
CITY COUNCIL STAFF MEMORANDUM

DATE: March 25, 2010

SUBJECT: Petition PLNPCM2009-00135 - Wade Olsen - request to change the City's zoning regulations to allow a hotel/motel located on a State-owned arterial street as a conditional use in the Community Business CB Zoning District

AFFECTED COUNCIL DISTRICTS: If the ordinance is adopted the zoning text amendment will affect Council Districts citywide

FROM: Janice Jardine and Quin Card

ADMINISTRATIVE DEPT: Community Development Department, Planning Division
AND CONTACT PERSON: Joel Paterson Planning Manager

POTENTIAL MOTIONS:

1. ["I move that the Council"] Refer this item to a future Council meeting and request that the City Attorney draft an ordinance to repeal and reenact zoning regulation changes to allow hotels and motels located on State-owned arterial streets as a conditional use in the Community Business CB zoning district with additional criteria *to be identified by the Council.*
 2. ["I move that the Council"] Adopt an ordinance repealing and reenacting zoning regulation changes to allow hotels and motels located on State-owned arterial streets as a conditional use in the Community Business CB zoning district with additional criteria *to be identified by the Council.*
 3. ["I move that the Council"] Deny the request to change the City's zoning regulations to allow hotels and motels located on State-owned arterial streets as a conditional use in the Community Business CB zoning district.
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On March 9th the Council approved a motion adopting an ordinance changing City's zoning regulations to allow hotels and motels located on state-owned arterial streets as a conditional use in the Community Business (CB) district, and to leave the issue open until March 30. This was done to allow an opportunity to identify criteria specific to hotels and motels to be considered through the conditional use process.

Information provided for Council Review:

- A. Potential Conditional Use Criteria for Hotels and Motels Located on a State-owned Arterial Street in a Community Business (CB) Zoning District – menu of options for Council consideration.

- B. Zoning regulations:
 - 1. Conditional Uses (Chapter 21A.54)
Please see:
 - Sec. 21A.54.080 Standards for Conditional Uses
 - Sec. 21A.54.150.E.4 Other Standards, Planned Developments

 - 2. Conditional Building and Site Design Review (Chapter 21A.59)
Please see Sec. 21A.59.060 Standards for Design Review

 - 3. Commercial Districts – General Provisions (Sec. 21A.26.010)
(Provided for background purposes.)

 - 4. Community Business District CB (21A.26.030)
(Provided for background purposes.)

cc: David Everitt, Bianca Shreeve Karen Hale, Holly Hilton, Lisa Harrison-Smith, Ed Rutan, Lynn Pace, Paul Nielson, Frank Gray, Mary De Le Mare-Schaefer, Wilf Sommerkorn, Pat Comarell, Orion Goff, Larry Butcher, Joel Paterson, Craig Spangenberg, Randy Isbell, Council Liaisons, Mayors Liaisons

File Location: Community Development Dept., Planning Division, Zoning Text Amendment, Wade Olsen, Hampton Inn/Scenic Motel, 1345 and 1355 South Foothill Boulevard

Menu of Options

Potential Conditional Use Criteria for Hotels and Motels located on a State-owned Arterial Street in a Community Business (CB) Zoning District:

In addition to the general and specific standards for conditional use permit and conditional building and site design review provided in the zoning regulations, the following additional criteria would apply to the consideration and approval of a conditional use permit for a hotel or motel on a State-owned arterial street located in a Community Business (CB) zoning district, if deemed appropriate by the Planning Commission.

1. The hotel or motel shall incorporate materials and architectural styles consistent with immediately abutting development.
2. The Planning Commission may require a development agreement between an applicant and the City to assure site-specific features conform to conditions of approval imposed pursuant to City ordinance requirements.
3. An on-site parking structure shall not exceed ___% of the height of the hotel or motel structure.
4. The parking area for the hotel or motel shall incorporate design and other features to minimize the likelihood of vehicle break-ins and other criminal activity, such as a parking layout which avoids obscure areas, increased lighting, non-sight obscuring landscaping, random inspection of the premises by security personnel, parking attendants, and security cameras.
5. The parking area for a hotel or motel shall include spaces for recreational vehicles, campers, and vehicles with a trailer as deemed appropriate by the Planning Commission.
6. Delivery of commercial goods or services to the hotel or motel shall be prohibited between ___ a.m. and ___ p.m.
7. An entrance to a motel room which is accessed from outside the motel structure shall not directly face or abut a lot containing or zoned for residential use. This requirement shall not apply to a motel room entrance which faces the same street as the front of the motel or other buildings located on the same lot as the motel.
8. No part of a hotel or motel located on a lot, or any portion thereof, which has an established grade of greater than ___% shall exceed the maximum height allowed by the CB zone, measured from established grade at any given point of building coverage.
9. In order to substantially reduce or eliminate noise from any area or amenity used for recreation or reception activities, each such area, including an outdoor swimming pool, shall be located within a courtyard, atrium, or other space abutted by the hotel or motel structure. No such area shall directly abut a lot containing or zoned for residential use.
10. A hotel or motel structure shall not be located within ___ feet from the boundary of a lot containing or zoned for residential use.
11. Additional criteria identified by Council Members.

Please note - these items can be addressed by the Planning Commission through the attached Conditional Use and Conditional Building & Site Design Review standards. The standards apply with or without any additions by the Council.

Jardine, Janice

From: Darlene Batatian [dbatatian@comcast.net]
Sent: Tuesday, March 09, 2010 3:59 PM
To: Card, Quin; Jardine, Janice
Cc: Wade Olsen
Subject: Comments- Scenic /Hampton Inn- Additional Criteria for Conditional Use

Categories: Other

This email is to provide comments on the proposed Potential Criteria that are provided for your consideration in the Text Amendment tonight.

First of all, I appreciate the Council's consideration of the proposed Text Amendment: allowing the CB zone to include a small hotel within walking distance of neighborhood shops and restaurants lends an economic support base for local businesses, and complements smaller homes that cannot accommodate house-guests.

We understand that it is important to restrict the application of this use so that an excessively large, intrusive, or otherwise inappropriate Hotel structure is not developed without appropriate oversight. It was interesting to hear Council members comments on this issue at your work meeting last week. Please allow me to respond to some of their comments, from the developer's perspective.

Any proposed hotel will, under the provisions of this text amendment, be a Conditional Use (not a permitted use) and thus must comply with the CU ordinance and process. Additionally, because the underlying CB Zone limits height to 30 feet, this immediately routes any proposed hotel requiring 3 stories into the Planned Development process for a height variance. We now have 3 ordinances to contend with, all of which include design standards:

- 1) The CB Zone itself;
- 2) Conditional Use ordinance, AND
- 3) Planned Development ordinance.

The combination actually sets challenging goals and standards to meet. Signage, lighting, landscaping, buffers, height, roofline configurations, the use of glass, landscaping, neighborhood compatibility, and setbacks - these are all defined in at least one of the 3 zoning ordinances described above; and the entire process is subject to Planning Commission oversight. My experience is that Planning Commissions do not welcome or approve proposals that attempt to take advantage of residential locales without appropriate mitigation. Much work has to be done by the developer, not only in coming up with a well-conceived use for a site, but also executing it in a well-conceived site plan that integrates well with the specific environs of the location. Only careful interpretation of the ordinances, coupled with thoughtful design, and integrated with discourse with the local residents, will yield a plan that will be favorably considered by Planning Commissions.

It might seem counter-intuitive, but in fact, the more restrictive and specific the standards get, the designer/developer actually has less and less flexibility to design an appropriate, site-specific hotel. We wind up trying to meet the letter of the zoning code, rather than designing in creative or site-specific ways. My comment is to avoid being too specific, and instead state intent, ie, "the site plan should appropriately screen noise, visual impacts, etc:

Specific to the "Potential Criteria" on page 2 of the staff memorandum:

1. "... materials and architectural styles consistent with adjacent development" might be too specific (immediately adjacent sites might be themselves out of character, or even abandoned). Stating "materials and architectural styles relevant to the local neighborhood character" provides for better design interpretation.
3. Parking structure heights- this should be left for a site-by site basis. Conditional use restrictions and height concerns, which are reviewed by the Planning Commission, will control this element. (The proposed parking structure at the Scenic site is the result of creative use of the site grades, and might not apply to another site).
5. "Necessity for RV/trailer parking" - this is the realm of marketing/location-specific site development needs
7. "Motel room doors facing residential lots"- For wide-but-shallow parcels, this may be the only allowable configuration: visual screening, amenity placement, or other mechanisms could be used to mitigate the situation.
10. "Hotel/motel use may not be located within ___ feet of a lot containing or zoned for residential use"- this is likely to be self-defeating by eliminating or restricting a hotel development adjacent to residential zones but which is otherwise well-suited for that development. Could you instead consider imposing a buffer from the corners of a residence to the corner of a hotel (not the parcel boundary), for example, a minimum 25-foot buffer between buildings.

Again, specifying "the use of appropriate screening, walls, landscape or amenity buffers to mitigate noise and visual impacts when adjacent to residential" sets up a goal and intent, while allowing for diverse, site-specific approaches to solve the issue. The existing CB, Conditional Use, and Planned Development ordinances already spell out much of this. Additionally, comments and feedback from residents, Community Councils, and Planning Commission will determine whether those intents have been satisfied or not.... and I cannot understate their willingness to control these elements!

Thank you for your careful consideration of this proposal. We look forward to the Conditional Use/Planned Development process as soon as possible. The Scenic Hotel has been a wonderful asset to the community, but it has reached its design life, and earned its retirement.

Darlene Batatian, PG
MOUNTAIN LAND DEVELOPMENT SERVICES LLC
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Chapter 21A.54

CONDITIONAL USES

21A.54.010: PURPOSE STATEMENT:

A conditional use is a land use which, because of its unique characteristics or potential impact on the municipality, surrounding neighbors or adjacent land uses, may not be compatible or may be compatible only if certain conditions are required that mitigate or eliminate the negative impacts. Conditional uses are allowed unless appropriate conditions cannot be applied which, in the judgment of the planning commission, or administrative hearing officer, would mitigate adverse impacts that may arise by introducing a conditional use on the particular site. It requires a careful review of its location, design, configuration and special impact to determine the desirability of allowing it on a particular site. Whether it is appropriate in a particular location requires a weighing, in each case, of the public need and benefit against the local impact, taking into account the applicant's proposals for ameliorating any adverse impacts through special site planning, development techniques and contributions to the provision of public improvements, rights of way and services. (Ord. 2-08 § 3, 2008; Ord. 26-95 § 2(27-1), 1995)

21A.54.020: AUTHORITY:

The planning commission, or in the case of administrative conditional uses, the planning director or designee, may, in accordance with the procedures and standards set out in this chapter, and other regulations applicable to the district in which the property is located, approve uses listed as conditional uses in the tables of permitted and conditional uses found at the end of each chapter of part III of this title for each category of zoning district or districts. (Ord. 69-06 § 1, 2006; Ord. 26-95 § 2(27-2), 1995)

21A.54.030: CATEGORIES OF CONDITIONAL USES:

Conditional uses shall consist of the following categories of uses:

- A. **Uses Impacting Other Property:** Uses that may give rise to particular problems with respect to their impact upon neighboring property and the city as a whole, including their impact on public facilities; and
- B. **Planned Developments:** The uses which fall within these categories are listed in the tables of permitted and conditional uses found at the end of each chapter of part III of this title for each category of zoning district or districts.

- C. Administrative Consideration Of Conditional Uses: Certain conditional uses may be considered to be low impact due to their particular location and are hereby authorized to be reviewed administratively according to the provisions contained in section [21A.54.155](#) of this chapter. Conditional uses that are authorized to be reviewed administratively are:
1. Applications for low power wireless telecommunication facilities that are listed as conditional uses in subsection [21A.40.090E](#) of this title.
 2. Alterations or modifications to a conditional use that increase the floor area by one thousand (1,000) gross square feet or more and/or increase the parking requirement.
 3. Any conditional use as identified in the tables of permitted and conditional uses for each zoning district, except those that:
 - a. Are listed as a "residential" land use in the tables of permitted and conditional uses for each zoning district;
 - b. Are located within a residential zoning district;
 - c. Abut a residential zoning district or residential use; or
 - d. Require planned development approval.
 4. Public/private utility buildings and structures in residential and nonresidential zoning districts. (Ord. 69-06 § 2, 2006: Ord. 13-04 § 34, 2004: Ord. 81-01 § 2, 2001: Ord. 26-95 § 2(27-3), 1995)

21A.54.040: SITE PLAN REVIEW REQUIRED:

Site plan review of development proposals is required for all conditional uses in all districts. (Ord. 26-95 § 2(27-4), 1995)

21A.54.050: INITIATION:

An application for a conditional use may be filed with the zoning administrator by the owner of the subject property or by an authorized agent. (Ord. 26-95 § 2(27-5), 1995)

21A.54.060: PROCEDURES:

- A. Application: A complete application shall contain at least the following information submitted by the applicant, unless certain information is determined by the zoning administrator to be

inapplicable or unnecessary to appropriately evaluate the application:

1. The applicant's name, address, telephone number and interest in the property;
 2. The owner's name, address and telephone number, if different than the applicant, and the owner's signed consent to the filing of the application;
 3. The street address and legal description of the subject property;
 4. The zoning classification, zoning district boundaries and present use of the subject property;
 5. A complete description of the proposed conditional use;
 6. Site plans, as required pursuant to section [21A.58.060](#) of this title;
 7. Traffic impact analysis;
 8. A signed statement that the applicant has met with and explained the proposed conditional use to the appropriate neighborhood organization entitled to receive notice pursuant to [title 2, chapter 2.62](#) of this code;
 9. A statement indicating whether the applicant will require a variance in connection with the proposed conditional use;
 10. Mailing labels and first class postage for all persons required to be notified of the public hearing on the proposed conditional use pursuant to chapter 21A.10 of this title;
 11. Such other and further information or documentation as the zoning administrator may deem to be necessary for a full and proper consideration and disposition of the particular application.
- B. Determination Of Completeness: Upon receipt of an application for a conditional use, the zoning administrator shall make a determination of completeness of the application pursuant to section [21A.10.010](#) of this title.
- C. Fees: The application for a conditional use shall be accompanied by the fee established on the fee schedule.
- D. Staff Report; Site Plan Review Report: Once the zoning administrator has determined that the application is complete a staff report evaluating the conditional use application shall be prepared by the planning division and forwarded to the planning commission, or, in the case of administrative conditional uses, the planning director or designee along with a site plan review report prepared by the development review team.
- E. Public Hearing: The planning commission, or, in the case of administrative conditional uses,

the planning director or designee shall schedule and hold a public hearing on the proposed conditional use in accordance with the standards and procedures for conduct of the public hearing set forth in chapter 21A.10 of this title. (See sections [21A.54.150](#) and [21A.54.155](#) of this chapter for additional procedures for public hearings in connection with planned developments and administrative conditional uses.)

F. Notice Of Applications For Additional Approvals: Whenever, in connection with the application for a conditional use approval, the applicant is requesting other types of approvals, such as a variance or special exception, all required notices shall include reference to the request for all required approvals.

G. Planning Commission And Planning Director Or Designee Action: At the conclusion of the public hearing, the planning commission, or, in the case of administrative conditional uses, the planning director or designee, shall either: 1) approve the conditional use; 2) approve the conditional use subject to specific modifications; or 3) deny the conditional use. (Ord. 69-06 § 3, 2006; Ord. 26-95 § 2(27-6), 1995)

21A.54.070: SEQUENCE OF APPROVAL OF APPLICATIONS FOR BOTH A CONDITIONAL USE AND A VARIANCE:

Whenever the applicant indicates pursuant to subsection [21A.54.060A9](#) of this chapter that a variance will be necessary in connection with the proposed conditional use (other than a planned development), the applicant shall at the time of filing the application for a conditional use, file an application for a variance with the board of adjustment.

A. Combined Review: Upon the filing of a combined application for a conditional use and a variance, at the initiation of the planning commission or the board of adjustment, the commission and the board may hold a joint session to consider the conditional use and the variance applications simultaneously.

B. Actions By Planning Commission And Board Of Adjustment: Regardless of whether the planning commission and board of adjustment conduct their respective reviews in a combined session or separately, the board of adjustment shall not take any action on the application for a variance until the planning commission shall first act to recommend approval or disapproval of the application for the conditional use. (Ord. 26-95 § 2(27-7), 1995)

21A.54.080: STANDARDS FOR CONDITIONAL USES:

A. General Standard For Approval: A conditional use shall be approved if reasonable

conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards set forth in this section. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use shall be denied.

B. Specific Standards: A conditional use permit shall be approved unless the evidence presented shows that one or more of the standards set forth in this subsection cannot be met. The planning commission, or, in the case of administrative conditional uses, the planning director or the director's designee, may request additional information as may be reasonably needed to determine whether the standards of this subsection can be met.

1. Master Plan And Zoning Ordinance Compliance: The proposed conditional use shall be:

- a. Consistent with any policy set forth in the citywide, community, and small area master plan and future land use map applicable to the site where the conditional use will be located, and
- b. Allowed by the zone where the conditional use will be located or by another applicable provision of this title.

2. Use Compatibility: The proposed conditional use shall be compatible with the character of the site, adjacent properties, and existing development within the vicinity of the site where the use will be located. In determining compatibility, the planning commission shall consider:

- a. Whether the street or other means of access to the site where the proposed conditional use will be located will provide access to the site without materially degrading the service level on such street or any adjacent street;
- b. Whether the type of use and its location will create unusual pedestrian or vehicle traffic patterns or volumes that would not be expected with the development of a permitted use, based on:
 - (1) Orientation of driveways and whether they direct traffic to major or local streets, and, if directed to local streets, the impact on the safety, purpose, and character of these streets;
 - (2) Parking area locations and size, and whether parking plans are likely to encourage street side parking for the proposed use which will adversely impact the reasonable use of adjacent property;
 - (3) Hours of peak traffic to the proposed use and whether such traffic will unreasonably impair the use and enjoyment of adjacent property; and
 - (4) Hours of operation of the proposed use as compared with the hours of activity/operation of other nearby uses and whether the use, during hours of operation, will be likely to create noise, light, or other nuisances that unreasonably impair the use and enjoyment of adjacent property;

- c. Whether the internal circulation system of any development associated with the proposed use will be designed to mitigate adverse impacts on adjacent property from motorized, nonmotorized, and pedestrian traffic;
 - d. Whether existing or proposed utility and public services will be adequate to support the proposed use at normal service levels and will be designed in a manner to avoid adverse impacts on adjacent land uses, public services, and utility resources;
 - e. Whether appropriate buffering or other mitigation measures, such as, but not limited to, landscaping, setbacks, building location, sound attenuation, odor control, will be provided to protect adjacent land uses from excessive light, noise, odor and visual impacts and other unusual disturbances from trash collection, deliveries, and mechanical equipment resulting from the proposed use; and
 - f. Whether detrimental concentration of existing nonconforming or conditional uses substantially similar to the use proposed is likely to occur, based on an inventory of uses within one-fourth ($1/4$) mile of the exterior boundary of the subject property.
3. Design Compatibility: The proposed conditional use shall be compatible with the character of the area where the use will be located with respect to:
- a. Site design and location of parking lots, accessways, and delivery areas;
 - b. Whether the proposed use, or development associated with the use, will result in loss of privacy, objectionable views of large parking or storage areas; or views or sounds of loading and unloading areas; and
 - c. Intensity, size, and scale of development associated with the use as compared to development and uses in the surrounding area.
 - d. If a proposed conditional use will result in new construction or substantial remodeling of a commercial or mixed used development, the design of the premises where the use will be located shall conform to the conditional building and site design review standards set forth in chapter 21A.59 of this title.
4. Detriment To Persons Or Property: The proposed conditional use shall not, under the circumstances of the particular case and any conditions imposed, be detrimental to the health, safety, and general welfare of persons, nor be injurious to property and improvements in the community, existing surrounding uses, buildings, and structures. The proposed use shall:
- a. Not emit any known pollutant into the ground or air that will detrimentally affect the subject property or any adjacent property;
 - b. Not encroach on any river or stream, or direct runoff into a river or stream;
 - c. Not introduce any hazard or potential for damage to an adjacent property that cannot be mitigated;

- d. Be consistent with the type of existing uses surrounding the subject property; and
- e. Improve the character of the area by encouraging reinvestment and upgrading of surrounding properties.

5. Compliance With Other Applicable Regulations: The proposed conditional use and any associated development shall comply with any other applicable code or ordinance requirement.

C. Imposition Of Conditions Of Approval: The planning commission, or, in the case of administrative conditional uses, the planning director or the director's designee, may impose on a conditional use any conditions necessary to conform the proposed use with the approval standards set forth in this section. Such conditions may include conditions on the scope of the use; its character or location; architecture; signage; construction; landscaping; access; loading and parking; sanitation; drainage and utilities; fencing and screening; setbacks; natural hazards; public safety; environmental impacts; hours and methods of operation; dust, fumes, smoke and odor; noise, vibrations; chemicals, toxins, pathogens, and gases; and heat, light, and radiation. Such conditions shall:

1. Be expressly set forth in the approval authorizing the conditional use;
2. Not be used as a means to authorize as a conditional use any use intended to be temporary only;
3. Be within the police powers of Salt Lake City;
4. Substantially further a legitimate public purpose;
5. Further the same public purpose for which the condition is imposed;
6. Not require the applicant/owner to carry a disproportionate burden in furthering the public purpose of the condition; and
7. In the case of land dedications and other contributions of property, be reasonably related and roughly proportionate to the use of the property for which the conditional use is authorized.

D. Denial Of Conditional Use Application: The following findings shall be cause for denial of a conditional use application:

1. The proposed use is unlawful; and
2. The reasonably anticipated detrimental effects of the proposed conditional use cannot be substantially mitigated as proposed in the conditional use application or by the imposition of reasonable conditions to achieve compliance with applicable standards set forth in this section. (Ord. 61-08 § 1 (Exh. A), 2008: Ord. 2-08 § 4, 2008: Ord. 35-99 § 95, 1999: Ord. 26-95 § 2(27-8), 1995)

21A.54.090: VIOLATION OF CONDITIONS:

Violation of any condition of an approved conditional use shall constitute grounds for revocation of the conditional use approval. (Ord. 61-08 § 1 (Exh. A), 2008: Ord. 69-06 § 4, 2006: Ord. 26-95 § 2(27-9), 1995)

21A.54.100: NO PRESUMPTION OF APPROVAL:

The listing of a conditional use in any table of permitted and conditional uses found at the end of each chapter of part III of this title for each category of zoning district or districts does not constitute an assurance or presumption that such conditional use will be approved. Rather, each proposed conditional use shall be evaluated on an individual basis, in relation to its compliance with the standards and conditions set forth in this chapter and with the standards for the district in which it is located, in order to determine whether the conditional use is appropriate at the particular location. (Ord. 26-95 § 2(27-10), 1995)

21A.54.110: EFFECT OF APPROVAL OF CONDITIONAL USE:

The approval of a proposed conditional use by the planning commission, or, in the case of administrative conditional uses, the planning director or designee, shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration or moving of any building or structure, but shall merely authorize the preparation, filing and processing of applications for any permits or approvals that may be required by the regulations of the city, including, but not limited to, a building permit, certificate of occupancy and subdivision approval. (Ord. 69-06 § 5, 2006: Ord. 26-95 § 2(27-11), 1995)

21A.54.120: LIMITATIONS ON CONDITIONAL USE APPROVAL:

Subject to an extension of time granted by the planning commission, or, in the case of administrative conditional uses, the planning director or designee, no conditional use shall be valid for a period longer than twelve (12) months unless a building permit is issued and construction is actually begun within that period and is thereafter diligently pursued to completion, or unless a certificate of occupancy is issued and a use commenced within that period, or unless a longer time is requested and granted by the planning commission, or, in the case of administrative conditional uses, the planning director or designee. Any request for a time extension shall be required not less than thirty (30) days prior to the twelve (12) month time period. The approval of a proposed conditional use by the planning commission, or, in the case of administrative conditional uses, the planning director or designee, shall authorize only the particular use for which it was issued. (Ord. 2-08 § 5, 2008: Ord. 69-06 § 6, 2006: Ord. 26-95 § 2(27-12), 1995)

21A.54.130: CONDITIONAL USE RELATED TO THE LAND:

An approved conditional use relates only to, and is only for the benefit of the use and lot rather than the owner or operator of such use or lot. (Ord. 26-95 § 2(27-13), 1995)

21A.54.135: ALTERATIONS OR MODIFICATIONS TO A CONDITIONAL USE:

Any land use currently listed as a conditional use under existing zoning regulations shall be required to obtain conditional use approval subject to the provisions of this chapter if the floor area increases by one thousand (1,000) gross square feet or more and/or the parking requirement is increased.

- A. Administrative Consideration Of Conditional Use: Applications for alterations and/or modifications to a conditional use may be reviewed according to the procedures set forth in section [21A.54.155](#) of this chapter. (Ord. 13-04 § 35, 2004)

21A.54.140: CONDITIONAL USE APPROVALS AND PLANNED DEVELOPMENTS:

When a development is proposed as a planned development pursuant to the procedures in section [21A.54.150](#) of this chapter and also includes an application for conditional use approval, the planning commission shall decide the planned development application and the conditional use application together. In the event that a new conditional use is proposed after a planned development has been approved pursuant to section [21A.54.150](#) of this chapter, the proposed conditional use shall be reviewed and approved, approved with conditions, approved with modifications, or denied under the standards set forth in section [21A.54.080](#) of this chapter. (Ord. 26-95 § 2(27-14), 1995)

The section below has been affected by a recently passed ordinance, 2009-69 - Zoning Amendments. [Go to new ordinance.](#)

21A.54.150: PLANNED DEVELOPMENTS:

- A. Purpose Statement: A planned development is a distinct category of conditional use. As such, it is intended to encourage the efficient use of land and resources, promoting greater efficiency in public and utility services and encouraging innovation in the planning and building of all types of development. Through the flexibility of the planned development technique, the city seeks to achieve the following specific objectives:

1. Creation of a more desirable environment than would be possible through strict

application of other city land use regulations;

2. Promotion of a creative approach to the use of land and related physical facilities resulting in better design and development, including aesthetic amenities;
3. Combination and coordination of architectural styles, building forms and building relationships;
4. Preservation and enhancement of desirable site characteristics such as natural topography, vegetation and geologic features, and the prevention of soil erosion;
5. Preservation of buildings which are architecturally or historically significant or contribute to the character of the city;
6. Use of design, landscape or architectural features to create a pleasing environment;
7. Inclusion of special development amenities; and
8. Elimination of blighted structures or incompatible uses through redevelopment or rehabilitation.

B. Authority: The planning commission may approve planned developments for uses listed in the tables of permitted and conditional uses found at the end of each chapter of part III of this title for each category of zoning district or districts. The approval shall be in accordance with the standards and procedures set forth in this section, and other regulations applicable to the district in which the property is located.

C. Authority To Modify Regulations: In approving any planned development, the planning commission may change, alter, modify or waive any provisions of this title or of the city's subdivision regulations as they apply to the proposed planned development. No such change, alteration, modification or waiver shall be approved unless the planning commission shall find that the proposed planned development:

1. Will achieve the purposes for which a planned development may be approved pursuant to subsection A of this section; and
2. Will not violate the general purposes, goals and objectives of this title and of any plans adopted by the planning commission or the city council.

D. Limitation: No change, alteration, modification or waiver authorized by subsection C of this section shall authorize a change in the uses permitted in any district or a modification with respect to any standard established by this section, or a modification with respect to any standard in a zoning district made specifically applicable to planned developments, unless such regulations expressly authorize such a change, alteration, modification or waiver.

E. Other Standards:

1. Minimum Area: A planned development proposed for any parcel or tract of land under single ownership or control shall have a minimum net lot area for each zoning district as set forth in table 21A.54.150E2 of this section.
2. Density Limitations: Residential planned developments shall not exceed the density limitation of the zoning district where the planned development is proposed. The calculation of planned development density may include open space that is provided as an amenity to the planned development. Public or private roadways located within or adjacent to a planned development shall not be included in the planned development area for the purpose of calculating density.

