTY DIRECTOR

**SALT LAKE CITY CORPORATION**  
DEPT. OF COMMUNITY DEVELOPMENT  
OFFICE OF THE DIRECTOR

ROSS C. "ROCKY" ANDERSON  
MAYOR

**CITY COUNCIL TRANSMITTAL**

*Fluhart*

**TO:** Rocky Fluhart, Chief Administrative Officer      **Date:** June 27, 2005  
**FROM:** Louis Zunguze, Community Development Director *LZ by Brent Wilde*  
**RE:** Petition 400-04-29: A Petition by the Salt Lake City Planning Commission requesting to amend the Zoning Ordinance to allow different types of department stores in various Commercial and Downtown zoning districts and to amend the Zoning Map classification of Block 76, Plat D, Salt Lake City Survey.

**STAFF CONTACTS:** Joel Paterson, Planning Programs Supervisor (535-6141)  
e-mail: joel.paterson@slcgov.com

**DOCUMENT TYPE:** Ordinance

**BUDGET IMPACT:** None

**DISCUSSION:** Petition 400-04-29 is a request by the Salt Lake City Planning Commission to amend Sections 21A.26.80 Table of Permitted and Conditional Uses for Commercial Districts and 21A.30.050 Table of Permitted and Conditional Uses for the Downtown Districts to allow different types of department stores as permitted uses in various commercial and downtown zoning districts. This petition also requests to amend the Zoning Map designation for Block 76, Plat D, Salt Lake City Survey from Community Shopping (CS) to Community Business (CB). This block is located between Fifth and Sixth Avenues from E Street to F Street.

**ISSUE ORIGIN:** In October 2003, the City Council considered a petition requesting that department stores such as Nordstrom and Target be allowed to locate in the G-MU District. The City Council clearly stated that large-scale high fashion department stores should remain on Main Street. The City Council also suggested that there is potential for certain types of large-scale retailers to locate at the Gateway and remain consistent with the City Council policy statement regarding the future economic development of Downtown. The City Council requested that the Planning Commission recommend new department store definitions to the City Council which would be in accordance with industry standards.

On November 12, 2003, the Planning Commission recommended that the City Council:

1. Adopt seven new department store definitions;
2. Amend the D-1 and the G-MU districts to allow certain types of department stores; and
3. Adopt the Downtown Main Street Core Overlay District to define where certain large-scale high fashion department stores would be allowed along the Main Street corridor.

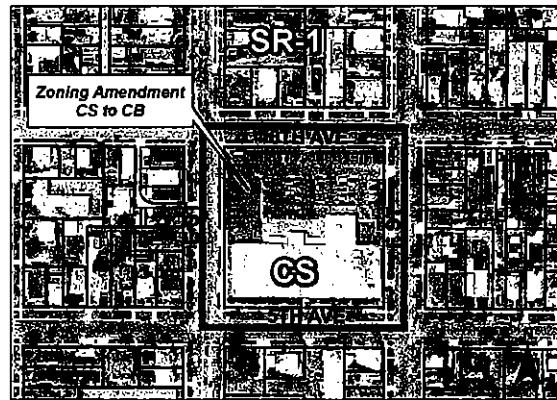
The Planning Commission further recommended that the Planning Staff return to the Commission with a subsequent petition to consider where else in the City department stores should be allowed.

The City Council voted on January 13, 2004, to adopt Ordinance 4 of 2004 amending the Zoning Ordinance by creating seven definitions of department stores and allowing the location of certain department stores in the D-1 and G-MU districts. The new definitions reflect industry standards for various types of characteristic large commercial land uses. This action also created the Downtown Main Street Core Overlay District to encourage the concentration of large-scale fashion retailing along the Main Street corridor located between South Temple and 500 South from West Temple to State Street.

#### **PROPOSED ZONING AMENDMENTS:**

The proposed Zoning Map amendment would change the zoning designation of Block 76 Plat D, Salt Lake City Survey from Community Shopping District (CS) to Community Business District (CB).

The reason for the map amendment is that certain types of department stores proposed to be allowed in the CS District are not appropriate for this location. The CB zoning district is designed to integrate into residential settings such as this location in the Avenues. This block is surrounded by residential land uses located in the SR-1 Special Development Pattern Residential District.



The following table summarizes the Planning Commission recommendation to amend the Tables of Permitted and Conditional Uses for Commercial and Downtown Districts.

SUMMARY OF PROPOSED TEXT AMENDMENT RECOMMENDATIONS								
Department Store Classification	CC	CS	C-SHBD	CG	D-1	D-2	D-4	G-MU
Department Store		<u>P</u>	<u>P</u>					
Conventional Department Store		<u>P</u>	<u>P</u>		<del>P</del> <sup>3</sup> <u>P</u>	<u>P</u>	<u>P</u>	P
Fashion Oriented Department Store					P <sup>3</sup>			
Mass Merchandising Store		<u>P</u>	<u>P</u>	<u>P</u>	<del>P</del> <sup>3</sup> <u>P</u>	<u>P</u>	<u>P</u>	P
Specialty Fashion Department Store					P <sup>3</sup>			
Specialty Store	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<del>P</del> <sup>3</sup> <u>P</u>	<u>P</u>	<u>P</u>	P
Superstore & Hypermarket		<u>P</u>		<u>P</u>		<u>P</u>		P
Warehouse Club Store				<u>P</u>				

3. Uses Allowed only within the boundaries and subject to the provisions of the Downtown Main Street Core Overlay District (Section 21A.34.110 of this title).

For your reference, the department store definitions are attached in Exhibit 6.

**PUBLIC PROCESS:** The proposed Zoning Ordinance text and map amendments and the department store definitions were made available to the Community Council chairs, Downtown Alliance, Downtown Merchants Association, Hispanic Chamber of Commerce, Salt Lake Chamber of Commerce, Sugar House Merchants Association, Vest Pocket Business Coalition, and the Westside Alliance. These organizations and property owners within 450 feet of Block 76 were invited to submit written comments and attend a public open house held on March 3, 2005. Only two people attended the open house.

The Greater Avenues Community Council (GACC) reviewed the proposed Zoning Map amendment for Block 76 and the proposed text amendments on January 5, 2005. The GACC voted unanimously in favor of the proposed zoning change from CS to CB. A letter from the GACC is attached as Exhibit 3.

Based on the staff report, public comment, and analysis, the Planning Commission voted on April 27, 2005, to approve a recommendation to the City Council to adopt the proposed text amendments and map amendment.

**CITY COUNCIL POLICY AND MASTER PLAN CONSIDERATIONS:** The proposed text amendments affect Commercial, Downtown, and Gateway zoning districts which are located throughout the City. Each community master plan includes a future land use map

to guide zoning amendments and development activities. The future land use maps indicate appropriate locations for various intensities of commercial development.

**Salt Lake City Strategic Plan:** This plan is intended to define a vision for Salt Lake City's future and show how it can be achieved. This plan includes the following objective and strategies which may be relevant to the proposed Zoning Ordinance amendments:

- Objective F. The City will sustain world class businesses that capitalize on its geographic and labor market competitive advantages and offer a wide variety of career path choices for its residents:*
- Strategy 15. Facilitate development of complementary retail shopping opportunities in City neighborhoods and commercial areas of the City.*
- Strategy 16. Strengthen the attractiveness of downtown as the regional center for cultural activity, tourism, entertainment, retail, finance, professional and corporate offices.*

**The Gateway Development Master Plan:** The Gateway Development Master Plan was developed for the area located between North Temple and 1000 South from 300 West to I-15. The purpose of this plan is to give direction and provide a framework for guiding future decisions regarding growth and development in the Gateway District.

The Gateway Development Master Plan consists of two documents, ***Creating an Urban Neighborhood*** and the ***Gateway Specific Plan***. ***Creating an Urban Neighborhood*** provides the vision for the Gateway District by identifying guiding principles and setting a framework for implementation. The ***Gateway Specific Plan*** provides the objectives, policies, and tools to achieve the guiding principles and implementation identified in ***Creating an Urban Neighborhood***.

Relevant excerpts from the ***Creating an Urban Neighborhood*** outline the guiding development principles:

#### **New Land Use Patterns**

- **Civic, Cultural, Community:** Large-scale facilities include a variety of museums, arts and cultural uses that are local and regional attractions. These include a children's museum, planetarium, art and history center, natural history museum, galleries and exhibits, performing arts facilities, ethnic cultural halls and exhibits, an educational campus or complex and a theme retail shopping center. (page 6)
- **Retail:** Retail and other small commercial uses reinforce the street life of neighborhoods and provide essential services and conveniences to people. (page 6)
- **Commercial:** These are larger scale uses, such as retail uses that are part of a center or complex. (page 6)

### **Union Pacific Sub-district**

- The focus will be on visitor attractions, museums, educational facilities, shopping, theme entertainment/retail, open space, major employment, residential, and hotel and cultural uses. It is essential that housing become part of a mixed-use urban neighborhood with a large component of high density and varied housing types. Together, these uses will provide a 24-hour population in the area. (page 8)

Relevant excerpts from the *Gateway Specific Plan* outline the objectives and policies to implement the urban neighborhood:

### **Guiding Principles:**

- Create a positive and clear identity for Salt Lake City and the Gateway District.
- Encourage development which strengthens and compliments the Central Business District.

### **Land Use:**

**Objective 4** – Provide for the development of a diverse mixture of uses that complement downtown, encourage a variety of housing opportunities, and facilitate the enhancement and revitalization of the Gateway District.

**Policy 4.4** – Create a special zoning district, or approval process, which encourages and compliments the Central Business District.

**Objective 5** – Provide opportunities for housing within the Gateway District to reinforce downtown as a place to live, work, and shop. (page 21)

### **Commercial:**

**Objective 1** – Strengthen the downtown Central Business District as the region’s principal employment center. (page 29)

**Policy 1.2**– Strengthen Main Street as the primary retail core with the Gateway District as a secondary retail area having a different appeal and character.

**Policy 1.4** – provide a strong residential component to support development in the Gateway District as well as the CBD.

**The Salt Lake City Downtown Plan (1995):** The purpose of the Downtown Plan is to articulate the “vision” of Downtown with its essential goals and objectives to direct the future of Downtown. This plan defines the downtown core as the area extending from South Temple to 400 South from West Temple to 200 East. Furthermore, the Plan defines “downtown” to include a larger area located between North Temple and 900 South from I-15 to 700 East. (Page 1)

Relevant excerpts from the Salt Lake City Downtown Master Plan:

Retail – Diversify Downtown retail and broaden its market to include goods and services not normally sold in regional malls and suburban areas. (page 9)

- Develop a critical mass of retail along Main Street that can successfully draw and compete with other commercial areas in the region.
  - Foster and reinforce existing business along Main Street.
  - Establish a large retail anchor at the southern end of Downtown.
  - Reinforce the southern end of the business district.
  
- Encourage a compact Downtown
  - Discourage large retail centers outside the Downtown area.

**Avenues Master Plan Update:** The adopted land use policy document that guides new development and zoning decisions in the area surrounding the proposed zoning map amendment, is the Avenues Master Plan Update. This plan recommends business/Commercial zoning for Block 76. The proposed CB zoning designation for this block is consistent with the recommendation of the master plan.

**RELEVANT ORDINANCES:** Salt Lake City Code section 21A.50.050 Standards for General Amendments (see Exhibit 5B, Planning Commission Staff Report to review the relevant findings).

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**Exhibit 1**  
**CHRONOLOGY**

## CHRONOLOGY

### PETITION 400-04-29 By the Salt Lake City Planning Commission

November 12, 2003	Petition initiated by the Planning Commission
January 13, 2004	The City Council adopted Ordinance 4 of 2004 amending the Zoning Ordinance by creating seven definitions of department stores and allowing the location of certain department stores in the D-1 and G-MU districts.
January 5, 2005	The Greater Avenues Community Council (GACC) reviewed the proposed Zoning Map amendment for Block 76 and the proposed text amendments. The GACC voted unanimously in favor of the proposed zoning change from CS to CB.
February 18, 2005	Notice of public open house mailed.
March 3, 2005	A public open house was held at the City and County Building.
April 12, 2005	Notice of the Planning Commission public hearing mailed.
April 15, 2005	On location signs posted on Block 76 to provide notice of Planning Commission public hearing.
April 27, 2005	Planning Commission public hearing. The Planning Commission voted to forward a positive recommendation to the City Council to amend the Zoning Ordinance to allow certain department stores in various Commercial and Downtown zoning districts and to amend the Zoning Map by changing the classification of Block 76, Plat D from CS to CB.
May 12, 2005	Sent a request for an ordinance to the Attorney's Office.

**Exhibit 2**

**PROPOSED ORDINANCES**

**Exhibit 2a**

**PROPOSED ORDINANCE  
TEXT AMENDMENT TO  
SECTION 21A.26.080**

SALT LAKE CITY ORDINANCE  
No. \_\_\_\_\_ of 2005  
(Amending Table 21A.26.080)

AN ORDINANCE AMENDING TABLE 21A.26.080, *SALT LAKE CITY CODE*,  
PERTAINING TO PERMITTED AND CONDITIONAL USES FOR COMMERCIAL  
DISTRICTS, PURSUANT TO PETITION NO. 400-04-29.

WHEREAS, the Planning Commission and the City Council of Salt Lake City, Utah, have held public hearings and have taken into consideration citizen testimony, filing, and demographic details of the area, the long range general plans of the City, and any local master plan as part of their deliberations. Pursuant to these deliberations, the City Council has concluded that the proposed change in Table 21A.26.080 to allow different types of department stores to locate as permitted uses within various commercial zoning districts within the city is appropriate for the development of the community in those districts.

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

SECTION 1. That the table, entitled Table of Permitted and Conditional Uses for Commercial Districts, which is located at Section 21A.26.080 of the *Salt Lake City Code*, shall be and hereby is, amended, in part, to allow different types of department stores to locate as permitted uses within various commercial zoning districts within the city as set forth in the attached Exhibit "A."

SECTION 2. 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:

\_\_\_\_\_  
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 June 23, 2005  
By Melanie Pfeil  
4:47 6/23/05

**EXHIBIT "A"**

**ZONING TEXT AMENDMENT**

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

**Existing Table (Partial Table)**

<b>Use</b>	<b>CN</b>	<b>CB</b>	<b>CC</b>	<b>CS</b>	<b>CSHBD</b>	<b>CG</b>
<b>Retail Sales and Service</b>						
Department Store				P	P	

**Amended Table (Partial Table)**

<b>Use</b>	<b>CN</b>	<b>CB</b>	<b>CC</b>	<b>CS</b>	<b>CSHBD</b>	<b>CG</b>
<b>Retail Sales and Service</b>						
Conventional department store				P	P	
Mass merchandising store				P	P	P
Specialty store			P	P	P	P
Superstore and hypermarket store				P		P
Warehouse club store						P

**Exhibit 2b**

**PROPOSED ORDINANCE**  
**TEXT AMENDMENT TO**  
**SECTION 21A.30.050**



SALT LAKE CITY ORDINANCE  
No. \_\_\_\_\_ of 2005  
(Amending Table 21A.30.050)

AN ORDINANCE AMENDING TABLE 21A.30.050, *SALT LAKE CITY CODE*,  
PERTAINING TO PERMITTED AND CONDITIONAL USES FOR THE DOWNTOWN  
DISTRICT, PURSUANT TO PETITION NO. 400-04-29.

WHEREAS, the Planning Commission and the City Council of Salt Lake City, Utah, have held public hearings and have taken into consideration citizen testimony, filing, and demographic details of the area, the long range general plans of the City, and any local master plan as part of their deliberations. Pursuant to these deliberations, the City Council has concluded that the proposed change in Table 21A.30.050 to allow different types of department stores to locate as permitted uses in the downtown districts within the city is appropriate for the development of the community in those districts.

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

SECTION 1. That the table, entitled Table of Permitted and Conditional Uses for the Downtown Districts, which is located at Section 21A.30.050 of the *Salt Lake City Code*, shall be and hereby is, amended, in part, to allow different types of department stores to locate as permitted uses in the downtown districts within the city as set forth in the attached Exhibit "A."

SECTION 2. 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:

\_\_\_\_\_  
CHIEF DEPUTY CITY RECORDER

Transmitted to Mayor on \_\_\_\_\_.

Mayor's Action: \_\_\_\_\_ Approved. \_\_\_\_\_ Vetoed.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CHIEF DEPUTY CITY RECORDER

(SEAL)

Bill No. \_\_\_\_\_ of 2005.  
Published: \_\_\_\_\_.

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APPROVED AS TO FORM  
Salt Lake City Attorney's Office  
Date June 23, 2005  
By Melanie Keif  
AM 6/23/05

**EXHIBIT "A"**

**ZONING TEXT AMENDMENT**

**Section 21A.30.050 Table Of Permitted And Conditional Uses For The Downtown Districts**

**Existing Table (Partial Table)**

Use	D-1	D-2	D-3	D-4
<b>Retail Sales and Services</b>				
Conventional Department Store	P <sup>3</sup>			
Fashion oriented department store	P <sup>3</sup>			
Mass merchandising store	P <sup>3</sup>			
Specialty fashion department store	P <sup>3</sup>			
Specialty store	P <sup>3</sup>			

3. Uses Allowed only within the boundaries and subject to the provisions of the Downtown Main Street Core Overlay District (Section 21A.34.110 of this title).

**Amended Table (Partial Table)**

Use	D-1	D-2	D-3	D-4
<b>Retail Sales and Services</b>				
Conventional Department Store	P	P		P
Fashion oriented department store	P <sup>3</sup>			
Mass merchandising store	P	P		P
Specialty fashion department store	P <sup>3</sup>			
Specialty store	P	P		P
Superstore and hypermarket store		P		

3. Uses Allowed only within the boundaries and subject to the provisions of the Downtown Main Street Core Overlay District (Section 21A.34.110 of this title).

**Exhibit 2c**

**PROPOSED ORDINANCE  
ZONING MAP AMENDMENT TO  
BLOCK 76, PLAT D,  
SALT LAKE CITY SURVEY**

SALT LAKE CITY ORDINANCE

No. \_\_\_\_\_ of 2005

(Rezoning properties generally located at 402 East 6th Avenue and 415 East 5th Avenue)

AN ORDINANCE REZONING THE PROPERTIES GENERALLY LOCATED AT 402 EAST 6TH AVENUE AND 415 EAST 5TH AVENUE FROM COMMUNITY SHOPPING DISTRICT (CS) TO COMMUNITY BUSINESS DISTRICT (CB), AND AMENDING THE SALT LAKE CITY ZONING MAP, PURSUANT TO PETITION NO. 400-04-29.

WHEREAS, the Planning Commission and the City Council of Salt Lake City, Utah, have held public hearings and have taken into consideration citizen testimony, filing, and demographic details of the area, the long range general plans of the City, and any local master plan as part of their deliberations. Pursuant to these deliberations, the City Council has concluded that the proposed change of zoning for the properties generally located at 402 East 6th Avenue and 415 East 5th Avenue are appropriate for the development of the community in that area.

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

SECTION 1. REZONING OF PROPERTIES. The properties generally located at 402 East 6th Avenue and 415 East 5th Avenue, which are more particularly described on Exhibit A attached hereto, shall be and hereby are rezoned from community shopping district (CS) to community business district (CB).

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

SECTION 3. 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:

\_\_\_\_\_  
CHIEF DEPUTY CITY RECORDER

Transmitted to Mayor on \_\_\_\_\_.

Mayor's Action: \_\_\_\_\_ Approved. \_\_\_\_\_ Vetoed.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CHIEF DEPUTY CITY RECORDER

APPROVED AS TO FORM  
Salt Lake City Attorney's Office  
Date June 23, 2005  
By Melanie Heij

*AMR 6/24/05*

(SEAL)

Bill No. \_\_\_\_\_ of 2005.  
Published: \_\_\_\_\_.

## **EXHIBIT "A"**

### **Legal Description**

All of Block 76, Plat D, Salt Lake City Survey.

Parcel Number: 09-31-430-015

**Exhibit 3**

**CITY COUNCIL  
HEARING NOTICE**



## NOTICE OF PUBLIC HEARING

The Salt Lake City Council will hold a public hearing regarding Petition 400-04-29 and consider adopting an ordinance to amend Sections 21A.26.80 Table of Permitted and Conditional Uses for Commercial Districts and 21A.30.050 Table of Permitted and Conditional Uses for the Downtown Districts to allow different types of department stores as permitted uses in various commercial and downtown zoning districts. This petition also requests to amend the Zoning Map designation for Block 76, Plat D, Salt Lake City Survey from CS Community Shopping to CB Community Business. This block is located between Fifth and Sixth Avenues from E Street to F Street.

The City Council will hold a public hearing:

**Date:**

**Time:** 7:00 p.m.

**Place:** Room 315 (City Council Chambers)  
Salt Lake City and County Building  
451 S. State Street  
Salt Lake City, UT

**\*Please enter the building from the east side\***

You are invited to attend this hearing, ask questions or provide input concerning the topic listed above. If you have any questions, contact Joel Paterson at 535-6141 between the hours of 8:00 a.m. and 5:00 p.m., or send e-mail to [joel.paterson@slcgov.com](mailto:joel.paterson@slcgov.com)

We comply with all ADA guidelines. Accessible parking and entrance are located on the east side of the building. Hearing impaired who wish to attend the above meeting should contact Salt Lake City's TDD service number at 535-6021, a minimum of four days in advance so that an interpreter can be provided.

**Exhibit 4**  
**MAILING LABELS**

**ORGANIZATIONS:**

Updated: 4/1/2005 sj

DOWNTOWN ALLIANCE  
BOB FARRINGTON, DIRECTOR  
175 EAST 400 SOUTH, #100  
SALT LAKE CITY, UT 84111

S.L. CHAMBER OF COMMERCE  
175 EAST 400 SOUTH, SUITE #100  
SALT LAKE CITY, UT 84111

ATTN: CAROL DIBBLEE  
DOWNTOWN MERCHANTS ASSN.  
10 W. BROADWAY, SUITE #420  
P.O. BOX  
SALT LAKE CITY, UT 84101

HISPANIC CHAMBER OF  
COMMERCE  
P.O. BOX 1805  
SALT LAKE CITY, UT 84110

VEST POCKET BUSINESS  
COALITION  
P.O. BOX 521357  
SALT LAKE CITY, UT 84152-1357

SUGAR HOUSE MERCHANTS ASSN.  
c/o BARBARA GREEN  
SMITH-CROWN  
2000 SOUTH 1100 EAST  
SALT LAKE CITY, UT 84106

WESTSIDE ALLIANCE  
c/o NEIGHBORHOOD HOUSING SVS.  
MARIA GARCIA  
622 WEST 500 NORTH  
SALT LAKE CITY, UT 84116

**COMMUNITY COUNCIL CHAIRS:**

Updated: 4/20/2005 sj

KEN FUTZ, CHAIR  
WEST POINTE COMM. COUNCIL  
1217 NO. BRIGADIER CIRCLE  
SALT LAKE CITY, UT 84116

KENNETH L. NEAL, CHAIR  
ROSE PARK COMMUNITY COUNCIL  
1071 NO. TOPAZ DR.  
SALT LAKE CITY, UT 84116

ANGIE VORHER, CHAIR  
JORDAN MEADOWS COMM. COUNCIL  
1988 SIR JAMES DRIVE  
SALT LAKE CITY, UT 84116

JILENE WHITBY, CHAIR  
FAIRPARK COMM. COUNCIL  
846 WEST 400 NORTH  
SALT LAKE CITY, UT 84116

MIKE HARMON, CHAIR  
POPLAR GROVE COMM. COUNCIL  
1044 WEST 300 SOUTH  
SALT LAKE CITY, UT 84104

RANDY SORENSON, CHAIR  
GLENDALE COMMUNITY COUNCIL  
1184 SO. REDWOOD DRIVE  
SALT LAKE CITY, UT 84104-3325

PETER VON SIVERS, CHAIR  
CAPITOL HILL COMMUNITY COUNCIL  
223 WEST 400 NORTH  
SALT LAKE CITY, UT 84103

JILL VAN LANGEVELD, CHAIR  
GRTR. AVENUES COMM. COUNCIL  
807 E. NORTHCLIFFE DRIVE  
SALT LAKE CITY, UT 84103

BILL DAVIS, CHAIR  
RIO GRANDE COMMUNITY COUNCIL  
329 E. HARRISON AVENUE  
SALT LAKE CITY, UT 84115

BILL PLASTOW, CHAIR  
PEOPLES FREEWAY COMM. COUNCIL  
1625 SOUTH WEST TEMPLE  
SALT LAKE CITY, UT 84115

THOMAS MUTTER, CHAIR  
CENTRAL CITY COMMUNITY COUNCIL  
228 EAST 500 SOUTH, #100  
SALT LAKE CITY, UT 84111

DENNIS GUY-SELL, CHAIR  
EAST CENTRAL COMMUNITY  
COUNCIL  
P.O. BOX 520473  
SALT LAKE CITY, UT 84152-0473

BRIAN WATKINS, CHAIR  
LIBERTY WELLS COMM. COUNCIL  
1744 SOUTH 600 EAST  
SALT LAKE CITY, UT 84106

JIM WEBSTER, CHAIR  
YALECREST COMMUNITY COUNCIL  
938 MILITARY DRIVE  
SALT LAKE CITY, UT 84108-1326

MARYDELLE GUNN, CHAIR  
WASATCH HOLLOW  
COMMUNITY COUNCIL  
1595 SOUTH 1300 EAST  
SALT LAKE CITY, UT 84105

LARRY SPENDLOVE, CHAIR  
SUNNYSIDE EAST ASSOCIATION  
2114 E. HUBBARD AVENUE  
SALT LAKE CITY, UT 84108

ELLEN REDDICK, CHAIR  
BONNEVILLE HILLS  
COMMUNITY COUNCIL  
2177 ROOSEVELT AVE.  
SALT LAKE CITY, UT 84108

DAVE MORTENSEN, CHAIR  
ARCADIA HEIGHTS/BENCHMARK  
COMMUNITY COUNCIL  
2278 SIGNAL POINT CIRCLE  
SALT LAKE CITY, UT 84109