TABLE 21A.54.150E2
PLANNED DEVELOPMENTS

District	Minimum Planned Development Size
Residential Districts	
FR-1/43,560 foothills estate residential district	5 acres
FR-2/21,780 foothills residential district	5 acres
FR-3/12,000 foothills residential district	5 acres
R-1/12,000 single-family residential district	5 acres
R-1/7,000 single-family residential district	20,000 square feet
R-1/5,000 single-family residential district	20,000 square feet
SR-1 special development pattern residential district	9,000 square feet
SR-2 special development pattern residential district	Reserved
SR-3 interior block single-family residential district	9,000 square feet
R-2 single- and two-family residential district	9,000 square feet
RMF-30 low density multi-family residential district	9,000 square feet
RMF-35 moderate density multi-family residential district	9,000 square feet
RMF-45 moderate/high density multi-family residential district	20,000 square feet
RMF-75 high density multi-family district	9,000 square feet
RB residential/business district	No minimum required
R-MU-35 residential/mixed use district	9,000 square feet
R-MU-45 residential/mixed use district	9,000 square feet
R-MU residential/mixed use district	No minimum required
RO residential/office district	20,000 square feet

Commercial Districts	
CN neighborhood commercial district	No minimum required
CB community business district	No minimum required
CS community shopping district	60,000 square feet
CC corridor commercial district	20,000 square feet
CSHBD Sugar House business district	No minimum required
CG general commercial district	1 acre
TC-75 transit corridor district	No minimum required
Manufacturing Districts	
M-1 light manufacturing district	2 acres
M-2 heavy manufacturing district	2 acres
Downtown Districts	
D-1 central business district	2 acres
D-2 downtown support commercial district	2 acres
D-3 downtown warehouse/residential district	1 acre
Special Purpose Districts	
RP research park district	10 acres
BP business park district	10 acres
FP foothills protection district	32 acres
AG agricultural district	10 acres
AG-2 agricultural district	4 acres
AG-5 agricultural district	10 acres
AG-20 agricultural district	40 acres
A airport district	2 acres
PL public lands district	5 acres
PL-2 public lands district	1 acre
I institutional district	5 acres
UI urban institutional district	1 acre
OS open space district	2 acres
MH mobile home park district	10 acres
EI extractive industries district	10 acres
MU mixed use district	No minimum required

3. Consideration Of Reduced Width Public Street Dedication: A residential planned development application may include a request to dedicate the street to Salt Lake City for perpetual use by the public. The request will be reviewed and evaluated individually by appropriate departments, including transportation, engineering, public utilities, public services and fire. Each department reviewer will consider the adequacy of the design and physical improvements proposed by the developer and will make recommendation for

approval or describe required changes. A synopsis will be incorporated into the staff report for review and decision by the planning commission. Notwithstanding the foregoing, no such street will be accepted as a publicly owned street unless there is a minimum width of twenty feet (20') of pavement with an additional right of way as determined by the planning commission.

4. **Planned Developments:** Planned developments within the TC-75, RB, R-MU, MU, CN, CB, and CSHBD zoning districts and the South State Street overlay. Also planned developments within the CS zoning district, when the district is adjacent to more than sixty percent (60%) residential zoning (within 300 feet, either on the same block or across the street).

Planned developments within these zoning districts may be approved subject to consideration of the following general conceptual guidelines (a positive finding for each is not required):

- a. The development shall be primarily oriented to the street, not an interior courtyard or parking lot,
 - b. The primary access shall be oriented to the pedestrian and mass transit,
 - c. The facade shall maintain detailing and glass in sufficient quantities to facilitate pedestrian interest and interaction,
 - d. Architectural detailing shall emphasize the pedestrian level of the building,
 - e. Parking lots shall be appropriately screened and landscaped to minimize their impact on the neighborhood,
 - f. Parking lot lighting shall be shielded to eliminate excessive glare or light into adjacent neighborhoods,
 - g. Dumpsters and loading docks shall be appropriately screened or located within the structure, and
 - h. Signage shall emphasize the pedestrian/mass transit orientation.
5. **Perimeter Setback:** The perimeter side and rear yard building setback shall be the greater of the required setbacks of the lot or adjoining lot unless modified by the planning commission.
 6. **Topographic Change:** The planning commission may increase or decrease the side or rear yard setback where there is a topographic change between lots.

F. **Preapplication Conference:** Prior to submitting a planned development application, an applicant shall participate in a preapplication conference with the planning director and the development review team (DRT). A member of the planning commission and the city council member of the district in which the proposed planned development is located may be invited to attend the preapplication conference. Representatives of other city

departments and decision making bodies may also be present, where appropriate.

1. **Purpose Statement:** The purpose of the preapplication conference is to enable the applicant to present the concept of the proposed planned development and to discuss the procedures and standards for planned development approval. The conference is intended to facilitate the filing and consideration of a complete application. No representation made by the planning director, the DRT, the city council and planning commission members, or the representatives of city departments or of other decision making bodies during such conference shall be binding upon the city with respect to the application subsequently submitted.
2. **Scheduling Of Conference:** The planning director shall schedule the preapplication conference within fifteen (15) calendar days after receiving the request from the applicant.
3. **Information Needed For Preapplication Conference:** At the time of request for the preapplication conference, the applicant shall include a narrative summary of the proposal and a description of adjacent land uses and neighborhood characteristics.
4. **Action Following Preapplication Conference:** Following the preapplication conference, the staff of the planning director shall be available to assist the applicant in the application procedure for the planned development.

G. Development Plan Approval Steps: The development plan approval process requires a minimum of two (2) approval steps: 1) a preliminary development plan approval; and 2) a final development plan approval. An applicant may elect to submit a concept development plan pursuant to subsection H of this section before submitting an application for preliminary development plan approval in order to obtain guidance regarding how city requirements would apply to the nature and scope of the proposed planned development.

H. Concept Development Plan (Optional):

1. **Purpose Statement:** The concept development plan is an optional step that is intended to provide the applicant an opportunity to submit and obtain review of a plan showing the basic character and scope of the proposed planned development without incurring undue cost. At the election of the applicant, the concept development plan may be submitted to the planning commission for its review and decision following a public hearing.
2. **Application:** An application for submittal of a concept development plan shall include the following items and information:
 - a. Schematic drawings, at a scale of not smaller than fifty feet (50') to the inch, of the proposed development concept, showing buildings located within eighty five feet (85') (exclusive of intervening streets and alleys) of the site; the general location of vehicular and pedestrian circulation and parking; public and private open space; and residential, commercial, industrial and other land uses, as applicable, and a tabulation of the following information:

- (1) Total number of dwelling units and rooming units proposed, by type of structure and number of bedrooms if the planned development includes residential land uses;
 - (2) Total square feet of building floor area proposed for commercial uses, recreation and accessory uses and industrial uses, by general type of use;
 - (3) Proposed number of off street parking and loading spaces for each proposed type of land use; and
 - (4) Total land area, expressed in square feet and as a percent of the total development area, proposed to be devoted to residential uses, by type of structure; commercial uses; industrial uses; other land uses; public and private open space; streets and sidewalks; and off street parking and loading area;
 - (5) Total project density or intensity of use.
- b. Proposed elevations.
- c. When the planned development is to be constructed in phases, a schedule for the development of such phases shall be submitted stating the approximate beginning and completion time for each phase. When a development provides for common open space, the total area of common open space provided at any stage of development shall, at a minimum, bear the same relationship to the total open space to be provided in the entire development as the phases completed or under development bear to the entire development.
3. Review By Development Review Team (DRT): Upon receipt of a complete concept development plan application, the zoning administrator shall forward the application to the DRT for its review. The DRT shall prepare a memorandum with its general evaluation and recommendations regarding any revisions that must be incorporated in any subsequent application for preliminary development plan approval in order to assure compliance with the requirements of this title. A copy of this memorandum shall be sent to the applicant.
 4. Planning Commission Review Of The Concept Plan: Upon receipt of the DRT memorandum pursuant to subsection H3 of this section, the applicant may request in writing within fourteen (14) calendar days of the date of receipt thereof that the planning director forward the concept development plan application to the planning commission for its review and decision. The zoning administrator shall forward the concept development plan application accompanied by the DRT memorandum to the planning division for planning commission consideration at a public hearing. In the event that the applicant does not request planning commission review of the concept development plan within the fourteen (14) day time frame provided, no further action shall be taken on the proposed planned development until the applicant submits an application for preliminary plan development approval.
 5. Public Hearing: If an applicant requests planning commission review of the concept development plan pursuant to subsection H4 of this section a public hearing shall be scheduled and conducted by the planning commission in accordance with the standards and procedures set forth in chapter 21A.10 of this title.

6. **Planning Commission Action:** Following the conclusion of the public hearing, the planning commission shall either approve the concept development plan, approve the concept development plan subject to modifications or conditions, or disapprove the concept development plan.
 7. **Procedure Upon Denial Of Concept Development Plan:** If the planning commission denies the application for approval of the concept development plan, it shall require the applicant to resolve specific issues before approval may be granted, if resubmitted, for the preliminary development plan.
 8. **Approval Of Concept Development Plan:** If the planning commission approves the concept development plan, with or without modifications or conditions, it shall adopt a motion establishing the land uses and density for the proposed planned development and authorizing the proposed applicant to submit an application for a preliminary development plan consistent with the approved concept development plan. Every such motion shall be expressly conditioned upon approval of the preliminary development plan in accordance with subsection I of this section.
 9. **Time Limitation On Concept Development Plan Approval:** Subject to an extension of time granted by the planning director, unless a preliminary development plan covering the area designated in the concept development plan has been filed within one year from the date the planning commission grants concept development plan approval, the planning commission's approval of the concept development plan shall automatically expire and be rendered void.
- I. **Preliminary Development Plan:** Whether or not an applicant for a planned development elects first to submit a concept development plan, the applicant must file an application for preliminary development plan approval with the zoning administrator.
1. **Application Requirements:** The preliminary development plan application shall be submitted on a form provided by the zoning administrator accompanied by such number of copies of documents as the zoning administrator may require for processing of the application, and shall include at least the following information set forth below:
 - a. **General Information:**
 - (1) The applicant's name, address, telephone number and interest in the property;
 - (2) The owner's name, address and telephone number, if different than the applicant, and the owner's signed consent to the filing of the application;
 - (3) The street address and legal description of the subject property;
 - (4) The zoning classification, zoning district boundaries and present use of the subject property;
 - (5) A vicinity map with north, arrow scale and date, indicating the zoning classifications and current uses of properties within eighty five feet (85') (exclusive of intervening streets and alleys) of the subject property; and

- (6) The proposed title of the project and the names, addresses and telephone numbers of the architect, landscape architect, planner or engineer on the project.
- b. Preliminary Development Plan: A preliminary development plan at a scale of twenty feet (20') to the inch or larger, unless otherwise approved by the zoning administrator, setting forth at least the following, unless waived by the zoning administrator:
- (1) The location, dimensions and total area of the site;
 - (2) The location, dimensions, floor area, type of construction and use of each proposed building or structure;
 - (3) The number, the size and type of dwelling units in each building, and the overall dwelling unit density;
 - (4) The proposed treatment of open spaces and the exterior surfaces of all structures, with sketches of proposed landscaping and structures, including typical elevations;
 - (5) Architectural graphics, if requested by the zoning administrator, including typical floor plans and elevations, profiles and cross sections;
 - (6) The number, location and dimensions of parking spaces and loading docks, with means of ingress and egress;
 - (7) The proposed traffic circulation pattern within the area of the development, including the location and description of public improvements to be installed, including any streets and access easements;
 - (8) A traffic impact analysis;
 - (9) The location and purpose of any existing or proposed dedication or easement;
 - (10) The general drainage plan for the development tract;
 - (11) The location and dimensions of adjacent properties, abutting public rights of way and easements, and utilities serving the site;
 - (12) Significant topographical or physical features of the site, including existing trees;
 - (13) Soils and subsurface conditions, if requested;
 - (14) The location and proposed treatment of any historical structure or other historical design element or feature;
 - (15) One copy of the preliminary development plan colored or shaded (unmounted) for legibility and presentation at public meetings; and
 - (16) A reduction of the preliminary development plan to eight and one-half by eleven inches ($8\frac{1}{2} \times 11$). The reduction need not include any area outside the property

lines of the subject site.

- c. Plat Of Survey: A plat of survey of the parcel of land, lot, lots, block, blocks, or parts or portions thereof, drawn to scale, showing the actual dimensions of the parcel, lot, lots, block, blocks, or portions thereof, according to the registered or recorded plat of such land.
 - d. A Preliminary Subdivision Plat, If Required: A preliminary subdivision plat showing that the planned development consists of and is conterminous with a single lot described in a recorded subdivision plat, or a proposed resubdivision or consolidation to create a single lot or separate lots of record in suitable form ready for review.
 - e. Additional Information: The application shall also contain the following information as well as such additional information, drawings, plans or documentation as may be requested by the zoning administrator or the planning commission if determined necessary or appropriate for a full and proper consideration and disposition of the application:
 - (1) When the proposed planned development includes provisions for common open space or recreational facilities, a statement describing the provision to be made for the care and maintenance of such open space or recreational facilities;
 - (2) A written statement showing the relationship of the proposed planned development to any adopted general plan of the city;
 - (3) A written statement addressing each of the standards set forth in subsection H of this section, and such additional standards, if any, as may be applicable under the specific provisions of this title. The statement shall explain specifically how the proposed planned development relates to and meets each such standard;
 - (4) A written statement showing why the proposed planned development is compatible with other property in the neighborhood.
2. Review Procedure: Upon the review of a preliminary development plan application, by the development review team, the zoning administrator shall notify the applicant of any deficiencies and or modifications necessary to complete the application.
- a. Public Hearing: Upon receiving site plan review and recommendation from the development review team, and completing a staff report, the planning commission shall hold a public hearing to review the preliminary development plan application in accordance with the standards and procedures set forth in chapter 21A.10 of this title.
 - b. Planning Commission Action: Following the public hearing, the planning commission shall decide, on the basis of the standards contained in subsection I3 of this section whether to approve, approve with modifications or conditions, or deny the application.
 - c. Planning Commission Action On Preliminary Development Plan Subject To Certification By Planning Director: The motion of the planning commission approving the preliminary development plan shall include a provision approving the final development plan, subject to certification by the planning director that the final

development plan is in conformance with the preliminary development plan approved by the planning commission.

d. Notification Of Decision: The planning director shall notify the applicant of the decision of the planning commission in writing, accompanied by one copy of the submitted plans marked to show such decision and a copy of the motion approving, approving with modifications, or denying the preliminary development plan application.

3. Standards: A planned development, as a conditional use, shall be subject to the standards for approval set forth in section [21A.54.080](#) of this chapter. The planning commission shall make written findings of fact with respect to each of the standards in section [21A.54.080](#) of this chapter before approval.

J. Certification Of Final Development Plan Compliance: Upon receipt of an application for final development plan certification, the planning director shall review the application to determine if it is complete, including any modifications required in conjunction with the approval by the planning commission. Within ten (10) working days of receipt of the completed application, the planning director shall either: 1) certify that the final development plan complies with the approved preliminary plan; or 2) refuse to certify the final development plan for lack of compliance with the preliminary development plan as finally approved by the planning commission.

K. Effect Of Certification Of Compliance: A final development plan as approved and certified shall not be modified, except pursuant to subsection S of this section.

L. Effect Of Refusal Of Certification: If the planning director refuses to certify the final development plan, the applicant shall be notified in writing of the items that do not comply with the approved preliminary development plan. The applicant shall have fourteen (14) days following receipt of the planning director's notice of lack of certification to correct the deficiencies identified. If the applicant fails to correct the deficiencies within the fourteen (14) day period, unless extended by the planning director, the final development plan shall automatically expire and be rendered void.

M. Appeal Of Planning Director's Refusal To Certify Compliance: Any party aggrieved by the decision of the planning director not to certify a final development plan, may appeal to the planning commission within thirty (30) days of the date of decision.

N. Appeal Of The Planning Commission Decision: Any party aggrieved by the decision of the planning commission on appeal of the planning director's refusal to certify a final development plan, may file an appeal to the land use appeals board.

O. Time Limit On Approved Planned Development: No planned development approval shall be valid for a period longer than one year unless a building permit is issued and construction is diligently pursued. However, upon written request of the applicant, the one year period may

be extended by the planning commission for such time as it shall determine for good cause shown, without further public hearing.

P. **Additional Requirements:** The decision approving a planned development shall contain a legal description of the property subject to the planned development. The decision shall be recorded by the city in the office of the county recorder before any permits may be issued.

Q. **Effect Of Approval Of Planned Development:** The approval of a proposed planned development by the planning commission shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration or moving of any building or structure, but shall authorize the preparation, filing and processing of applications for any permits or approvals that may be required by the regulations of the city, including, but not limited to, a building permit, a certificate of occupancy and subdivision approval.

R. **Regulation During And Following Completion Of Development:** Following final development plan approval, the final development plan, rather than any other provision of this title, shall constitute the use, parking, loading, sign, bulk, space and yard regulations applicable to the subject property, and no use or development, other than home occupation and temporary uses, not allowed by the final development plan shall be permitted within the area of the planned development.

S. **Modifications To Development Plan:**

1. **New Application Required For Modifications And Amendments:** No substantial modification or amendment shall be made in the construction, development or use without a new application under the provisions of this title. Minor modifications or amendments may be made subject to written approval of the planning director and the date for completion may be extended by the planning commission upon recommendation of the planning director.

2. **Minor Modifications:** During build out of the planned development, the planning director may authorize minor modifications to the approved final development plan pursuant to the provisions for modifications to an approved site plan as set forth in chapter 21A.58 of this title, when such modifications appear necessary in light of technical or engineering considerations. Such minor modifications shall be limited to the following elements:

a. Adjusting the distance as shown on the approved final development plan between any one structure or group of structures, and any other structure or group of structures, or any vehicular circulation element or any boundary of the site;

b. Adjusting the location of any open space;

c. Adjusting any final grade;

d. Altering the types of landscaping elements and their arrangement within the required

landscaping buffer area; and

e. Signs.

Such minor modifications shall be consistent with the intent and purpose of this title and the final development plan as approved pursuant to this section, and shall be the minimum necessary to overcome the particular difficulty and shall not be approved if such modifications would result in a violation of any standard or requirement of this title.

3. Major Modifications: Any modifications to the approved final development plan not authorized by subsection S2 of this section shall be considered to be a major modification. The planning commission shall give notice to all property owners whose properties are located within one hundred feet (100') (exclusive of intervening streets and alleys) of the planned development, requesting the major modification. The planning commission may approve an application for a major modification to the final development plan, not requiring a modification of written conditions of approval or recorded easements, upon finding that any changes in the plan as approved will be in substantial conformity with the final development plan. If the commission determines that a major modification is not in substantial conformity with the final development plan as approved, then the commission shall review the request in accordance with the procedures set forth in this subsection.

4. Fees: Fees for modifications to a final development plan shall be as set forth in the fee schedule, chapter 21A.64 of this title.

T. Disclosure Of Infrastructure Costs For Planned Developments: Planned developments, approved under this title after January 1, 1997, shall include provisions for disclosure of future private infrastructure maintenance and replacement costs to unit owners.

1. Infrastructure Maintenance Estimates: Using generally accepted accounting principles, the developer of any planned development shall calculate an initial estimate of the costs for maintenance and capital improvements of all infrastructure for the planned development including roads, sidewalks, curbs, gutters, water and sewer pipes and related facilities, drainage systems, landscaped or paved common areas and other similar facilities ("infrastructure"), for a period of sixty (60) years following the recording of the subdivision plat for the estimated date of first unit occupancy of the planned development, whichever is later.

2. Initial Estimate Disclosure: The following measures shall be incorporated in planned developments to assure that owners and future owners have received adequate disclosure of potential infrastructure maintenance and replacement costs:

- a. The cost estimate shall be recorded with and referenced on the recorded plat for any planned development. The initial disclosure estimate shall cover all private infrastructure items and shall be prepared for six (6) increments of ten (10) years each.
- b. The recorded plat shall also contain a statement entitled "notice to purchasers" disclosing that the infrastructure is privately owned and that the maintenance, repair,

replacement and operation of the infrastructure is the responsibility of the property owners and will not be assumed by the city.

c. The cost estimate shall be specifically and separately disclosed to the purchaser of any property in the planned development, upon initial purchase and also upon all future purchases for the duration of the sixty (60) year period.

3. **Yearly Maintenance Statements:** The entity responsible for the operation and maintenance of the infrastructure shall, at least once each calendar year, notify all property owners in the planned development of the estimated yearly expenditures for maintenance, repair, operation or replacement of infrastructure, and at least once each calendar year shall notify all property owners of the actual expenditures incurred, and shall specify the reason(s) for any variance between the estimated expenditures and the actual expenditures.
4. **Maintenance Responsibilities:** The property owners in a planned development shall be collectively and individually responsible, on a pro rata basis, for operating, maintaining, repairing and replacing infrastructure to the extent necessary to ensure that access to the planned development is available to the city for emergency and other services and to ensure that the condition of the private infrastructure allows for the city's continued and uninterrupted operation of public facilities to which the private infrastructure may be connected or to which it may be adjacent. (Ord. 76-05 §§ 4, 5 (Exh. A), 2005: Ord. 12-05 § 1, 2005: Ord. 3-05 §§ 9 (Exh. A), 10, 2005: Ord. 71-04 § 27 (Exh. G), 2004: Ord. 13-04 §§ 36, 37 (Exh. K), 2004: Ord. 77-03 § 8, 2003: Ord. 73-02 § 19 (Exh. G), 2002: Ord. 70-02 § 4, 2002: Ord. 14-00 § 15, 2000: Ord. 35-99 §§ 96-99, 1999: Ord. 17-99 § 1, 1999: Ord. 52-97 § 1, 1997: Ord. 88-95 § 1 (Exh. A), 1995: Ord. 26-95 § 2(27-15), 1995)

The section below has been affected by a recently passed ordinance, 2009-69 - Zoning Amendments. [Go to new ordinance.](#)

21A.54.155: ADMINISTRATIVE CONSIDERATION OF CONDITIONAL USES:

The purpose of this section is to establish an administrative hearing process for certain categories of low impact conditional uses as authorized by subsection [21A.54.030C](#) of this chapter. Applications for administrative conditional use approval shall be reviewed as follows:

A. Preapplication And Application Requirements:

1. **Preapplication Conference:** The applicant shall first meet with a member of the Salt Lake City planning division to discuss the application and alternatives.
2. **Community Council Review:** The applicant shall meet with the respective community council(s) pursuant to subsection [21A.10.010B](#) of this title.
3. **Application:** The applicant shall file an application and associated application fees with the planning office on a form prescribed by the city and consistent with this chapter. After

considering information received, the planning director or designee may choose to schedule an administrative hearing or to forward the application to the planning commission.

B. Administrative Hearing:

1. **Noticing And Posting Requirements:** Notice of the proposed conditional use shall be mailed to all applicable property owners and the property shall be posted pursuant to subsection [21A.10.020B](#) of this title.
2. **Administrative Hearing:** After consideration of the information received from the applicant and concerned residents, the planning director or designee may approve, approve with conditions, or deny the conditional use request.

At the administrative hearing, the planning director or designee may decline to hear or decide the request and forward the application for planning commission consideration, if it is determined that there is neighborhood opposition, if the applicant has failed to adequately address the conditional use standards, or for any other reason at the discretion of the planning director or designee.

The planning director may grant the conditional use request only if the proposed development is consistent with the standards for conditional uses listed in section [21A.54.080](#) of this chapter and any specific standards listed in this title that regulate the particular use.

C. Appeals:

1. **Objection To Administrative Consideration:** The petitioner or any person who objects to the planning director or designee administratively considering the conditional use request may request a hearing before the planning commission by filing a written notice at any time prior to the planning director's scheduled administrative hearing on the conditional use request. If no such objections are received by the city prior to the planning director's administrative hearing, any objections to such administrative consideration will be deemed waived. The notice shall specify all reasons for the objection to the administrative hearing. Upon receipt of such an objection, the matter will be forwarded to the Salt Lake City planning commission for consideration and decision.
2. **Appeal Of Administrative Consideration:** Any person aggrieved by the decision made by the planning director or designee at an administrative hearing may appeal that decision to the Salt Lake City planning commission by filing notice of an appeal within fourteen (14) days after the planning director's administrative hearing. The notice of appeal shall specify, in detail, the reason(s) for the appeal. Reasons for the appeal shall be based upon procedural error or compliance with the standards for conditional uses listed in section [21A.54.080](#) of this chapter or any specific standards listed in this title that regulate the particular use. (Ord. 69-06 § 7, 2006; Ord. 81-01 § 3, 2001)

The section below has been affected by a recently passed ordinance, 2009-69 - Zoning Amendments. [Go to new ordinance.](#)

21A.54.160: APPEAL OF PLANNING COMMISSION DECISION:

Any party aggrieved by a decision of the planning commission on an application for a conditional use, including a planned development, may file an appeal to the land use appeals board within thirty (30) days of the date of the decision. The filing of the appeal shall not stay the decision of the planning commission pending the outcome of the appeal, unless the planning commission takes specific action to stay a decision. (Ord. 77-03 § 9, 2003; Ord. 83-96 § 6, 1996; Ord. 26-95 § 2(27-16), 1995)

21A.54.170: APPEAL OF LAND USE APPEALS BOARD DECISION:

Any party adversely affected by the decision of the land use appeals board on appeal from a decision of the planning commission may appeal to the district court within thirty (30) days of the date of the land use appeals board decision. (Ord. 83-96 § 7, 1996)

Chapter 21A.59

CONDITIONAL BUILDING AND SITE DESIGN REVIEW

21A.59.010: PURPOSE STATEMENT:

The intent of building and site design review regulations is to provide for the flexible implementation of the specific design requirements set forth within individual zoning districts. The purpose statement of each zoning district provides the philosophical approach to defining that flexibility. This process is intended to supplement the review and administrative procedures which are carried out under this title or other city ordinances and regulations. The design review process is intended to help ensure that newly developed properties and redeveloped properties are designed to encourage pedestrian access, circulation and orientation while acknowledging the need for transit and automobile access. (Ord. 3-05 § 11, 2005)

21A.59.020: AUTHORITY:

Design review shall be required pursuant to the provisions of this chapter for uses as specified within individual zoning districts before zoning certificates, building permits or certificates of occupancy may be issued.

- A. The planning commission shall approve design criteria upon consideration of comments received from city departments and determining whether modification of specific design regulations meets the intent of the individual zoning district.

- B. The planning commission may modify individual design requirements for specific projects if they find that the intent of the basic design criteria of the zoning district has been met. (Ord. 3-05 § 11, 2005)

21A.59.030: SCOPE OF APPLICATION:

Design review approval shall be required for all permitted uses, conditional uses and accessory uses when specifically authorized and referenced by individual zoning districts. (Ord. 3-05 § 11, 2005)

21A.59.040: SCOPE OF MODIFICATIONS AUTHORIZED:

The authority of the planning commission through the design review process shall be limited to modification of the specific element referenced within each zoning district. (Ord. 3-05 § 11, 2005)

21A.59.050: APPLICATION REQUIREMENTS:

Each application for design review shall include the same information as required for site plan review as identified in section [21A.58.060](#) of this title. (Ord. 3-05 § 11, 2005)

21A.59.060: STANDARDS FOR DESIGN REVIEW:

In addition to standards provided in other sections of this title for specific types of approval, the following standards shall be applied to all applications for design review:

- A. Development shall be primarily oriented to the street, not an interior courtyard or parking lot.
 - 1. Primary building orientation shall be toward the street rather than the parking area. The principal entrance shall be designed to be readily apparent.
 - 2. At least sixty percent (60%) of the street frontage of a lot shall have any new building located within ten feet (10') of the front setback. Parking is permitted in this area.
 - 3. Any buildings open to the public and located within thirty feet (30') of a public street shall have an entrance for pedestrians from the street to the building interior. This entrance shall be designed to be a distinctive and prominent element of the building's architectural design, and shall be open to the public during all business hours.
 - 4. Each building shall incorporate lighting and changes in mass, surface, or finish to give emphasis to its entrances.

- B. Primary access shall be oriented to the pedestrian and mass transit.
 - 1. Each building shall include an arcade, roof, alcove, portico, awnings, or similar architectural features that protect pedestrians from the rain and sun.

- C. Building facades shall include detailing and glass in sufficient quantities to facilitate pedestrian interest and interaction.
 - 1. At least forty percent (40%) of any first floor wall area that faces and is within thirty feet (30') of a primary street, plaza, or other public open space shall contain display areas, windows, or doorways. Windows shall allow views into a working area or lobby, a

pedestrian entrance, or display area. First floor walls facing a side street shall contain at least twenty five percent (25%) of the wall space in window, display area, or doors. Monolithic walls located within thirty feet (30') of a public street are prohibited.

2. Recessed or projecting balconies, verandas, or other usable space above the ground level on existing and new buildings is encouraged on a street facing elevation. Balconies may project over a public right of way, subject to an encroachment agreement issued by the city.

D. Architectural detailing shall emphasize the pedestrian level of the building.

E. Parking lots shall be appropriately screened and landscaped to minimize their impact on adjacent neighborhoods.

1. Parking areas shall be located behind or at one side of a building. Parking may not be located between a building and a public street.
2. Parking areas shall be shaded by large broadleaf canopied trees placed at a rate of one tree for each six (6) parking spaces. Parking shall be adequately screened and buffered from adjacent uses.
3. Parking lots with fifteen (15) spaces or more shall be divided by landscaped areas including a walkway at least ten feet (10') in width or by buildings.

F. Parking lot lighting shall be shielded to eliminate excessive glare or light into adjacent neighborhoods.

G. Parking and on site circulation shall be provided.

1. Connections shall be made when feasible to any streets adjacent to the subject property and to any pedestrian facilities that connect with the property.
2. A pedestrian access diagram that shows pedestrian paths on the site that connect with a public sidewalk shall be submitted.

H. Dumpsters and loading docks shall be appropriately screened or located within the structure.

1. Trash storage areas, mechanical equipment, and similar areas are not permitted to be visible from the street nor permitted between the building and the street.
2. Appropriate sound attenuation shall occur on mechanical units at the exterior of buildings to mitigate noise that may adversely impact adjacent residential uses.