MARK HOLLAND, CHAIR  
SUGAR HOUSE COMM. COUNCIL  
1942 BERKELEY STREET  
SALT LAKE CITY, UT 84105

**COMMUNITY ORGANIZATIONS NOT  
CURRENTLY HOLDING REGULAR  
PUBLIC MEETINGS:**

BORIS KURZ, CHAIR  
EAST LIBERTY PARK  
COMMUNITY COUNCIL  
1203 SOUTH 900 EAST  
SALT LAKE CITY, UT 84105

MICHAEL AKERLOW  
FOOTHILL/SUNNYSIDE  
COMMUNITY COUNCIL  
1940 E. HUBBARD AVENUE  
SALT LAKE CITY, UT 84108

PAUL TAYLER, CHAIR  
OAK HILLS COMMUNITY COUNCIL  
1165 SO. OAKHILLS WAY  
SALT LAKE CITY, UT 84108

MIKE ZUHL, CHAIR  
INDIAN HILLS COMMUNITY COUNCIL  
2676 E. COMANCHE DRIVE  
SALT LAKE CITY, UT 84108

DOUG FOXLEY, CHAIR  
ST. MARY'S COMMUNITY COUNCIL  
1449 DEVONSHIRE DRIVE  
SALT LAKE CITY, UT 84108

TIM DEE, CHAIR  
SUNSET OAKS COMMUNITY COUNCIL  
1575 DEVONSHIRE DRIVE  
SALT LAKE CITY, UT 84108

SHAWN McMILLEN, CHAIR  
H ROCK COMMUNITY COUNCIL  
1855 SOUTH 2600 EAST  
SALT LAKE CITY, UT 84108

UZELAC, THOMAS D  
7 BERGAMO  
Suite  
LAGUNA NIGUEL, CA 92677-8636

MCBETH, DEVIN J; TR ET AL  
1182 OCEAN PARK BLVD  
Suite E  
LOS ANGELES, CA 90064-2763

MCOMBER, F BRYANT & SUSAN C; JT  
331 CURTNER AVE APT  
Suite  
PALO ALTO, CA 94306-4806

HOCK, MICHAEL P & EILEEN N (JT)  
3024 NEWPORT AVE  
Suite  
SAN RAMON, CA 94583-2929

REDD, MATTHEW & KRISTEN; JT  
PO BOX 9  
Suite  
NORWOOD, CO 81423-0009

HUDSON, DONALD A & DEFOSTER, KATI  
520 ULUMAWAO ST  
Suite  
KAILUA, HA 96734-

MOSCATO, ADELINE  
141 CHELSEA ST  
Suite  
BOSTON, MA 02128-1761

ZEAMER, RICHARD J; TR  
24 BRIAR LANE  
Suite  
SURREY, ME 04684-

BERNSTROM, MARGARET S; TR  
PO BOX 490  
Suite  
GARIBALDI, OR 97118-0490

TANG, THOMAS W  
1187 SW ASPEN RIDGE DR  
Suite  
TIGARD, OT 97224-

CRANDALL, LARRY; TR  
555 DIVIDEND DR  
Suite 150  
COPPELL, TX 75019-

MILLER, ERIC & MARIE; JT  
3445 N STAGECOACH DR  
Suite  
CEDAR VALLEY, UT 84013-

TURNER, TOM H; TR  
75 N MAIN  
Suite  
CLEARFIELD, UT 84015-

ALF ENTERPRISES LC  
1297 S 300 E  
Suite  
DRAPER, UT 84020-8796

COLES, ARNE B. & CAROL A.  
982 E 1275 N  
Suite  
KAYSVILLE, UT 84037-1395

ROBERTS, C STEWART & CONNIE J (TRS)  
2846 N 1050 E  
Suite  
LEHI, UT 84043-

CALKIN, JAMES F  
486 S 600 E  
Suite  
MANTI, UT 84642-1758

PRICE, VERA M W; ET AL  
808 W GREENOAKS DR  
Suite  
MURRAY, UT 84123-4904

KEMPER, CATHERINE G  
1502 OAK RIDGE DR  
Suite  
OGDEN, UT 84403-

MCBETH, JAMES R & LAURA M; TRS  
1543 TWENTYSEVENTH ST  
Suite  
OGDEN, UT 84403-

BEAN, JAMES S  
PO BOX 681680  
Suite  
PARK CITY, UT 84068-

WITTEN, BUNKIE J & WIKOFF, KATHLEEN;  
1626 SOUTHSORE DR  
Suite  
PARK CITY, UT 84098-5984

SWEENEY, CAROL  
214 N 'D' ST  
Suite  
SALT LAKE CITY, UT 84103-2722

HODGDON, HELEN K  
230 N 'D' ST  
Suite  
SALT LAKE CITY, UT 84103-2722

GLEAVE, JOHN P  
236 N 'D' ST  
Suite  
SALT LAKE CITY, UT 84103-2722

WANKIER, JAMIE  
320 N 'D' ST  
Suite 2  
SALT LAKE CITY, UT 84103-3279

LENZ, PETER S & CAROL A; JT  
324 N 'D' ST  
Suite  
SALT LAKE CITY, UT 84103-2746

STEPHENS, TERENCE K; TR  
326 N 'D' ST  
Suite  
SALT LAKE CITY, UT 84103-2746

WEIXLER, WERNER F. & DOROTHY  
124 N 'E' ST  
Suite 6  
SALT LAKE CITY, UT 84103-2646

JOBIN, JENNIFER L  
206 N 'E' ST  
Suite  
SALT LAKE CITY, UT 84103-2724

ROBBINS, LORETTA G & WILLIAM H; TRS 215 N 'E' ST Suite SALT LAKE CITY, UT 84103-2725	ROBBINS, WILLIAM H & LORETTA G; TRS 215 N 'E' ST Suite SALT LAKE CITY, UT 84103-2725	TERRY, RICHARD C & KAREN W; JT 218 N 'E' ST Suite SALT LAKE CITY, UT 84103-2724
FREED, DANIEL B & TAMARA K; JT 233 N 'E' ST Suite SALT LAKE CITY, UT 84103-2725	GESS, RANDALL S & ROBINSON, DONALD 275 N 'E' ST Suite SALT LAKE CITY, UT 84103-2750	JELLINS, INA M 279 N 'E' ST Suite SALT LAKE CITY, UT 84103-2750
HOLFELTZ, BERT R & VIOLET B 307 N 'E' ST Suite SALT LAKE CITY, UT 84103-2753	SIMMS, JON & ANGI; JT 316 N 'E' ST Suite SALT LAKE CITY, UT 84103-2752	HANCOCK, NICOLE 318 N 'E' ST Suite SALT LAKE CITY, UT 84103-2752
BROWN, DAVID 331 N 'E' ST Suite SALT LAKE CITY, UT 84103-2753	BARNES, COLLEEN L & DOUGLAS A; JT 335 N 'E' ST Suite SALT LAKE CITY, UT 84103-2753	RICHARDSON, JAMI L & MARK A; JT 337 N 'E' ST Suite SALT LAKE CITY, UT 84103-2753
BURNINGHAM, EDNA P; TR 339 N 'E' ST Suite SALT LAKE CITY, UT 84103-2753	ALLEN, F KENT 213 N 'F' ST Suite SALT LAKE CITY, UT 84103-3025	LUND, JANET 217 N 'F' ST Suite SALT LAKE CITY, UT 84103-3025
GOODRICH, STEVEN M & SUSAN B (JT) 218 N 'F' ST Suite SALT LAKE CITY, UT 84103-3024	LAMBOURNE, JEAN M; TR 223 N 'F' ST Suite SALT LAKE CITY, UT 84103-3025	CHENEY, JEAN B 229 N 'F' ST Suite SALT LAKE CITY, UT 84103-3025
ZIMMERMAN, ELISE ANN 233 N 'F' ST Suite SALT LAKE CITY, UT 84103-3025	MERCIER, CLAUDE & RAYMONDE; TC 237 N 'F' ST Suite SALT LAKE CITY, UT 84103-3025	NARUS, SCOTT 7 JO ANN; JT 238 N 'F' ST Suite SALT LAKE CITY, UT 84103-3024
SCHINE, LAUREN 266 N 'F' ST Suite SALT LAKE CITY, UT 84103-3055	FLORES, VINCENT E & CHRISTINE M 274 N 'F' ST Suite SALT LAKE CITY, UT 84103-3055	LARSEN, LYNDA L 284 N 'F' ST Suite SALT LAKE CITY, UT 84103-3055
RICHMAN, CHRISTINE C 320 N 'F' ST Suite SALT LAKE CITY, UT 84103-3056	MCENTEE, JANET 323 N 'F' ST Suite SALT LAKE CITY, UT 84103-3057	WARREN, LANCE C 324 N 'F' ST Suite SALT LAKE CITY, UT 84103-3056
VANDERBEEK, MARK R & JENNIFER E; JT 330 N 'F' ST Suite SALT LAKE CITY, UT 84103-3056	STRAYER, DAVID L & KAY; JT 336 N 'F' ST Suite SALT LAKE CITY, UT 84103-3056	DAVIDSON, DIANE W; TR ET AL 229 N 'G' ST Suite SALT LAKE CITY, UT 84103-3029

SMITH, WENDY L  
233 N 'G' ST  
Suite  
SALT LAKE CITY, UT 84103-3029

GOERES, DAVID H & JOANN C; JT  
263 N 'G' ST  
Suite  
SALT LAKE CITY, UT 84103-3058

CALLOWAY, BERNECE  
273 N 'G' ST  
Suite  
SALT LAKE CITY, UT 84103-3058

SHRUM, DANIEL B & JOAN H; JT  
331 N 'G' ST  
Suite  
SALT LAKE CITY, UT 84103-3061

KELEN, LESLIE G & JOYCE A (JT)  
128 N 'M' ST  
Suite  
SALT LAKE CITY, UT 84103-3854

WARD, STEPHEN M  
1486 S 1100 E  
Suite  
SALT LAKE CITY, UT 84105-2437

PALFREYMAN, RICHARD W & LINDY O; TRS  
950 S 1300 E  
Suite  
SALT LAKE CITY, UT 84105-1545

WETZEL INVESTMENTS LLC  
1790 S 1400 E  
Suite  
SALT LAKE CITY, UT 84105-3757

BLAZ, SOLOMON  
222-224 N 'E' ST  
Suite  
SALT LAKE CITY, UT 84103-2724

WIGGINTON, SUSAN L & WILLIAM J; JT  
277-1/2 N 'E' ST  
Suite  
SALT LAKE CITY, UT 84103-2799

MAYO, VANDORA; TR  
1865 E 3780 S  
Suite  
SALT LAKE CITY, UT 84106-3863

LANGHEINRICH, ANNETTE M B & FRANK  
235 S 600 E  
Suite  
SALT LAKE CITY, UT 84102-2011

ATKINS, JOHN F; TR  
2405 E 6780 S  
Suite  
SALT LAKE CITY, UT 84121-3233

ATKINS, JOHN F; TR ET AL  
2405 E 6780 S  
Suite  
SALT LAKE CITY, UT 84121-3233

CRANDALL, LARRY; TR ET AL  
224 S 800 E  
Suite  
SALT LAKE CITY, UT 84102-2206

ENTERPRISES INC  
2439 E 900 S  
Suite  
SALT LAKE CITY, UT 84108-1440

HOMER, ANN R & BRIAN L; TRS  
3190 E DANISH WY  
Suite  
SALT LAKE CITY, UT 84121-5757

HERRIDGE, BRENT J  
875 S DONNER WY  
Suite 102  
SALT LAKE CITY, UT 84108-2134

LONE PEAK CAPITAL, LLC  
337 E ELEVENTH AVE  
Suite  
SALT LAKE CITY, UT 84103-2802

DURHAM, HOLLY  
353 E FIFTH AVE  
Suite  
SALT LAKE CITY, UT 84103-2716

TANNER, WILLIAM W; ET AL  
363 E FIFTH AVE  
Suite  
SALT LAKE CITY, UT 84103-2716

BURTON, SCOTT D & LYNN T; JT  
369 E FIFTH AVE  
Suite  
SALT LAKE CITY, UT 84103-2716

BARNES, WILLIAM C & ALICE E; JT  
373 E FIFTH AVE  
Suite  
SALT LAKE CITY, UT 84103-2716

GARBETT, JAMEY L & HAYLEY M; JT  
379 E FIFTH AVE  
Suite  
SALT LAKE CITY, UT 84103-2716

ANDERSEN, JENS G, EMMA E & VINNI L (JT)  
414 E FIFTH AVE  
Suite  
SALT LAKE CITY, UT 84103-2718

PACKARD, LAURIE & RALPH E JR; TC  
463 E FIFTH AVE  
Suite  
SALT LAKE CITY, UT 84103-3017

LEWIS, J VANDENBERGH & MARGARET  
473 E FIFTH AVE  
Suite  
SALT LAKE CITY, UT 84103-3017

CARTWRIGHT, THOMAS C & MARY C  
475 E FIFTH AVE  
Suite  
SALT LAKE CITY, UT 84103-3017

BARICKMAN, PATRICK R & KTHEL K; JT  
483 E FIFTH AVE  
Suite  
SALT LAKE CITY, UT 84103-3017

DALY, ANNE M  
486 E FIFTH AVE  
Suite  
SALT LAKE CITY, UT 84103-3016

WANKIER, PETER & BETHANY; JT  
487 E FIFTH AVE  
Suite  
SALT LAKE CITY, UT 84103-3017

LYNN, SUSAN T  
835 E FIFTH AVE  
Suite B  
SALT LAKE CITY, UT 84103-3516

BOGDANICH, LAURENCE J  
361 E FOURTH AVE  
Suite  
SALT LAKE CITY, UT 84103-2677

HALL, GENEVA C; ET AL  
371 E FOURTH AVE  
Suite  
SALT LAKE CITY, UT 84103-2677

BULLOUGH, ROBERT & DAWN; JT  
413 E FOURTH AVE  
Suite  
SALT LAKE CITY, UT 84103-2680

BYRNES, LAWRENCE T; ET AL  
419 E FOURTH AVE  
Suite  
SALT LAKE CITY, UT 84103-2680

BACHMAN, JAY S & HENNIG, CATHERINE A  
421 E FOURTH AVE  
Suite  
SALT LAKE CITY, UT 84103-2680

CAVALLARO, NICHOLAS  
435 E FOURTH AVE  
Suite  
SALT LAKE CITY, UT 84103-2680

CARMARGO, MARCELO P  
437 E FOURTH AVE  
Suite  
SALT LAKE CITY, UT 84103-2680

STAUFFER, K EMILY  
453 E FOURTH AVE  
Suite  
SALT LAKE CITY, UT 84103-3074

HOMER, DUANE A & LOA H; TRS  
467 E FOURTH AVE  
Suite  
SALT LAKE CITY, UT 84103-3074

WALLACE, GRAE  
1861 S LAKE ST  
Suite 2  
SALT LAKE CITY, UT 84105-3104

MAHONEY, ALLYN R & CONNIE B; TRS  
4605 S LEDGEMONT DR  
Suite  
SALT LAKE CITY, UT 84124-4734

BUSBY, MELBA A; TR  
424 E LESLIE AVE  
Suite  
SALT LAKE CITY, UT 84115-3319

DORIUS, SHANNA C  
1840 E MEADOWMOOR RD  
Suite  
SALT LAKE CITY, UT 84117-5945

DILLMAN, DEE H & GINMAN, MARIE; JT  
755 E NORTHCREST DR  
Suite  
SALT LAKE CITY, UT 84103-3318

HANSEN, ETTINA A  
PO BOX 581008  
Suite  
SALT LAKE CITY, UT 84158-1008

CROFT, GEORGE & TERESA T; JT  
2273 S PRESTON ST  
Suite  
SALT LAKE CITY, UT 84106-4112

SMITH'S FOOD & DRUG CENTERS INC  
1550 S REDWOOD RD  
Suite  
SALT LAKE CITY, UT 84104-5186

JENSEN ENGLE LLC  
2625 E SANIBEL CV  
Suite  
SALT LAKE CITY, UT 84121-3476

SOLEZ, JEANINE & VAN DYKE, RUSSELL  
410 E SEVENTH AVE  
Suite  
SALT LAKE CITY, UT 84103-2738

EVANS, STEWART & SPAINHOWER, JERRC  
416 E SEVENTH AVE  
Suite  
SALT LAKE CITY, UT 84103-2738

EVANS, WILLIAM S & SPAINHOWER, JERRC  
416 E SEVENTH AVE  
Suite  
SALT LAKE CITY, UT 84103-2738

HOLMES, THOMAS R III  
418 E SEVENTH AVE  
Suite  
SALT LAKE CITY, UT 84103-2738

HEWITT, M ELENA  
426 E SEVENTH AVE  
Suite  
SALT LAKE CITY, UT 84103-2738

BRADSHAW, JULIE & STETICH, THOMAS A;  
460 E SEVENTH AVE  
Suite  
SALT LAKE CITY, UT 84103-3046

YOUNG, WILLIAM S  
468 E SEVENTH AVE  
Suite  
SALT LAKE CITY, UT 84103-3046

LAWRENCE, PATRICIA  
2964 E SHERWOOD DR  
Suite  
SALT LAKE CITY, UT 84108-2556

COURY, CLIFFORD N & FRAMPTON, STANN  
956 S SHIRECLIFF RD  
Suite  
SALT LAKE CITY, UT 84108-1447

HUNDLEY, RODNEY C & FLORENCE R; T  
1868 E SIGGARD DR  
Suite  
SALT LAKE CITY, UT 84106-3870



DALTON, LARRY A  
353 E SIXTH AVE  
Suite  
SALT LAKE CITY, UT 84103-2731

DIEZMA, CHRISTOPHE  
361 E SIXTH AVE  
Suite  
SALT LAKE CITY, UT 84103-2731

TOPDJIAN, HAGOP & OSSANNA  
362 E SIXTH AVE  
Suite  
SALT LAKE CITY, UT 84103-2730

FLOOR, BASIL N. & ANGE G.  
367 E SIXTH AVE  
Suite  
SALT LAKE CITY, UT 84103-2731

PARKE, SHIRLEY & OGAN, MARY J; JT  
374 E SIXTH AVE  
Suite  
SALT LAKE CITY, UT 84103-2730

LUNDSTROM, HAROLD C. & CATHERINE  
376 E SIXTH AVE  
Suite  
SALT LAKE CITY, UT 84103-2730

SPRINGER, CHRIS A & MIDORI I; JT  
384 E SIXTH AVE  
Suite  
SALT LAKE CITY, UT 84103-2730

EVANS, RANDI K  
403 E SIXTH AVE  
Suite  
SALT LAKE CITY, UT 84103-2733

SILCOX, FIONA A  
419 E SIXTH AVE  
Suite  
SALT LAKE CITY, UT 84103-2733

KOPLIN, RONALD D & JENA R; TC  
453 E SIXTH AVE  
Suite  
SALT LAKE CITY, UT 84103-3035

LIECHTY, MICHELLE R  
454 E SIXTH AVE  
Suite  
SALT LAKE CITY, UT 84103-3034

AMES, LYNN J & REBECCA B (JT)  
459 E SIXTH AVE  
Suite  
SALT LAKE CITY, UT 84103-3035

BALL, JANE K  
463 E SIXTH AVE  
Suite  
SALT LAKE CITY, UT 84103-3035

GRESSETH, CURT & BARBARA B; JT  
464 E SIXTH AVE  
Suite  
SALT LAKE CITY, UT 84103-3034

WATTS, GARY M  
466 E SIXTH AVE  
Suite  
SALT LAKE CITY, UT 84103-3034

BROSSARD, ROBERT  
470 E SIXTH AVE  
Suite  
SALT LAKE CITY, UT 84103-3034

YEWELL, JOHN F  
474 E SIXTH AVE  
Suite  
SALT LAKE CITY, UT 84103-3034

DUFFY, RODNEY M SR & BEVERLY J; JT  
478 E SIXTH AVE  
Suite  
SALT LAKE CITY, UT 84103-3034

ROSHEK, MICHAEL W & CHERI W; JT  
489 E SIXTH AVE  
Suite  
SALT LAKE CITY, UT 84103-3035

HANSEN, JOHN E & DIANE S (JT)  
736 N SUNRISE AVE  
Suite  
SALT LAKE CITY, UT 84103-3734

KEMP, CLARENCE E, ET AL  
680 E TENTH AVE  
Suite  
SALT LAKE CITY, UT 84103-3615

TUITAVUKI, TRULIE A  
969 N TERRACE HILLS DR  
Suite  
SALT LAKE CITY, UT 84103-4024

TUITAVUKI, TRULIE A  
969 N TERRACE HILLS DR  
Suite  
SALT LAKE CITY, UT 84103-4024

OUYANG, MING & ELLEN J (JT)  
466 E TWELFTH AVE  
Suite  
SALT LAKE CITY, UT 84103-3225

GUIMARAES, EDDIE M  
4620 S WESTVIEW DR  
Suite  
SALT LAKE CITY, UT 84124-5657

CONNELLY, CHRIS; ET AL  
1024 S ASHLEY HILLS CIR  
Suite  
SANDY, UT 84092-7236

COTTOM, RONALD L; ET AL  
9070 S DAYBREAK DR  
Suite  
SANDY, UT 84093-2618

AVENUE PROPERTIES, LLC  
1166 S HIDDEN VILLAGE DR  
Suite  
SANDY, UT 84092-6232

CODY LLC  
2295 E WOODCHUCK WY  
Suite  
SANDY, UT 84093-2767

MORTON, MARVIN E  
9854 S 1000 W  
Suite  
SOUTH JORDAN, UT 84095-8859

FELSTED, H W; TR ET AL  
4920 W MARGARET ST  
Suite  
PASCO, WA 99301-

KOSHAR, THOMAS & VIRGINIA; JT  
447 MESA DR  
Suite  
ROCK SPRINGS, WY 82901-

**Exhibit 5**

**PLANNING COMMISSION**

**Exhibit 5a**

**PLANNING COMMISSION  
HEARING NOTICE  
AND POSTMARK**

**NOTE: The field trip is scheduled to leave at 4:00 p.m.**

**AGENDA FOR THE  
SALT LAKE CITY PLANNING COMMISSION MEETING  
In Room 326 of the City & County Building at 451 South State Street  
Wednesday, April 27, 2005, at 5:45 p.m.**

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

1. **APPROVAL OF MINUTES** from Wednesday, April 13, 2005
2. **REPORT OF THE CHAIR AND VICE CHAIR**
3. **REPORT OF THE DIRECTOR**
4. **PUBLIC NOTICE AGENDA – NONE**
5. **PUBLIC HEARINGS**
  - a. **Petition No. 490-05-14 – Ivory Development Ltd.** requesting preliminary subdivision amendment approval to reconfigure a portion of the Fairmont Subdivision, Lots 6-12 and 11-13 at approximately 2311 and 2327 E. Country Club Drive, into three residential lots for future construction of three single-family homes in an R-1/7,000 Single Family Residential Zoning District. (Staff – Elizabeth Giraud at 535-7128 or elizabeth.giraud@slcgov.com)
  - b. **Petition 400-04-29 – Salt Lake City Planning Commission** requesting to amend the Salt Lake City Zoning Ordinance to allow different types of department stores to locate in various zoning districts within the City. As part of this petition, Salt Lake City also proposes to change the zoning designation for the block containing the Avenues Smith's grocery store (Fifth Avenue to Sixth Avenue from E Street to F Street) from Commercial Shopping Center (CS) to Commercial Business (CB). (Staff – Joel Paterson at 535-6141)
  - c. **Petition 410-734 – The Boyer Company** requesting a planned development approval to construct a new office building at the Gateway Shopping Center (generally located between 400 and 500 West Streets from North Temple to 200 South Streets) in the Gateway Mixed Use (GMU) zoning district. The location for the proposed office building is on the south side of 50 North Street between 400 West and Rio Grande Streets. The site is presently occupied by the parking lot for Barnes and Noble and a grass covered slope. (Staff – Doug Dansie at 535-6182)
6. **UNFINISHED BUSINESS**

For information on public or written comments and ADA accommodations, please see the reverse side of the agenda.

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

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**Exhibit 5b**

**PLANNING COMMISSION  
STAFF REPORT**

**DATE:** April 22, 2005

**TO:** Salt Lake City Planning Commission

**FROM:** Joel G. Paterson, AICP  
Senior Planner  
Telephone: 535-6141  
E-mail: joel.paterson@slcgov.com

**RE:** Staff Report for the April 27, 2005 Planning Commission Meeting

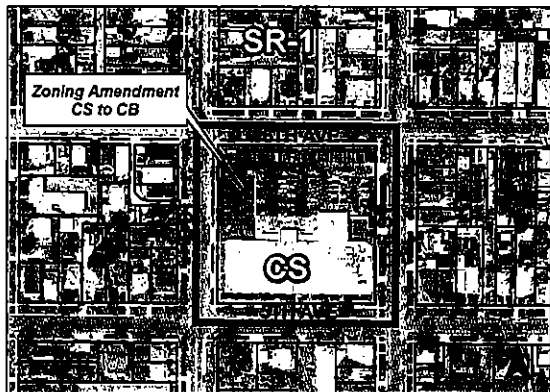
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**CASE NUMBER:** 400-04-29

**APPLICANT:** Salt Lake City Planning Commission

**STATUS OF APPLICANT:** Sections 21A.06.030.B.3 and 21A.50.030 of the Salt Lake City Zoning Ordinance designates the Planning Commission as an entity which may initiate zoning amendment petitions.

**PROJECT LOCATION:**



The proposed Zoning Ordinance text amendments affect several Commercial, Downtown and Gateway zoning districts which are distributed throughout the City. A map showing the location of the affected zoning districts is attached as Exhibit 1. The petition also includes a proposed Zoning Map amendment for Block 76, Plat D, Salt Lake City Survey. This block is located between Fifth and Sixth Avenues from E Street to F Street and is occupied by the Avenues Smith's grocery store and other retail sales and service businesses.

**COUNCIL DISTRICT:** The proposed **Zoning Ordinance text amendments** affect all seven City Council Districts.

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The proposed **Zoning Map amendment** affects Council District 3, represented by Council Member Eric Jergensen.

**REQUESTED ACTION:** This petition is requesting to amend the Zoning Ordinance and Zoning Map to allow different types of department stores to locate in areas of the City beyond the D-1 Central Business District and the G-MU Gateway Mixed Use district.

Zoning Ordinance and map amendment petitions require the Planning Commission to hold a public hearing and forward a recommendation to the City Council, which has final approval authority.

**PROPOSED ZONING AMENDMENTS:** The following table summarizes the Staff recommendation to amend the Tables of Permitted and Conditional Uses for Commercial, Downtown and Gateway Districts.

SUMMARY OF PROPOSED TEXT AMENDMENT RECOMMENDATIONS								
Department Store Classification	CC	CS	C-SHBD	CG	D-1	D-2	D-4	G-MU
Department Store		<u>P</u>	<u>P</u>					
Conventional Department Store		<u>P</u>	<u>P</u>		<del>P</del> <sup>3</sup> <u>P</u>	<u>P</u>	<u>P</u>	P
Fashion Oriented Department Store					P <sup>3</sup>			
Mass Merchandising Store		<u>P</u>	<u>P</u>	<u>P</u>	<del>P</del> <sup>3</sup> <u>P</u>	<u>P</u>	<u>P</u>	P
Specialty Fashion Department Store					P <sup>3</sup>			
Specialty Store	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<del>P</del> <sup>3</sup> <u>P</u>	<u>P</u>	<u>P</u>	P
Superstore & Hypermarket		<u>P</u>		<u>P</u>		<u>P</u>		P
Warehouse Club Store				<u>P</u>				

3. Uses Allowed only within the boundaries and subject to the provisions of the Downtown Main Street Core Overlay District (Section 21A.34.110 of this title).

For your reference, the department store definitions adopted by the City Council in 2004, are attached as Exhibit 2.

The proposed Zoning Map amendment proposes to change the zoning designation of Block 76 Plat D, Salt Lake City Survey from CS Community Shopping District to CB Community Business District. This block is located between Fifth and Sixth Avenues from E Street to F Street. The reason for the map amendment is that certain types of department stores proposed to be allowed in the CS District are not appropriate for this location. The CB

zoning district is designed to integrate into residential settings such as this location in the Avenues. This block is surrounded by residential land uses located in the SR-1 Special Development Pattern Residential District.

## **APPLICABLE LAND USE REGULATIONS:**

### **Section 21A.26**

#### **Table of Permitted and Conditional Uses for Commercial Districts**

**Purpose:** The commercial districts are intended to provide controlled and compatible settings for office and business/commerce developments, to enhance employment opportunities, to encourage the efficient use of land, to enhance property values and the tax base, to ensure high quality of design, and to help implement officially adopted master plans.

### **Section 21A.30.050**

#### **Table of Permitted and Conditional Uses for the Downtown Districts**

**Purpose:** The downtown districts are intended to provide use, bulk, urban design and other controls and regulations appropriate to the commercial core of the City and adjacent areas in order to enhance employment opportunities; to encourage the efficient use of land; to enhance property values; to improve the design quality of downtown areas; to create a unique downtown center which fosters the arts, entertainment, financial, office, retail and governmental activities; to provide safety and security; encourage permitted residential uses within the downtown area; and to help implement adopted plans.

### **Section 21A.31.050**

#### **Table of Permitted and Conditional Uses in the Gateway District**

**Purpose:** The gateway districts are intended to provide controlled and compatible settings for residential, commercial, and industrial developments, and implement the objectives of the adopted Gateway Development Master Plan through district regulations that reinforce the mixed-use character of the area and encourage the development of urban neighborhoods containing supportive retail, service commercial, office, industrial uses and high-density residential.

### **Section 21A.26.030**

#### **CB Community Business District**

**Purpose:** The CB Community Business District is intended to provide for the close integration of moderately sized commercial areas with adjacent residential neighborhoods.

### **Purpose: Section 21A.50.050**

#### **Standards for General Amendments**

**Purpose:** The purpose of this chapter is to provide standards and procedures for making amendments to the text of this title and to the zoning map. This amendment process is not intended to relieve particular hardships nor to confer special privileges or rights

upon any person, but only to make adjustments necessary in light of changed conditions or changes in public policy.

## MASTER PLAN SPECIFICATIONS:

**Community Master Plans:** The proposed text amendments affect Commercial, Downtown and Gateway zoning districts which are located throughout the City. Each community master plan includes a future land use map to guide zoning amendments and development activities. The future land use maps indicate appropriate locations for various intensities of commercial development.

**Salt Lake City Strategic Plan:** This plan is intended to define a vision for Salt Lake City's future and show how it can be achieved. This plan includes the following objective and strategies which may be relevant to the proposed Zoning Ordinance amendments:

- Objective F. The City will sustain world class businesses that capitalize on its geographic and labor market competitive advantages and offer a wide variety of career path choices for its residents:*
- Strategy 15. Facilitate development of complementary retail shopping opportunities in City neighborhoods and commercial areas of the City.*
- Strategy 16. Strengthen the attractiveness of downtown as the regional center for cultural activity, tourism, entertainment, retail, finance, professional and corporate offices.*

**The Gateway Development Master Plan:** The Gateway Development Master Plan was developed for the area located between North Temple and 1000 South from 300 West to I-15. The purpose of this plan is to give direction and provide a framework for guiding future decisions regarding growth and development in the Gateway District.

The Gateway Development Master Plan consists of two documents, *Creating an Urban Neighborhood* and the *Gateway Specific Plan*. *Creating an Urban Neighborhood* provides the vision for the Gateway District by identifying guiding principles and setting a framework for implementation. The *Gateway Specific Plan* provides the objectives, policies and tools to achieve the guiding principles and implementation identified in *Creating an Urban Neighborhood*.

Relevant excerpts from the *Creating an Urban Neighborhood* outlining the guiding development principles:

### **New Land Use Patterns**

- **Civic, Cultural, Community:** Large-scale facilities include a variety of museums, arts and cultural uses that are local and regional attractions. These include a children's museum, planetarium, art and history center, natural history museum, galleries and exhibits, performing arts facilities, ethnic cultural halls and exhibits, an educational campus or complex and a theme retail shopping center. (page 6)

- **Retail:** Retail and other small commercial uses reinforce the street life of neighborhoods and provide essential services and conveniences to people. (page 6)
- **Commercial:** These are larger scale uses, such as retail uses that are part of a center or complex. (page 6)

**Union Pacific Sub-district**

- The focus will be on visitor attractions, museums, educational facilities, shopping, theme entertainment/retail, open space, major employment, residential, and hotel and cultural uses. It is essential that housing become part of a mixed-use urban neighborhood with a large component of high density and varied housing types. Together, these uses will provide a 24-hour population in the area. (page 8)

Relevant excerpts from the *Gateway Specific Plan* outlining the objectives and policies to implement the urban neighborhood:

**Guiding Principles:**

- Create a positive and clear identity for Salt Lake City and the Gateway District.
- Encourage development which strengthens and compliments the Central Business District.

**Land Use:**

**Objective 4** – Provide for the development of a diverse mixture of uses that complement downtown, encourage a variety of housing opportunities, and facilitate the enhancement and revitalization of the Gateway District.

**Policy 4.4** – Create a special zoning district, or approval process, which encourages and compliments the Central Business District.

**Objective 5** – Provide opportunities for housing within the Gateway District to reinforce downtown as a place to live, work, and shop. (page 21)

**Commercial:**

**Objective 1** – Strengthen the downtown Central Business District as the region’s principal employment center. (page 29)

**Policy 1.2**– Strengthen Main Street as the primary retail core with the Gateway District as a secondary retail area having a different appeal and character.

**Policy 1.4** – provide a strong residential component to support development in the Gateway District as well as the CBD.

**The Salt Lake City Downtown Plan (1995):** The purpose of the Downtown Plan is to articulate the “vision” of Downtown with its essential goals and objectives to direct the future of Downtown. This plan defines the downtown core as the area extending from South Temple to

400 South from West Temple to 200 East. Furthermore, the Plan defines “downtown” to include a larger area located between North Temple and 900 South from I-15 to 700 East. (Page 1)

Relevant excerpts from the Salt Lake City Downtown Master Plan:

Retail – Diversify Downtown retail and broaden its market to include goods and services not normally sold in regional malls and suburban areas. (page 9)

- Develop a critical mass of retail along Main Street that can successfully draw and compete with other commercial areas in the region.
  - Foster and reinforce existing business along Main Street.
  - Establish a large retail anchor at the southern end of Downtown.
  - Reinforce the southern end of the business district.
- Encourage a compact Downtown
  - Discourage large retail centers outside the Downtown area.

**Avenues Master Plan Update:** The adopted land use policy document that guides new development and zoning decisions in the area surrounding the proposed zoning map amendment, is the Avenues Master Plan Update. This plan recommends business/Commercial zoning for Block 76. The proposed CB zoning designation for this block is consistent with the recommendation of the master plan.

## **PROJECT HISTORY:**

- In October 2003, the City Council considered a petition requesting that department stores such as Nordstrom and Target be allowed to locate in the G-MU District. The City Council clearly stated that large-scale high fashion department stores should remain on Main Street. The City Council also suggested that there is potential for certain types of large-scale retailers to locate at the Gateway and remain consistent with the City Council policy statement regarding the future economic development of Downtown. The City Council requested that the Planning Commission recommend new department store definitions to the City Council which would be in accordance with industry standards.
- On November 12, 2003, the Planning Commission recommended that the City Council:
  1. Adopt seven new department store definitions;
  2. Amend the D-1 and the G-MU districts to allow certain types of department stores;  
and
  3. Adopt the Downtown Main Street Core Overlay District to define where certain large-scale high fashion department stores would be allowed along the Main Street corridor.

The Planning Commission further recommended that the Planning Staff return to the Commission with a subsequent petition to consider where else in the City department stores should be allowed.

The City Council voted on January 13, 2004 to deny Petition 400-03-20 requesting to allow department stores to locate within the G-MU District. The denial of this petition thwarted Nordstrom from locating at the Gateway mall. Additionally, the City Council adopted Ordinance 4 of 2004 amending the Zoning Ordinance by creating seven definitions of department stores and allowing the location of certain department stores in the D-1 and G-MU districts. The new definitions reflect industry standards for various types of characteristic large commercial land uses. This action also created the Downtown Main Street Core Overlay District to encourage the concentration of large-scale fashion retailing along the Main Street corridor located between South Temple and 500 South from West Temple to State Street.

#### **COMMENTS, ANALYSIS AND FINDINGS:**

1. **COMMENTS:** Staff requested comments from applicable agencies. Staff received comments from the following:
  - A. **Transportation:** All of the proposed uses have retail definitions and parking requirements are uniform for each zone. Therefore, the Transportation Division anticipates no added impact to the parking requirement from one minor use designation to another.
  - B. **Public Utilities:** Salt Lake City Public Utilities has no objections to the proposed map amendment or text changes to the zoning ordinance. Please note, however, that there may be areas in our system that will require water, sewer, or storm drainage system upgrades to accommodate new development. The Public Utilities Department will review each project proposal as they are submitted to check for compliance with current codes and engineering standards.
  - C. **Engineering:** The Engineering Division has no objections to the proposed map amendment or text amendments to the zoning ordinance.
  - D. **Police:** The Police Department does not foresee any concerns from a CPTED perspective on the proposed amendments.
  - E. **Fire:** No comments were received from the Fire Department.
  - F. **Community Council and Business Organizations:** The proposed Zoning Ordinance text and map amendments and the department store definitions were made available to the Community Council chairs, Downtown Alliance, Downtown Merchants Association, Hispanic Chamber of Commerce, Salt Lake Chamber of Commerce, Sugar House Merchants Association, Vest Pocket Business Coalition and the Westside Alliance. These organizations and property owners within 450 feet of Block 76 were invited to submit written comments and attend a public open house held on March 3, 2005. Only two people attended the open house.