I. Signage shall emphasize the pedestrian/mass transit orientation.

J. Lighting shall meet the lighting levels and design requirements set forth in chapter 4 of the Salt Lake City lighting master plan dated May 2006.

K. Streetscape improvements shall be provided as follows:

1. One street tree chosen from the street tree list shall be placed for each thirty feet (30') of property frontage on a street.
2. Landscaping material shall be selected that will assure eighty percent (80%) ground coverage occurs within three (3) years.
3. Hardscape (paving material) shall be utilized to designate public spaces. Permitted materials include unit masonry, scored and colored concrete, grasscrete, or combinations of the above.
4. Outdoor storage areas shall be screened from view from adjacent public rights of way. Loading facilities shall be screened and buffered when adjacent to residentially zoned land and any public street.
5. Landscaping design shall include a variety of deciduous and/or evergreen trees, and shrubs and flowering plant species well adapted to the local climate.

L. Street trees shall be provided as follows:

1. Any development fronting on a public or private street shall include street trees planted consistent with the city's urban forestry guidelines and with the approval of the city's urban forester.
2. Existing street trees removed as the result of a development project shall be replaced by the developer with trees approved by the city's urban forester.

M. The following additional standards shall apply to any large scale developments with a gross floor area exceeding sixty thousand (60,000) square feet:

1. The orientation and scale of the development shall conform to the following requirements:
 - a. Large building masses shall be divided into heights and sizes that relate to human scale by incorporating changes in building mass or direction, sheltering roofs, a distinct pattern of divisions on surfaces, windows, trees, and small scale lighting.
 - b. No new buildings or contiguous groups of buildings shall exceed a combined contiguous building length of three hundred feet (300').

2. Public spaces shall be provided as follows:

- a. One square foot of plaza, park, or public space shall be required for every ten (10) square feet of gross building floor area.
- b. Plazas or public spaces shall incorporate at least three (3) of the five (5) following elements:
 - (1) Sitting space of at least one sitting space for each two hundred fifty (250) square feet shall be included in the plaza. Seating shall be a minimum of sixteen inches (16") in height and thirty inches (30") in width. Ledge benches shall have a minimum depth of thirty inches (30");
 - (2) A mixture of areas that provide shade;
 - (3) Trees in proportion to the space at a minimum of one tree per eight hundred (800) square feet, at least two inch (2") caliper when planted;
 - (4) Water features or public art; and/or
 - (5) Outdoor eating areas or food vendors.

N. Any new development shall comply with the intent of the purpose statement of the zoning district and specific design regulations found within the zoning district in which the project is located as well as adopted master plan policies, the city's adopted "urban design element" and design guidelines governing the specific area of the proposed development. Where there is a conflict between the standards found in this section and other adopted plans and regulations, the more restrictive regulations shall control. (Ord. 61-08 § 2 (Exh. B), 2008; Ord. 89-05 § 8, 2005; Ord. 3-05 § 11, 2005)

The section below has been affected by a recently passed ordinance, 2009-69 - Zoning Amendments. Go to new ordinance.

PC appeal

Time Limit

21A.59.070: PROCEDURES FOR DESIGN REVIEW:

A. Preapplication Conference: Before filing an application for design review, the applicant is encouraged to confer with the development review team (DRT) regarding the general proposal. Such action does not require formal application fees, or filing of a site plan, or landscape plan and is not to be construed as an application for formal approval. No representation made by the planning director, the DRT or other city departments during such conference shall be binding upon the city with respect to an application subsequently submitted.

B. Fees: Every design review application shall be accompanied by a fee as established in the

fee schedule, chapter 21A.64 of this title.

C. Submission Of Final Plans; Review And Approval:

1. **Planning Commission Review:** After the plans and related materials and fees have been submitted pursuant to section [21A.59.050](#) of this chapter, and the application has been determined by the planning director to be complete pursuant to section [21A.10.010](#) of this title, the application shall be reviewed and processed through the planning commission in coordination with the appropriate city departments. If the plan is approved, the planning director shall certify approval and state the conditions of such approval, if any. If the design is disapproved, the planning director shall indicate reasons for such in writing to the applicant.
2. **Appeal Of Planning Commission Decision:** Any appeal of the planning commission decision shall be made to the land use appeals board, pursuant to chapter 21A.16 of this title.
3. **Certification By Planning Commission:** The decisions of the planning commission approving the application shall be noted on all copies of applicable plans to be retained in the record, including any changes or conditions required as part of the design review approval. One such copy shall be returned to the applicant, and others retained as required for records or further action by the planning commission or other affected agencies of the city.
4. **Building Permits:** Building permits shall be issued in accordance with approved plans. A copy of the approved plan shall be retained in the records of the office of the division of building services and licensing and all building and occupancy permits shall conform to the provisions of the approved design review.
5. **Amendments Or Modifications To Approved Design Review:** Amendments or modifications to approved design review must be submitted to the planning director. Such modifications shall be submitted in accordance with the procedures and requirements of this chapter and shall be distributed to the appropriate departments for review. The planning director may waive this requirement if the planning director determines that such modification of the original design review has no significant impact upon the original proposal and still remains in conformance with design concepts approved by the planning commission.
6. **Time Limit On Approval:** Approval of design review shall be void unless a building permit has been issued or use of the land has commenced within twelve (12) months from the date of approval. Upon request, revalidation of the site plan may be granted for an additional twelve (12) months if all factors of the original design review are the same. The extension shall be considered by the applicable approval authority without additional public notice. The written notice requesting revalidation shall be received by the planning director prior to expiration of the original twelve (12) month period. (Ord. 3-05 § 11, 2005)

Chapter 21A.26 COMMERCIAL DISTRICTS

21A.26.010: GENERAL PROVISIONS:

- A. **Statement Of Intent:** 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.
- B. **Site Plan Review:** In certain districts, permitted uses and conditional uses have the potential for adverse impacts if located and laid out without careful planning. Such impacts may interfere with the use and enjoyment of adjacent property and uses. Site plan review is a process designed to address such adverse impacts and minimize them where possible. Site plan review is required for all conditional uses, and all permitted uses except single-family dwellings, two-family dwellings and twin homes. All uses in these districts shall be subject to the site plan review regulations contained in chapter 21A.58 of this title.
- C. **Impact Controls And General Restrictions In The Commercial Districts:**
1. **Refuse Control:** Temporary storage of refuse materials shall be limited to that produced on the premises. Refuse containers must be covered and shall be stored within completely enclosed buildings or screened in conformance with the requirements of chapter 21A.48 of this title. For buildings existing as of April 12, 1995, this screening provision shall be required if the floor area or parking requirements are increased by twenty five percent (25%) or more by an expansion to the building or change in the type of land use.
 2. **Lighting:** On site lighting shall be located, directed or designed in such a manner as to contain and direct light and glare to the property on which it is located only.
 3. **Outdoor Sales, Display Or Storage:** "Outdoor storage" and "outdoor sales and display", as defined in chapter 21A.62 of this title, are allowed where specifically authorized in the table of permitted and conditional uses in section 21A.26.080 of this chapter. These uses shall also conform to the following:
 - a. The outdoor sales or display of merchandise shall not encroach into areas of required parking;
 - b. The outdoor sales or display of merchandise shall not be located in any required yard area within the lot;
 - c. The outdoor sales or display of merchandise shall not include the use of banners, pennants, or strings of pennants;
 - d. Outdoor storage shall be required to be fully screened with opaque fencing not to exceed seven feet (7') in height; and
 - e. Outdoor sales and display and outdoor storage shall also be permitted when part of an authorized temporary use as established in chapter 21A.42 of this title.
- D. **Permitted Uses:** The uses specified as permitted uses in section 21A.26.080, "Table Of Permitted And Conditional Uses For Commercial Districts", of this chapter are permitted provided that they comply with all requirements of this chapter, the general standards set forth in part IV of this title, and all other applicable requirements of this title.
- E. **Conditional Uses:** The uses specified as conditional uses in section 21A.26.080, "Table Of Permitted And Conditional Uses For Commercial Districts", of this chapter shall be allowed in the commercial districts provided they are approved pursuant to the standards and procedures for conditional uses set forth in chapter 21A.54 of this title, and comply with all other applicable requirements of this title.
- F. **Accessory Uses, Buildings And Structures:** Accessory uses and structures are permitted in the commercial districts subject to the requirements of this chapter, subsection 21A.36.020B, section 21A.36.030, and chapter 21A.40 of this title.
- G. **Off Street Parking And Loading:** The parking and loading requirements for the commercial districts are set forth in chapter 21A.44 of this title.
- H. **Landscaping And Buffering:** The landscaping and buffering requirements for the commercial districts shall be as specified in chapter 21A.48, including section 21A.48.110, of this title.
- I. **Signs:** Signs shall be allowed in the commercial districts in accordance with provisions of chapter 21A.46 of this title.
- J. **Modifications To Maximum Height:** Additions to the maximum height due to the natural topography of the site may be approved pursuant to the following procedures and standards:
1. **Modifications Of Ten Percent Or Less Of Maximum Height:**

- a. The board of adjustment may approve, as a special exception, additional height not exceeding ten percent (10%) of the maximum height pursuant to the standards and procedures of chapter 21A.52 of this title. Specific conditions for approval are found in subsection 21A.52.100G of this title.

2. Modifications Of More Than Ten Percent Of Maximum Height:

- a. Conditional Use: As a conditional use for properties on a sloping lot in commercial zoning districts, pursuant to chapter 21A.54 of this title, the planning commission may allow additional building height of more than ten percent (10%) of the maximum height, but not more than one additional story, if the first floor of the building exceeds twenty thousand (20,000) square feet. The additional story shall not be exposed on more than fifty percent (50%) of the total building elevations.

K. Bed And Breakfast Establishments And Reception Centers In Landmark Sites In The CN Neighborhood Commercial And CB Community Business Districts:

1. Conditional Use Required: Where not otherwise authorized by this title and after conditional use approval by the planning commission pursuant to chapter 21A.54 of this title, landmark sites in a CN or CB district may be used for a bed and breakfast establishment or reception center subject to the following standards:
 - a. Standards: In addition to the standards for conditional uses, section 21A.54.080 of this title, the planning commission shall find the following:
 - (1) The structure is designated as a landmark site on the Salt Lake City register of cultural resources. The designation process must be completed prior to the city accepting a conditional use application for the structure unless the planning director determines that it is in the best interest of the city to process the designation and conditional use applications at the same time because of the risk of probable demolition;
 - (2) The use is conducive to the preservation of the landmark site;
 - (3) The use is compatible with the surrounding residential neighborhood; and
 - (4) The use does not result in the removal of residential characteristics of the structure (if the structure is a residential structure), including mature landscaping.
 - b. Condition Of Approval: A preservation easement 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)

This section has been affected by a recently passed ordinance, 2009-61 - Subdivisions modifications. [Go to new ordinance.](#)

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. The design guidelines are intended to facilitate retail that is pedestrian in its orientation and scale, while also acknowledging the importance of transit and automobile access to the site.
- B. Uses: Uses in the CB community business district as specified in section [21A.26.080](#), "Table Of Permitted And Conditional Uses For Commercial Districts", 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: Planned developments, which meet the intent of the ordinance, but not the specific design criteria outlined in the following subsections, may be approved by the planning commission pursuant to the provisions of section [21A.54.150](#) of this title.
- D. 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.
- E. 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.
- F. Minimum Yard Requirements:
1. Front Or Corner Side Yard: No minimum yard is required. 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 requirements of 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.

6. **Maximum Setback:** A maximum setback is required for at least seventy five percent (75%) of the building facade. The maximum setback is fifteen feet (15'). Exceptions to this requirement may be authorized as conditional building and site design review, subject to the requirements of chapter 21A.59 of this title, and the review and approval of the planning commission. The planning director, in consultation with the transportation director, may modify this requirement if the adjacent public sidewalk is substandard and the resulting modification to the setback results in a more efficient public sidewalk. The planning director may waive this requirement for any addition, expansion, or intensification, which increases the floor area or parking requirement by less than fifty percent (50%) if the planning director finds the following:

- a. The architecture of the addition is compatible with the architecture of the original structure or the surrounding architecture.
- b. The addition is not part of a series of incremental additions intended to subvert the intent of the ordinance.

Appeal of administrative decision is to the planning commission.

7. **Parking Setback:** Surface parking is prohibited in a front or corner side yard. Surface parking lots within an interior side yard shall maintain a twenty foot (20') landscape setback from the front property line or be located behind the primary structure. Parking structures shall maintain a thirty five foot (35') minimum setback from a front or corner side yard property line or be located behind the primary structure. There are no minimum or maximum setback restrictions on underground parking. The planning director may modify or waive this requirement if the planning director finds the following:

- a. The parking is compatible with the architecture/design of the original structure or the surrounding architecture.
- b. The parking is not part of a series of incremental additions intended to subvert the intent of the ordinance.
- c. The horizontal landscaping is replaced with vertical screening in the form of berms, plant materials, architectural features, fencing and/or other forms of screening.
- d. The landscaped setback is consistent with the surrounding neighborhood character.
- e. The overall project is consistent with section [21A.59.060](#) of this title.

Appeal of administrative decision is to the planning commission.

G. **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.

H. **Maximum Height:** Thirty feet (30') or two (2) stories, whichever is less.

I. Entrance And Visual Access:

1. **Minimum First Floor Glass:** The first floor elevation facing a street of all new buildings or buildings in which the property owner is modifying the size of windows on the front facade, shall not have less than forty percent (40%) glass surfaces. All first floor glass shall be nonreflective. Display windows that are three-dimensional and are at least two feet (2') deep are permitted and may be counted toward the forty percent (40%) glass requirement. Exceptions to this requirement may be authorized as conditional building and site design review, subject to the requirements of chapter 21A.59 of this title, and the review and approval of the planning commission. The planning director may approve a modification to this requirement if the planning director finds:
 - a. The requirement would negatively impact the historic character of the building,
 - b. The requirement would negatively impact the structural stability of the building, or
 - c. The ground level of the building is occupied by residential uses, in which case the forty percent (40%) glass requirement may be reduced to twenty five percent (25%).

Appeal of administrative decision is to the planning commission.

2. **Facades:** Provide at least one operable building entrance per elevation that faces a public street. Buildings that face multiple streets are only required to have one door on any street, if the facades for all streets meet the forty percent (40%) glass requirement as outlined in subsection I1 of this section.
3. **Maximum Length:** The maximum length of any blank wall uninterrupted by windows, doors, art or architectural detailing at the first floor level shall be fifteen feet (15').
4. **Screening:** All building equipment and service areas, including on grade and roof mechanical equipment and transformers that are readily visible from the public right of way, shall be screened from public view. These elements shall be sited to minimize their visibility and impact, or enclosed as to appear to be an integral part of the architectural design of the building.

- J. **Parking Lot/Structure Lighting:** If a parking lot/structure is adjacent to a residential zoning district or land use, the poles for the parking lot/structure security lighting are limited to sixteen feet (16') in height and the globe must be shielded to minimize light encroachment onto adjacent residential properties. Lightproof fencing is required adjacent to residential properties. (Ord. 3-05 § 6, 2005: Ord. 88-95 § 1 (Exh. A), 1995: Ord. 26-95 § 2(13-2), 1995)

Jardine, Janice

From: Darlene Batatian [dbatatian@comcast.net]
Sent: Tuesday, March 09, 2010 3:59 PM
To: Card, Quin; Jardine, Janice
Cc: Wade Olsen
Subject: Comments- Scenic /Hampton Inn- Additional Criteria for Conditional Use

Categories: Other

This email is to provide comments on the proposed Potential Criteria that are provided for your consideration in the Text Amendment tonight.

First of all, I appreciate the Council's consideration of the proposed Text Amendment: allowing the CB zone to include a small hotel within walking distance of neighborhood shops and restaurants lends an economic support base for local businesses, and complements smaller homes that cannot accommodate house-guests.

We understand that it is important to restrict the application of this use so that an excessively large, intrusive, or otherwise inappropriate Hotel structure is not developed without appropriate oversight. It was interesting to hear Council members comments on this issue at your work meeting last week. Please allow me to respond to some of their comments, from the developer's perspective.

Any proposed hotel will, under the provisions of this text amendment, be a Conditional Use (not a permitted use) and thus must comply with the CU ordinance and process. Additionally, because the underlying CB Zone limits height to 30 feet, this immediately routes any proposed hotel requiring 3 stories into the Planned Development process for a height variance. We now have 3 ordinances to contend with, all of which include design standards:

- 1) The CB Zone itself;
- 2) Conditional Use ordinance, AND
- 3) Planned Development ordinance.

The combination actually sets challenging goals and standards to meet. Signage, lighting, landscaping, buffers, height, roofline configurations, the use of glass, landscaping, neighborhood compatibility, and setbacks - these are all defined in at least one of the 3 zoning ordinances described above; and the entire process is subject to Planning Commission oversight. My experience is that Planning Commissions do not welcome or approve proposals that attempt to take advantage of residential locales without appropriate mitigation. Much work has to be done by the developer, not only in coming up with a well-conceived use for a site, but also executing it in a well-conceived site plan that integrates well with the specific environs of the location. Only careful interpretation of the ordinances, coupled with thoughtful design, and integrated with discourse with the local residents, will yield a plan that will be favorably considered by Planning Commissions.

It might seem counter-intuitive, but in fact, the more restrictive and specific the standards get, the designer/developer actually has less and less flexibility to design an appropriate, site-specific hotel. We wind up trying to meet the letter of the zoning code, rather than designing in creative or site-specific ways. My comment is to avoid being too specific, and instead state intent, ie, "the site plan should appropriately screen noise, visual impacts, etc:

Specific to the "Potential Criteria" on page 2 of the staff memorandum:

1. "... materials and architectural styles consistent with adjacent development" might be too specific (immediately adjacent sites might be themselves out of character, or even abandoned). Stating "materials and architectural styles relevant to the local neighborhood character" provides for better design interpretation.
3. Parking structure heights- this should be left for a site-by site basis. Conditional use restrictions and height concerns, which are reviewed by the Planning Commission, will control this element. (The proposed parking structure at the Scenic site is the result of creative use of the site grades, and might not apply to another site).
5. "Necessity for RV/trailer parking" - this is the realm of marketing/location-specific site development needs
7. "Motel room doors facing residential lots"- For wide-but-shallow parcels, this may be the only allowable configuration: visual screening, amenity placement, or other mechanisms could be used to mitigate the situation.
10. "Hotel/motel use may not be located within ___ feet of a lot containing or zoned for residential use"- this is likely to be self-defeating by eliminating or restricting a hotel development adjacent to residential zones but which is otherwise well-suited for that development. Could you instead consider imposing a buffer from the corners of a residence to the corner of a hotel (not the parcel boundary), for example, a minimum 25-foot buffer between buildings.

Again, specifying "the use of appropriate screening, walls, landscape or amenity buffers to mitigate noise and visual impacts when adjacent to residential" sets up a goal and intent, while allowing for diverse, site-specific approaches to solve the issue. The existing CB, Conditional Use, and Planned Development ordinances already spell out much of this. Additionally, comments and feedback from residents, Community Councils, and Planning Commission will determine whether those intents have been satisfied or not.... and I cannot understate their willingness to control these elements!

Thank you for your careful consideration of this proposal. We look forward to the Conditional Use/Planned Development process as soon as possible. The Scenic Hotel has been a wonderful asset to the community, but it has reached its design life, and earned its retirement.

Darlene Batatian, PG
MOUNTAIN LAND DEVELOPMENT SERVICES LLC
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Chapter 21A.54

CONDITIONAL USES

21A.54.010: PURPOSE STATEMENT:

A conditional use is a land use which, because of its unique characteristics or potential impact on the municipality, surrounding neighbors or adjacent land uses, may not be compatible or may be compatible only if certain conditions are required that mitigate or eliminate the negative impacts. Conditional uses are allowed unless appropriate conditions cannot be applied which, in the judgment of the planning commission, or administrative hearing officer, would mitigate adverse impacts that may arise by introducing a conditional use on the particular site. It requires a careful review of its location, design, configuration and special impact to determine the desirability of allowing it on a particular site. Whether it is appropriate in a particular location requires a weighing, in each case, of the public need and benefit against the local impact, taking into account the applicant's proposals for ameliorating any adverse impacts through special site planning, development techniques and contributions to the provision of public improvements, rights of way and services. (Ord. 2-08 § 3, 2008; Ord. 26-95 § 2(27-1), 1995)

21A.54.020: AUTHORITY:

The planning commission, or in the case of administrative conditional uses, the planning director or designee, may, in accordance with the procedures and standards set out in this chapter, and other regulations applicable to the district in which the property is located, approve uses listed as conditional uses in the tables of permitted and conditional uses found at the end of each chapter of part III of this title for each category of zoning district or districts. (Ord. 69-06 § 1, 2006; Ord. 26-95 § 2(27-2), 1995)

21A.54.030: CATEGORIES OF CONDITIONAL USES:

Conditional uses shall consist of the following categories of uses:

- A. **Uses Impacting Other Property:** Uses that may give rise to particular problems with respect to their impact upon neighboring property and the city as a whole, including their impact on public facilities; and
- B. **Planned Developments:** The uses which fall within these categories are listed in the tables of permitted and conditional uses found at the end of each chapter of part III of this title for each category of zoning district or districts.

- C. Administrative Consideration Of Conditional Uses: Certain conditional uses may be considered to be low impact due to their particular location and are hereby authorized to be reviewed administratively according to the provisions contained in section [21A.54.155](#) of this chapter. Conditional uses that are authorized to be reviewed administratively are:
1. Applications for low power wireless telecommunication facilities that are listed as conditional uses in subsection [21A.40.090E](#) of this title.
 2. Alterations or modifications to a conditional use that increase the floor area by one thousand (1,000) gross square feet or more and/or increase the parking requirement.
 3. Any conditional use as identified in the tables of permitted and conditional uses for each zoning district, except those that:
 - a. Are listed as a "residential" land use in the tables of permitted and conditional uses for each zoning district;
 - b. Are located within a residential zoning district;
 - c. Abut a residential zoning district or residential use; or
 - d. Require planned development approval.
 4. Public/private utility buildings and structures in residential and nonresidential zoning districts. (Ord. 69-06 § 2, 2006: Ord. 13-04 § 34, 2004: Ord. 81-01 § 2, 2001: Ord. 26-95 § 2(27-3), 1995)

21A.54.040: SITE PLAN REVIEW REQUIRED:

Site plan review of development proposals is required for all conditional uses in all districts. (Ord. 26-95 § 2(27-4), 1995)

21A.54.050: INITIATION:

An application for a conditional use may be filed with the zoning administrator by the owner of the subject property or by an authorized agent. (Ord. 26-95 § 2(27-5), 1995)

21A.54.060: PROCEDURES:

- A. Application: A complete application shall contain at least the following information submitted by the applicant, unless certain information is determined by the zoning administrator to be

inapplicable or unnecessary to appropriately evaluate the application:

1. The applicant's name, address, telephone number and interest in the property;
 2. The owner's name, address and telephone number, if different than the applicant, and the owner's signed consent to the filing of the application;
 3. The street address and legal description of the subject property;
 4. The zoning classification, zoning district boundaries and present use of the subject property;
 5. A complete description of the proposed conditional use;
 6. Site plans, as required pursuant to section [21A.58.060](#) of this title;
 7. Traffic impact analysis;
 8. A signed statement that the applicant has met with and explained the proposed conditional use to the appropriate neighborhood organization entitled to receive notice pursuant to [title 2, chapter 2.62](#) of this code;
 9. A statement indicating whether the applicant will require a variance in connection with the proposed conditional use;
 10. Mailing labels and first class postage for all persons required to be notified of the public hearing on the proposed conditional use pursuant to chapter 21A.10 of this title;
 11. Such other and further information or documentation as the zoning administrator may deem to be necessary for a full and proper consideration and disposition of the particular application.
- B. Determination Of Completeness: Upon receipt of an application for a conditional use, the zoning administrator shall make a determination of completeness of the application pursuant to section [21A.10.010](#) of this title.
- C. Fees: The application for a conditional use shall be accompanied by the fee established on the fee schedule.
- D. Staff Report; Site Plan Review Report: Once the zoning administrator has determined that the application is complete a staff report evaluating the conditional use application shall be prepared by the planning division and forwarded to the planning commission, or, in the case of administrative conditional uses, the planning director or designee along with a site plan review report prepared by the development review team.
- E. Public Hearing: The planning commission, or, in the case of administrative conditional uses,

the planning director or designee shall schedule and hold a public hearing on the proposed conditional use in accordance with the standards and procedures for conduct of the public hearing set forth in chapter 21A.10 of this title. (See sections [21A.54.150](#) and [21A.54.155](#) of this chapter for additional procedures for public hearings in connection with planned developments and administrative conditional uses.)

F. Notice Of Applications For Additional Approvals: Whenever, in connection with the application for a conditional use approval, the applicant is requesting other types of approvals, such as a variance or special exception, all required notices shall include reference to the request for all required approvals.

G. Planning Commission And Planning Director Or Designee Action: At the conclusion of the public hearing, the planning commission, or, in the case of administrative conditional uses, the planning director or designee, shall either: 1) approve the conditional use; 2) approve the conditional use subject to specific modifications; or 3) deny the conditional use. (Ord. 69-06 § 3, 2006; Ord. 26-95 § 2(27-6), 1995)

21A.54.070: SEQUENCE OF APPROVAL OF APPLICATIONS FOR BOTH A CONDITIONAL USE AND A VARIANCE:

Whenever the applicant indicates pursuant to subsection [21A.54.060A9](#) of this chapter that a variance will be necessary in connection with the proposed conditional use (other than a planned development), the applicant shall at the time of filing the application for a conditional use, file an application for a variance with the board of adjustment.

A. Combined Review: Upon the filing of a combined application for a conditional use and a variance, at the initiation of the planning commission or the board of adjustment, the commission and the board may hold a joint session to consider the conditional use and the variance applications simultaneously.

B. Actions By Planning Commission And Board Of Adjustment: Regardless of whether the planning commission and board of adjustment conduct their respective reviews in a combined session or separately, the board of adjustment shall not take any action on the application for a variance until the planning commission shall first act to recommend approval or disapproval of the application for the conditional use. (Ord. 26-95 § 2(27-7), 1995)

21A.54.080: STANDARDS FOR CONDITIONAL USES:

A. General Standard For Approval: A conditional use shall be approved if reasonable

conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards set forth in this section. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use shall be denied.

B. Specific Standards: A conditional use permit shall be approved unless the evidence presented shows that one or more of the standards set forth in this subsection cannot be met. The planning commission, or, in the case of administrative conditional uses, the planning director or the director's designee, may request additional information as may be reasonably needed to determine whether the standards of this subsection can be met.

1. Master Plan And Zoning Ordinance Compliance: The proposed conditional use shall be:

- a. Consistent with any policy set forth in the citywide, community, and small area master plan and future land use map applicable to the site where the conditional use will be located, and
- b. Allowed by the zone where the conditional use will be located or by another applicable provision of this title.

2. Use Compatibility: The proposed conditional use shall be compatible with the character of the site, adjacent properties, and existing development within the vicinity of the site where the use will be located. In determining compatibility, the planning commission shall consider:

- a. Whether the street or other means of access to the site where the proposed conditional use will be located will provide access to the site without materially degrading the service level on such street or any adjacent street;
- b. Whether the type of use and its location will create unusual pedestrian or vehicle traffic patterns or volumes that would not be expected with the development of a permitted use, based on:
 - (1) Orientation of driveways and whether they direct traffic to major or local streets, and, if directed to local streets, the impact on the safety, purpose, and character of these streets;
 - (2) Parking area locations and size, and whether parking plans are likely to encourage street side parking for the proposed use which will adversely impact the reasonable use of adjacent property;
 - (3) Hours of peak traffic to the proposed use and whether such traffic will unreasonably impair the use and enjoyment of adjacent property; and
 - (4) Hours of operation of the proposed use as compared with the hours of activity/operation of other nearby uses and whether the use, during hours of operation, will be likely to create noise, light, or other nuisances that unreasonably impair the use and enjoyment of adjacent property;

- c. Whether the internal circulation system of any development associated with the proposed use will be designed to mitigate adverse impacts on adjacent property from motorized, nonmotorized, and pedestrian traffic;
 - d. Whether existing or proposed utility and public services will be adequate to support the proposed use at normal service levels and will be designed in a manner to avoid adverse impacts on adjacent land uses, public services, and utility resources;
 - e. Whether appropriate buffering or other mitigation measures, such as, but not limited to, landscaping, setbacks, building location, sound attenuation, odor control, will be provided to protect adjacent land uses from excessive light, noise, odor and visual impacts and other unusual disturbances from trash collection, deliveries, and mechanical equipment resulting from the proposed use; and
 - f. Whether detrimental concentration of existing nonconforming or conditional uses substantially similar to the use proposed is likely to occur, based on an inventory of uses within one-fourth ($1/4$) mile of the exterior boundary of the subject property.
3. Design Compatibility: The proposed conditional use shall be compatible with the character of the area where the use will be located with respect to:
- a. Site design and location of parking lots, accessways, and delivery areas;
 - b. Whether the proposed use, or development associated with the use, will result in loss of privacy, objectionable views of large parking or storage areas; or views or sounds of loading and unloading areas; and
 - c. Intensity, size, and scale of development associated with the use as compared to development and uses in the surrounding area.
 - d. If a proposed conditional use will result in new construction or substantial remodeling of a commercial or mixed used development, the design of the premises where the use will be located shall conform to the conditional building and site design review standards set forth in chapter 21A.59 of this title.
4. Detriment To Persons Or Property: The proposed conditional use shall not, under the circumstances of the particular case and any conditions imposed, be detrimental to the health, safety, and general welfare of persons, nor be injurious to property and improvements in the community, existing surrounding uses, buildings, and structures. The proposed use shall:
- a. Not emit any known pollutant into the ground or air that will detrimentally affect the subject property or any adjacent property;
 - b. Not encroach on any river or stream, or direct runoff into a river or stream;
 - c. Not introduce any hazard or potential for damage to an adjacent property that cannot be mitigated;

- d. Be consistent with the type of existing uses surrounding the subject property; and
- e. Improve the character of the area by encouraging reinvestment and upgrading of surrounding properties.