The Greater Avenues Community Council (GACC) reviewed the proposed Zoning Map amendment for Block 76 and the proposed text amendments on January 5, 2005. The GACC voted unanimously in favor of the proposed zoning change from CS to CB. A letter from the GACC is attached as Exhibit 3.

Written comments submitted to the Planning Staff are included in Exhibit 4.

2. **ANALYSIS OF ZONING ORDINANCE AMENDMENTS:** The City Council adopted the seven definitions of department stores in 2004 to replace the generic Zoning Ordinance definition of “department store”. The new definitions provide a description of functions, product types and services offered by each type of department store. To help clarify difference between types of department stores, a typical store size and examples of stores that fall within the definition were included (see Exhibit 2).

The current petition was initiated by the Planning Commission to determining what zoning districts outside of the D-1 and the G-MU would be appropriate for certain types of department stores. The following discussion presents the rationale for the proposed text amendments.

**A. Conventional Department Store**

**Examples:** Kohls, J.C. Penney and Mervyns.

**Proposed Zoning Districts:** CS, SHBD, D-1, D-2, D-4 and G-MU.

**Rationale:** Each of these zoning districts allow land uses that command a community- or city-wide market and provide appropriate locations for such large scale stores. Mervyns is located in a CS District at the Brickyard Mall.

**B. Fashion Oriented Department Store**

**Examples:** Meier & Frank, Bloomingdales, Macy’s, Dillard’s, Marshall Fields, Bon Marche, Broadway, Broadway Southwest, Robinsons/May.

**Proposed Zoning Districts:** Downtown Main Street Retail Core Overlay District (located in the D-1 between South Temple and 500 South from West Temple to State Street).

**Rationale:** The appropriate location of Fashion Oriented Department Stores was the focus of the City Council’s action in 2004, and this petition offers no change to the proposed location of this type of store. This type of department store will only be allowed within the Downtown Main Street Retail Core Overlay District.

**C. Specialty Fashion Department Store**

**Examples:** Lord & Taylor, Neiman Marcus, Nordstrom, Saks Fifth Avenue.

**Proposed Zoning Districts:** Downtown Main Street Retail Core Overlay District

**Rationale:** The appropriate location of Fashion Oriented Department Stores was the focus of the City Council’s action in 2004, and this petition offers no change to the proposed location of this type of store. Specialty Fashion Department Stores will only be allowed within the Downtown Main Street Retail Core Overlay District.

**D. Mass Merchandising Store**

**Examples:** Wal-Mart, K-Mart, Target, Fred Meyer and Shopko.

**Proposed Zoning Districts:** CS, CSHBD, CG, D-1, D-2, D-4, G-MU.

**Rationale:** In the past, many of these stores were classified as retail sales land uses and would have been allowed in many Commercial, Downtown and Gateway zoning districts. This type of department store is proposed to have one of the widest distribution of the different types of department stores. Because of the potential size and local impacts that this type of store may have on adjacent residential districts, it is proposed that the local-oriented commercial districts such as the CB would not allow mass merchandising stores.

**E. Specialty Store**

**Examples:** Home Depot, OfficeMax, Toys “R” Us, PetsMart, Michaels, Bed Bath & Beyond, Borders Books, Barnes & Noble, Circuit City, Galyan’s, Sports Authority, Pep Boys, and CompUSA.

**Proposed Zoning Districts:** CC, CS, C-SHBD, CG, D-1, D-2, D-4, G-MU

**Rationale:** The typical retailers that are included in the Specialty Store definition have a community- or city-wide market. Although specialty stores have a broad range of floor areas (20,000 s.f. to 100,000 s.f.), the lower intensity zoning districts such as the CC, and CS have built in mechanisms which require discretionary review by the Planning Commission and allows the City to impose conditions and affect site design to lessen impacts on adjacent residential land uses. The CS District requires planned development approval for all new construction and the CC District limits building height to 30 feet. Through the conditional use process an additional 15 feet of building height may be approved.

**F. Superstore & Hypermarket:**

**Examples:** Wal-Mart Supercenter, Meijer’s, Fred Meyer’s (with grocery) and Super Target.

**Proposed Zoning Districts:** CS, CG, D-2, G-MU

**Rationale:** Superstores and hypermarkets tend to be large (120,000 to 180,000 s.f.) uses that generally draw from a market that is community- or a city-wide. Typically these uses are not built in the downtown retail core because of the large amount of surface parking that is generally included with the development. For this reason, this type of department store is not being proposed in the D-1 or D-4 districts. As mentioned above, the CS District includes mechanisms to help limit adverse impacts that new construction of a superstore or hypermarket might generate on nearby residential districts.



**G. Warehouse Club Store**

**Examples: BJ's Wholesale Club, COSTCO, and Sam's Club.**

**Proposed Zoning Districts: CG**

**Rationale:** Warehouse Club stores have been typically limited to the CG district in Salt Lake City and have tended to locate along the 300 West corridor. This is an appropriate location for these large auto-oriented developments.

3. **ANALYSIS OF PROPOSED MAP AMENDMENT:** Under this petition, Staff is recommending that the zoning designation of Block 76, Plat D, Salt Lake City Survey, be changed from CS to CB. This block is located between Fifth and Sixth Avenues from E Street to F Street. The primary land use on this block is a Smith's grocery store, although other retail sales and service retail uses are located on the block.

If the proposed department store text amendments are adopted, the CS District will allow several types of department stores as permitted uses which may not be appropriate for this setting in the Avenues because of its predominately residential character. If the Zoning Ordinance text amendments are adopted, the CS District would allow the development of a Mervyns, Target or Home Depot at this site. For this reason, Staff is recommending that the zoning designation for this block be changed from CS to CB.

The CB District is intended to "provide for the close integration of moderately sized commercial areas with adjacent residential neighborhoods." The retail uses located at this location primarily serve the residents living within or in close proximity to the Avenues community. The land uses located on the block are well integrated in this setting and with the zoning amendment continue to be legal conforming permitted uses.

4. **FINDINGS:** A decision to amend the text of the zoning ordinance or the zoning map is a matter committed to the legislative discretion of the City Council and is not controlled by any one standard. However, in making its decision concerning a proposed amendment, the Planning Commission and the City Council must consider the following factors:

**21A.50.050 Standards for General Amendments**

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

**Discussion:** As discussed above under the Master Plan Specification section of the staff report, various master plans have policies that may relate to the proposed zoning ordinance text amendments. The proposed distribution of different types of department stores to various zoning districts supports the City's policy that the downtown retail core, centered on Main Street, is the primary retail core of the City, anchored by large-scale high-fashion department stores. The proposed text amendment supports this policy by

allowing fashion oriented and specialty fashion department stores to locate only within the Downtown Main Street Retail Core Overlay District. By permitting other types of department stores to locate elsewhere in the City, the proposed text amendment supports the objective of the Salt Lake City Vision Plan to develop complementary retail shopping opportunities in neighborhood and commercial areas. The community master plans that guiding zoning and development decisions throughout the City identify appropriate locations for commercial zoning.

The Avenues Master Plan Update recommends Business/Commercial zoning on Block 76 and the proposed CB zoning is consistent with that recommendation.

**Findings:** The proposed amendments are consistent with the purposes, goals, objectives, and policies of the adopted general plan of Salt Lake City.

**B. Whether the proposed amendments are harmonious with the overall character of existing development in the immediate vicinity of the subject property.**

**Discussion:** The proposed Zoning Ordinance text amendments are not specific to any one site but may have an effect on future development in commercial zoning districts throughout the City. The distribution of particular types of department stores to various zoning district is sensitive to the scale of development typically allowed within a particular district. For example, department stores that have a regional market are allowed to located in zoning districts that are designed for regional land uses such as the Downtown zoning districts.

The propose Zoning Map amendment is harmonious with surrounding development in the Avenues. The CB District was specifically designed to provide for the close integration of moderately sized commercial areas with adjacent residential neighborhoods. If the text amendments are approved and Block 76 remained zoned CS, it is possible that certain types of department stores could locate on the block that would not be compatible with the predominately residential area.

**Findings:** The proposed Zoning Ordinance text amendments are not specific to a particular site but have an affect City-wide. Department stores are proposed to be allowed in zoning districts appropriate for the potential impacts created by the size and nature of a particular type of department store. The proposed Zoning Map amendment is harmonious with the overall character of existing development in the immediate vicinity of Block 76. The type of land uses allowed by the CB District are appropriate for this location in the Avenues.

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

**Discussion:** The proposed amendments are intended to implement City Council and master plan policies calling for the strengthening of the downtown area as a regional center for retail and facilitate development of complementary retail shopping

opportunities in other commercial areas of the City. The proposed Zoning Map amendment for Block 76 is intended to avoid potential adverse affects that retaining the CS District could have on the residential use surrounding the block by allowing inappropriate types of department stores.

**Findings:** The proposed Zoning Ordinance text and Zoning Map amendments were developed in response to requests by the Planning Commission and the City Council and are intended to implement City Council and Master Plan policies to strengthen the downtown area as a regional retail center and facilitate the development of complimentary retail shopping opportunities in other commercial areas of the City.

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

**Discussion:** There are existing overlay districts within the areas affected by the proposed text and map amendments, such as the Downtown Main Street Retail Core, South State Street Corridor, Historic Preservation, Airport Flight Path Protection and Groundwater Source Protection overlay districts. The proposed amendments will have no effect on the administration of existing overlay districts.

**Findings:** The amendments are consistent with the provisions of any applicable overlay zoning districts which may impose additional standards.

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

**Discussion:** The proposed Zoning Ordinance text amendments are not specific to a development proposal or to a specific site. Any new development that occurs as a result of these amendments must satisfy all City requirements.

**Findings:** The adequacy of public facilities and services intended to serve Commercial, Downtown and Gateway districts will be reviewed as part of all new development. All new development must satisfy the all City requirements.

**RECOMMENDATION:** Based on the analysis and the findings presented in this report, the Staff recommends that the Planning Commission forward a positive recommendation to the City Council to approve Petition 400-04-29 and to amend the following sections of the Zoning Ordinance to allow certain types of department stores as presented in the staff report:

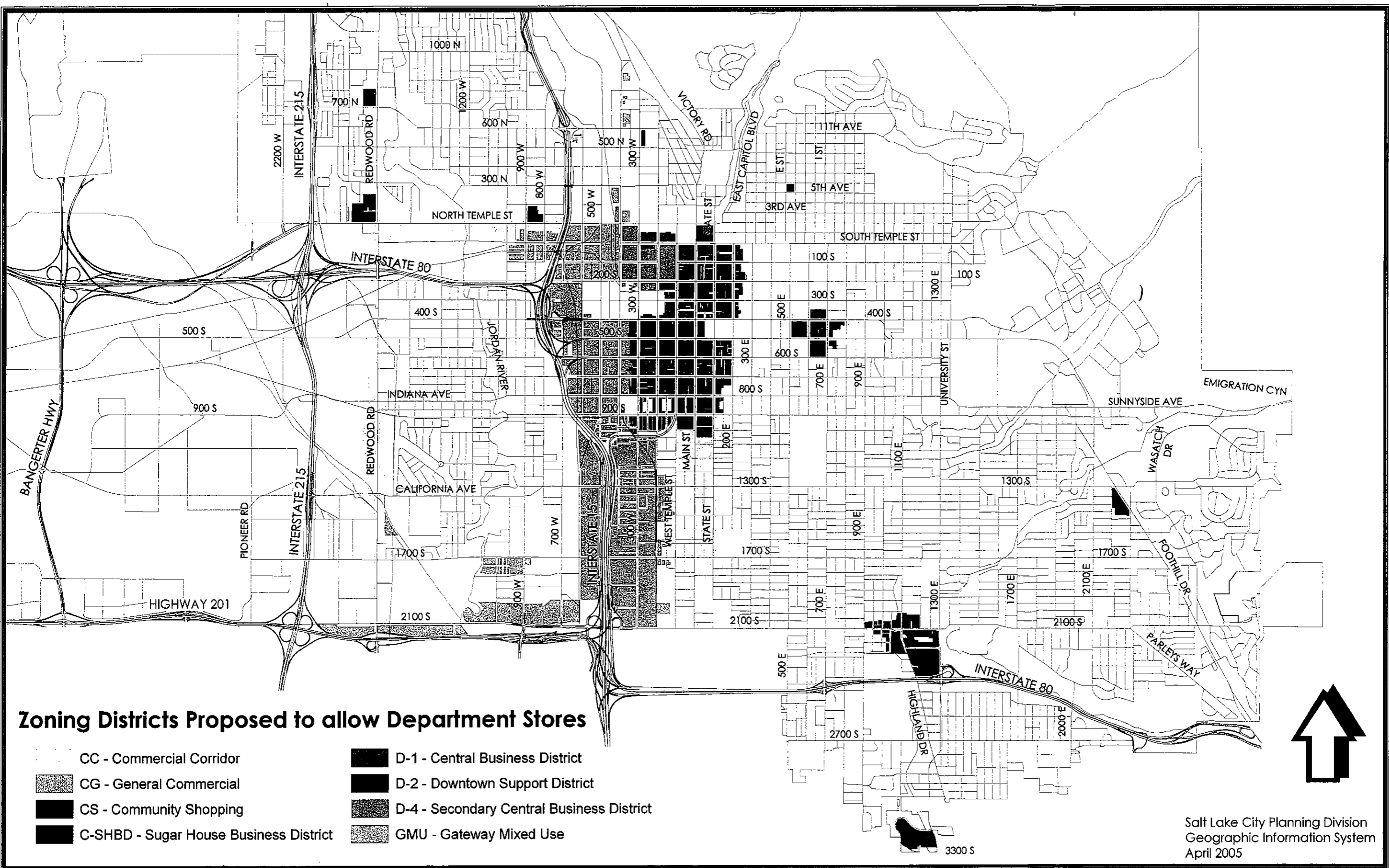
1. 21A.26.080 Table of Permitted and Conditional Uses for Commercial Districts;
2. 21A.30.050 Table of Permitted and Conditional Uses for the Downtown Districts; and,
3. 21A.31.050 Table of Permitted and Conditional Uses in the Gateway District.

Furthermore, Staff recommends that the Planning Commission forward a positive recommendation to the City Council to amend the Zoning Map designation of Block 75, Plat D, Salt Lake City Survey from CS Community Shopping to CB Community Business.

Exhibits:

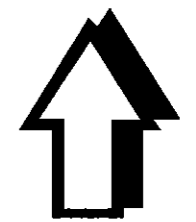
1. Map of Affected Zoning Districts
2. Department Store Definitions
3. Letter from Greater Avenues Community Council
4. Public Comment

**EXHIBIT 1**  
**MAP OF AFFECTED ZONING DISTRICTS**



### Zoning Districts Proposed to allow Department Stores

- |  |   |
|--|---|
|  CC - Commercial Corridor               |  D-1 - Central Business District           |
|  CG - General Commercial                |  D-2 - Downtown Support District           |
|  CS - Community Shopping                |  D-4 - Secondary Central Business District |
|  C-SHBD - Sugar House Business District |  GMU - Gateway Mixed Use                   |



# **EXHIBIT 2**

## **DEPARTMENT STORE DEFINITIONS**

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Planning Commission Staff Report  
Petition 400-04-29  
April 27, 2005

**DEPARTMENT STORE DEFINITIONS**  
**ADOPTED BY THE CITY COUNCIL**  
**JANUARY 13, 2004**

**Conventional Department Store:** means a retail business which offers a broad range of merchandise lines at moderate level price points, consisting of primarily apparel and home goods. No merchandise line predominates and goods are displayed in a departmentalized format. Customer assistance is provided in each department, but checkout facilities can be either departmentalized or centralized. These stores are typically over 100,000 square feet in size. Examples include, but are not limited to, Kohls, J.C. Penney and Mervyns, as such stores are typically configured as of the date of adoption of this definition.

**Fashion Oriented Department Store:** means a retail business which offers more specialized lines of merchandise than Conventional Department Stores, with an emphasis on apparel merchandise. The merchandise is displayed in separate departments, with over forty percent (40%) of sales area devoted to the sale of apparel, shoes, cosmetics and accessories related to personal care and appearance. Fashion Oriented Department Stores sell goods which are primarily nationally advertised brands, they may sell appliances which are usually serviced by other companies, and often offer limited lines of merchandise through seasonal or special catalogs. These stores provide checkout service and customer assistance (salespersons) within each department. These stores are typically over 100,000 square feet in size. Examples include, but are not limited to, Meier & Frank, Bloomingdales, Macy's, Dillards, Marshall Fields, Bon Marche, Broadway, Broadway Southwest, Robinsons/May, as such stores are typically configured as of the date of adoption of this definition.

**Specialty Fashion Department Store:** means a retail business which specializes in high-end merchandise in the categories of apparel, fashion accessories, jewelry, and limited items for the home and housewares. These stores feature exclusive offerings of merchandise, high levels of customer service and amenities, and higher price points. Specialty Fashion Department Stores provide checkout service and customer assistance (salespersons) within each department and often offer specialized customer services such as valet parking, exclusive dressing rooms and personal shoppers. These stores typically range from 80,000 to 130,000 square feet in size. Examples include, but are not limited to, Lord & Taylor, Neiman Marcus, Nordstrom, Saks Fifth Avenue, as such stores are typically configured as of the date of adoption of this definition.

**Mass Merchandising Store:** means a retail business selling a variety of merchandise, including apparel and home goods, at generally lower price points. Mass Merchandising Stores have fast turnover and high volume retailing with centralized check out stations. Generally, shopping carts are available to customers and there is reduced customer assistance within each department but customer assistance may occur in departments for special promotions or where appropriate for product demonstration, legal compliance or security purposes. These stores typically exceed 80,000 square feet in size. Examples include, but are not limited to, Wal-Mart, K-Mart, Target, Fred Meyer and Shopko, as such stores are typically configured as of the date of adoption of this definition.

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**Specialty Store:** means a retail business specializing in a broad range of a single category of goods at competitive prices. The categories usually included are home improvement, consumer music and electronics, office supply, auto aftermarket, computers, toys, books, home/bed/bath, pet supply, craft/hobby, or sporting goods. They often have departments, centralized and/or exit check out stations and operate in various physical formats. These stores typically range from 20,000 to 100,000 square feet in size. Examples include, but are not limited to, Home Depot, OfficeMax, Toys “R” Us, PetsMart, Michaels, Bed Bath & Beyond, Borders Books, Barnes & Noble, Circuit City, Galyan’s, Sports Authority, Pep Boys, and CompUSA, as such stores are typically configured as of the date of adoption of this definition.

**Superstore & Hypermarket:** means a retail business primarily engaged in retailing a general line of groceries in combination with general lines of new merchandise, such as apparel, furniture, and appliances, sold at discount prices. They have centralized exit check out stations, and utilize shopping carts for customers. These stores typically range from 120,000 to 180,000 square feet in size. Examples include, but are not limited to, Wal-Mart Supercenter, Meijer’s, Fred Meyer’s (with grocery) and Super Target, as such stores are typically configured as of the date of adoption of this definition.

**Warehouse Club Store:** means a retail business requiring patron membership, and selling packaged and bulk foods and general merchandise. They are characterized by high volume and a restricted line of popular merchandise in a no-frills environment. They have centralized exit check out stations, and utilize shopping carts for customers. These stores typically range from 120,000 to 150,000 square feet in size. Examples include, but are not limited to, BJ’s Wholesale Club, COSTCO, and Sam’s Club, as such stores are typically configured as the date of adoption of this definition.

**EXHIBIT 3**  
**LETTER FROM GREATER AVENUES**  
**COMMUNITY COUNCIL**

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Planning Commission Staff Report  
Petition 400-04-29  
April 27, 2005



## Greater Avenues Community Council

807 Northcliffe Drive, Salt Lake City, UT 84103

Jill Van Langeveld, Chair Phone: 801-359-8513

e-mail: JAVANL2@softcom.net

January 6, 2005

Salt Lake City Planning Division  
City and County Building  
451 South State Street  
Salt Lake City, UT 84111

To Whom It May Concern,

Mr. Joel Paterson came to the Greater Avenues Community Council meeting on January 5, 2005 and presented to us the City's proposal to change the zoning for the block occupied by Smiths grocery between Fifth and Sixth Avenues and E and F Streets from CS Community Shopping to CB Community Business as part of Petition 400-04-29.

The questions and comments made by the Council were regarding clarification of what the change would mean to Smiths and what kind of business would be allowed and what kind would not.

There was a vote taken. It was unanimously in favor of the change

Sincerely,

A handwritten signature in black ink, written in a cursive style, that reads "Jill Van Langeveld". The signature is fluid and extends across the width of the page.

Jill Van Langeveld

# **ATTACHMENT 4**

## **PUBLIC COMMENT**

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Planning Commission Staff Report  
Petition 400-04-29  
April 27, 2005

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

### NOTICE OF OPEN HOUSE

February 17, 2005

The Salt Lake City Planning Commission initiated Petition 400-04-29 to request that the Salt Lake City Zoning Ordinance be amended to allow several different types of department stores to locate in various commercial zoning districts within the City. As part of this petition, the City also proposes to change the zoning designation for the block containing the Avenues Smith's grocery store (Fifth Avenue to Sixth Avenue from E Street to F Street) from CS Commercial Shopping Center to CB Commercial Business.

The reason for the map amendment is that several types of department stores proposed to be allowed in the CS District may not be appropriate at this location in the Avenues. Changing the zoning designation to CB would eliminate this problem and will have no effect on the land uses currently located on this block. The CB District was designed for commercial centers located within residential districts and would be an appropriate zoning designation for the Avenues Smith's store.

The Planning Staff would like to receive your input regarding this proposal and invites you to a public open house:

**Thursday, March 3, 2005**  
**Salt Lake City County Building**  
**451 South State Street**  
**Room 118**  
**5:30 to 6:30 P.M.**

Since it is very difficult for us to inform all interested parties about this request, we would appreciate you discussing this matter with your neighbors and informing them of the open house.

If you have any questions on this issue, please call Joel Paterson (535-6141) or e-mail [joel.paterson@slcgov.com](mailto:joel.paterson@slcgov.com)

Respectfully,



Joel Paterson, AICP  
Senior Planner

**We comply with all ADA guidelines. Assistive listening devices and interpreter services provided upon request by calling 535-6021 a minimum of four days in of the meeting.**

451 SOUTH STATE STREET, ROOM 406, SALT LAKE CITY, UTAH 84111

TELEPHONE: 801-535-7757 FAX: 801-535-6174

[WWW.SLCGOV.COM](http://WWW.SLCGOV.COM)



# SALT LAKE CITY CORPORATION

A. LOUIS ZUNGUZE  
PLANNING DIRECTOR

BRENT B. WILDE  
DEPUTY PLANNING DIRECTOR

DOUGLAS L. WHEELWRIGHT, AICP  
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COMMUNITY DEVELOPMENT  
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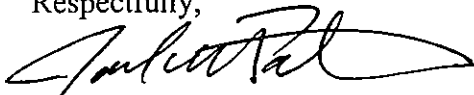
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Respectfully,



Joel Paterson, AICP  
Senior Planner

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451 SOUTH STATE STREET, ROOM 406, SALT LAKE CITY, UTAH 84111

TELEPHONE: 801-535-7757 FAX: 801-535-6174

[WWW.SLCGOV.COM](http://WWW.SLCGOV.COM)



# OPEN HOUSE SIGN-IN SHEET

## PETITION 400-04-29

TEXT AMENDMENT TO ALLOW DEPARTMENT STORES IN  
COMMERCIAL, DOWNTOWN AND GATEWAY ZONING DISTRICTS

MARCH 3, 2005

NAME

ADDRESS

1. Melba Busby 464 Fifth Ave. S.F.C., Ut.
2. Brant Lalimer 464 Fifth Ave. S.C. Utah
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
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20. \_\_\_\_\_

# OPEN HOUSE COMMENT SHEET

## PETITION 400-04-29

### TEXT AMENDMENT TO ALLOW DEPARTMENT STORES IN COMMERCIAL, DOWNTOWN AND GATEWAY ZONING DISTRICTS

MARCH 3, 2005

NAME: Brandt Latimer

ADDRESS: 464 5th Ave

TELEPHONE/E-MAIL ADDRESS: (801) 519-8983

COMMENTS: traffic would be one of my concerns,  
car's rolling stop signs & speeding -  
parking on street.

my vote for CB zone. Thankg

Brandt  
Latimer



**Exhibit 5c**

**PLANNING COMMISSION  
AGENDAS/MINUTES**

Commissioner Muir said that he appreciated Commissioner Scott's concerns but spoke of the legal challenge of tagging any kind of a rezone to the petition that is before the Commission. However, he said he would support such a study in the future.

Commissioner Diamond said that the voices of the public should have been heard in a community council meeting prior to this meeting. He suggested that the people from Ivory Development get the community together to see if the misunderstandings can be clarified.

Commissioner Scott believed that to be an excellent suggestion. She talked once more about how different in character the neighborhoods are on either side of 2300 East. Commissioner Scott urged the community to objectively look at the homes in the area. She added that perhaps they were charming back in the 1960s and 1970s, but some of them need a serious facelift.

Commissioner Noda echoed Commissioner Scott's comments by saying that there were a number of varying aspects to the neighborhoods. She said that there are many homes that are really quite dated. Commissioner Noda said she was surprised to see the many wide box garages and the huge additions in the area. She said that the area is a changing community.

Motion for Petition #490-04-08

**Commissioner Muir moved that the Planning Commission table Petition #490-04-08 until and continue the review at the May 25, 2005 meeting or at the Petitioner's discretion. Commissioner McDonough seconded the motion. Commissioner Diamond, Commissioner McDonough, Commissioner Muir, Commissioner Noda, Commissioner Scott, and Commissioner Seelig unanimously voted "Aye". Commissioner De Lay and Commissioner Galli were not present. Chairperson Chambless did not vote. The motion passed.**

A discussion took place regarding the development of an overlay ordinance for the Country Club/Maywood area. Staff could investigate the feasibility of an overlay ordinance. Issues like this take years to resolve. The Commission asked staff to continue the study on the lot size analysis concurrent with the continuation of this petition.

Chairperson Chambless said that tonight's meeting had been a good example of grassroots democracy or democracy in the trenches and thanked the remaining petitioners for their patience.

At 7:46 P.M., Chairperson Chambless called for a three-minute break. He reconvened the meeting at 7:49 P.M.

PUBLIC HEARING – Petition No. 400-04-29, by the Salt Lake City Planning Commission, requesting to amend the Salt Lake City Zoning Ordinance to allow different types of department stores to locate in various zoning districts within the city. As part of this petition, Salt Lake City also proposed to change the zoning designation for the block containing the Avenues Smith's grocery store (Fifth Avenue to Sixth Avenue, from "E"

Street to "F" Street) from Commercial Shopping Center (CS) to Commercial Business (CB).

*(This item was heard at 7:55 P.M.)*

Commissioner Muir recused himself and left the meeting.

Planner Joel Paterson presented the staff report by outlining the major issues of the case, the findings of fact, and staff's recommendation, a copy of which was filed with the minutes.

Mr. Paterson announced that this petition was a follow up petition to the petition that created the new definitions of department stores about 1 and ½ years ago, which the City Council adopted in January of 2004. He said that prior to that time, the City only had one definition of department store and department stores were allowed in the Central Business District (D-1), Downtown Support (D-2), Community Commercial (CS) and the Commercial Sugar House Business District (CSHBD) zones. Mr. Paterson pointed out that seven new definitions for different types of department stores were developed. He said that the City is looking at other zones, where it would be appropriate for these different types of department stores.

Mr. Paterson stated that this petition is requesting to amend the zoning ordinance to allow different types of department stores to locate in areas of the city beyond the D-1 Central Business District and the G-MU Gateway Mixed Use district. The proposed zoning map amendment proposes to change the zoning designation of Block 76 Plat D, Salt Lake City Survey from CS Community Shopping District to CB Community Business District. This block is located between Fifth and Sixth Avenues from "E" Street to "F" Street. The reason for the map amendment is that certain types of department stores proposed to be allowed in the CS District are not appropriate for this location. The CB zoning district is designed to integrate into residential settings such as this location in the Avenues. This block is surrounded by residential land uses located in the SR-1 Special Development Pattern Residential District. All the land uses that are currently located on the block are permitted uses in a CB zone. None of the uses will become non-conforming. The Smith's store that is there now is currently non-complying to the set back requirements of the CS zone, the zone that it is currently in.

Mr. Paterson stated that zoning ordinance and map amendment petitions require the Planning Commission to hold a public hearing and forward a recommendation to the City Council, which has final approval authority.

Mr. Paterson said that in either case if Smith's or another property owner wanted to demolish that structure to build something new, it would come before the Planning Commission as a conditional use.

Mr. Paterson added that as part of this process staff is not recommending any changes to the types of department stores that are allowed in the Gateway Mixed Use Zone now. The ones that are allowed during that first process were negotiated and allowed during that process and the petition is not proposing to change those.

Staff recommends that the Planning Commission forward a positive recommendation to the City Council to approve the petition and to amend the appropriate sections of the zoning ordinance.

Chairperson Chambless asked if there were any questions for staff.

Commissioner McDonough asked if this project was originally built under the C-S zone. Mr. Paterson said that the buildings that are currently in place predate the current zoning ordinance. Commissioner McDonough inquired about the zoning ordinance that was in place when the building was constructed. Mr. Wilde said that he thought it was in the old B-3 Neighborhood/Business Zone prior to 1995, which allowed most all retail uses. Ms. Coffey pointed out that the Smith's grocery store in the Avenues is in an historic district so it would have to be reviewed by the Historic Landmark Commission as well.

Commissioner Diamond recalled seeing a map, which identified properties with businesses within neighborhoods. He announced that LDS Hospital would be going through some dramatic changes. Commissioner Diamond inquired if the petition would impact with other things that go on in this neighborhood and would the Commission be setting itself up for any kind of issues. Mr. Paterson said that he was aware of potential changes at the hospital and the new facilities to the south. He added that the property on which the hospital is located is zoned Urban Institutional which is not geared toward commercial uses. Mr. Paterson said that if the uses on the campus changes significantly, the officials of the hospital would certainly have to come to the City to ask for consideration of a zoning map amendment and a master plan amendment.

Mr. Paterson stated that the change in the zoning for the subject block would not have any negative impact in the Avenues. He discussed some old zoning uses that allowed "Mom and Pop" commercial corner stores to be built.

Mr. Wilde added that a few years ago the Planning Staff generated a map that identified non-conforming neighborhood business uses that were zoned residential. He added that the Planning Staff analyzed many options to try to find a solution. Mr. Wilde mentioned that the Planning Staff did not find a very good zoning tool to solve that problem. He noted the latest approach was developing an ordinance that would add some rebuild flexibility to non-conforming uses, which is in process.

Since there were no additional questions, Chairperson Chambless asked if there was any member of the public who wished to address the Commission. Seeing none, Chairperson Chambless closed the public portion of the meeting with no further discussion.

Motion for Petition #400-04-29.