5. Compliance With Other Applicable Regulations: The proposed conditional use and any associated development shall comply with any other applicable code or ordinance requirement.

C. Imposition Of Conditions Of Approval: The planning commission, or, in the case of administrative conditional uses, the planning director or the director's designee, may impose on a conditional use any conditions necessary to conform the proposed use with the approval standards set forth in this section. Such conditions may include conditions on the scope of the use; its character or location; architecture; signage; construction; landscaping; access; loading and parking; sanitation; drainage and utilities; fencing and screening; setbacks; natural hazards; public safety; environmental impacts; hours and methods of operation; dust, fumes, smoke and odor; noise, vibrations; chemicals, toxins, pathogens, and gases; and heat, light, and radiation. Such conditions shall:

1. Be expressly set forth in the approval authorizing the conditional use;
2. Not be used as a means to authorize as a conditional use any use intended to be temporary only;
3. Be within the police powers of Salt Lake City;
4. Substantially further a legitimate public purpose;
5. Further the same public purpose for which the condition is imposed;
6. Not require the applicant/owner to carry a disproportionate burden in furthering the public purpose of the condition; and
7. In the case of land dedications and other contributions of property, be reasonably related and roughly proportionate to the use of the property for which the conditional use is authorized.

D. Denial Of Conditional Use Application: The following findings shall be cause for denial of a conditional use application:

1. The proposed use is unlawful; and
2. The reasonably anticipated detrimental effects of the proposed conditional use cannot be substantially mitigated as proposed in the conditional use application or by the imposition of reasonable conditions to achieve compliance with applicable standards set forth in this section. (Ord. 61-08 § 1 (Exh. A), 2008: Ord. 2-08 § 4, 2008: Ord. 35-99 § 95, 1999: Ord. 26-95 § 2(27-8), 1995)

21A.54.090: VIOLATION OF CONDITIONS:

Violation of any condition of an approved conditional use shall constitute grounds for revocation of the conditional use approval. (Ord. 61-08 § 1 (Exh. A), 2008: Ord. 69-06 § 4, 2006: Ord. 26-95 § 2(27-9), 1995)

21A.54.100: NO PRESUMPTION OF APPROVAL:

The listing of a conditional use in any table of permitted and conditional uses found at the end of each chapter of part III of this title for each category of zoning district or districts does not constitute an assurance or presumption that such conditional use will be approved. Rather, each proposed conditional use shall be evaluated on an individual basis, in relation to its compliance with the standards and conditions set forth in this chapter and with the standards for the district in which it is located, in order to determine whether the conditional use is appropriate at the particular location. (Ord. 26-95 § 2(27-10), 1995)

21A.54.110: EFFECT OF APPROVAL OF CONDITIONAL USE:

The approval of a proposed conditional use by the planning commission, or, in the case of administrative conditional uses, the planning director or designee, shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration or moving of any building or structure, but shall merely authorize the preparation, filing and processing of applications for any permits or approvals that may be required by the regulations of the city, including, but not limited to, a building permit, certificate of occupancy and subdivision approval. (Ord. 69-06 § 5, 2006: Ord. 26-95 § 2(27-11), 1995)

21A.54.120: LIMITATIONS ON CONDITIONAL USE APPROVAL:

Subject to an extension of time granted by the planning commission, or, in the case of administrative conditional uses, the planning director or designee, no conditional use shall be valid for a period longer than twelve (12) months unless a building permit is issued and construction is actually begun within that period and is thereafter diligently pursued to completion, or unless a certificate of occupancy is issued and a use commenced within that period, or unless a longer time is requested and granted by the planning commission, or, in the case of administrative conditional uses, the planning director or designee. Any request for a time extension shall be required not less than thirty (30) days prior to the twelve (12) month time period. The approval of a proposed conditional use by the planning commission, or, in the case of administrative conditional uses, the planning director or designee, shall authorize only the particular use for which it was issued. (Ord. 2-08 § 5, 2008: Ord. 69-06 § 6, 2006: Ord. 26-95 § 2(27-12), 1995)

21A.54.130: CONDITIONAL USE RELATED TO THE LAND:

An approved conditional use relates only to, and is only for the benefit of the use and lot rather than the owner or operator of such use or lot. (Ord. 26-95 § 2(27-13), 1995)

21A.54.135: ALTERATIONS OR MODIFICATIONS TO A CONDITIONAL USE:

Any land use currently listed as a conditional use under existing zoning regulations shall be required to obtain conditional use approval subject to the provisions of this chapter if the floor area increases by one thousand (1,000) gross square feet or more and/or the parking requirement is increased.

A. Administrative Consideration Of Conditional Use: Applications for alterations and/or modifications to a conditional use may be reviewed according to the procedures set forth in section [21A.54.155](#) of this chapter. (Ord. 13-04 § 35, 2004)

21A.54.140: CONDITIONAL USE APPROVALS AND PLANNED DEVELOPMENTS:

When a development is proposed as a planned development pursuant to the procedures in section [21A.54.150](#) of this chapter and also includes an application for conditional use approval, the planning commission shall decide the planned development application and the conditional use application together. In the event that a new conditional use is proposed after a planned development has been approved pursuant to section [21A.54.150](#) of this chapter, the proposed conditional use shall be reviewed and approved, approved with conditions, approved with modifications, or denied under the standards set forth in section [21A.54.080](#) of this chapter. (Ord. 26-95 § 2(27-14), 1995)

The section below has been affected by a recently passed ordinance, 2009-69 - Zoning Amendments. [Go to new ordinance.](#)

21A.54.150: PLANNED DEVELOPMENTS:

A. Purpose Statement: A planned development is a distinct category of conditional use. As such, it is intended to encourage the efficient use of land and resources, promoting greater efficiency in public and utility services and encouraging innovation in the planning and building of all types of development. Through the flexibility of the planned development technique, the city seeks to achieve the following specific objectives:

1. Creation of a more desirable environment than would be possible through strict

application of other city land use regulations;

2. Promotion of a creative approach to the use of land and related physical facilities resulting in better design and development, including aesthetic amenities;
3. Combination and coordination of architectural styles, building forms and building relationships;
4. Preservation and enhancement of desirable site characteristics such as natural topography, vegetation and geologic features, and the prevention of soil erosion;
5. Preservation of buildings which are architecturally or historically significant or contribute to the character of the city;
6. Use of design, landscape or architectural features to create a pleasing environment;
7. Inclusion of special development amenities; and
8. Elimination of blighted structures or incompatible uses through redevelopment or rehabilitation.

B. Authority: The planning commission may approve planned developments for uses listed in the tables of permitted and conditional uses found at the end of each chapter of part III of this title for each category of zoning district or districts. The approval shall be in accordance with the standards and procedures set forth in this section, and other regulations applicable to the district in which the property is located.

C. Authority To Modify Regulations: In approving any planned development, the planning commission may change, alter, modify or waive any provisions of this title or of the city's subdivision regulations as they apply to the proposed planned development. No such change, alteration, modification or waiver shall be approved unless the planning commission shall find that the proposed planned development:

1. Will achieve the purposes for which a planned development may be approved pursuant to subsection A of this section; and
2. Will not violate the general purposes, goals and objectives of this title and of any plans adopted by the planning commission or the city council.

D. Limitation: No change, alteration, modification or waiver authorized by subsection C of this section shall authorize a change in the uses permitted in any district or a modification with respect to any standard established by this section, or a modification with respect to any standard in a zoning district made specifically applicable to planned developments, unless such regulations expressly authorize such a change, alteration, modification or waiver.

E. Other Standards:

1. Minimum Area: A planned development proposed for any parcel or tract of land under single ownership or control shall have a minimum net lot area for each zoning district as set forth in table 21A.54.150E2 of this section.
2. Density Limitations: Residential planned developments shall not exceed the density limitation of the zoning district where the planned development is proposed. The calculation of planned development density may include open space that is provided as an amenity to the planned development. Public or private roadways located within or adjacent to a planned development shall not be included in the planned development area for the purpose of calculating density.

TABLE 21A.54.150E2
PLANNED DEVELOPMENTS

District	Minimum Planned Development Size
Residential Districts	
FR-1/43,560 foothills estate residential district	5 acres
FR-2/21,780 foothills residential district	5 acres
FR-3/12,000 foothills residential district	5 acres
R-1/12,000 single-family residential district	5 acres
R-1/7,000 single-family residential district	20,000 square feet
R-1/5,000 single-family residential district	20,000 square feet
SR-1 special development pattern residential district	9,000 square feet
SR-2 special development pattern residential district	Reserved
SR-3 interior block single-family residential district	9,000 square feet
R-2 single- and two-family residential district	9,000 square feet
RMF-30 low density multi-family residential district	9,000 square feet
RMF-35 moderate density multi-family residential district	9,000 square feet
RMF-45 moderate/high density multi-family residential district	20,000 square feet
RMF-75 high density multi-family district	9,000 square feet
RB residential/business district	No minimum required
R-MU-35 residential/mixed use district	9,000 square feet
R-MU-45 residential/mixed use district	9,000 square feet
R-MU residential/mixed use district	No minimum required
RO residential/office district	20,000 square feet

Commercial Districts	
CN neighborhood commercial district	No minimum required
CB community business district	No minimum required
CS community shopping district	60,000 square feet
CC corridor commercial district	20,000 square feet
CSHBD Sugar House business district	No minimum required
CG general commercial district	1 acre
TC-75 transit corridor district	No minimum required
Manufacturing Districts	
M-1 light manufacturing district	2 acres
M-2 heavy manufacturing district	2 acres
Downtown Districts	
D-1 central business district	2 acres
D-2 downtown support commercial district	2 acres
D-3 downtown warehouse/residential district	1 acre
Special Purpose Districts	
RP research park district	10 acres
BP business park district	10 acres
FP foothills protection district	32 acres
AG agricultural district	10 acres
AG-2 agricultural district	4 acres
AG-5 agricultural district	10 acres
AG-20 agricultural district	40 acres
A airport district	2 acres
PL public lands district	5 acres
PL-2 public lands district	1 acre
I institutional district	5 acres
UI urban institutional district	1 acre
OS open space district	2 acres
MH mobile home park district	10 acres
EI extractive industries district	10 acres
MU mixed use district	No minimum required

3. Consideration Of Reduced Width Public Street Dedication: A residential planned development application may include a request to dedicate the street to Salt Lake City for perpetual use by the public. The request will be reviewed and evaluated individually by appropriate departments, including transportation, engineering, public utilities, public services and fire. Each department reviewer will consider the adequacy of the design and physical improvements proposed by the developer and will make recommendation for

approval or describe required changes. A synopsis will be incorporated into the staff report for review and decision by the planning commission. Notwithstanding the foregoing, no such street will be accepted as a publicly owned street unless there is a minimum width of twenty feet (20') of pavement with an additional right of way as determined by the planning commission.

4. **Planned Developments:** Planned developments within the TC-75, RB, R-MU, MU, CN, CB, and CSHBD zoning districts and the South State Street overlay. Also planned developments within the CS zoning district, when the district is adjacent to more than sixty percent (60%) residential zoning (within 300 feet, either on the same block or across the street).

Planned developments within these zoning districts may be approved subject to consideration of the following general conceptual guidelines (a positive finding for each is not required):

- a. The development shall be primarily oriented to the street, not an interior courtyard or parking lot,
 - b. The primary access shall be oriented to the pedestrian and mass transit,
 - c. The facade shall maintain detailing and glass in sufficient quantities to facilitate pedestrian interest and interaction,
 - d. Architectural detailing shall emphasize the pedestrian level of the building,
 - e. Parking lots shall be appropriately screened and landscaped to minimize their impact on the neighborhood,
 - f. Parking lot lighting shall be shielded to eliminate excessive glare or light into adjacent neighborhoods,
 - g. Dumpsters and loading docks shall be appropriately screened or located within the structure, and
 - h. Signage shall emphasize the pedestrian/mass transit orientation.
5. **Perimeter Setback:** The perimeter side and rear yard building setback shall be the greater of the required setbacks of the lot or adjoining lot unless modified by the planning commission.
6. **Topographic Change:** The planning commission may increase or decrease the side or rear yard setback where there is a topographic change between lots.

F. **Preapplication Conference:** Prior to submitting a planned development application, an applicant shall participate in a preapplication conference with the planning director and the development review team (DRT). A member of the planning commission and the city council member of the district in which the proposed planned development is located may be invited to attend the preapplication conference. Representatives of other city

departments and decision making bodies may also be present, where appropriate.

1. **Purpose Statement:** The purpose of the preapplication conference is to enable the applicant to present the concept of the proposed planned development and to discuss the procedures and standards for planned development approval. The conference is intended to facilitate the filing and consideration of a complete application. No representation made by the planning director, the DRT, the city council and planning commission members, or the representatives of city departments or of other decision making bodies during such conference shall be binding upon the city with respect to the application subsequently submitted.
2. **Scheduling Of Conference:** The planning director shall schedule the preapplication conference within fifteen (15) calendar days after receiving the request from the applicant.
3. **Information Needed For Preapplication Conference:** At the time of request for the preapplication conference, the applicant shall include a narrative summary of the proposal and a description of adjacent land uses and neighborhood characteristics.
4. **Action Following Preapplication Conference:** Following the preapplication conference, the staff of the planning director shall be available to assist the applicant in the application procedure for the planned development.

G. Development Plan Approval Steps: The development plan approval process requires a minimum of two (2) approval steps: 1) a preliminary development plan approval; and 2) a final development plan approval. An applicant may elect to submit a concept development plan pursuant to subsection H of this section before submitting an application for preliminary development plan approval in order to obtain guidance regarding how city requirements would apply to the nature and scope of the proposed planned development.

H. Concept Development Plan (Optional):

1. **Purpose Statement:** The concept development plan is an optional step that is intended to provide the applicant an opportunity to submit and obtain review of a plan showing the basic character and scope of the proposed planned development without incurring undue cost. At the election of the applicant, the concept development plan may be submitted to the planning commission for its review and decision following a public hearing.
2. **Application:** An application for submittal of a concept development plan shall include the following items and information:
 - a. Schematic drawings, at a scale of not smaller than fifty feet (50') to the inch, of the proposed development concept, showing buildings located within eighty five feet (85') (exclusive of intervening streets and alleys) of the site; the general location of vehicular and pedestrian circulation and parking; public and private open space; and residential, commercial, industrial and other land uses, as applicable, and a tabulation of the following information:

- (1) Total number of dwelling units and rooming units proposed, by type of structure and number of bedrooms if the planned development includes residential land uses;
 - (2) Total square feet of building floor area proposed for commercial uses, recreation and accessory uses and industrial uses, by general type of use;
 - (3) Proposed number of off street parking and loading spaces for each proposed type of land use; and
 - (4) Total land area, expressed in square feet and as a percent of the total development area, proposed to be devoted to residential uses, by type of structure; commercial uses; industrial uses; other land uses; public and private open space; streets and sidewalks; and off street parking and loading area;
 - (5) Total project density or intensity of use.
- b. Proposed elevations.
- c. When the planned development is to be constructed in phases, a schedule for the development of such phases shall be submitted stating the approximate beginning and completion time for each phase. When a development provides for common open space, the total area of common open space provided at any stage of development shall, at a minimum, bear the same relationship to the total open space to be provided in the entire development as the phases completed or under development bear to the entire development.
3. Review By Development Review Team (DRT): Upon receipt of a complete concept development plan application, the zoning administrator shall forward the application to the DRT for its review. The DRT shall prepare a memorandum with its general evaluation and recommendations regarding any revisions that must be incorporated in any subsequent application for preliminary development plan approval in order to assure compliance with the requirements of this title. A copy of this memorandum shall be sent to the applicant.
 4. Planning Commission Review Of The Concept Plan: Upon receipt of the DRT memorandum pursuant to subsection H3 of this section, the applicant may request in writing within fourteen (14) calendar days of the date of receipt thereof that the planning director forward the concept development plan application to the planning commission for its review and decision. The zoning administrator shall forward the concept development plan application accompanied by the DRT memorandum to the planning division for planning commission consideration at a public hearing. In the event that the applicant does not request planning commission review of the concept development plan within the fourteen (14) day time frame provided, no further action shall be taken on the proposed planned development until the applicant submits an application for preliminary plan development approval.
 5. Public Hearing: If an applicant requests planning commission review of the concept development plan pursuant to subsection H4 of this section a public hearing shall be scheduled and conducted by the planning commission in accordance with the standards and procedures set forth in chapter 21A.10 of this title.

6. **Planning Commission Action:** Following the conclusion of the public hearing, the planning commission shall either approve the concept development plan, approve the concept development plan subject to modifications or conditions, or disapprove the concept development plan.
 7. **Procedure Upon Denial Of Concept Development Plan:** If the planning commission denies the application for approval of the concept development plan, it shall require the applicant to resolve specific issues before approval may be granted, if resubmitted, for the preliminary development plan.
 8. **Approval Of Concept Development Plan:** If the planning commission approves the concept development plan, with or without modifications or conditions, it shall adopt a motion establishing the land uses and density for the proposed planned development and authorizing the proposed applicant to submit an application for a preliminary development plan consistent with the approved concept development plan. Every such motion shall be expressly conditioned upon approval of the preliminary development plan in accordance with subsection I of this section.
 9. **Time Limitation On Concept Development Plan Approval:** Subject to an extension of time granted by the planning director, unless a preliminary development plan covering the area designated in the concept development plan has been filed within one year from the date the planning commission grants concept development plan approval, the planning commission's approval of the concept development plan shall automatically expire and be rendered void.
- I. **Preliminary Development Plan:** Whether or not an applicant for a planned development elects first to submit a concept development plan, the applicant must file an application for preliminary development plan approval with the zoning administrator.
1. **Application Requirements:** The preliminary development plan application shall be submitted on a form provided by the zoning administrator accompanied by such number of copies of documents as the zoning administrator may require for processing of the application, and shall include at least the following information set forth below:
 - a. **General Information:**
 - (1) The applicant's name, address, telephone number and interest in the property;
 - (2) The owner's name, address and telephone number, if different than the applicant, and the owner's signed consent to the filing of the application;
 - (3) The street address and legal description of the subject property;
 - (4) The zoning classification, zoning district boundaries and present use of the subject property;
 - (5) A vicinity map with north, arrow scale and date, indicating the zoning classifications and current uses of properties within eighty five feet (85') (exclusive of intervening streets and alleys) of the subject property; and

- (6) The proposed title of the project and the names, addresses and telephone numbers of the architect, landscape architect, planner or engineer on the project.
- b. Preliminary Development Plan: A preliminary development plan at a scale of twenty feet (20') to the inch or larger, unless otherwise approved by the zoning administrator, setting forth at least the following, unless waived by the zoning administrator:
- (1) The location, dimensions and total area of the site;
 - (2) The location, dimensions, floor area, type of construction and use of each proposed building or structure;
 - (3) The number, the size and type of dwelling units in each building, and the overall dwelling unit density;
 - (4) The proposed treatment of open spaces and the exterior surfaces of all structures, with sketches of proposed landscaping and structures, including typical elevations;
 - (5) Architectural graphics, if requested by the zoning administrator, including typical floor plans and elevations, profiles and cross sections;
 - (6) The number, location and dimensions of parking spaces and loading docks, with means of ingress and egress;
 - (7) The proposed traffic circulation pattern within the area of the development, including the location and description of public improvements to be installed, including any streets and access easements;
 - (8) A traffic impact analysis;
 - (9) The location and purpose of any existing or proposed dedication or easement;
 - (10) The general drainage plan for the development tract;
 - (11) The location and dimensions of adjacent properties, abutting public rights of way and easements, and utilities serving the site;
 - (12) Significant topographical or physical features of the site, including existing trees;
 - (13) Soils and subsurface conditions, if requested;
 - (14) The location and proposed treatment of any historical structure or other historical design element or feature;
 - (15) One copy of the preliminary development plan colored or shaded (unmounted) for legibility and presentation at public meetings; and
 - (16) A reduction of the preliminary development plan to eight and one-half by eleven inches ($8\frac{1}{2} \times 11$). The reduction need not include any area outside the property

lines of the subject site.

- c. Plat Of Survey: A plat of survey of the parcel of land, lot, lots, block, blocks, or parts or portions thereof, drawn to scale, showing the actual dimensions of the parcel, lot, lots, block, blocks, or portions thereof, according to the registered or recorded plat of such land.
 - d. A Preliminary Subdivision Plat, If Required: A preliminary subdivision plat showing that the planned development consists of and is conterminous with a single lot described in a recorded subdivision plat, or a proposed resubdivision or consolidation to create a single lot or separate lots of record in suitable form ready for review.
 - e. Additional Information: The application shall also contain the following information as well as such additional information, drawings, plans or documentation as may be requested by the zoning administrator or the planning commission if determined necessary or appropriate for a full and proper consideration and disposition of the application:
 - (1) When the proposed planned development includes provisions for common open space or recreational facilities, a statement describing the provision to be made for the care and maintenance of such open space or recreational facilities;
 - (2) A written statement showing the relationship of the proposed planned development to any adopted general plan of the city;
 - (3) A written statement addressing each of the standards set forth in subsection H of this section, and such additional standards, if any, as may be applicable under the specific provisions of this title. The statement shall explain specifically how the proposed planned development relates to and meets each such standard;
 - (4) A written statement showing why the proposed planned development is compatible with other property in the neighborhood.
2. Review Procedure: Upon the review of a preliminary development plan application, by the development review team, the zoning administrator shall notify the applicant of any deficiencies and or modifications necessary to complete the application.
- a. Public Hearing: Upon receiving site plan review and recommendation from the development review team, and completing a staff report, the planning commission shall hold a public hearing to review the preliminary development plan application in accordance with the standards and procedures set forth in chapter 21A.10 of this title.
 - b. Planning Commission Action: Following the public hearing, the planning commission shall decide, on the basis of the standards contained in subsection I3 of this section whether to approve, approve with modifications or conditions, or deny the application.
 - c. Planning Commission Action On Preliminary Development Plan Subject To Certification By Planning Director: The motion of the planning commission approving the preliminary development plan shall include a provision approving the final development plan, subject to certification by the planning director that the final

development plan is in conformance with the preliminary development plan approved by the planning commission.

d. Notification Of Decision: The planning director shall notify the applicant of the decision of the planning commission in writing, accompanied by one copy of the submitted plans marked to show such decision and a copy of the motion approving, approving with modifications, or denying the preliminary development plan application.

3. Standards: A planned development, as a conditional use, shall be subject to the standards for approval set forth in section [21A.54.080](#) of this chapter. The planning commission shall make written findings of fact with respect to each of the standards in section [21A.54.080](#) of this chapter before approval.

J. Certification Of Final Development Plan Compliance: Upon receipt of an application for final development plan certification, the planning director shall review the application to determine if it is complete, including any modifications required in conjunction with the approval by the planning commission. Within ten (10) working days of receipt of the completed application, the planning director shall either: 1) certify that the final development plan complies with the approved preliminary plan; or 2) refuse to certify the final development plan for lack of compliance with the preliminary development plan as finally approved by the planning commission.

K. Effect Of Certification Of Compliance: A final development plan as approved and certified shall not be modified, except pursuant to subsection S of this section.

L. Effect Of Refusal Of Certification: If the planning director refuses to certify the final development plan, the applicant shall be notified in writing of the items that do not comply with the approved preliminary development plan. The applicant shall have fourteen (14) days following receipt of the planning director's notice of lack of certification to correct the deficiencies identified. If the applicant fails to correct the deficiencies within the fourteen (14) day period, unless extended by the planning director, the final development plan shall automatically expire and be rendered void.

M. Appeal Of Planning Director's Refusal To Certify Compliance: Any party aggrieved by the decision of the planning director not to certify a final development plan, may appeal to the planning commission within thirty (30) days of the date of decision.

N. Appeal Of The Planning Commission Decision: Any party aggrieved by the decision of the planning commission on appeal of the planning director's refusal to certify a final development plan, may file an appeal to the land use appeals board.

O. Time Limit On Approved Planned Development: No planned development approval shall be valid for a period longer than one year unless a building permit is issued and construction is diligently pursued. However, upon written request of the applicant, the one year period may

be extended by the planning commission for such time as it shall determine for good cause shown, without further public hearing.

P. **Additional Requirements:** The decision approving a planned development shall contain a legal description of the property subject to the planned development. The decision shall be recorded by the city in the office of the county recorder before any permits may be issued.

Q. **Effect Of Approval Of Planned Development:** The approval of a proposed planned development by the planning commission shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration or moving of any building or structure, but shall authorize the preparation, filing and processing of applications for any permits or approvals that may be required by the regulations of the city, including, but not limited to, a building permit, a certificate of occupancy and subdivision approval.

R. **Regulation During And Following Completion Of Development:** Following final development plan approval, the final development plan, rather than any other provision of this title, shall constitute the use, parking, loading, sign, bulk, space and yard regulations applicable to the subject property, and no use or development, other than home occupation and temporary uses, not allowed by the final development plan shall be permitted within the area of the planned development.

S. **Modifications To Development Plan:**

1. **New Application Required For Modifications And Amendments:** No substantial modification or amendment shall be made in the construction, development or use without a new application under the provisions of this title. Minor modifications or amendments may be made subject to written approval of the planning director and the date for completion may be extended by the planning commission upon recommendation of the planning director.

2. **Minor Modifications:** During build out of the planned development, the planning director may authorize minor modifications to the approved final development plan pursuant to the provisions for modifications to an approved site plan as set forth in chapter 21A.58 of this title, when such modifications appear necessary in light of technical or engineering considerations. Such minor modifications shall be limited to the following elements:

a. Adjusting the distance as shown on the approved final development plan between any one structure or group of structures, and any other structure or group of structures, or any vehicular circulation element or any boundary of the site;

b. Adjusting the location of any open space;

c. Adjusting any final grade;

d. Altering the types of landscaping elements and their arrangement within the required

landscaping buffer area; and

e. Signs.

Such minor modifications shall be consistent with the intent and purpose of this title and the final development plan as approved pursuant to this section, and shall be the minimum necessary to overcome the particular difficulty and shall not be approved if such modifications would result in a violation of any standard or requirement of this title.

3. Major Modifications: Any modifications to the approved final development plan not authorized by subsection S2 of this section shall be considered to be a major modification. The planning commission shall give notice to all property owners whose properties are located within one hundred feet (100') (exclusive of intervening streets and alleys) of the planned development, requesting the major modification. The planning commission may approve an application for a major modification to the final development plan, not requiring a modification of written conditions of approval or recorded easements, upon finding that any changes in the plan as approved will be in substantial conformity with the final development plan. If the commission determines that a major modification is not in substantial conformity with the final development plan as approved, then the commission shall review the request in accordance with the procedures set forth in this subsection.

4. Fees: Fees for modifications to a final development plan shall be as set forth in the fee schedule, chapter 21A.64 of this title.

T. Disclosure Of Infrastructure Costs For Planned Developments: Planned developments, approved under this title after January 1, 1997, shall include provisions for disclosure of future private infrastructure maintenance and replacement costs to unit owners.

1. Infrastructure Maintenance Estimates: Using generally accepted accounting principles, the developer of any planned development shall calculate an initial estimate of the costs for maintenance and capital improvements of all infrastructure for the planned development including roads, sidewalks, curbs, gutters, water and sewer pipes and related facilities, drainage systems, landscaped or paved common areas and other similar facilities ("infrastructure"), for a period of sixty (60) years following the recording of the subdivision plat for the estimated date of first unit occupancy of the planned development, whichever is later.

2. Initial Estimate Disclosure: The following measures shall be incorporated in planned developments to assure that owners and future owners have received adequate disclosure of potential infrastructure maintenance and replacement costs:

- a. The cost estimate shall be recorded with and referenced on the recorded plat for any planned development. The initial disclosure estimate shall cover all private infrastructure items and shall be prepared for six (6) increments of ten (10) years each.
- b. The recorded plat shall also contain a statement entitled "notice to purchasers" disclosing that the infrastructure is privately owned and that the maintenance, repair,

replacement and operation of the infrastructure is the responsibility of the property owners and will not be assumed by the city.

c. The cost estimate shall be specifically and separately disclosed to the purchaser of any property in the planned development, upon initial purchase and also upon all future purchases for the duration of the sixty (60) year period.

3. **Yearly Maintenance Statements:** The entity responsible for the operation and maintenance of the infrastructure shall, at least once each calendar year, notify all property owners in the planned development of the estimated yearly expenditures for maintenance, repair, operation or replacement of infrastructure, and at least once each calendar year shall notify all property owners of the actual expenditures incurred, and shall specify the reason(s) for any variance between the estimated expenditures and the actual expenditures.
4. **Maintenance Responsibilities:** The property owners in a planned development shall be collectively and individually responsible, on a pro rata basis, for operating, maintaining, repairing and replacing infrastructure to the extent necessary to ensure that access to the planned development is available to the city for emergency and other services and to ensure that the condition of the private infrastructure allows for the city's continued and uninterrupted operation of public facilities to which the private infrastructure may be connected or to which it may be adjacent. (Ord. 76-05 §§ 4, 5 (Exh. A), 2005: Ord. 12-05 § 1, 2005: Ord. 3-05 §§ 9 (Exh. A), 10, 2005: Ord. 71-04 § 27 (Exh. G), 2004: Ord. 13-04 §§ 36, 37 (Exh. K), 2004: Ord. 77-03 § 8, 2003: Ord. 73-02 § 19 (Exh. G), 2002: Ord. 70-02 § 4, 2002: Ord. 14-00 § 15, 2000: Ord. 35-99 §§ 96-99, 1999: Ord. 17-99 § 1, 1999: Ord. 52-97 § 1, 1997: Ord. 88-95 § 1 (Exh. A), 1995: Ord. 26-95 § 2(27-15), 1995)

The section below has been affected by a recently passed ordinance, 2009-69 - Zoning Amendments. [Go to new ordinance.](#)

21A.54.155: ADMINISTRATIVE CONSIDERATION OF CONDITIONAL USES:

The purpose of this section is to establish an administrative hearing process for certain categories of low impact conditional uses as authorized by subsection [21A.54.030C](#) of this chapter. Applications for administrative conditional use approval shall be reviewed as follows:

A. Preapplication And Application Requirements:

1. **Preapplication Conference:** The applicant shall first meet with a member of the Salt Lake City planning division to discuss the application and alternatives.
2. **Community Council Review:** The applicant shall meet with the respective community council(s) pursuant to subsection [21A.10.010B](#) of this title.
3. **Application:** The applicant shall file an application and associated application fees with the planning office on a form prescribed by the city and consistent with this chapter. After

considering information received, the planning director or designee may choose to schedule an administrative hearing or to forward the application to the planning commission.

B. Administrative Hearing:

1. **Noticing And Posting Requirements:** Notice of the proposed conditional use shall be mailed to all applicable property owners and the property shall be posted pursuant to subsection [21A.10.020B](#) of this title.
2. **Administrative Hearing:** After consideration of the information received from the applicant and concerned residents, the planning director or designee may approve, approve with conditions, or deny the conditional use request.

At the administrative hearing, the planning director or designee may decline to hear or decide the request and forward the application for planning commission consideration, if it is determined that there is neighborhood opposition, if the applicant has failed to adequately address the conditional use standards, or for any other reason at the discretion of the planning director or designee.

The planning director may grant the conditional use request only if the proposed development is consistent with the standards for conditional uses listed in section [21A.54.080](#) of this chapter and any specific standards listed in this title that regulate the particular use.

C. Appeals:

1. **Objection To Administrative Consideration:** The petitioner or any person who objects to the planning director or designee administratively considering the conditional use request may request a hearing before the planning commission by filing a written notice at any time prior to the planning director's scheduled administrative hearing on the conditional use request. If no such objections are received by the city prior to the planning director's administrative hearing, any objections to such administrative consideration will be deemed waived. The notice shall specify all reasons for the objection to the administrative hearing. Upon receipt of such an objection, the matter will be forwarded to the Salt Lake City planning commission for consideration and decision.
2. **Appeal Of Administrative Consideration:** Any person aggrieved by the decision made by the planning director or designee at an administrative hearing may appeal that decision to the Salt Lake City planning commission by filing notice of an appeal within fourteen (14) days after the planning director's administrative hearing. The notice of appeal shall specify, in detail, the reason(s) for the appeal. Reasons for the appeal shall be based upon procedural error or compliance with the standards for conditional uses listed in section [21A.54.080](#) of this chapter or any specific standards listed in this title that regulate the particular use. (Ord. 69-06 § 7, 2006; Ord. 81-01 § 3, 2001)

The section below has been affected by a recently passed ordinance, 2009-69 - Zoning Amendments. [Go to new ordinance.](#)

21A.54.160: APPEAL OF PLANNING COMMISSION DECISION:

Any party aggrieved by a decision of the planning commission on an application for a conditional use, including a planned development, may file an appeal to the land use appeals board within thirty (30) days of the date of the decision. The filing of the appeal shall not stay the decision of the planning commission pending the outcome of the appeal, unless the planning commission takes specific action to stay a decision. (Ord. 77-03 § 9, 2003; Ord. 83-96 § 6, 1996; Ord. 26-95 § 2(27-16), 1995)

21A.54.170: APPEAL OF LAND USE APPEALS BOARD DECISION:

Any party adversely affected by the decision of the land use appeals board on appeal from a decision of the planning commission may appeal to the district court within thirty (30) days of the date of the land use appeals board decision. (Ord. 83-96 § 7, 1996)

Chapter 21A.59

CONDITIONAL BUILDING AND SITE DESIGN REVIEW

21A.59.010: PURPOSE STATEMENT:

The intent of building and site design review regulations is to provide for the flexible implementation of the specific design requirements set forth within individual zoning districts. The purpose statement of each zoning district provides the philosophical approach to defining that flexibility. This process is intended to supplement the review and administrative procedures which are carried out under this title or other city ordinances and regulations. The design review process is intended to help ensure that newly developed properties and redeveloped properties are designed to encourage pedestrian access, circulation and orientation while acknowledging the need for transit and automobile access. (Ord. 3-05 § 11, 2005)

21A.59.020: AUTHORITY:

Design review shall be required pursuant to the provisions of this chapter for uses as specified within individual zoning districts before zoning certificates, building permits or certificates of occupancy may be issued.

- A. The planning commission shall approve design criteria upon consideration of comments received from city departments and determining whether modification of specific design regulations meets the intent of the individual zoning district.

- B. The planning commission may modify individual design requirements for specific projects if they find that the intent of the basic design criteria of the zoning district has been met. (Ord. 3-05 § 11, 2005)

21A.59.030: SCOPE OF APPLICATION:

Design review approval shall be required for all permitted uses, conditional uses and accessory uses when specifically authorized and referenced by individual zoning districts. (Ord. 3-05 § 11, 2005)

21A.59.040: SCOPE OF MODIFICATIONS AUTHORIZED:

The authority of the planning commission through the design review process shall be limited to modification of the specific element referenced within each zoning district. (Ord. 3-05 § 11, 2005)

21A.59.050: APPLICATION REQUIREMENTS:

Each application for design review shall include the same information as required for site plan review as identified in section [21A.58.060](#) of this title. (Ord. 3-05 § 11, 2005)

21A.59.060: STANDARDS FOR DESIGN REVIEW:

In addition to standards provided in other sections of this title for specific types of approval, the following standards shall be applied to all applications for design review:

- A. Development shall be primarily oriented to the street, not an interior courtyard or parking lot.
 - 1. Primary building orientation shall be toward the street rather than the parking area. The principal entrance shall be designed to be readily apparent.
 - 2. At least sixty percent (60%) of the street frontage of a lot shall have any new building located within ten feet (10') of the front setback. Parking is permitted in this area.
 - 3. Any buildings open to the public and located within thirty feet (30') of a public street shall have an entrance for pedestrians from the street to the building interior. This entrance shall be designed to be a distinctive and prominent element of the building's architectural design, and shall be open to the public during all business hours.
 - 4. Each building shall incorporate lighting and changes in mass, surface, or finish to give emphasis to its entrances.

- B. Primary access shall be oriented to the pedestrian and mass transit.
 - 1. Each building shall include an arcade, roof, alcove, portico, awnings, or similar architectural features that protect pedestrians from the rain and sun.

- C. Building facades shall include detailing and glass in sufficient quantities to facilitate pedestrian interest and interaction.
 - 1. At least forty percent (40%) of any first floor wall area that faces and is within thirty feet (30') of a primary street, plaza, or other public open space shall contain display areas, windows, or doorways. Windows shall allow views into a working area or lobby, a

pedestrian entrance, or display area. First floor walls facing a side street shall contain at least twenty five percent (25%) of the wall space in window, display area, or doors. Monolithic walls located within thirty feet (30') of a public street are prohibited.

2. Recessed or projecting balconies, verandas, or other usable space above the ground level on existing and new buildings is encouraged on a street facing elevation. Balconies may project over a public right of way, subject to an encroachment agreement issued by the city.

D. Architectural detailing shall emphasize the pedestrian level of the building.

E. Parking lots shall be appropriately screened and landscaped to minimize their impact on adjacent neighborhoods.

1. Parking areas shall be located behind or at one side of a building. Parking may not be located between a building and a public street.
2. Parking areas shall be shaded by large broadleaf canopied trees placed at a rate of one tree for each six (6) parking spaces. Parking shall be adequately screened and buffered from adjacent uses.
3. Parking lots with fifteen (15) spaces or more shall be divided by landscaped areas including a walkway at least ten feet (10') in width or by buildings.

F. Parking lot lighting shall be shielded to eliminate excessive glare or light into adjacent neighborhoods.

G. Parking and on site circulation shall be provided.

1. Connections shall be made when feasible to any streets adjacent to the subject property and to any pedestrian facilities that connect with the property.
2. A pedestrian access diagram that shows pedestrian paths on the site that connect with a public sidewalk shall be submitted.

H. Dumpsters and loading docks shall be appropriately screened or located within the structure.

1. Trash storage areas, mechanical equipment, and similar areas are not permitted to be visible from the street nor permitted between the building and the street.
2. Appropriate sound attenuation shall occur on mechanical units at the exterior of buildings to mitigate noise that may adversely impact adjacent residential uses.

I. Signage shall emphasize the pedestrian/mass transit orientation.

J. Lighting shall meet the lighting levels and design requirements set forth in chapter 4 of the Salt Lake City lighting master plan dated May 2006.

K. Streetscape improvements shall be provided as follows:

1. One street tree chosen from the street tree list shall be placed for each thirty feet (30') of property frontage on a street.
2. Landscaping material shall be selected that will assure eighty percent (80%) ground coverage occurs within three (3) years.
3. Hardscape (paving material) shall be utilized to designate public spaces. Permitted materials include unit masonry, scored and colored concrete, grasscrete, or combinations of the above.
4. Outdoor storage areas shall be screened from view from adjacent public rights of way. Loading facilities shall be screened and buffered when adjacent to residentially zoned land and any public street.
5. Landscaping design shall include a variety of deciduous and/or evergreen trees, and shrubs and flowering plant species well adapted to the local climate.

L. Street trees shall be provided as follows:

1. Any development fronting on a public or private street shall include street trees planted consistent with the city's urban forestry guidelines and with the approval of the city's urban forester.
2. Existing street trees removed as the result of a development project shall be replaced by the developer with trees approved by the city's urban forester.

M. The following additional standards shall apply to any large scale developments with a gross floor area exceeding sixty thousand (60,000) square feet:

1. The orientation and scale of the development shall conform to the following requirements:
 - a. Large building masses shall be divided into heights and sizes that relate to human scale by incorporating changes in building mass or direction, sheltering roofs, a distinct pattern of divisions on surfaces, windows, trees, and small scale lighting.
 - b. No new buildings or contiguous groups of buildings shall exceed a combined contiguous building length of three hundred feet (300').

2. Public spaces shall be provided as follows:

- a. One square foot of plaza, park, or public space shall be required for every ten (10) square feet of gross building floor area.
- b. Plazas or public spaces shall incorporate at least three (3) of the five (5) following elements:
 - (1) Sitting space of at least one sitting space for each two hundred fifty (250) square feet shall be included in the plaza. Seating shall be a minimum of sixteen inches (16") in height and thirty inches (30") in width. Ledge benches shall have a minimum depth of thirty inches (30");
 - (2) A mixture of areas that provide shade;
 - (3) Trees in proportion to the space at a minimum of one tree per eight hundred (800) square feet, at least two inch (2") caliper when planted;
 - (4) Water features or public art; and/or
 - (5) Outdoor eating areas or food vendors.

N. Any new development shall comply with the intent of the purpose statement of the zoning district and specific design regulations found within the zoning district in which the project is located as well as adopted master plan policies, the city's adopted "urban design element" and design guidelines governing the specific area of the proposed development. Where there is a conflict between the standards found in this section and other adopted plans and regulations, the more restrictive regulations shall control. (Ord. 61-08 § 2 (Exh. B), 2008; Ord. 89-05 § 8, 2005; Ord. 3-05 § 11, 2005)

The section below has been affected by a recently passed ordinance, 2009-69 - Zoning Amendments. Go to new ordinance.

PC appeal

Time Limit

21A.59.070: PROCEDURES FOR DESIGN REVIEW:

A. Preapplication Conference: Before filing an application for design review, the applicant is encouraged to confer with the development review team (DRT) regarding the general proposal. Such action does not require formal application fees, or filing of a site plan, or landscape plan and is not to be construed as an application for formal approval. No representation made by the planning director, the DRT or other city departments during such conference shall be binding upon the city with respect to an application subsequently submitted.

B. Fees: Every design review application shall be accompanied by a fee as established in the

fee schedule, chapter 21A.64 of this title.

C. Submission Of Final Plans; Review And Approval:

1. **Planning Commission Review:** After the plans and related materials and fees have been submitted pursuant to section [21A.59.050](#) of this chapter, and the application has been determined by the planning director to be complete pursuant to section [21A.10.010](#) of this title, the application shall be reviewed and processed through the planning commission in coordination with the appropriate city departments. If the plan is approved, the planning director shall certify approval and state the conditions of such approval, if any. If the design is disapproved, the planning director shall indicate reasons for such in writing to the applicant.
2. **Appeal Of Planning Commission Decision:** Any appeal of the planning commission decision shall be made to the land use appeals board, pursuant to chapter 21A.16 of this title.
3. **Certification By Planning Commission:** The decisions of the planning commission approving the application shall be noted on all copies of applicable plans to be retained in the record, including any changes or conditions required as part of the design review approval. One such copy shall be returned to the applicant, and others retained as required for records or further action by the planning commission or other affected agencies of the city.
4. **Building Permits:** Building permits shall be issued in accordance with approved plans. A copy of the approved plan shall be retained in the records of the office of the division of building services and licensing and all building and occupancy permits shall conform to the provisions of the approved design review.
5. **Amendments Or Modifications To Approved Design Review:** Amendments or modifications to approved design review must be submitted to the planning director. Such modifications shall be submitted in accordance with the procedures and requirements of this chapter and shall be distributed to the appropriate departments for review. The planning director may waive this requirement if the planning director determines that such modification of the original design review has no significant impact upon the original proposal and still remains in conformance with design concepts approved by the planning commission.
6. **Time Limit On Approval:** Approval of design review shall be void unless a building permit has been issued or use of the land has commenced within twelve (12) months from the date of approval. Upon request, revalidation of the site plan may be granted for an additional twelve (12) months if all factors of the original design review are the same. The extension shall be considered by the applicable approval authority without additional public notice. The written notice requesting revalidation shall be received by the planning director prior to expiration of the original twelve (12) month period. (Ord. 3-05 § 11, 2005)

Chapter 21A.26 COMMERCIAL DISTRICTS

21A.26.010: GENERAL PROVISIONS:

- A. **Statement Of Intent:** 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.
- B. **Site Plan Review:** In certain districts, permitted uses and conditional uses have the potential for adverse impacts if located and laid out without careful planning. Such impacts may interfere with the use and enjoyment of adjacent property and uses. Site plan review is a process designed to address such adverse impacts and minimize them where possible. Site plan review is required for all conditional uses, and all permitted uses except single-family dwellings, two-family dwellings and twin homes. All uses in these districts shall be subject to the site plan review regulations contained in chapter 21A.58 of this title.
- C. **Impact Controls And General Restrictions In The Commercial Districts:**
1. **Refuse Control:** Temporary storage of refuse materials shall be limited to that produced on the premises. Refuse containers must be covered and shall be stored within completely enclosed buildings or screened in conformance with the requirements of chapter 21A.48 of this title. For buildings existing as of April 12, 1995, this screening provision shall be required if the floor area or parking requirements are increased by twenty five percent (25%) or more by an expansion to the building or change in the type of land use.
 2. **Lighting:** On site lighting shall be located, directed or designed in such a manner as to contain and direct light and glare to the property on which it is located only.
 3. **Outdoor Sales, Display Or Storage:** "Outdoor storage" and "outdoor sales and display", as defined in chapter 21A.62 of this title, are allowed where specifically authorized in the table of permitted and conditional uses in section 21A.26.080 of this chapter. These uses shall also conform to the following:
 - a. The outdoor sales or display of merchandise shall not encroach into areas of required parking;
 - b. The outdoor sales or display of merchandise shall not be located in any required yard area within the lot;
 - c. The outdoor sales or display of merchandise shall not include the use of banners, pennants, or strings of pennants;
 - d. Outdoor storage shall be required to be fully screened with opaque fencing not to exceed seven feet (7') in height; and
 - e. Outdoor sales and display and outdoor storage shall also be permitted when part of an authorized temporary use as established in chapter 21A.42 of this title.
- D. **Permitted Uses:** The uses specified as permitted uses in section 21A.26.080, "Table Of Permitted And Conditional Uses For Commercial Districts", of this chapter are permitted provided that they comply with all requirements of this chapter, the general standards set forth in part IV of this title, and all other applicable requirements of this title.
- E. **Conditional Uses:** The uses specified as conditional uses in section 21A.26.080, "Table Of Permitted And Conditional Uses For Commercial Districts", of this chapter shall be allowed in the commercial districts provided they are approved pursuant to the standards and procedures for conditional uses set forth in chapter 21A.54 of this title, and comply with all other applicable requirements of this title.
- F. **Accessory Uses, Buildings And Structures:** Accessory uses and structures are permitted in the commercial districts subject to the requirements of this chapter, subsection 21A.36.020B, section 21A.36.030, and chapter 21A.40 of this title.
- G. **Off Street Parking And Loading:** The parking and loading requirements for the commercial districts are set forth in chapter 21A.44 of this title.
- H. **Landscaping And Buffering:** The landscaping and buffering requirements for the commercial districts shall be as specified in chapter 21A.48, including section 21A.48.110, of this title.
- I. **Signs:** Signs shall be allowed in the commercial districts in accordance with provisions of chapter 21A.46 of this title.
- J. **Modifications To Maximum Height:** Additions to the maximum height due to the natural topography of the site may be approved pursuant to the following procedures and standards:
1. **Modifications Of Ten Percent Or Less Of Maximum Height:**

- a. The board of adjustment may approve, as a special exception, additional height not exceeding ten percent (10%) of the maximum height pursuant to the standards and procedures of chapter 21A.52 of this title. Specific conditions for approval are found in subsection 21A.52.100G of this title.

2. Modifications Of More Than Ten Percent Of Maximum Height:

- a. Conditional Use: As a conditional use for properties on a sloping lot in commercial zoning districts, pursuant to chapter 21A.54 of this title, the planning commission may allow additional building height of more than ten percent (10%) of the maximum height, but not more than one additional story, if the first floor of the building exceeds twenty thousand (20,000) square feet. The additional story shall not be exposed on more than fifty percent (50%) of the total building elevations.

K. Bed And Breakfast Establishments And Reception Centers In Landmark Sites In The CN Neighborhood Commercial And CB Community Business Districts:

1. Conditional Use Required: Where not otherwise authorized by this title and after conditional use approval by the planning commission pursuant to chapter 21A.54 of this title, landmark sites in a CN or CB district may be used for a bed and breakfast establishment or reception center subject to the following standards:
 - a. Standards: In addition to the standards for conditional uses, section 21A.54.080 of this title, the planning commission shall find the following:
 - (1) The structure is designated as a landmark site on the Salt Lake City register of cultural resources. The designation process must be completed prior to the city accepting a conditional use application for the structure unless the planning director determines that it is in the best interest of the city to process the designation and conditional use applications at the same time because of the risk of probable demolition;
 - (2) The use is conducive to the preservation of the landmark site;
 - (3) The use is compatible with the surrounding residential neighborhood; and
 - (4) The use does not result in the removal of residential characteristics of the structure (if the structure is a residential structure), including mature landscaping.
 - b. Condition Of Approval: A preservation easement 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)

This section has been affected by a recently passed ordinance, 2009-61 - Subdivisions modifications. [Go to new ordinance.](#)

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. The design guidelines are intended to facilitate retail that is pedestrian in its orientation and scale, while also acknowledging the importance of transit and automobile access to the site.
- B. Uses: Uses in the CB community business district as specified in section [21A.26.080](#), "Table Of Permitted And Conditional Uses For Commercial Districts", 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: Planned developments, which meet the intent of the ordinance, but not the specific design criteria outlined in the following subsections, may be approved by the planning commission pursuant to the provisions of section [21A.54.150](#) of this title.
- D. 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.
- E. 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.
- F. Minimum Yard Requirements:
1. Front Or Corner Side Yard: No minimum yard is required. 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 requirements of 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.

6. **Maximum Setback:** A maximum setback is required for at least seventy five percent (75%) of the building facade. The maximum setback is fifteen feet (15'). Exceptions to this requirement may be authorized as conditional building and site design review, subject to the requirements of chapter 21A.59 of this title, and the review and approval of the planning commission. The planning director, in consultation with the transportation director, may modify this requirement if the adjacent public sidewalk is substandard and the resulting modification to the setback results in a more efficient public sidewalk. The planning director may waive this requirement for any addition, expansion, or intensification, which increases the floor area or parking requirement by less than fifty percent (50%) if the planning director finds the following:

- a. The architecture of the addition is compatible with the architecture of the original structure or the surrounding architecture.
- b. The addition is not part of a series of incremental additions intended to subvert the intent of the ordinance.

Appeal of administrative decision is to the planning commission.

7. **Parking Setback:** Surface parking is prohibited in a front or corner side yard. Surface parking lots within an interior side yard shall maintain a twenty foot (20') landscape setback from the front property line or be located behind the primary structure. Parking structures shall maintain a thirty five foot (35') minimum setback from a front or corner side yard property line or be located behind the primary structure. There are no minimum or maximum setback restrictions on underground parking. The planning director may modify or waive this requirement if the planning director finds the following:

- a. The parking is compatible with the architecture/design of the original structure or the surrounding architecture.
- b. The parking is not part of a series of incremental additions intended to subvert the intent of the ordinance.
- c. The horizontal landscaping is replaced with vertical screening in the form of berms, plant materials, architectural features, fencing and/or other forms of screening.
- d. The landscaped setback is consistent with the surrounding neighborhood character.
- e. The overall project is consistent with section [21A.59.060](#) of this title.

Appeal of administrative decision is to the planning commission.

G. **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.

H. **Maximum Height:** Thirty feet (30') or two (2) stories, whichever is less.

I. Entrance And Visual Access:

1. **Minimum First Floor Glass:** The first floor elevation facing a street of all new buildings or buildings in which the property owner is modifying the size of windows on the front facade, shall not have less than forty percent (40%) glass surfaces. All first floor glass shall be nonreflective. Display windows that are three-dimensional and are at least two feet (2') deep are permitted and may be counted toward the forty percent (40%) glass requirement. Exceptions to this requirement may be authorized as conditional building and site design review, subject to the requirements of chapter 21A.59 of this title, and the review and approval of the planning commission. The planning director may approve a modification to this requirement if the planning director finds:

- a. The requirement would negatively impact the historic character of the building,
- b. The requirement would negatively impact the structural stability of the building, or
- c. The ground level of the building is occupied by residential uses, in which case the forty percent (40%) glass requirement may be reduced to twenty five percent (25%).

Appeal of administrative decision is to the planning commission.

2. **Facades:** Provide at least one operable building entrance per elevation that faces a public street. Buildings that face multiple streets are only required to have one door on any street, if the facades for all streets meet the forty percent (40%) glass requirement as outlined in subsection I1 of this section.

3. **Maximum Length:** The maximum length of any blank wall uninterrupted by windows, doors, art or architectural detailing at the first floor level shall be fifteen feet (15').

4. **Screening:** All building equipment and service areas, including on grade and roof mechanical equipment and transformers that are readily visible from the public right of way, shall be screened from public view. These elements shall be sited to minimize their visibility and impact, or enclosed as to appear to be an integral part of the architectural design of the building.

J. **Parking Lot/Structure Lighting:** If a parking lot/structure is adjacent to a residential zoning district or land use, the poles for the parking lot/structure security lighting are limited to sixteen feet (16') in height and the globe must be shielded to minimize light encroachment onto adjacent residential properties. Lightproof fencing is required adjacent to residential properties. (Ord. 3-05 § 6, 2005: Ord. 88-95 § 1 (Exh. A), 1995: Ord. 26-95 § 2(13-2), 1995)

SALT LAKE CITY ORDINANCE

No. _____ of 2010

(An ordinance amending and superseding Ordinance 16 of 2010 pertaining to Hotel/Motel use in the CB (Community Business) zoning district)

An ordinance amending and superseding Ordinance 16 of 2010 pertaining to Hotel/Motel use in the CB (Community Business) zoning district.

WHEREAS, on March 9, 2010, the City Council of Salt Lake City, Utah (“City Council”) passed Ordinance No. 16 of 2010, which ordinance amends the text of section 21A.26.080 of the *Salt Lake City Code* pursuant to an application made by Wade Olsen (petition no. PLNPCM2009-00135); and

WHEREAS, at its March 9, 2010 meeting the City Council indicated that it would amend that ordinance to include certain criteria regarding hotel/motel uses in the CB (Community Business) zoning district; and

WHEREAS, the City Council desires to amend Ordinance 16 of 2010 to add such criteria; and

WHEREAS, after an additional public hearing on this matter the City Council has determined that the following ordinance is in the City’s best interests.

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

SECTION 1. Amending and superseding Ordinance 16 of 2010. That Section 1 of Ordinance No. 16 of 2010 is hereby amended and superseded by the following language:

SECTION 1. Amending text of *Salt Lake City Code* section 21A.26.080. That the table, titled “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 list Hotel/Motel use as a conditional use in the CB (Community Business) zoning district and add a corresponding qualifying provision, such that only the following provisions of said table are amended:

21A.26.080: TABLE OF PERMITTED AND CONDITIONAL USES FOR COMMERCIAL DISTRICTS:

Legend:	C =	Conditional	P =	Permitted
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Permitted And Conditional Uses By District							
Use	CN	CB	CS ¹	CC	CSHBD ¹	CG	TC-75
Miscellaneous:							
Hotel or motel		C ¹¹		P	P	P	C

11. In addition to the general and specific standards for approval of a conditional use permit and conditional building and site design review, as set forth in:

- Sec. 21A.54.080 Standards for Conditional Uses
- Sec. 21A.54.150.E.4 Other Standards, Planned Developments
- Sec. 21A.59.060 Standards for Design Review

the following additional criteria shall apply to consideration and approval of a conditional use permit for a hotel or motel located on a State-owned arterial street located in a Community Business (CB) zoning district:

1. The hotel or motel shall incorporate materials and architectural styles consistent with immediately abutting development.
2. The Planning Commission may require a development agreement between an applicant and the City to assure site-specific features conform to conditions of approval imposed pursuant to City ordinance requirements.
3. An on-site parking structure shall not exceed ___% of the height of the hotel or motel structure.
4. The parking area for the hotel or motel shall incorporate design and other features to minimize the likelihood of vehicle break-ins and other criminal activity, such as a parking layout which avoids obscure areas, increased lighting, non-sight obscuring landscaping, random inspection of the premises by security personnel, parking attendants, and security cameras.
5. The parking area for a hotel or motel shall include ___ spaces for recreational vehicles, campers, and vehicles with a trailer. Each space shall be at least ___ feet by ___ feet in size.

6. Delivery of commercial goods or services to the hotel or motel shall be prohibited between ___ a.m. and ___ p.m.
7. An entrance to a motel room which is accessed from outside the motel structure shall not directly face or abut a lot containing or zoned for residential use. This requirement shall not apply to a motel room entrance which faces the same street as the front of the motel or other buildings located on the same lot as the motel.
8. No part of a hotel or motel located on a lot, or any portion thereof, which has an established grade of greater than ___% shall exceed the maximum height allowed by the CB zone, measured from established grade at any given point of building coverage.
9. In order to substantially reduce or eliminate noise from any area or amenity used for recreation or reception activities, each such area, including an outdoor swimming pool, shall be located within a courtyard, atrium, or other space abutted by the hotel or motel structure. No such area shall directly abut a lot containing or zoned for residential use.
10. A hotel or motel structure shall not be located within ___ feet from the boundary of a lot containing or zoned for residential use.
11. Additional criteria identified by Council Members.

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 _____, 2010.

CHAIRPERSON

ATTEST AND COUNTERSIGN:

CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

CITY RECORDER

(SEAL)

Bill No. _____ of 2010.