**Based on the analysis and the findings of fact in the staff report, Commissioner Noda recommended that the Planning Commission approve Petition No. 400-04-29 amending the following sections of the zoning ordinance to allow certain types of department stores as presented in the staff report: 1) 21A.34.020.26.080 Table of Permitted and Conditional Uses for Commercial Districts; 2) 21A.34.020.30.050 Table of Permitted and Conditional Uses for the Downtown Districts. Also that the Planning Commission forward a positive recommendation to the City Council to**

**amend the zoning map designation of Block 75, Plat D, Salt Lake City Survey from CS Community Shopping to CB Community Business Zoning District.**

**Commissioner Scott seconded the motion. Commissioner Diamond, Commissioner McDonough, Commissioner Noda, Commissioner Scott, and Commissioner Seelig unanimously voted "Aye". Commissioner Muir was in a state of recusion.**

**Commissioner De Lay and Commissioner Galli were not present. Chairperson Chambless did not vote. The motion passed.**

Commissioner Muir returned to the meeting.

PUBLIC HEARING – Petition No. 410-734, by the Boyer Company, requesting a planned development approval to construct a new office/retail building at the Gateway Shopping Center (generally located between 400 and 500 West from North Temple to 200 South Streets) in the Gateway Mixed Use (GMU) Zoning District and conditional use to modify building materials and height requirements of the GMU Zoning District. The location for the proposed office/retail building is on the south side of 50 North Street between 400 West and Rio Grande Streets. The site is presently occupied by the parking lot for Barnes and Nobel and a grass covered slope.

*(This item was heard at 8:18 P.M.)*

Planner Doug Dansie presented the staff report by outlining the major issues of the case, the findings of fact, and staff's recommendation, a copy of which was filed with the minutes. He pointed to the site map to indicate the area of concern.

Mr. Dansie stated that the site is presently a surface parking lot and landscaped area. It was originally used as railroad yards, but was redeveloped as part of a larger mixed use

Mr. Dansie pointed out that the primary purpose of the proposal is to expand an existing mixed-use complex with the addition of an office/retail building that will have exterior materials consistent with other buildings in the development. Issues for discussion include the need for a conditional use waiver of materials requirements and additional height. The building is proposed to be 133 feet tall at its highest location and have a flat roof, which remains an issue because the Planning Commission is only authorized to grant 120 feet in height.

Mr. Dansie indicated that there is no new parking structure being constructed as a result of this petition. The existing parking structures at Gateway were built with sufficient parking stalls to accommodate expansion.

Mr. Dansie pointed out that the main pedestrian entrance of the proposed building would be off the interior plaza that would face the Union Pacific Depot. The architecture is similar with other buildings at Gateway with the lower two floors being cast stone and the upper floors being an EIFS system (Exterior Insulated Finish System), which is synthetic stucco.

Mr. Dansie said that the petitioner is eager to move forward with the project. Staff recommended conceptual approval subject to the stipulations in the staff report.

**Exhibit 6**

**RELEVANT  
DOCUMENTATION**

# **SALT LAKE CITY CORPORATION**

**A. LOUIS ZUNGUZE**  
PLANNING DIRECTOR

**ROSS C. ANDERSON**  
MAYOR

COMMUNITY DEVELOPMENT  
PLANNING AND ZONING DIVISION

**BRENT B. WILDE**  
DEPUTY PLANNING DIRECTOR

**DOUGLAS L. WHEELWRIGHT, AICP**  
DEPUTY PLANNING DIRECTOR

December 7, 2004

Smith's Food and Drug Inc.  
1550 South Redwood Road  
Salt Lake City, UT 84104

Re: Proposed Zoning Change for Smith's Store at 402 East Sixth Avenue, Salt Lake City

Dear Sirs:

As part of Petition 400-04-29, the Salt Lake City Planning Commission is considering an amendment to the Salt Lake City Zoning Map that would change the zoning designation of the above mentioned Smith's store from CS Community Shopping to CB Community Business. To understand the reason for this proposal, please consider the following explanation.

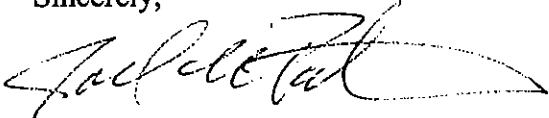
Last year, Salt Lake City developed new definitions for certain types of department stores (See attached definitions) and defined where these stores could locate in the Downtown area. Under the second phase of this process, the Planning Commission will determine what zoning districts throughout the rest of the City are appropriate for the different types of department stores. At this point, it appears that several types of department stores will be allowed in the CS District and that some of these land uses may not be appropriate in the Avenues. Changing the zoning designation to CB would eliminate this problem.

The CB District was designed for commercial centers located within residential districts and would be an appropriate designation for the Avenues Smith's store. Please see the attached map and description of the proposed Zoning Map amendment, descriptions of the CS and CB zoning districts and the table of permitted and conditional uses for commercial districts.

A review of the table of permitted and conditional uses indicates the zoning change will have no effect on the land uses currently found at the Avenues store. Also attached is a summary table of yard and bulk regulations for the commercial zones. In this table you will note that the building height in the CB District is 30 feet or two stories while the height in the CS District is 45 feet or three stories. Furthermore, the CS District requires that land uses over 20,000 square feet in size be approved as a conditional use. Because grocery stores serve the surrounding neighborhood and are an appropriate land use in the CB District, Planning Commission may consider an exemption to the maximum floor area for grocery stores.

I plan to present this proposal to the Greater Avenues Community Council in January, 2005 and schedule a public open house later in January or February. If you have any questions, please contact me at 535-6141 or by sending e-mail to [joel.paterson@slcgov.com](mailto:joel.paterson@slcgov.com).

Sincerely,

A handwritten signature in black ink, appearing to read "Joel G. Paterson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Joel G. Paterson, AICP  
Senior Planner

**Attachments:**

- Vicinity Map and description of Proposed Map Amendment
- CS and CB District Regulations
- Table of Permitted and Conditional Uses
- Summary Table of Yard and Bulk Regulations
- Department Store Definitions



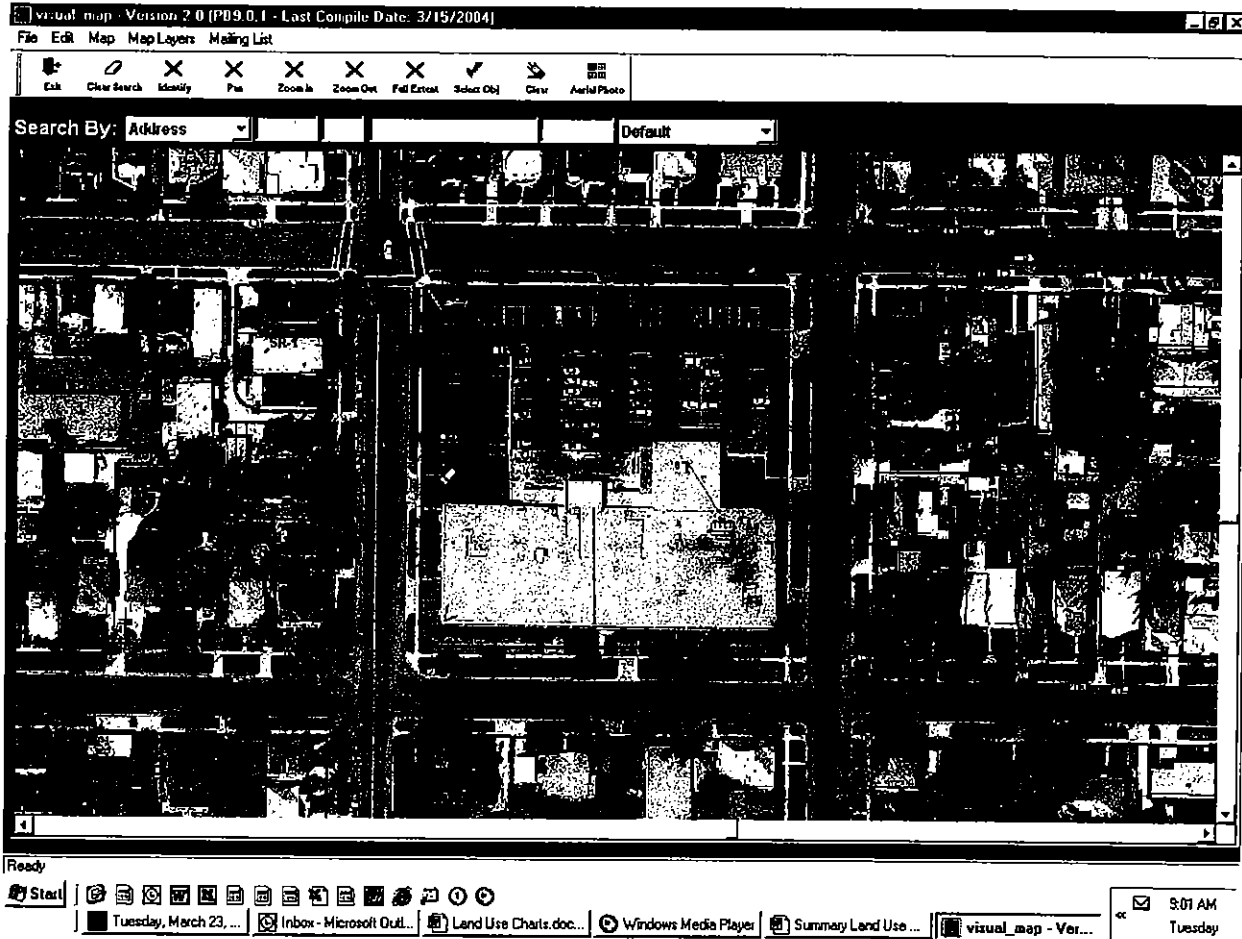
DEPARTMENT STORE TEXT AMENDMENT PROCESS  
PROPOSED MAP AMENDMENT

**Location:** Block 76, Plat D, Salt Lake City Survey  
Smith's Grocery Store at 6<sup>th</sup> Avenue and E Street

**Proposed Zoning  
Map Amendment:** CS Commercial Shopping Center to CB Commercial Business

**Rationale:** Under proposed Department Store text amendments, the CS District would allow several types of department stores, which may not be appropriate land uses in the Avenues, to locate at this site as permitted uses. The CB District is a better fit for the commercial function of this block.

The CB District is intended to “provide for the close integration of moderately sized commercial areas with adjacent residential neighborhoods.” The purpose of the CS District is to “provide an environment for efficient and attractive shopping center development at a community scale.”



requirements of part IV, chapter 21A.48 of this title.

**5. Accessory Buildings And Structures In Yards:** Accessory buildings and structures may be located in a required yard subject to table 21A.36.020B of this title.

**F. Landscape Yard Requirements:** If a front or corner side yard is provided, such yard shall be maintained as a landscape yard. The landscape yard can take the form of a patio or plaza, subject to site plan review approval.

**G. Maximum Height:** Thirty feet (30') or two (2) stories, whichever is less. (Ord. 88-95 § 1 (Exh. A), 1995; Ord. 26-95 § 2(13-2), 1995)

#### 21A.26.040 CS Community Shopping District:

**A. Purpose Statement:** The purpose of the CS community shopping district is to provide an environment for efficient and attractive shopping center development at a community level scale.

**B. Uses:** Uses in the CS community shopping district as specified in the table of permitted and conditional uses for commercial districts found at section 21A.26.080 of this chapter are permitted subject to the general provisions set forth in section 21A.26.010 of this chapter and this section.

**C. Planned Development Review:** All new construction of principal buildings, uses, or additions that increase the floor area and/or parking requirement by twenty five percent (25%) in the CS community shopping district may be approved only as a planned development in conformance with the provisions of section 21A.54.150 of this title.

##### D. Minimum Lot Size:

1. **Minimum Lot Area:** Sixty thousand (60,000) square feet, excluding shopping center pad sites.

2. **Minimum Lot Width:** One hundred fifty feet (150').

##### E. Minimum Yard Requirements:

1. **Front And Corner Side Yard:** Thirty feet (30').

2. **Interior Side Yard:** Fifteen feet (15').

3. **Rear Yard:** Thirty feet (30').

4. **Buffer Yards:** All lots abutting property in a residential district shall conform to the buffer yard

requirements of part IV, chapter 21A.48 of this title.

**5. Accessory Buildings And Structures In Yards:** Accessory buildings and structures may be located in a required yard subject to table 21A.36.020B of this title.

**F. Landscape Yard Requirements:** A landscape yard of fifteen feet (15') shall be required on all front and corner side yards, conforming to the requirements of section 21A.48.090 of this title.

**G. Maximum Height:** No building shall exceed forty five feet (45') or three (3) stories, whichever is less.

**H. Access Restrictions:** To maintain safe traffic conditions, lots in the CS community shopping district shall not exceed one driveway per one hundred fifty feet (150') of frontage on arterial or major collector streets. The location of driveways shall be subject to review by the development review team through the site plan review process.

**I. Effect Of Planned Development On Minimum Standards:** Pursuant to section 21A.54.150 of this title, the planning commission may modify the standards set forth in subsections D through H of this section in the approval of planned developments within this district. (Ord. 35-99 § 24, 1999; Ord. 88-95 § 1 (Exh. A), 1995; Ord. 26-95 § 2(13-3), 1995)

#### 21A.26.050 CC Corridor Commercial District:

**A. Purpose Statement:** The purpose of the CC corridor commercial district is to provide an environment for efficient and attractive automobile oriented commercial development along arterial and major collector streets.

**B. Uses:** Uses in the CC corridor commercial district as specified in the table of permitted and conditional uses for commercial districts found at section 21A.26.080 of this chapter, are permitted subject to the general provisions set forth in section 21A.26.010 of this chapter and this section.

##### C. Minimum Lot Size:

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

2. **Minimum Lot Width:** Seventy five feet (75').

ment in favor of the City shall be placed upon the landmark site. (Ord. 35-99 §§ 22, 23, 1999; Ord. 88-95 (Exh. A), 1995; Ord. 26-95 § 2(13-0), 1995)

**21A.26.020 CN Neighborhood Commercial**

**District:**

**A. Purpose Statement:** The CN Neighborhood Commercial District is intended to provide for small scale commercial uses that can be located within residential neighborhoods without having significant impact upon residential uses.

**B. Uses:** Uses in the CN Neighborhood Commercial District as specified in the Table of Permitted and Conditional Uses for Commercial Districts found at Section 21A.26.080 of this Chapter, are permitted subject to the general provisions set forth in Section 21A.36.010 of this Title and this Section.

**C. Lot Size Requirements:** No minimum lot area or lot width is required. No lot shall be larger than sixteen thousand five hundred (16,500) square feet.

**D. Maximum District Size:** The total area of a contiguously mapped CN District shall not exceed ninety thousand (90,000) square feet, excluding all land in public rights of way.

**E. Minimum Yard Requirements:**

**1. Front Or Corner Side Yard:** A fifteen foot (15') minimum front or corner side yard shall be required.

**2. Interior Side Yard:** None required.

**3. Rear Yard:** Ten feet (10').

**4. Buffer Yards:** Any lot abutting a lot in a residential district shall conform to the buffer yard requirements of Part IV, Chapter 21A.48 of this Title.

**5. Accessory Buildings And Structures In Yards:** Accessory buildings and structures may be located in a required yard subject to Table 21A.36.020B of this Title.

**F. Landscape Yard Requirements:** Front and corner side yards shall be maintained as landscape yards. Subject to site plan review approval, part or all of the landscape yard may be a patio or plaza, conforming to the requirements of Section 21A.48.090 of this Title.

**G. Maximum Height:** Twenty five feet (25') or two and one-half (2 1/2) stories, whichever is less. (Ord. 88-95 § 1 (Exh. A), 1995; Ord. 26-95 § 2(13-1), 1995)

**21A.26.030 CB Community Business District:**

**A. Purpose Statement:** The CB Community Business District is intended to provide for the close integration of moderately sized commercial areas with adjacent residential neighborhoods.

**B. Uses:** Uses in the CB Community Business District as specified in the Table of Permitted and Conditional Uses for Commercial Districts found at Section 21A.26.080 of this Chapter are permitted subject to the general provisions set forth in Section 21A.26.010 of this Chapter and this Section.

**C. Lot Size Requirements:** No minimum lot area or lot width is required, however any lot exceeding four (4) acres in size shall be allowed only as a conditional use.