Published: _____.

APPROVED AS TO FORM
Salt Lake City Attorney's Office

Date: MARCH 25, 2010

By: Paul C. Nilsson
Paul C. Nilsson, Senior City Attorney

SALT LAKE CITY COUNCIL STAFF REPORT

DATE: February 25, 2010

SUBJECT: Petition PLNPCM2009-00135 - Wade Olsen - request to change the City's zoning regulations to allow a hotel/motel as a conditional use in the Community Business CB Zoning District

AFFECTED COUNCIL DISTRICTS: If the ordinance is adopted the zoning text amendment will affect Council Districts citywide

STAFF REPORT BY: Quin Card and Janice Jardine

**ADMINISTRATIVE DEPT:
AND CONTACT PERSON:** Community Development Department, Planning Division
Joel Paterson Planning Manager

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

- This proposal would affect some areas of the City including the Scenic Motel (proposed Hampton Inn) at 1345/1355 South Foothill Boulevard. Other areas include properties zoned Commercial Business located on Foothill Boulevard, 300 West at 300 and 400 North, and Redwood Road at 700 and 900 North.

POTENTIAL MOTIONS:

1. ["I move that the Council"] Refer this item to a future Council meeting and request that the City Attorney draft an ordinance changing the City's zoning regulations to allow hotels and motels located on State-owned arterial streets as a conditional use in the Community Business CB zoning district as recommended in the Planning staff report with additional criteria *to be identified by the Council*.
2. ["I move that the Council"] Refer this item to a future Council meeting and request that the City Attorney draft an ordinance changing the City's zoning regulations to allow hotels and motels located on State-owned arterial streets as a conditional use in the Community Business CB zoning district as recommended in the Planning staff report.
3. ["I move that the Council"] Deny the request to change the City's zoning regulations to allow hotels and motels located on State-owned arterial streets as a conditional use in the Community Business CB zoning district.

Note: Due to issues raised at the Council Work Session and Public Hearing and a negative recommendation from the Planning Commission, an ordinance has **not** been prepared for Council consideration. It would be helpful to receive direction from the Council regarding this request.

NEW INFORMATION:

- The material below specific to the scenic motel is provided for your information. There is no proposal to change the proposed zoning regulation.
- A. On October 6, 2009, the Council received a briefing on this item and a public hearing was held on October 20, 2009. At the public hearing, several comments were received regarding the proposed text change. Issues raised related to:
1. Building height, scale, mass, size, and traffic impacts.
 2. The need to update the East Bench Community Master Plan or create a small area plan for the Foothill business area.
 3. The lack of consistency with the parameters of Community Business CB Zoning District Purpose Statement.
 4. The lack of options or incentives to allow owners of legal nonconforming uses to upgrade properties, have some kind of viable use or facilitate the transition of the nonconforming use to be consistent with the current zoning.
 5. Consideration of potential impacts in other areas of the City.
- B. The applicant has provided updated information regarding actions taken to address issues identified by the community and City Council since October 2009. Key points are summarized below. (Please refer to Attachment A for complete details and site plan and elevation drawings.)
- December 16, 2010. Meeting with Sunnyside Community Council Chair and a group of residents to discuss their concerns more specifically. The building will need the approval of the Planning Commission during the Conditional Use/Planned Development process. Specific site and building changes proposed to address the concerns identified:
 - a. The three-story portion of the building that is adjacent to Foothill Blvd. was terraced back, breaking up the mass along this portion of the building.
 - b. The use of parapets and other tall architectural elements were reduced.
 - c. The overall height of the tallest part of the building is now 34 feet on the west side, and 20 feet on the east side (2300 East).
 - d. The materials and facing were re-designed to use materials relevant to the neighborhood character.
 - e. Brick facing was requested as the preferred material.
 - January 14, 2010. The revised plans were presented to Sunnyside residents at the regular Community Council meeting. There was general approval of the work done and modifications to the site plans.
 - January 27, 2010. An Open House was held for all East Bench residents (notices were sent to the Community Council Chairs in advance of their January meetings).
 - In response to the issues that have been raised relating to this item, the following option was identified for Council consideration.
 - This proposal is based on the following rationale:
 - a. Allow hotels and motels located on State-owned arterial streets as a conditional/permitted use in the Community Business CB zoning district subject to:
 - b. A set maximum building height of 30 feet. (*This is consistent with the current CB zoning standards.*)
 - c. The height of any parking structure may not exceed the grade of the highest adjacent street frontage
 - This proposal is based on the following rationale:
 - a. The planned development process allows design flexibility.
 - b. The current CB area and size standards address height and mass through the maximum building height (30') and maximum building size (20,000 sq. ft.)

The following information was provided previously for the Council Work Session on October 6, 2009. It is provided again for background purposes.

KEY ELEMENTS:

- A. Due to negative recommendation from the Planning Commission, an ordinance has **not** been prepared for Council consideration. If the Council chooses to move this item forward, an ordinance will be prepared by the City Attorney’s office prior to the public hearing.
- B. If the zoning text amendment is approved, the Table of Permitted and Conditional Uses for Commercial Zoning Districts (Sec. 21A.26.080) would be adjusted to allow hotels and motels located on State-owned arterial streets as a conditional use in the Community Business CB zoning district. The Administration’s paperwork notes:

- 1. The following are communities that could have a hotel/motel use subject to the property abutting a state route/highway as found in the Salt Lake City Transportation Master Plan. (Please see attached map.)

Communities	Possible Hotel/Motel Locations that abut a State Route/Highway
Sugar House & Central Community	700 East, 1300 East & 3300 South 1100 East to 1300 East (Note – 1300 East is currently a city-owned street. The proposed text amendment would not be applicable along 1300 East.)
East Bench Community	Foothill Boulevard
Capitol Hill Community	300 West at 300 & 400 North
Northwest Community	Redwood Road at 700 & 900 North

- 2. The proposed zoning text amendment would be the first step in facilitating redevelopment of the properties located at 1345 and 1355 South Foothill Boulevard. The existing Scenic Motel and adjacent dental office building to the south would be removed and a new 82-room Hampton Inn and associated retail space would be constructed.
- 3. The existing motel is considered a legal non-conforming use because hotels and motels are not currently permitted in the Community Business CB zoning district.
- 4. Specific building development plans are not being entertained as part of the zoning amendment request.
- 5. Building development plans would be reviewed through the conditional use planned development process. Additional City processes would include a subdivision amendment to consolidate the two parcels into a single 1.28 acre lot and compliance with all applicable City permit requirements and any other requirement that may be discovered during the development and permit approval process.
- C. The petitioner’s application contains a detailed discussion relating to the proposed zoning text amendment. Key points are summarized below. (Please see the Planning staff report, Attachment A – Applicant Information and Item 7 - Original Petition at the end of the Administration’s paperwork for additional details.)

Zoning text amendment background

1. The Scenic Motel was constructed in 1946, expanded in 1954 and received a 'modern' façade in 1964.
2. As an existing non-conforming use in this zoning district, the structure cannot be removed and replaced with a larger, more modern structure. The structure could only be renovated on its existing footprint, which is not economically attractive or feasible due to the limited number of rooms. There are only 14 rooms at the Scenic Motel.
3. Currently, hotels and motels are allowed as a permitted or conditional use in the Commercial Corridor CC, Commercial Sugar House Business CSHBD, General Commercial CG and Transit Corridor TC-75 zoning districts.
4. Designating hotels and motels as a conditional use rather than a permitted use provides the opportunity for oversight by the Planning Commission and local community.
5. An expanded, upgraded and modern hotel in this location will meet the challenge of providing affordable short-term lodging to serve patients and their families who must travel to receive medical care at Primary Children's Medical Center, Huntsman Cancer Institute, the University of Utah Hospital and Clinics, the Moran Eye Center, etc.
6. The site is already within an existing commercial district and the proximity of shopping, groceries, dining, and other retail uses, both adjacent and immediately across the street is advantageous for the proposed hotel use as well as providing an additional economic base for these businesses.
7. Public transportation is immediately accessible.
8. The proposed redevelopment meets criteria in the East Bench Master Plan by removing an aging, undersized, but successful business and consolidating parcels to allow room for expansion.
9. Components of the East Bench Master Plan can be more fully addressed as part of the conditional use application.

Proposed redevelopment project background

1. Preliminary designs for the proposed hotel include approximately 68,000 sq. ft. for 80+ rooms and suites and lobby/service areas. Approximately 6,000 sq. ft. of retail is incorporated into the street-level frontage of the building.
 2. Access will be off Foothill Drive with a rear exit to 2300 East, reducing the present number of drive approaches onto Foothill Drive.
 3. As part of the conditional use application, the owner will request a height adjustment to accommodate a 3-story structure. The site slopes 18 feet from the front to the rear (east to west). The proposed hotel will be three stories above-grade along Foothill Drive but less than two levels above-grade in the rear, along 2300 East.
 4. The site is bordered by retail, commercial and businesses to the north, south and west along Foothill Drive and by a cemetery to the east (rear) across 2300 East.
 5. A single adjacent residence is located to the southeast, across 2300 East, kitty-corner to the site.
- D. The purpose of the Community Business CB zoning district is intended to provide for the close integration of moderately sized commercial areas with adjacent residential neighborhoods. The design guidelines are intended to facilitate retail that is pedestrian in its orientation and scale, while also acknowledging the importance of transit and automobile access to the site. (Building and area requirements are provided at the end of this staff report.)
- E. The Conditional Use purpose statement notes that a conditional use is a land use which, because of its unique characteristics or potential impact on the municipality, surrounding neighbors or adjacent land uses, may not be compatible or may be compatible only if certain conditions are required that mitigate or eliminate the negative impacts.

1. Conditional uses are allowed unless appropriate conditions cannot be applied which, in the judgment of the planning commission, or administrative hearing officer, would mitigate adverse impacts that may arise by introducing a conditional use on the particular site.
 2. It requires a careful review of its location, design, configuration and special impact to determine the desirability of allowing it on a particular site.
 3. Whether it is appropriate in a particular location requires a weighing, in each case, of the public need and benefit against the local impact, taking into account the applicant's proposals for ameliorating any adverse impacts through special site planning, development techniques and contributions to the provision of public improvements, rights of way and services.
 4. A planned development is a distinct category of conditional use. As such, it is intended to encourage the efficient use of land and resources, promoting greater efficiency in public and utility services and encouraging innovation in the planning and building of all types of development. Through the flexibility of the planned development technique, the city seeks to achieve the following specific objectives:
 - a. Creation of a more desirable environment than would be possible through strict application of other city land use regulations;
 - b. Promotion of a creative approach to the use of land and related physical facilities resulting in better design and development, including aesthetic amenities;
 - c. Combination and coordination of architectural styles, building forms and building relationships;
 - d. Preservation and enhancement of desirable site characteristics such as natural topography, vegetation and geologic features, and the prevention of soil erosion;
 - e. Preservation of buildings which are architecturally or historically significant or contribute to the character of the city;
 - f. Use of design, landscape or architectural features to create a pleasing environment;
 - g. Inclusion of special development amenities; and
 - h. Elimination of blighted structures or incompatible uses through redevelopment or rehabilitation.
- F. The appropriate City's Departments and Divisions have reviewed the request. The Planning staff report provides a complete summary of the comments. (Please refer to the Planning staff report for details, pages 4-5) The Administration's transmittal notes that there were no issues raised by the City that would prevent the proposal from proceeding. The applicant must comply with all City requirements.
- G. The Planning staff report provides the following findings for the requested zoning text amendment. Analysis and findings were evaluated in the Planning staff report and considered by the Planning Commission. (Discussion, analysis and findings are found on pages 5-7 of the Planning staff report.)
1. The proposed text amendment is a change in current zoning allowances for the Community Business District relating to hotels/motels.
 2. The proposed text amendment may be harmonious with the overall character of existing development provided the proposed use is added as a conditional use when abutting a State Route to the CB zoning district.
 3. Adding a hotel/motel as a conditional use may have impacts on the residential uses that are located across 2300 East, but this could be addressed by conditioning the proposed use and restricting or minimize lighting, deliveries, and requiring enhanced landscaping for this type of land use.
 4. If a hotel/motel use is added as a conditional use in the CB zoning district, it would be required to comply with the standards of any applicable overlay zoning district.
 5. Adding a hotel/motel as a conditional use would provide for additional City review to determine if public services and facilities are adequate for the type of use.
- H. The public process included a public open house on March 19, 2009, a presentation at the East Bench Community Council in April 2009 and written notification of the Planning Commission hearing to

Community Council Chairs and the Planning Division electronic list serve. Notice was also posted on the City’s website.

1. The Administration’s transmittal notes that one person attended the open house and opposed any type of zone amendment that would allow for a hotel/motel in the CB zoning district. Planning staff received one written comment and one phone call from a property owner to the south opposing the text amendment.
 2. Written information submitted to the Planning Commission from the East Bench Community Council Chair notes that some East Bench residents who adjoin the proposed project oppose it because of concerns about traffic and architectural design. However, the majority or residents in the East Bench Community Council, including some who live near the site, support or strongly support the planned development of the Scenic Motel site into a modern motel facility, in this case the Hampton Inn. (Please see the Planning staff report, Attachment E – Public comment – for additional discussion and details.)
- I. On June 10, 2009, the Planning Commission held a public hearing and voted to forward a negative recommendation to the City Council that the hotel/motel use not be allowed in a Community Business CB district when abutting a State route, based on the fact that this might create unintended consequences and limit the ability of the City to deny conditional uses. The vote was six in favor, one opposed. (Please see Item 6. – Planning Commission Minutes from June 10, 2009 in the Administration’s paperwork for additional details.) The Administration’s transmittal notes findings identified by the Planning Commission included:
1. The proposed text amendment was in violation of the intent of the CB district in that the purpose of that district is intended to provide for the close integration of moderately sized commercial areas with adjacent residential neighborhoods. The design guidelines are intended to facilitate retail that is pedestrian in its orientation and scale, while also acknowledging the importance of transit and automobile access to the site.
 2. The proposed text amendment would create a use that is considered auto-oriented and would intensify an already challenged boulevard in terms of traffic and pedestrian circulation. The Commission stated the proposed use would be more appropriate either in existing zones along transit-oriented development or in CB zones should they occur in that corridor.
 3. The Commission stated that this type of business does not relate to the residential areas that it was supposed to be supporting.
 4. The Commission stated that the proposed amendment is not harmonious with the overall character of existing development in the immediate vicinity of the subject property because it is out of scale.

MATTERS AT ISSUE /POTENTIAL QUESTIONS FOR THE ADMINISTRATION:

Council Members may wish to discuss in further detail with the Administration other areas of the city that may be affected by the proposed zoning the text amendment. As previously noted, the Administration’s transmittal identified the following communities that could have a hotel/motel use subject to the property abutting a state route/highway as found in the Salt Lake City Transportation Master Plan:

Communities	Possible Hotel/Motel Locations that about a State Route/Highway
Sugar House & Central Community	700 East, 1300 East & 3300 South 1100 East to 1300 East (Note – 1300 East is currently a city-owned street. The proposed text amendment would not be applicable along 1300 East.)
East Bench Community	Foothill Boulevard
Capitol Hill Community	300 West at 300 & 400 North
Northwest Community	Redwood Road at 700 & 900 North

MASTER PLAN AND POLICY CONSIDERATIONS:

- A. The Administration’s transmittal and the Planning staff report note the following relating to adopted master plans and City policy documents that are applicable to the proposed zoning text amendment.
1. **Sugar House Master Plan**
The Sugar House Master plan has much discussion about commercial land use, but it is primarily directed at the business district, strip commercial and neighborhood commercial zoning districts. There is discussion about nonconforming uses, but only within the residential districts. Areas in Sugar House zoned CB that abut a State Route/Highway are along 1300 East and the Brickyard Plaza area.
 2. **Central Community Master Plan**
On page 11 of the Central City Master Plan discusses the effects of nonconforming land uses and states that “the owners of nonconforming properties need to be responsible and understand the complexities of owning such a property. They should be aware of and understand the zoning and the primary land uses in the area. The mitigation of impacts and/or the quality of the use depends on ownership and management of these uses. Areas in the Central Community zoned CB that abut a State Route are along 1300 East and 300 South and 700 East at Markea (250 South) and Hawthorne (540 South). (As previously noted, 1300 East is currently a city-owned street. The proposed text amendment would **not** be applicable along 1300 East.)
 3. **East Bench Master Plan**
Redevelopment or at least renovation of some business properties in the East Bench area is quite likely and is considered the most desirable approach to meeting future business needs in the community. Two-level buildings, structured parking, and other provisions of the zone provide considerably more development potential than present use levels at many sites (page 6). Areas in the East Bench zoned CB that abut a State Route/Highway are along Foothill
 4. **Capitol Hill Master Plan**
On page 7 of the Capitol Hill Master Plan, states that “many of the existing commercial uses in the community are heavy commercial land uses or are oriented to servicing commuters or tourists and are not neighborhood retail/service oriented. The lack of neighborhood oriented retail services is a major concern voiced by citizens of the community during the public input process of the development of this master plan”. The area in Capitol Hill zoned CB that abut a State Route is along 300 West around 400 North and 300 North.
 5. **Northwest Community Master Plan**
On page 6 of the Northwest Community Master Plan discusses the Neighborhood Commercial area concentrated businesses at the center located at 700 North and Redwood Road. The areas in the Northwest Community zoned CB that abut a State Route/Highway are along Redwood Road at 700 North and 900 North
 6. **Salt Lake City Vision and Strategic Plan Final Report**
The Salt Lake City Vision and Strategic Plan applies to this proposed text amendment. Section 20.0, of the City Vision and Strategic Plan Final report encourages the development of a “business friendly” licensing and regulatory practices.
- Additional citywide Master Plan and Policy considerations are provided below.
- A. The City’s Strategic Plan and the Futures Commission Report express concepts such as maintaining a prominent sustainable city, ensuring the City is designed to the highest aesthetic standards and is pedestrian friendly, convenient, and inviting, but not at the expense of minimizing environmental stewardship or neighborhood vitality. The Plans emphasize placing a high priority on maintaining and developing new affordable residential housing in attractive, friendly, safe environments and creating

attractive conditions for business expansion including retention and attraction of large and small businesses.

- B. The Council’s growth policy notes that growth in Salt Lake City will be deemed the most desirable if it meets the following criteria:
 - 1. Is aesthetically pleasing;
 - 2. Contributes to a livable community environment;
 - 3. Yields no negative net fiscal impact unless an overriding public purpose is served; and
 - 4. Forestalls negative impacts associated with inactivity.

- C. The City’s 1990 Urban Design Element includes statements that emphasize preserving the City’s image, neighborhood character and maintaining livability while being sensitive to social and economic realities. Policy concepts include:
 - 1. Allow individual districts to develop in response to their unique characteristics within the overall urban design scheme for the city.
 - 2. Ensure that land uses make a positive contribution to neighborhood improvement and stability.
 - 3. Ensure that building restoration and new construction enhance district character.
 - 4. Require private development efforts to be compatible with urban design policies of the city regardless of whether city financial assistance is provided.
 - 5. Treat building height, scale and character as significant features of a district’s image.
 - 6. Ensure that features of building design such as color, detail, materials and scale are responsive to district character, neighboring buildings, and the pedestrian.

- D. The City’s Transportation Master Plan includes general policy statements summarized below:
 - 1. Focus on ways to transport people, not on moving vehicles at the expense of neighborhoods.
 - 2. Support transportation decisions that increase the quality of life, not necessarily the quantity of development.
 - 3. Support the creation of linkages (provisions and incentives) to foster appropriate growth in currently defined growth centers.
 - 4. Support public/private partnerships in which all who benefit from capital improvements participate in funding those improvements.
 - 5. Consider impacts on neighborhoods on an equal basis with impacts on transportation systems.
 - 6. Give all neighborhoods equal consideration in transportation decisions.

CHRONOLOGY:

The Administration’s transmittal provides a chronology of events relating to the proposed zoning text amendment. Key dates are listed below. Please refer to the Administration’s chronology for details.

February 10, 2009	Petition delivered to Planning
March 19, 2009	Open House
June 10, 2009	Planning Commission public hearing
June 23, 2009	Minutes from the June 10, 2009 Planning Commission meeting approved.
August 11, 2009	Transmittal received in Council office

cc: David Everitt, Bianca Shreeve Karen Hale, Holly Hilton, Lisa Harrison-Smith, Ed Rutan, Lynn Pace, Paul Nielson, Frank Gray, Mary De Le Mare-Schaefer, Wilf Sommerkorn, Pat Comarell, Orion Goff, Larry Butcher, Kevin LoPiccolo, Council Liaisons, Mayors Liaisons

File Location: Community Development Dept., Planning Division, Zoning Text Amendment - Hotel/Motel, Wade Olsen, Hampton Inn/Scenic Motel, 1345 and 1355 South Foothill Boulevard

Community Business CB Zoning District – standards and design guidelines

1. **Planned Development Review** – Planned developments which meet the intent of the ordinance but not the specific design criteria (for the CB zoning district) may be approved by the Planning Commission through the Planned Development Conditional Use process.
2. **Lot Size Requirements** – no minimum lot area or lot width is required. Lots exceeding 4 acres shall be allowed only as a conditional use.
3. **Maximum Building Size** – any building having 15,000 sq. ft. floor area on the first floor or a total floor area of 20,000 sq. ft. shall be allowed as a conditional use.
4. **Maximum Building Height** – 30 ft. or 2 stories, whichever is less.
5. **Minimum Yard Requirements:**
 - a. Front or Corner Side Yard – no minimum required
 - b. Interior Side Yard – none required
 - c. Rear Yard – 10 ft.
 - d. Buffer Yards – any lot abutting a lot in a residential district shall conform to buffer yard requirements – (lots in a CB zoning district that abut a lot in a residential zoning district require a 7 ft. landscaped buffer)
 - e. Accessory Building and Structures may be located in yard areas subject to applicable zoning regulations.
 - f. Maximum Setback:
 - A maximum setback of 15 ft. is required for 75% of the building façade. Exceptions may be authorized by the Planning Commission through Conditional Building and Site Design Review process.
 - The Planning and Transportation Directors may modify this requirement if the resulting modification results in a more efficient public sidewalk.
 - The Planning Director may waive this requirement for any addition, expansion or intensification that increases the floor area or parking requirement by less than 50%, subject to certain criteria.
 - g. Parking Setback:
 - Surface parking is prohibited in a front or corner side yard.
 - Surface parking lots within an interior side yard - 20 ft. landscape setback from the front property line or be located behind the primary structure.
 - Parking structures - 35 ft. landscape setback from the front or corner side yard property line or be located behind the primary structure.
 - Underground parking - no minimum or maximum setback required.
 - The Planning Director may waive this requirement subject to certain criteria.
6. **Landscape Yard Requirements** – if a front or corner side yard is provided, such yard shall be maintained as a landscape yard and may take the form of a patio or plaza subject to site plan review approval.
7. **Entrance and Visual Access:**
 - a. Minimum first floor glass – 40 % glass surfaces required for first floor building elevations facing a street. Exceptions may be authorized by the Planning Commission through Conditional Building and Site Design Review process. The Planning Director may approve a modification to this requirement subject to certain criteria.
 - b. Maximum length of any blank wall at the first floor level is limited to 15 ft.
 - c. Screening – building and mechanical equipment, transformers and service areas shall be screened from public view.
8. **Parking Lot/Structure Lighting** – if located adjacent to a residential zoning district or residential land use:
 - a. Poles for security lighting are limited to 16 ft. in height and lighting must be shielded to minimize light encroachment onto adjacent residential properties.
 - b. Lightproof fencing is required adjacent to residential properties.

ATTACHMENT A

Mountain Land Development Services, LLC

3316 S. Monte Verde Dr., Salt Lake City, Utah 84109
(801) 278-0506 office (801) 550-0611 cell dbatatian@comcast.net

February 22, 2010

Members of the Salt Lake City Council
451 S. State Street Room 304
Salt Lake City, UT 84114-5476

Re: Progress Report- Text Amendment Allowing Hotel/Motel as a Conditional Use, CB Zone
(Petition No. PLNPCM2009-0135)- Scenic Motel/Hampton Inn

This is a brief summary of progress on the Scenic Motel redevelopment since the Council last heard this item on October 20, 2010. A vote on this item was initially anticipated for December 8, 2010 but delayed, to allow additional consultations with local residents.

December 7, 2010. It was recommended that the applicant's project team work closely with local residents who voiced concerns about the project.

December 16, 2010. The applicant invited a group of residents, including Pete Taylor, Sunnyside Community Council Chair, to meet and discuss their concerns more specifically. Most concerns were focused on the overall mass and height of the project, particularly the Foothill view corridor. At this meeting, it was recognized that a three-story building is essential and integral to the project redevelopment, yet modifications to the structure could be made that would lessen the impact of the overall height, and make the overall three-story concept acceptable. This is important, because the building will need the approval of the Planning Commission during the Conditional Use/Planned Development process. Specific resolutions to these concerns were identified and agreed upon:

- The three-story portion of the building that is adjacent to Foothill Blvd. was terraced back, presenting a more attractive façade and breaking up the mass along this portion of the building.
- The use of parapets and other tall architectural elements were reduced. The overall height of the tallest part of the building is now 34 feet on the west side, and 20 feet on the east side (2300 East).
- The materials and facing were re-designed to use materials relevant to the neighborhood character. Brick facing was requested as the preferred material.

January 14, 2010. The revised plans were presented to the Sunnyside residents at their regular Community Council meeting. There was general approval of the work done and modifications to the Site plans.

January 27, 2010. An Open House was held for all East Bench residents (notices were sent to the Community Council Chairs in advance of their January meetings). The Open House was an informal meeting where residents could look at the plans, view a rolling slide show of the plans and work done to date; and meet informally with the project team and ask questions. A notebook was provided to allow residents to write down any comments they had about the project, and an email list was offered to keep residents informed about future work on this project. In general, comments were positive and residents appreciated the opportunity to view the plans and get accurate information. While there are some detractors (particularly a local family who has done much of the nearby development), many residents appear satisfied with the modifications and can now support the concept of a three-story building in this site.

We have appreciated the opportunity to work closely with the local residents, and recognize that this has been a rewarding process for all parties. The result is a more attractive project that has the support of the local residents. This project has been in the work now for two years, and was given a Public Hearing before the City Council in October 2009. It is our hope that this project will now meet with the Council's approval, and can move forward into the Conditional Use/Planned Development process.

We would appreciate your support in moving this proposed text amendment forward for your decision.

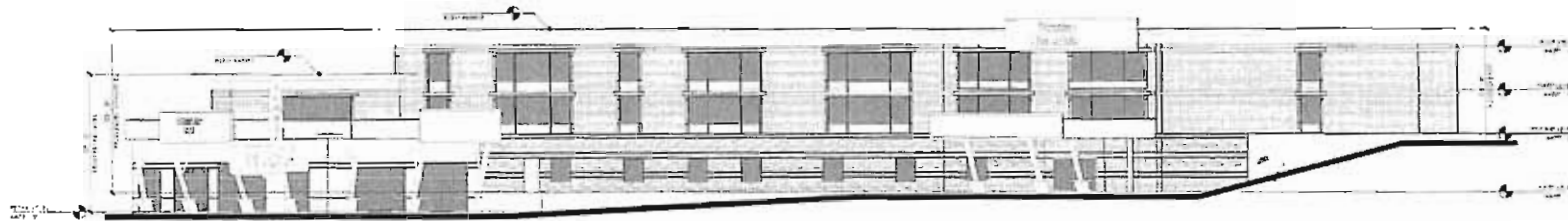
Sincerely,

MOUNTAIN LAND DEVELOPMENT SERVICES, LLC
L. Darlene Batatian
Representing: Dees Incorporated

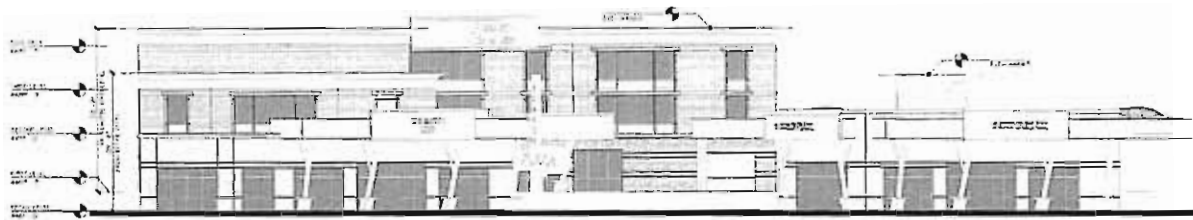
Time Table for Hampton Inn/Scenic Motel

Text Amendment and Conditional Use Zoning Applications

March 19, 2008	Meet with JT Martin regarding project concept: concept is favorably received: the proposed hotel use is highly desirable in this area
March 20, 2008	Meet with SLC Planning- assess approaches (rezone vs text amendment). Text amendment is recommended approach.
---Develop plans, architectural concept plan, civil engr, etc---	
December 22, 2008	DRT Development Review Technical Meeting
December 23, 2008	Traffic Study Completed
February 10, 2009	Application(s) Submitted to Planning (both Text Amendment and Conditional Use/Planned Development)
ALL FOLLOWING DATES ARE FOR TEXT AMENDMENT PROCESS ONLY. CONDITIONAL USE IS DEFERRED UNTIL TEXT AMENDMENT IS COMPLETED.	
February 25, 2009	Planning Commission Subcommittee Hearing
March 19, 2009	Open House
April 15, 2009	Presentation to East Bench Community Council
April 23, 2009	Presentation to Bonneville Hills Community Council
June 10, 2009	Planning Commission Hearing (Denied)
Sept. 30, 2009	Delay while ordinance requested from attorney.
October 6, 2009	Council Work Session- Briefing on Text Amendment
October 8, 2009	Presentation to Sunnyside Community Council
October 20, 2009	City Council Public Hearing (4 months after PC Hearing) Decision tabled for undetermined time (anticipated for December 8, 2010; then postponed)
December 7, 2009	Meet with JT Martin, who recommended meeting with Sunnyside Community Council Chair to resolve residents' concerns about site plan
December 16, 2010	Applicant meet with Pete Taylor (Sunnyside Comm. Council Chair) and focus group from Sunnyside Community Council. Discuss concerns regarding height and mass of structure, and agree to resolve their concerns by a) stepping back the portion of the building closest to the street, and reducing parapets; and b) using facing materials more relevant to existing neighborhood architecture (brick was the preferred facing material)
January 14, 2010	Sunnyside Community Council Meeting- Presentation of Revised Plans. Members of focus group are satisfied with changes.
January 27, 2010	Open House at Andersen Library: Presentation of Revised Plans, Informal discussions with Residents
February 18, 2010	JT Martin and Staff meet with applicant: Review comments by attendees of Open House. Resolution of major issues and positive support by residents and Community Councils is now ready for project to move forward.



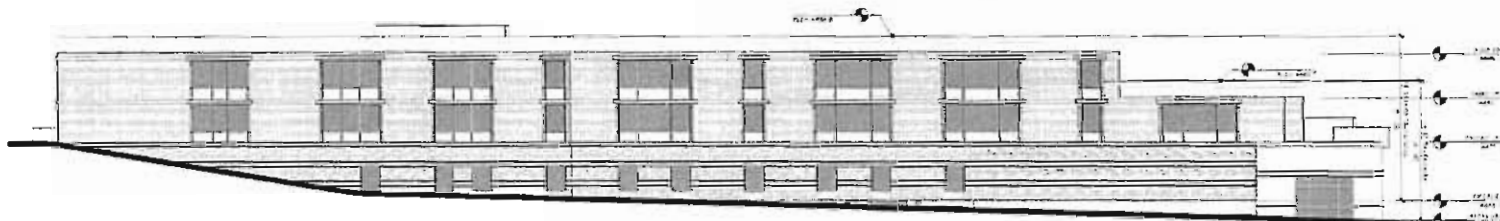
SOUTH HOTEL ELEVATION
5:52 - 1:10



WEST ELEVATION
2:52 - 1:10



EAST ELEVATION
5:52 - 1:10



NORTH ELEVATION
5:52 - 1:10

PROJECT NUMBER
08085

ISSUE DATE:
DECEMBER 28, 2009

REVISIONS:
No. Date

HAMPTON INN AND SUITES
SALT LAKE CITY, UTAH

SOUTH AND WEST
ELEVATIONS

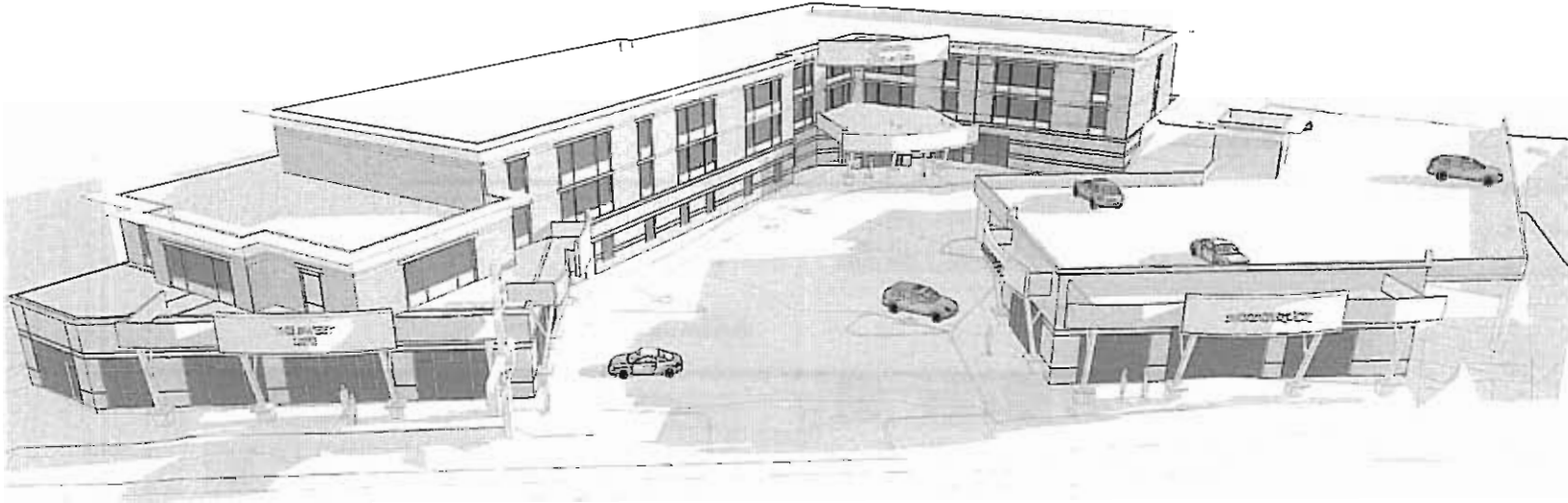
A2.1



PROJECT NUMBER
08085

ISSUE DATE:
DECEMBER 21, 2018

REVISIONS:
OF

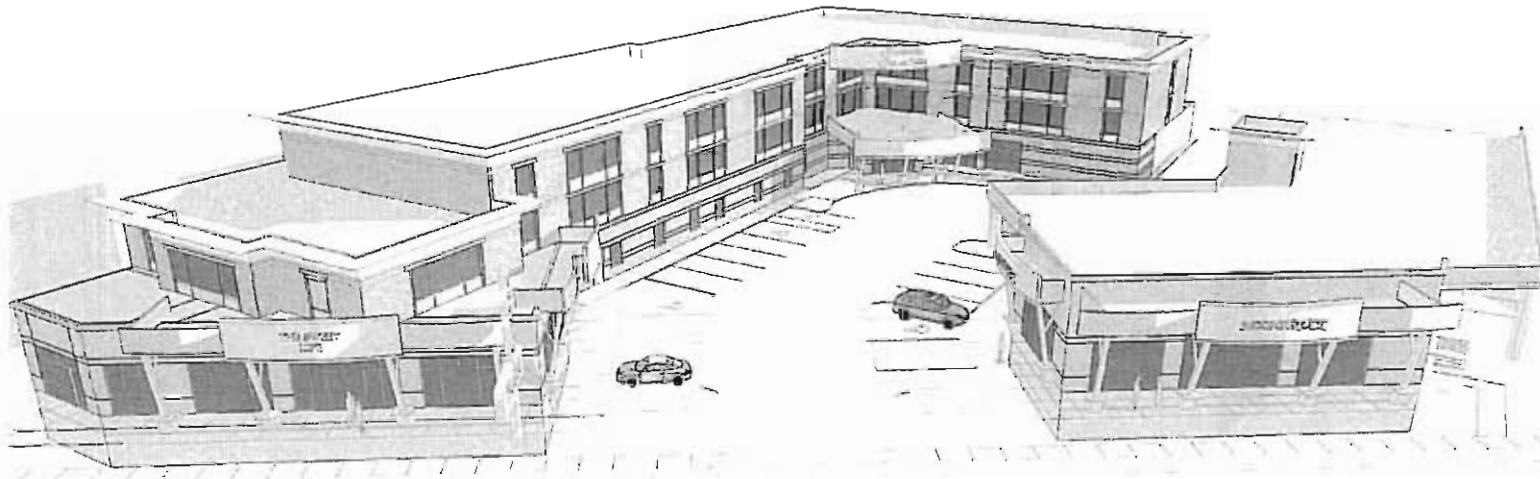


HAMPTON INN AND SUITES
SALT LAKE CITY, UTAH

PROJECT
PERSPECTIVE

A23





PROJECT NUMBER:
08085

ISSUE DATE:
DECEMBER 14, 2010

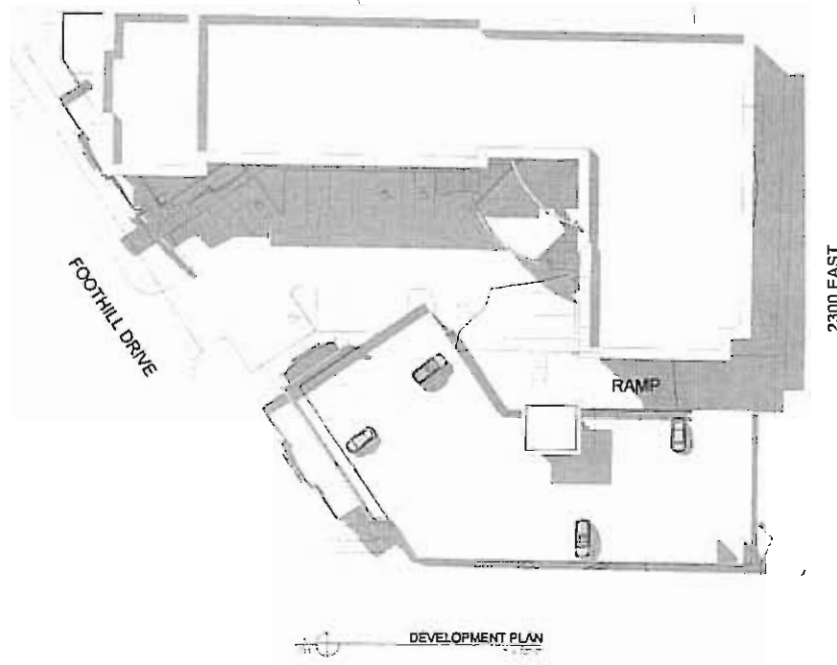
REVISIONS:
No. Date

HAMPTON INN AND SUITES
SALT LAKE CITY, UTAH

PROJECT
PERSPECTIVE

A2.3





PROJECT NUMBER
08085

ISSUE DATE:
NOVEMBER 24, 2011

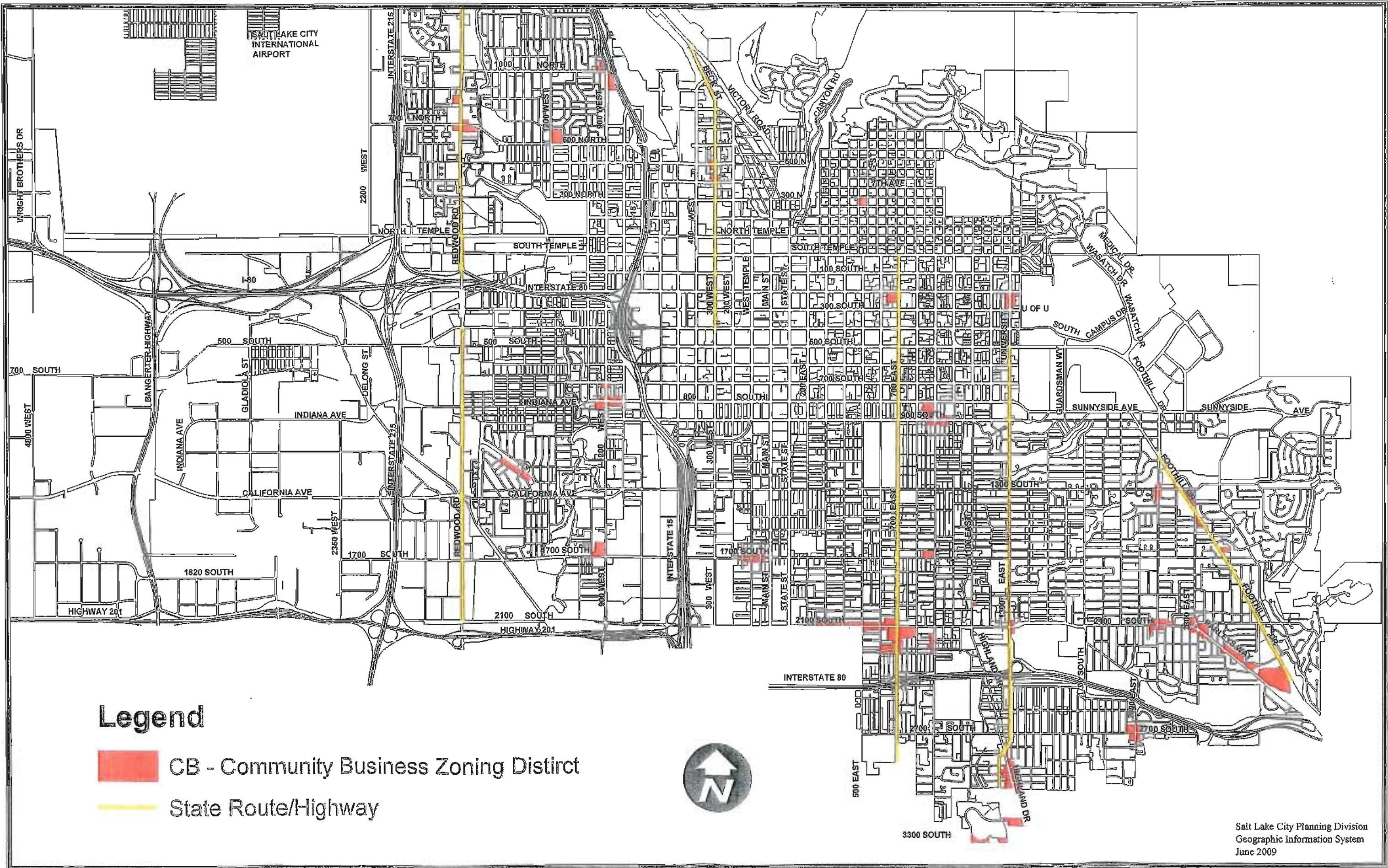
REVISIONS:
DATE

HAMPTON INN AND SUITES
SALT LAKE CITY, UTAH

DEVELOPMENT
PLAN

C1.1





Legend

- CB - Community Business Zoning District
- State Route/Highway



SALT LAKE CITY CORPORATION

FRANK B. GRAY
DIRECTOR

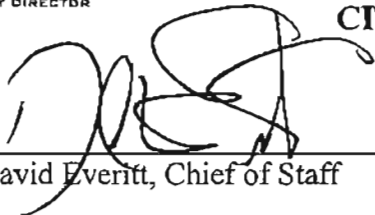
DEPARTMENT OF COMMUNITY & ECONOMIC DEVELOPMENT
OFFICE OF THE DIRECTOR

RALPH BECKER
MAYOR

MARY DE LA MARE-SCHAEFER
DEPUTY DIRECTOR

ROBERT FARRINGTON, JR.
DEPUTY DIRECTOR

CITY COUNCIL TRANSMITTAL



David Everitt, Chief of Staff



Date Received:

Date Sent to City Council:

08/20/2009

TO: Salt Lake City Council
Carlton Christensen, Chair

DATE: August 10, 2009

FROM: Frank Gray, Community & Economic
Development Department Director

RE: Petition PLNPCM2009-00135: Zoning Text Amendment by Wade Olsen, 1345 & 1355 South Foothill Boulevard, a request to amend the table of permitted and conditional uses for the CB Zoning District by allowing a hotel/motel as a conditional use

STAFF CONTACTS: Kevin LoPiccolo, Planning Program Supervisor, at (801) 535-6003 or kevin.lopiccolo@slcgov.com

RECOMMENDATION: That the City Council holds a briefing to determine whether the request should be forwarded to a Public Hearing

DOCUMENT TYPE: Ordinance

BUDGET IMPACT: None

DISCUSSION:

Issue Origin: The owner, Wade Olsen of the property located at 1345 and 1355 South Foothill Boulevard, is requesting a text amendment to allow as a conditional use a hotel or motel in the Community Business (CB) District when abutting a State Route. Currently the CB zoning district does not allow hotel or motel.

Although the subject property has an existing motel (Scenic Motel) on the site, the CB zone does not allow this use, therefore making the use legal non-conforming. As proposed, the applicant would like to redevelop the Scenic Motel site and adjacent dental office building to the south and construct a new 82 room Hampton Inn and associated retail space on 1.28 acres.

451 SOUTH STATE STREET, ROOM 404
P.O. BOX 145486, SALT LAKE CITY, UTAH 84114-5486
TELEPHONE: 801-535-6230 FAX: 801-535-6005

WWW.SLOGOV.COM/CEDE



Analysis: The subject property abuts commercial on the north and south and would gain access from Foothill Boulevard. The properties to the east is open space (cemetery) and single-family residential. The purpose of the CB zone is intended to provide for the close integration of moderately sized commercial areas with adjacent residential neighborhoods. The design guidelines are intended to facilitate retail that is pedestrian in its orientation and scale, while also acknowledging the importance of transit and automobile access to the site.

The proposal was reviewed by all applicable City departments and divisions. There were no issues raised by the City that would prevent the proposal from proceeding. The applicant must comply with all City requirements.

Master Plan Considerations: The proposed zoning text amendment, if approved, would allow hotel/motel as a conditional use in the CB Zoning District. The following are communities that could have a hotel/motel use, subject to the property abutting a state route/highway as found in the Salt Lake City Transportation Master Plan:

Communities	Possible Hotel/Motel Locations that abut a State Route/Highway
Sugar House & Central Community	700 East & 1300 East
East Bench Community	Foothill Boulevard
Capitol Hill Community	300 West at 300 & 400 North
Northwest Community	Redwood Road at 700 & 900 North

PUBLIC PROCESS:

An Open House was held on March 19, 2009, to gather public input. One person attended the meeting and opposed any type of zone amendment that would allow for a hotel/motel in the CB zoning district. Staff has received one written comment opposing the text amendment and one phone call from a property owner to the south opposing the text amendment.

The Planning Commission held a Public Hearing on June 10, 2009. The findings that were identified during the Public Hearing included:

1. The proposed text amendment was in violation of the intent of the CB district in that the purpose of that district is intended to provide for the close integration of moderately sized commercial areas with adjacent residential neighborhoods. The design guidelines are intended to facilitate retail that is pedestrian in its orientation and scale, while also acknowledging the importance of transit and automobile access to the site.
2. The proposed text amendment would create a use that is considered auto-oriented and would intensify an already challenging boulevard in terms of traffic and pedestrian circulation. The Commission stated the proposed use would be more appropriate either in existing zones along transit-oriented development or in CB zones should they occur in that corridor.

3. The Commission stated that this type of business does not relate to the residential areas that it was supposed to be supporting.
4. The Commission stated that the proposed amendment is not harmonious with the overall character of existing development in the immediate vicinity of the subject property because it is out of scale.

The Planning Commission passed a motion to transmit a negative recommendation to the City Council regarding amending the table of permitted and conditional uses for the CB Zoning District by allowing a hotel/motel as a conditional use. The vote was six in favor, one opposed.

RELEVANT ORDINANCES:

Amendments to the Zoning Ordinance and Maps are authorized under Section 21A.50 of the Salt Lake City Zoning Ordinance, as detailed in Section 21A.50.050: "A decision to amend the text of this title or the zoning map by general amendment is a matter committed to the legislative discretion of the City Council and is not controlled by any one standard." It does, however, list five standards, which should be analyzed prior to rezoning property (Section 21A.50.050 A-E). The five standards are discussed in detail starting on page 6 of the Planning Commission Staff Report (Attachment 6).

TABLE OF CONTENTS

1. Chronology
2. Notice of City Council Hearing
3. Mailing Labels
4. Planning Commission Agenda for June 10, 2009
5. Staff Report for the June 10, 2009 Commission meeting
6. Planning Commission minutes from June 10, 2009
7. Original Petition

1. Chronology

PROJECT CHRONOLGY

- February 10, 2009 Petition delivered to Planning
- February 10, 2009 Petition assigned
- February 13, 2009 Request Department Comments
- March 19, 2009 Open House
- May 26, 2009 Notice for June 10, 2009 Planning
Commission
- June 10, 2009 Planning Commission Hearing
- June 10, 2009 Ordinance requested from City Attorney
- June 10, 2009 Attorney will prepare Ordinance if needed
- June 24, 2009 Planning Commission Minutes ratified

2. Notice of City Council Hearing

NOTICE OF PUBLIC HEARING

The Salt Lake City Council is considering Petition PLNPCM2009-00135, a request by Wade Olsen, applicant, for a text amendment to amend the table of permitted and conditional uses for the CB Zoning District by allowing a hotel/motel as a conditional use. The proposal is for an 82 room hotel located at 1345 & 1355 South Foothill Boulevard.

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

DATE:

TIME: 7:00 p.m.

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

If you have any questions relating to this proposal or would like to review the file, please call Kevin LoPiccolo at (801) 535-6003 between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday or via e-mail at kevin.lopiccolo@slcgov.com

People with disabilities may make requests for reasonable accommodation no later than 48 hours in advance in order to attend this hearing. Accommodations may include alternate formats, interpreters, and other auxiliary aids. This is an accessible facility. For questions, requests, or additional information, please contact the Planning Division at (801) 535-7757; TDD (801) 535-6021.

3. Mailing Labels

_ESLIE REYNOLDS-BENNS, PHD
WESTPOINTE CHAIR
1402 MIAMI ROAD
SALT LAKE CITY UT 84116

RON JARRETT
ROSE PARK CHAIR
1441 WEST SUNSET DR
SALT LAKE CITY UT 84116

ANGIE VORHER
JORDAN MEADOWS CHAIR
1988 SIR JAMES DRIVE
SALT LAKE CITY UT 84116

VICKY ORME
FAIRPARK CHAIR
159 NORTH 1320 WEST
SALT LAKE CITY UT 84116

MIKE HARMAN
POPLAR GROVE CHAIR
1044 WEST 300 SOUTH
SALT LAKE CITY UT 84104

RANDY SORENSON
GLENDALE CHAIR
1184 SOUTH REDWOOD DR
SALT LAKE CITY UT 84104

POLLY HART
CAPITOL HILL CHAIR
355 NORTH QUINCE STREET
SALT LAKE CITY UT 84103

JUDITH LOCKE
GREATER AVENUES CHAIR
407 E 7TH AVENUE
SALT LAKE CITY UT 84103

D. CHRISTIAN HARRISON
DOWNTOWN CHAIR
336 WEST BROADWAY, #308
SALT LAKE CITY UT 84101

BILL DAVIS
PEOPLE'S FREEWAY CHAIR
332 WEST 1700 SOUTH
SALT LAKE CITY UT 84115

THOMAS MUTTER
CENTRAL CITY CHAIR
EMAIL ONLY/ ON LISTSERVE

LOGGINS MERRILL
EAST CENTRAL CHAIR
EMAIL ONLY/ON LISTSERVE

JIM FISHER
LIBERTY WELLS CHAIR
PO BOX 522318
SALT LAKE CITY, UT 84152

LISETTE GIBSON
YALECREST CHAIR
1764 HUBBARD AVENUE
SALT LAKE CITY UT 84108

GREG MORROW
WASATCH HOLLOW CHAIR
EMAIL ONLY/ON LISTSERVE

DIANE BARLOW
SUNNYSIDE EAST CHAIR
859 SOUTH 2300 EAST
SALT LAKE CITY UT 84108

ELLEN REDDICK
BONNEVILLE HILLS CHAIR
2177 ROOSEVELT AVE
SALT LAKE CITY UT 84108

MICHAEL AKERLOW
FOOTHILL/SUNNYSIDE CHAIR
1940 HUBBARD AVE
SALT LAKE CITY UT 84108

MARIELLA SIRAA/MARGARET
BRADY
EAST LIBERTY PARK CO-CHAIRS
EMAIL ONLY, SEE City Council site

ARCADIA HEIGHTS/BENCHMARK
CHAIR
Vacant

MAGGIE SHAW
SUGAR HOUSE CHAIR
1150 WILSON AVE
SALT LAKE CITY UT 84105

OAK HILLS CHAIR
Vacant

KEVIN JONES
EAST BENCH CHAIR
2500 SKYLINE DR
SALT LAKE CITY, UT 84108



SALT LAKE CITY CORPORATION
ATTN: KEVIN Lopiccio
451 S. STATE ST, 406
PO BOX 145480
SALT LAKE CITY, UT 84114

SUNSET OAKS CHAIR
Vacant

INDIAN HILLS CHAIR
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ST. MARY'S CHAIR
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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, Ste #420
P.O. Box
Salt Lake City, UT 84101

Sugar House Merchant's Assn.
C/o Barbara Green
Smith-Crown
2000 South 1100 East
Salt Lake City, UT 84106

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 85125-1357

Westside Alliance
C/o Neighborhood Housing Svs.
Maria Garcia
622 West 500 North
Salt Lake City, UT 84116

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4. Planning Commission Agenda for June 10, 2009

SALT LAKE CITY PLANNING COMMISSION MEETING AGENDA

In Room 326 of the City & County Building at 451 South State Street

Wednesday, June 10, 2009 at 5:45 p.m.

The field trip is scheduled to leave at 4:00 p.m. Dinner will be served to the Planning Commissioners and Staff at 5:00 p.m., in Room 126. **Work Session**—The Planning Commission will discuss Zoning District Purpose Statements and may discuss project updates and other minor administrative matters. This portion of the meeting is open to the public for observation.

Approval of Minutes from Wednesday, May 27, 2009

Report of the Chair and Vice Chair

Report of the Director

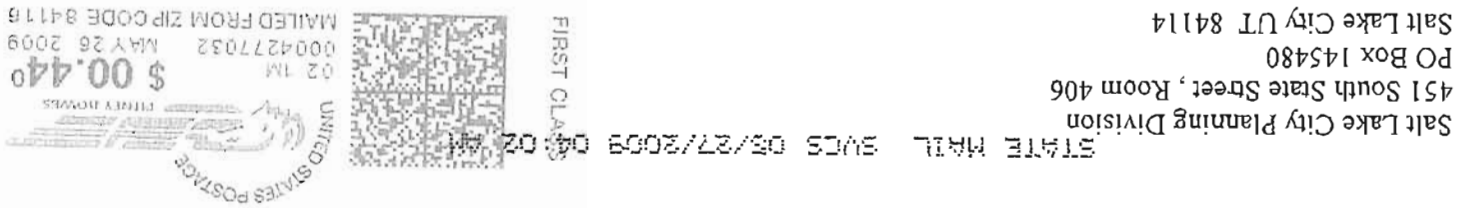
1. **Petitions 410-761 and 490-06-04 Time Extension for Bouck Village Planned Development** (now known as Macland Subdivision Planned Development)—a request by Monte Yedlin for a two year time extension for the approval of the Bouck Village Planned Development and preliminary subdivision. The property is located at approximately 1566 West 500 North in a Single Family Residential (R-1/5,000) zoning district. The project was originally approved by the Planning Commission on May 10, 2006. The expiration date of the approval for the planned development was on May 10, 2009. The applicant purchased the property from the original developer and is requesting that the approval date be extended until May 10, 2011 to allow time to finance the project and record the final plat. This project is located in Council District 1, represented by Carlton Christensen.
2. **Planning Commission Policies and Procedures**—The Planning Commission is scheduled to adopt revisions to its Policies and Procedures document

Public Hearings

3. **Petition No. PLNPCM2009-00509 Salt Lake City Code Maintenance; Fine Tuning text amendments**—a request by Salt Lake City Mayor Ralph Becker to analyze the appropriateness of amending the City Code as listed below. These text changes are citywide (Staff contact: Ray Milliner at 535-7645 or ray.milliner@slcgov.com).
 - a. Chapter 21A.Section 28.040 Table of Permitted and Conditional Uses for Manufacturing Districts. Eliminate the maximum lot size of two acres for institutional uses in the manufacturing zoning districts.
 - b. Chapter 2.20.080A of City Code (Planning and Zoning Commission Meetings). Clarify that the Planning Commission must meet at least once a month.
 - c. Chapter 21A.04.030 Clarify that a Certificate of Appropriateness may be required for properties within a local historic district or for Landmark Sites even when a building permit is not required.
 - d. Various chapters of the Zoning Ordinance. Clarify that the approval timeframe expires if complete building plans are not submitted to the Permits Office or a permit issued rather than based on the issuance of a building permit and construction actually begun.
4. **PLNPCM2009-000191; City of the Seven Gates Conditional Use**—a request by Brylan Schultz located at approximately 2904 West 500 South for conditional use approval to have living quarters for an on-site caretaker. The property is in the M-2 (Heavy Manufacturing) zoning district and in Council District Two, represented by Van Turner (Staff contact: Nick Britton at 801.535.6107 or nick.britton@slcgov.com)
5. **PLNPCM2009-00266; Qwest Conditional Use**—a request by Rob Vigil, Qwest Corporation, to permit installation of two ground-mounted utility boxes within an existing public utility easement located at approximately 2857 South Melbourne Street. The zoning designation for the property is R-1/7,000 Single-Family Residential District. The purpose for the conditional use is to facilitate development of high speed internet services in the neighborhood. The property is located in City Council District 7, represented by Søren Simonsen (Staff contact: Michael Maloy at 801-535-7118 or michael.maloy@slcgov.com).
6. **Petition PLNPCM2009-00135**—a request by Salt Lake Exchange Accommodations for a text amendment to the Salt Lake City Zoning Ordinance to permit hotel/motel as a conditional use in the Community Business (CB) zoning when abutting State Arterial Streets. The proposed change would allow for the redevelopment of an existing motel located at approximately 1345 and 1355 South Foothill Drive to an 82 room hotel. This project is located in Council District 6, represented by JT Martin (Staff contact: Kevin LoPiccolo at 801.535.6003 or kevin.lopiccolo@slcgov.com).
7. **Merrimac Flats Townhouse Development**—a request from City and Resort Properties, LLC, represented by Nathan Anderson, for Planning Commission approvals to allow for the development of seven single-family attached dwelling units at approximately 38 West Merrimac Avenue. The project is located in Council District Five, represented by Jill Remington-Love (Staff contact: Doug Dansie at 801.535.6182 or doug.dansie@slcgov.com)
 - a. **Petition PLNPCM2008-00679**-a request to rezone the property from RMF-35 residential multi-family medium density development to RMF-75 residential multi-family high density zoning classification. The applicant wishes to increase the potential density from five to seven units.
 - b. **PLNSUB2009-00417**—a request for planned development approval to modify the lot size and street frontage requirements to ensure the proposed project is consistent with neighborhood setbacks.