**D. Maximum Building Size:** Any building having a fifteen thousand (15,000) gross square foot floor area of the first floor or a total floor area of twenty thousand (20,000) gross square feet or more, shall be allowed only as a conditional use. An unfinished basement used only for storage or parking shall be allowed in addition to the total square footage.

**E. Minimum Yard Requirements:**

**1. Front Or Corner Side Yard:** No minimum yard is required unless parking is provided between the building and the front or corner side yard lot line. Where parking is provided between the building and the front or corner side yard lot line, such parking shall be set back fifteen feet (15') and the fifteen foot (15') setback shall be landscaped conforming to the requirements of Section 21A.48.090 of this Title. If a front yard is provided, it shall comply with all provisions of this Title applicable to front or corner side yards, including landscaping, fencing, and obstructions.

**2. Interior Side Yard:** None required.

**3. Rear Yard:** Ten feet (10').

**4. Buffer Yards:** Any lot abutting a lot in a residential district shall conform to the buffer yard

21A.26.080

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

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

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

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

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

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



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

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

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

**Qualifying Provisions:**

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

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

21A.26.090

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

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

## DEPARTMENT STORE DEFINITIONS

**Conventional Department Store:** means a retail business which offers a broad range of merchandise lines at moderate level price points, consisting of primarily apparel and home goods. No merchandise line predominates and goods are displayed in a departmentalized format. Customer assistance is provided in each department, but checkout facilities can be either departmentalized or centralized. These stores are typically over 100,000 square feet in size. Examples include, but are not limited to, Kohls, J.C. Penney and Mervyns, as such stores are typically configured as of the date of adoption of this definition.

**Fashion Oriented Department Store:** means a retail business which offers more specialized lines of merchandise than **Conventional Department Stores**, with an emphasis on apparel merchandise. The merchandise is displayed in separate departments, with over forty percent (40%) of sales area devoted to the sale of apparel, shoes, cosmetics and accessories related to personal care and appearance. **Fashion Oriented Department Stores** sell goods which are primarily nationally advertised brands, they may sell appliances which are usually serviced by other companies, and often offer limited lines of merchandise through seasonal or special catalogs. These stores provide checkout service and customer assistance (salespersons) within each department. These stores are typically over 100,000 square feet in size. Examples include, but are not limited to, Meier & Frank, Bloomingdales, Macy's, Dillards, Marshall Fields, Bon Marche, Broadway, Broadway Southwest, Robinsons/May, as such stores are typically configured as of the date of adoption of this definition.

**Specialty Fashion Department Store:** means a retail business which specializes in high-end merchandise in the categories of apparel, fashion accessories, jewelry, and limited items for the home and housewares. These stores feature exclusive offerings of merchandise, high levels of customer service and amenities, and higher price points. **Specialty Fashion Department Stores** provide checkout service and customer assistance (salespersons) within each department and often offer specialized customer services such as valet parking, exclusive dressing rooms and personal shoppers. These stores typically range from 80,000 to 130,000 square feet in size. Examples include, but are not limited to, Lord & Taylor, Neiman Marcus, Nordstrom, Saks Fifth Avenue, as such stores are typically configured as of the date of adoption of this definition.

**Mass Merchandising Store:** means a retail business selling a variety of merchandise, including apparel and home goods, at generally lower price points. **Mass Merchandising Stores** have fast turnover and high volume retailing with centralized check out stations. Generally, shopping carts are available to customers and there is reduced customer assistance within each department but customer assistance may occur in departments for special promotions or where appropriate for product demonstration, legal compliance or security purposes. These stores typically exceed 80,000 square feet in size. Examples include, but are not limited to, Wal-Mart, K-Mart, Target, Fred Meyer and Shopko, as such stores are typically configured as of the date of adoption of this definition.

**Specialty Store:** means a retail business specializing in a broad range of a single category of goods at competitive prices. The categories usually included are home improvement, consumer music and electronics, office supply, auto aftermarket, computers, toys, books, home/bed/bath, pet supply, craft/hobby, or sporting goods. They often have departments, centralized and/or exit check out stations and operate in various physical formats. These stores typically range from 20,000 to 100,000 square feet in size. Examples include, but are not limited to, Home Depot, OfficeMax, Toys "R" Us, PetsMart, Michaels, Bed Bath & Beyond, Borders Books, Barnes & Noble, Circuit City, Galyan's, Sports Authority, Pep Boys, and CompUSA, as such stores are typically configured as of the date of adoption of this definition.

**Superstore & Hypermarket:** means a retail business primarily engaged in retailing a general line of groceries in combination with general lines of new merchandise, such as apparel, furniture, and appliances, sold at discount prices. They have centralized exit check out stations, and utilize shopping carts for customers. These stores typically range from 120,000 to 180,000 square feet in size. Examples include, but are not limited to, Wal-Mart Supercenter, Meijer's, Fred Meyer's (with grocery) and Super Target, as such stores are typically configured as of the date of adoption of this definition.

**Warehouse Club Store:** means a retail business requiring patron membership, and selling packaged and bulk foods and general merchandise. They are characterized by high volume and a restricted line of popular merchandise in a no-frills environment. They have centralized exit check out stations, and utilize shopping carts for customers. These stores typically range from 120,000 to 150,000 square feet in size. Examples include, but are not limited to, BJ's Wholesale Club, COSTCO, and Sam's Club, as such stores are typically configured as the date of adoption of this definition.

**PROPOSED DEPARTMENT STORE TEXT AMENDMENTS  
IN THE COMMERCIAL, DOWNTOWN AND GATEWAY ZONING DISTRICTS  
LAND USE CHART SUMMARY**

LAND USE	ZONING DISTRICTS								
	CC	CS	CSHBD	CG	D-1	D-2	D-3	D-4	GMU
<b>Department Store</b>		<u>P</u>	<u>P</u>						
<b>Conventional Department Store</b>		<u>P</u>			<u>P<sup>3</sup>P</u>	<u>P</u>		<u>P</u>	<u>P</u>
<b>Fashion Oriented Department Store</b>					<u>P<sup>3</sup></u>				
<b>Mass Merchandising Store</b>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P<sup>3</sup>P</u>	<u>P</u>		<u>P</u>	<u>P</u>
<b>Specialty Fashion Department Store</b>					<u>P<sup>3</sup></u>				
<b>Specialty Store</b>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P<sup>3</sup>P</u>	<u>P</u>		<u>P</u>	<u>P</u>
<b>Superstore &amp; Hypermarket</b>		<u>P</u>		<u>P</u>		<u>P</u>			<u>P</u>
<b>Warehouse Club Store</b>				<u>P</u>					

3. Uses Allowed only within the boundaries and subject to the provisions of the Downtown Main Street Core Overlay District (Section 21A.34.110 of this title).



# Greater Avenues Community Council

The Agenda

[www.slc-avenues.org](http://www.slc-avenues.org)

Volume IX, Issue 1

January 2005

### *If You Don't Know Where You Are Going . . .*

At times of "beginnings" whether it is at the start of a New Year, a new week or a new day, we ask ourselves questions like:

- "What things worked well?"
- "What things didn't work well?"
- "What can I change to improve the results?"
- "What are my goals?"
- "Are my goals realistic?"
- "What specific things do I need to do to reach these goals?"

When I taught Life Management at Bountiful High School, I required the students to read a small paperback book entitled, *If You Don't Know Where You Are Going, You Will Probably End Up Somewhere Else*.

I have always thought the title was perfect. Without periodic evaluation of our goals and what we are doing to achieve them, we definitely won't get to the place we want to be.

The Greater Avenues Community Council is no different. We have a set of By-laws which lists our goals and specific ways to achieve them. By-laws, like personal goals, need periodic review. A committee has been working on our By-laws for the last eighteen months, scratching out, adding new, changing, tweaking, deliberating, and then taking a few vacations between meetings to think about it some more.

The committee has presented a revised document that the GACC Board has debated and approved. Our new set of By-laws will be presented to the entire Council during the January 5, 2005 meeting for consideration and debate.

You, the Greater Avenues Community Council, will have the final say on the By-laws.

The overall purpose is to state our goals and the procedures used to achieve them. Just two of the many questions that need to be answered are: (1) should we use Robert's Rules of Order to conduct our monthly Council Meetings and, (2) what are the requirements to run for a GACC office and once elected, to remain in that office? This will be a very important meeting for all of us.

Wayne Green, our persevering By-laws committee chairman, has posted a copy of the revised By-laws on our web site that you can download for review. Hard copies are also at the Sweet Library for those without internet access. Please read over our new proposed By-laws and come to the January 5<sup>th</sup> meeting ready to share your thoughts and feelings on our goals and the way we want to achieve them. Our website is [www.slc-avenues.org](http://www.slc-avenues.org).

Remember **you** are the GACC. **Your participation is needed and important!**

One of the GACC's goals stated in the bylaws is to "provide a forum to discuss issues of mutual concern." With community forums in mind, we want to announce an upcoming meeting to be held jointly with UTA, the Capitol Hill Community Council, and the GACC. This meeting will be on **Wednesday, January 26, 2005 at 7:00 PM at the Sweet Library.**

### GACC Community Meeting

**Wednesday, January 5, 2005 7:00 p.m.**

**Sweet Library, 9th Avenue and F Street**

**Agenda** (times approximate)

- 7:00 Welcome and Announcements**
  - Jill Van Langeveld, 2005 GACC Chair
- 7:15 Reports**
  - Police
  - Committees
  - City/County Council
  - Legislature
  - School Board
  - Mayor's Office
- 7:35 Zoning Change for Smith's** – Joel Paterson from Salt Lake City Planning Division will propose a zoning change for the Smith's block. A vote may be taken.
- 7:45 2004 State of the Avenues** – Jill Van Langeveld, GACC Chair, will recap issues and events affecting our Avenues community over the past year.
- 8:05 Shriners Parking Update** – Craig Patchin, Shriners Hospital administrator, will present a finalized plan for parking solutions at the hospital.
- 8:10 Salt Lake County Council** – Jim Bradley and Jenny Wilson, County Council members, will outline county goals and will address issues relating to the Avenues.
- 8:25 GACC By-laws** – Wayne Green, By-law Committee chair, will announce proposed changes to the By-laws. After discussion of the changes, a vote of approval may be taken.
- 8:55 Open Forum** (*Time permitting, limit 1 min. per person.*)
- 9:00 Adjournment**

UTA's management has also been reassessing their goals and how to reach them. UTA has several options for changes in bus routes and route timing. They would like to discuss their ideas with our community to get our feelings and ideas. This is the only meeting of it's kind planned anywhere in the City.

Change is never easy but becomes a bit easier to accept when you are part of the process. Thank you to UTA for allowing us this opportunity to be part of the process.

We look forward to seeing everyone at the January 26<sup>th</sup> community forum with UTA and our Capitol Hill neighbors.

Wishing all a happy, healthy and successful New Year,

*Jill Van Langeveld, 2005 GACC Chair*

### **Important Dates for January:**

- GACC By-laws Discussion/Vote .... Jan 5**
- UTA Public Forum ..... Jan 26**
- (Both meetings at the Sweet Library, 7:00 p.m.)



**Exhibit 8**

**ORIGINAL PETITION**

**PETITION CHECKLIST**

<u>Date</u>	<u>Initials</u>	<u>Action Required</u>
<u>6/22/04</u>	<u>NH</u>	Petition delivered to Planning
<u>6/22/04</u>	<u>NH</u>	Petition assigned to: <u>Joel Patterson</u>
<u>4/27/05</u>	<u>JMP</u>	Planning Staff or Planning Commission Action Date
_____	_____	Return Original Letter and Yellow Petition Cover
<u>5/20/05</u>	<u>JMP</u>	Chronology
<u>5/12/05</u>	<u>JMP</u>	Property Description (marked with a post it note)
<u>5/12/05</u>	<u>JMP</u>	Affected Sidwell Numbers Included <u>09-31-430-015</u>
<u>2/17/05</u>	<u>JMP</u>	Mailing List for Petition, include appropriate Community Councils
<u>4/12/05</u>	<u>JMP</u>	Mailing Postmark Date Verification
<u>5/25/05</u>	<u>JMP</u>	Planning Commission Minutes
<u>4/22/05</u>	<u>JMP</u>	Planning Staff Report
_____	_____	Cover letter outlining what the request is and a brief description of what action the Planning Commission or Staff is recommending.
_____	_____	Ordinance Prepared by the Attorney's Office
_____	_____	Ordinance property description is checked, dated and initialed by the Planner. Ordinance is stamped by Attorney.
<u>Joel G. Patterson</u>		Planner responsible for taking calls on the Petition
_____	_____	Date Set for City Council Action _____
_____	_____	Petition filed with City Recorder's Office

EXERPT FROM PLANNING COMMISSION MINUTES  
NOVEMBER 12, 2003

Petition No. 400-03-23, by the Salt Lake City Planning Commission to consider amendments to:

1. Create new definitions of the term "department store" under Chapter 21A.62, Definitions;
2. Allow certain types of department stores in the Downtown Districts (21A.30.050) and Gateway Districts (21A.31.050) by amending the tables of permitted and conditional uses;
3. Create a Downtown Core Overlay zoning district under Chapter 21A.34 that defines the geography within the Central Business District where certain types of department stores will be allowed; and
4. Amend the Salt Lake City Zoning Map by adding the Downtown Core Overlay in the area generally located between South Temple and 500 South from West Temple to State Street.

This hearing began at 7:26 p.m.

Senior Planner Joel Paterson presented the petition as written in the staff report. He noted that in October 2003, the City Council considered a petition by the Gateway Associates requesting that department stores such as Nordstrom and Target be allowed to locate in the Gateway Mixed-Use "G-MU" zoning district. The City Council clearly stated that large-scale high fashion department stores should remain on Main Street. The City Council also suggested that there is potential for certain types of large-scale retailers to locate at the Gateway, and remain consistent with the City Council policy statement regarding the future economic development of Downtown. The City Council requested that the Planning Commission review and recommend new department store definitions to the City Council, which would be in accordance with industry standards. He stated that Staff is presenting seven new department store definitions to the Planning Commission. Staff is also suggesting that the Planning Commission support amendments to the Central Business District or "D-1" and the Gateway Mixed-Use or "G-MU" zoning districts, to allow certain types of department stores in those zones. Staff is recommending an amendment to the governing zoning map to create a "Downtown Main Street Core Overlay District" which would define where certain large-scale high fashion department stores would be allowed along Main Street. **Staff will come back to the Commission with a subsequent petition to consider where else in the City department stores should be allowed and what other Master Plan amendments are required to promote consistency with the City Council policies and the Master Plans.**

Mr. Zunguze added that **Staff decided to take a two staged approach because there is a sense of urgency from the Gateway Associates and Property Reserve Inc. to receive clarity from the City, and move on with their projects. He said that the current proposal, which is phase one of this two staged approach, is intended to apply specifically to the Gateway and Main Street areas. As Mr. Paterson noted Staff will be coming back shortly to the Planning Commission to address phase two of this work.**

PROCEEDINGS OF THE CITY COUNCIL OF SALT LAKE CITY, UTAH

January 13, 2003

Councilmember Christensen seconded the amended motion.

Councilmember Lambert said he was concerned about the concept of allowing market forces to regulate retail. He said he felt this was not a complete market force matter because government money was used to subsidize and encourage development. He said zoning was used to make decisions and establish policies and the strict use of market force would eliminate the need for zoning. He said he felt the market force concept was inconsistent with the decision made last fall regarding Nordstroms.

Councilmember Jergensen moved and Councilmember Christensen seconded to adopt Ordinance 4 of 2004 with an effective date of January 13, 2004, which motion carried, all members voted aye, except Councilmember Lambert who voted nay.

Councilmember Jergensen moved and Councilmember Lambert seconded to express Council support for the Planning Commission's efforts to address apparent inconsistencies in the current zoning ordinance which allowed department stores to locate on approximately 47 other downtown blocks, which motion carried, all members voted aye.

REMARKS

**Petition No.** 400-04-29

*By* Planning Commission

Is requesting a Second Round Text  
Amendment allowing Department Store  
Definition in various zoning districts.

*Date Filed* \_\_\_\_\_

*Address* \_\_\_\_\_