Visit the Planning Division's website at www.slcgov.com/CED/planning for copies of the Planning Commission agendas, staff reports, and minutes. Staff Reports will be posted the Friday prior to the meeting and minutes will be posted two days after they are ratified, which usually occurs at the next regularly scheduled meeting of the Planning Commission.

PUBLIC HEARING NOTICE



1. Fill out registration card and indicate if you wish to speak and which agenda item you will address.
2. After the staff and petitioner presentations, hearings will be opened for public comment. Community Councils will present their comments at the beginning of the hearing.
3. In order to be considerate of everyone attending the meeting, public comments are limited to two (2) minutes per person, per item. A spokesperson who has already been asked by a group to summarize their concerns will be allowed five (5) minutes to speak. Written comments are welcome and will be provided to the Planning Commission in advance of the meeting if they are submitted to the Planning Division prior to noon the day before the meeting.
Written comments should be sent to:

Salt Lake City Planning Commission
451 South State Street, Room 406
Salt Lake City UT 84111
4. Speakers will be called by the Chair.
5. Please state your name and your affiliation to the petition or whom you represent at the beginning of your comments.
6. Speakers should address their comments to the Chair. Planning Commission members may have questions for the speaker. Speakers may not debate with other meeting attendees.
7. Speakers should focus their comments on the agenda item. Extraneous and repetitive comments should be avoided.
8. After those registered have spoken, the Chair will invite other comments. Prior speakers may be allowed to supplement their previous comments at this time.
9. After the hearing is closed, the discussion will be limited among Planning Commissioners and Staff. Under unique circumstances, the Planning Commission may choose to reopen the hearing to obtain additional information.
10. The Salt Lake City Corporation complies with all ADA guidelines. People with disabilities may make requests for reasonable accommodation no later than 48 hours in advance in order to attend this meeting. Accommodations may include alternate formats, interpreters, and other auxiliary aids. This is an accessible facility. For questions, requests, or additional information, please contact the Planning Office at 535-7757; TDD 535-6220

5. Staff Report for June 10, 2009 Commission Meeting

PLANNING COMMISSION STAFF REPORT



Planning and Zoning Division
Department of Community and
Economic Development

Petition PLNPCM2009-00135 Zoning Text Amendment Request For A Hotel or Motel In The Community Business Zoning District 1345 & 1355 South Foothill Blvd June 10, 2009

Applicant: Wade Olsen

Staff: Kevin LoPiccolo, 535-6003 or kevin.lopiccolo@slcgov.com

Tax ID: 16-10-379-009 and 16-15-129-001

Current Zone: CB
Community Business

Master Plan Designation:
City Wide

Council District: City Wide

Lot Size: 1.28 acres

Current Use: Scenic Motel
and dental office

**Applicable Land Use
Regulations:**

- 21A.26.080

Notification

- Notice mailed on May 26, 2009
- Signs posted on May 29, 2009
- Agenda posted on the Planning Division and Utah Public Meeting Notice websites and in the newspaper May 26, 2009

Attachments:

- A. Applicant Information
- B. Conceptual Plan
- C. Photographs
- D. Department Comments
- E. Public Comment
- F. StateRoute/Transportation

Request

The proposed text amendment would allow as a planned development/conditional use, hotel or motel in the Community Business (CB) District when abutting a State Route. Currently the CB zoning district does not allow hotel or motel, and in order to accomplish this, the applicant is requesting that the Planning Commission evaluate the existing zoning along Foothill Boulevard and consider forwarding a recommendation to the City Council on the proposed text amendment.

Although the subject property has an existing motel (Scenic Motel) on the site, the CB zone does not allow this use, therefore making the use legal nonconforming. As proposed, the applicant would like to redevelop the Scenic Motel site and adjacent dental office building to the south and construct a new 82 room Hampton Inn and associated retail space on 1.28 acres.

As part of this request, the Salt Lake City Zoning Ordinance, Section 21A.26.080 would be amended to allow as a conditional use "hotel/motel". If the text amendment is approved by the City Council, the applicant would need to go through the conditional use public hearing process.

Staff Recommendation

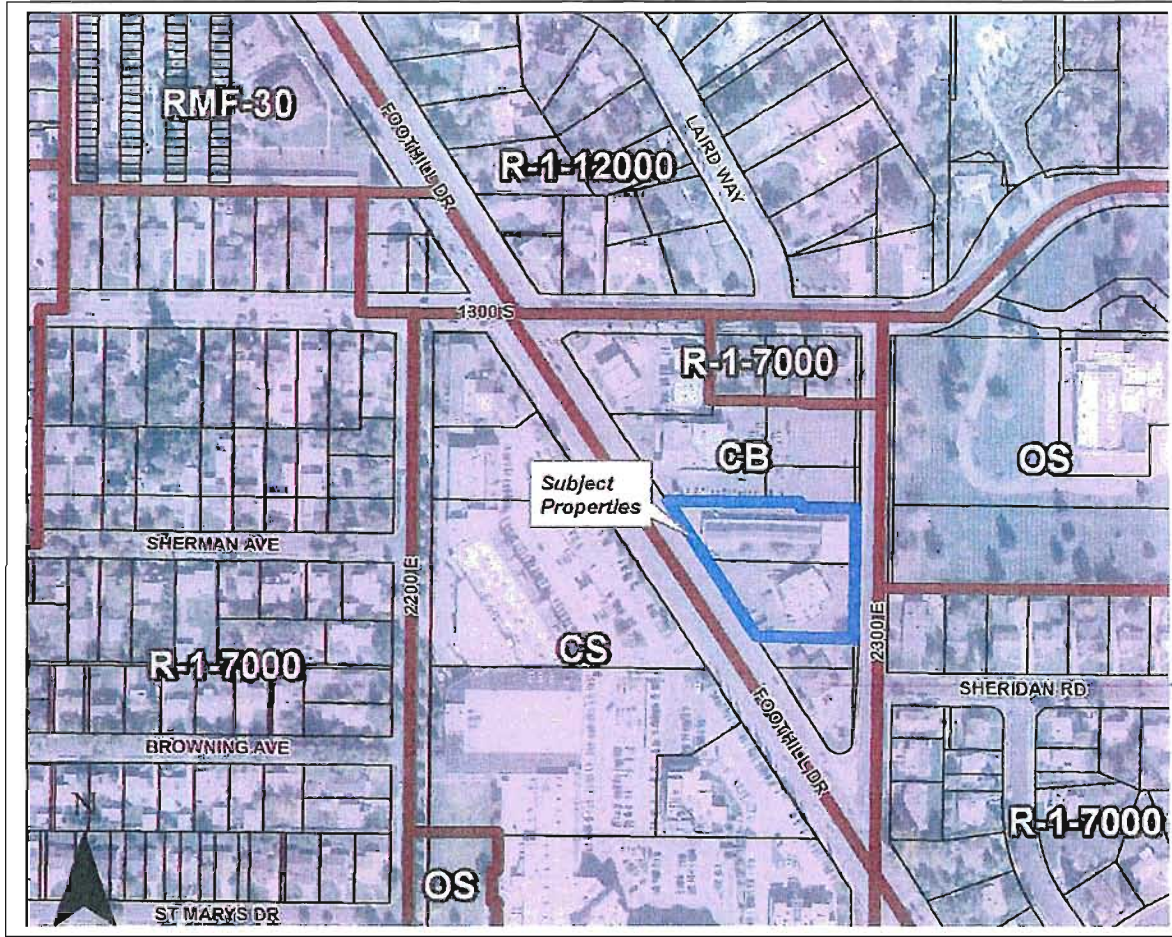
Based on the analysis and findings listed in the staff report, Staff is requesting that the Commission evaluate the proposed text amendment and transmit either a positive or negative recommendation to the City Council.

Options:

1. The Planning Commission may find that the proposal complies with the factors to be considered and send a recommendation to the City Council that they approve the zoning text amendment. The Planning Commission may also recommend specific standards to the City Council as part of this option; or
2. The Planning Commission may send a recommendation to the City Council to deny the zoning text amendment.

Plan G. Draft Land Use Table	3. The Planning Commission may continue the item if they determine not enough information is available to make a recommendation to the City Council.
-------------------------------------	--

VICINITY MAP



Background

Project Description

The proposed development is for an 82-room Hampton Inn and retail plaza to be constructed on the site of two existing businesses, the Scenic Motel and the adjacent Foothill Dental Office. The hotel will be limited to three floors, but because the site slopes 18 feet up hill to the east, the structure will rise only two stories above grade along the eastern 2300 East frontage. Retail tenant space, including a separate building would be located along Foothill Boulevard. Parking is accommodated within the center of the plaza and in a single-deck parking structure located at the southeast corner of the site. The proposed development will consolidate two parcels into a single 1.28 acre lot.

Preliminary designs for the proposed hotel include about 52,600 square feet for 82 rooms and suites, lobby/service areas, breakfast area, and an indoor pool. Approximately 5,700 square feet of retail is

incorporated into the street level frontage of the building with a portion of that (2,300 s.f.) in a separate retail building located at the south portion of the site.

The proposed development is surrounded by the following:

Direction	Zoning	Land Use
North	Community Business	Restaurant
East	Open Space/Single-Family	Cemetery & Single Family
West	Community Shopping District	Foothill Plaza (Retail)
South	Community Business	Bank

Master Plan Information

The proposed zoning text amendment, if approved, would allow hotel/motel as a conditional use in the CB Zoning District. Therefore, any community that has CB zoning may be applicable, but only if the zone abuts a State Route. The following are communities that could have a hotel/motel use, subject to the property abutting a state route/highway as found in the Salt Lake City Transportation Master Plan are as follows:

Communities	Possible Hotel/Motel Locations that abut a State Route/Highway
Sugar House & Central Community	700 East & 1300 East
East Bench Community	Foothill Boulevard
Capitol Hill Community	300 West at 300 & 400 North
Northwest Community	Redwood Road at 700 & 900 North

MASTER PLAN SPECIFICATIONS:

Sugar House Master Plan

The Sugar House Master plan has much discussion about commercial land use, but it is primarily directed at the business district, strip commercial and neighborhood commercial zoning districts. There is discussion about nonconforming uses, but only within the residential districts. The areas Sugar House are zoned CB zoning that abuts a State Route/Highway is along 1300 East and the Brickyard Plaza area.

Central Community Master Plan

On page 11 of the Central City Master Plan discusses the effects of nonconforming land uses and states that “the owners of nonconforming properties need to be responsible and understand the complexities of owning such a property. They should be aware of and understand the zoning and the primary land uses in the area. The mitigation of impacts and/or the quality of the use depends on ownership and management of these uses. The areas that Central Community has CB zoning that abut a State Route is along 1300 East and 300 South and 700 East at Markea (250 South) and Hawthorne (540 South).

East Bench Master Plan

Redevelopment or at least renovation of some business properties in the East Bench area is quite likely and is considered the most desirable approach to meeting future business needs in the community. Two-level buildings, structured parking, and other provisions of the zone provide considerably more development potential than present use levels at many sites (page 6).

Capitol Hill Master Plan

On page 7 of the Capitol Hill Master Plan, states that “many of the existing commercial uses in the community are heavy commercial land uses or are oriented to servicing commuters or tourists and are not neighborhood retail/service oriented. The lack of neighborhood oriented retail services is a major concern voiced by citizens of the community during the public input process of the development of this master plan”. The area that Capitol Hill has CB zoning that abut a State Route is along 300 West around 400 North and 300 North.

Northwest Community Master Plan

On page 6 of the Northwest Community Master Plan discusses the Neighborhood Commercial area concentrated business at the center located at 700 North and Redwood Road. The areas that the Northwest Community has CB zoning that abut a State Route/Highway is along Redwood Road at 700 North and 900 North

Salt Lake City Vision and Strategic Plan Final Report

The Salt Lake City Vision and Strategic Plan applies to this proposed text amendment. Section 20.0, of the City Vision and Strategic Plan Final report encourages the development of a “business friendly” licensing and regulatory practices.

Comments

Public Comments

An Open House was held on March 19, 2009 to gather public input. One person attended the meeting and opposed any type of zone amendment that would allow for a hotel/motel with the CB zoning district. Staff has received one written comment (Attachment E) opposing the text amendment and one phone call from a property owner to the south opposing the text amendment.

City Department Comments

The comments received from pertinent City Departments / Divisions are as follows:

Transportation (Barry Walsh): The division of transportation review comment and recommendations are as follows:

- The inclusion of hotel/motel into the CB zone as a conditional use covers transportation issues in that traffic impact study is a standard requirement. The applicant is aware that a traffic impact study will be required by UDOT for this site since it abuts a state road.
- The proposed site is adjacent to a major arterial, Foothill Drive, a UDOT roadway, and a local class, 2300 East is a Salt Lake City roadway.
- The DRT has reviewed this proposal and commented on design issues for public way improvements, parking layout, ADA compliance, bike provisions, circulation – pedestrian and vehicular, grades, etc.

Engineering (Craig Smith): Engineering has not provided any comments on the proposed zoning amendment. However, when the site is developed a full review of the plans will be required.

Building Services (Alan Hardman):

- Approve zoning text amendment PLNPCM2009-00135.
- Consolidate two existing lots into one new lot as approved by the Planning Division.
- UDOT approval required for Foothill Drive improvements.
- Provide parking calculations.

- Provide a Landscape Plan
- Show trash dumpster location.
- Planned Development as a Conditional Use approval will be required for design elements that do not conform to the CB zoning requirements:
 - Additional building height greater than 30 feet;
 - Surface parking lots in front yards (not allowed);
 - Parking structures encroaching into the 35 foot front yard setback—lot has double frontage (Foothill Drive and 2300 East Street);
 - Buildings greater than 20,000 square feet;
 - Entrance and visual access requirements.

Police Department (Lt. Richard Brede): Staff did not receive any comments regarding the proposed text amendment.

Economic Development (Bob Farrington): Have not received any written comments.

Public Utilities (Brad Stewart): Public Utilities has not provided any comments on the proposed zoning amendment. However, when the site is developed a full review of the plans will be required.

Zoning Review

If approved as proposed, a hotel/motel would be a conditional use in the CB zoning district. The purpose of the CB zoning district is intended to provide for the close integration of moderately sized commercial areas with adjacent residential neighborhoods. The design guidelines are intended to facilitate retail that is pedestrian in its orientation and scale, while also acknowledging the importance of transit and automobile access to the site.

The standards found in the CB zoning district are designed to provide adequate lot area, building spacing, buffer requirements, etc. for the permitted uses. Conditional uses, processed through a planned development process, are required to meet at least the minimum standards. However, through the conditional use process additional requirements may be attached to a development in order to mitigate adverse impacts and fulfill the purpose statement of the CB zoning district.

Analysis and Findings

Options

With regard to zoning text amendments, the Planning Commission makes a recommendation to the City Council and the City Council has the decision making authority. If the City Council approves the request, then a hotel/motel would be allowed as a conditional use/planned development in the CB zoning district, provided that the property abuts a State Route/Highway. Prior to construction of their facility, the applicant would have to go through the conditional use/planned development review process. If the City Council denies the request, then the zoning ordinance would not be amended.

Analysis

Section 21A.50.050. A decision to amend the text of this title or the zoning map by general amendment 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 city council should consider the following factors:

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

Discussion: Adding hotel or motel as a conditional use in the CB zoning district is a change in adopted City policy relating to this type of land use. The Planning Division is charged with the task of implementing the adopted policies of the applicable master plans of the City. Staff is seeking input from the Commission on this proposed text amendment in terms of evaluating whether or not this particular area along Foothill Boulevard is a suitable site for a hotel or motel use and discuss whether the CB zone is appropriate along Foothill Boulevard. The purpose of the CB zone is intended to provide for the close integration of moderately sized commercial areas with adjacent residential neighborhoods. The design guidelines are intended to facilitate retail that is pedestrian in its orientation and scale, while also acknowledging the importance of transit and automobile access to the site.

Finding: The proposed text amendment is a change in current zoning allowances for the Community Business District relating to hotels/motels.

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

Discussion: This factor is site specific, but the proposed text amendment would affect all CB zones that abut a State Route. However, the petition is being requested by an applicant with a specific location. The location at 1345 and 1355 South Foothill Boulevard is zoned CB. The surrounding uses are primarily commercial, but to the east the land uses are open space (Cemetery) and single-family residential. The applicants have submitted a conceptual development plan for their proposal. A more substantial development plan would be reviewed as part of the conditional use process if the text of the zoning ordinance is amended. Requiring conditional use review for this type of use allows the City to identify potential adverse impacts and determine if the adverse impacts can be reasonably mitigated. If the adverse impacts can be reasonably mitigated, a conditional use shall be approved. If potential impacts cannot be mitigated, then the Planning Commission may deny the conditional use. One of the standards of review for a conditional use is to determine the compatibility of the use and design with the surrounding area.

The conditional use standards of review and public process would not apply to a hotel/motel if it were a permitted use.

Finding: The proposed text amendment may be harmonious with the overall character of existing development provided the proposed use is added as a conditional use when abutting a State Route to the CB zoning district.

- c. The extent to which the proposed amendment will adversely affect adjacent properties;

Discussion: The proposed text amendment includes amending the table of permitted and conditional uses in the CB zoning district.

The purpose of the CB zoning district is intended to provide for the close integration of moderately sized commercial areas with adjacent residential neighborhoods. The design guidelines are intended to facilitate retail that is pedestrian in its orientation and scale, while also acknowledging the importance of transit and automobile access to the site.

The subject property abuts commercial on the north and south and would gain access from Foothill Boulevard. The properties to the east is open space (cemetery) and single-family residential. The purpose of the CB district is to provide an environment for pedestrian and transit scale uses, and given the proposed hotel use, the Commission will need to evaluate whether or not the text amendment is appropriate for the CB zone and whether or not the change will adversely affect the abutting properties.

Finding: Adding a hotel/motel as a conditional use may have impacts on the residential use that are located across 2300 East, but this could be addressed by conditioning the proposed use and restrict or minimize lighting, deliveries, and enhanced landscaping for this type of land use.

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

Discussion: The proposed text amendment is not associated with any overlay zoning districts.

Finding: If a hotel/motel use is added as a conditional use in the CB zoning district, it would be required to comply with the standards of any applicable overlay zoning district.

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

Discussion: Further review of the adequacy of public facilities and services would be performed during the conditional use process. All development applications that require conditional use approval are routed to applicable City Department and Divisions for review comments. These comments are typically required to be complied with if a conditional use is approved.

Finding: Adding a hotel/motel as a conditional use would provide for additional City review to determine if public services and facilities are adequate for the type of use.

Attachment A
Applicant Information

Zoning Amendment Application for

Proposed Hampton Inn- 1345 and 1355 S. Foothill Blvd.

(Modify CB Zone to Allow Hotel/Motel as a Conditional Use)

1. Statement of Text Amendment:

This Zoning Amendment request is to modify the Community Business (CB) Zone to permit a Hotel as a Conditional Use. Allowable uses for Commercial Districts are defined in the "Table: "Permitted and Conditional Uses, By District" - Section 21A.26.080 (Page 960-79). Hotel and Motel is already allowed in the CC, CSHBD, and CG zones as a Permitted Use, and as a Conditional Use in the TC-75 zone. The Text Amendment would add the CB zone to commercial districts that allow Hotel or Motel use. To address this proposed Zone Amendment, a "C" (Conditional Use) would be added to this Table under the CB Zone for a Hotel or Motel use. Exhibit A, attached, shows this change. Designating Hotel/Motel as a Conditional Use rather than a Permitted Use provides opportunity for oversight by the Planning Commission and local Community.

2. Complete Description of the Proposed Use:

The proposed development will replace the existing Scenic Motel and adjacent Foothill Dental Office buildings with a new Hampton Inn complex. Preliminary Site Concept Drawings are presented in Exhibit "B". Preliminary designs for the proposed Hotel include about 68,000-sq ft for 80+ rooms and suites, and lobby/service areas. Approximately 6,000 sq. ft of retail is incorporated into the street-level frontage of the building.

The proposed development will consolidate two parcels into a single 1.28 acre-parcel. Access will be off Foothill Blvd. with a rear exit to 2300 East, reducing the present number of drive approaches onto Foothill Blvd. A Traffic Study is currently underway per UDOT requirement.

A "Planned Development as a Conditional Use" application will be submitted separately for review of the proposed Hotel site plan. As part of the Conditional Use, the owner will request a height variance to accommodate a 3-story structure. The site slopes from 18 feet from the front to rear (west to east), so the proposed hotel will be three stories above-grade along Foothill Drive, but less than two levels above-grade in the rear, along 2300 East. For comparison, some of the retail buildings across the street at Foothill Village are 3 stories.

The site is bordered by retail, commercial, and businesses to the north, south and west along Foothill Blvd., and by the lawn-covered burial grounds of the cemetery to the east (rear), across 2300 East. A single adjacent residence is located to the southeast, across 2300 East, kitty-corner to the site.

3. Reasons why the present zoning may not be appropriate:

The Scenic Motel was constructed in 1946, expanded in 1954, and received a "modern" façade in 1964. The motel is fully booked year around, but the structure is aging, badly in need of modernizing, does not meet new building and safety codes for short-term lodging, and has very limited room capacity.

Although a motel currently occupies the site, the Community Business CB Zone as defined in Table 21A.26.080 does not currently permit a hotel or motel- not as a Permitted or Conditional Use. There is no "grandfathering" or allowance for an existing non-conforming use in this zone designation. That means that under the present zoning, an aging but successful motel cannot be removed and replaced with a larger, more modern structure. It could only be renovated on its existing footprint, which is not economically attractive or feasible due to the limited number of rooms (there are only 14 rooms at the Scenic Motel).

An expanded, upgraded and modern Hotel in this location will meet the challenge of providing affordable short-term lodging to serve patients and their families who must travel to receive medical care at Primary Children's Medical Center, Huntsman Cancer Institute, the University of Utah Hospitals and Clinics, Moran Eye Center, etc. There currently is no modestly-priced short-term lodging in the vicinity of these hospitals and clinics. The site is already within an existing Commercial District, and the proximity of shopping, groceries, dining, and other retail uses, both adjacent and immediately across the street, is advantageous for the proposed hotel use as well as providing an additional economic base for these other businesses. Public transportation is immediately accessible.

The East Bench Master Plan states "Redevelopment or at least renovation of some business properties in the East Bench area is quite likely and is considered the most desirable approach to meeting future business needs in the community.... More efficient use of existing business properties is the preferred approach to meet future business needs". This proposal meets these criteria by removing an aging, undersized, but successful business, and consolidating parcels to allow room for expansion. This is a business use that meets a great need for affordable short-term lodging in the community. Components of the East Bench Master Plan can be more fully addressed as part of the Conditional Use application.

Finally, as stated above, Hotel and Motel use is already allowed in other Commercial District Zones: As a Permitted Use in the CC, CSHBD, and CG zones, and as a Conditional Use in the TC-75 zone. It may simply be an oversight that this use was not included in the CB zone. This Text Amendment would add the CB zone to these commercial districts that allow Hotel or Motel use and allow this use to expand at this site to meet a clear need for short-term lodging

PLANNED DEVELOPMENT AS A CONDITIONAL USE

Proposed Hampton Inn

1345 and 1355 S. Foothill Blvd.

1. Project Description.

The proposed development is for an 82-room Hampton Inn hotel and retail plaza to be constructed on the site of two existing businesses, the Scenic Motel and adjacent Foothill Dental Office building. The hotel will be limited to three floors, but because the site slopes 18 feet uphill to the east, the structure will rise only 2 stories above-grade along the eastern 2300 East frontage. Retail tenant space, including a separate retail building, is located along Foothill Drive. Parking is accommodated within the center of the plaza and in a single-deck parking structure located at the southeast corner of the site. The proposed development will consolidate two parcels into a single 1.28 acre-parcel and provide a significant upgrade for a successful, locally-owned business.

Site development plans, architectural renderings, building elevations, site grading and drainage plans, landscaping, and floor plans are included in the plan package submitted with this Conditional Use application.

The proposed development will meet the long-standing need for modestly-priced lodging in the heart of the East Bench's medical, research park, University, and commercial center. There are few sites in this commercial area that are well-suited and available for this use.

The Scenic Motel was constructed in 1946, expanded in 1954, and received a "modern" façade in 1964. The motel is fully booked year around, but the structure is aging, badly in need of modernizing, does not meet new building and safety codes for short-term lodging, and has very limited room capacity. An expanded, upgraded and modern Hotel in this location will provide affordable short-term lodging for patients and their families who must travel to receive medical care at Primary Children's Medical Center, Huntsman Cancer Institute, the University of Utah Hospitals and Clinics, Moran Eye Center, etc. There currently is no modestly-priced, short-term lodging in the vicinity of these hospitals and clinics. Business clients and visitors to Research Park businesses will also benefit from this hotel. The site is within an existing Commercial District, and the proximity of shopping, groceries, dining, and other retail uses, both adjacent and immediately across the street, is advantageous for the proposed hotel use as well as providing an additional economic base for these other businesses.

Zoning- Text Amendment (Pending). Although a motel currently occupies the site, the Community Business CB Zone does not currently permit a hotel or motel use. Effectively, under the present zoning, this successful but out-dated motel cannot be replaced with a larger, more modern structure. It could only be renovated on its existing footprint, which is not economically attractive or feasible due to the limited number of rooms (there are only 14 rooms at the Scenic Motel). This use is permitted in other Commercial District Zones (Permitted Use in CC, CSHBD, and CG zones; Conditional Use in TC-75). To that end, the owner/developer has applied for a Text Amendment to add a Hotel/Motel as a Conditional Use in the CB zone. That application has been submitted and is running concurrently with this Planned Development as Conditional Use application. This facilitates community oversight and input into the Hotel site plan development along with the Zone Amendment.

Height Variance. As part of the Planned Development as a Conditional Use, the owner requests a height variance. The site slopes from 18 feet from the front to rear (west to east), so the proposed hotel will be three stories above-grade along Foothill Drive, but less than two levels above-grade in the rear, along 2300 East. For comparison, some of the retail buildings across the street at Foothill Village are 3 stories.

Compatibility with the East Bench Master Plan. The East Bench Master Plan states "Redevelopment or at least renovation of some business properties in the East Bench area is quite likely and is considered the most desirable approach to meeting future business needs in the community.... More efficient use of existing business properties is the preferred approach to meet future business needs". This proposal meets these criteria by removing an aging, undersized, but successful business, and consolidating parcels to allow room for expansion. This is a business use that meets a great need for affordable short-term lodging in the community.

The East Bench Master Plan also states that the rear façades, where they face residential areas, should maintain the architectural design. This site has frontage onto 2300 East, and the architectural design elements are incorporated into the portions of the structure that face 2300 East, as well as the other facades towards adjacent businesses. The architectural design wraps completely around the building complex.

Green Building Design. The project team is investigating the feasibility of incorporating green building design concepts into the planned development. Green design considerations at this point include: the overall site re-use (tear-down and re-build in an existing infill site, rather than creating a new site), incorporating some on-site energy production (solar panels behind the roof parapets), drought tolerant landscaping, potential alternative construction materials for interiors and exteriors, investigating alternative mechanical systems, and following other LEEDs standards as is economical and practical.

Note on Signage. The owner would like to retrofit the existing "Scenic Motel" sign and re-use it at the new plaza. The sign is a landmark in the area, and we feel it should be preserved and retrofitted (although perhaps not with neon) and displayed at the new site.

Public Transportation and Traffic. Public transportation is immediately accessible. A report commissioned by the Wasatch Front Regional Council has indicated the potential to add express bus service along Foothill Drive. UDOT is evaluating reversible traffic lanes to accommodate commuter traffic during peak hours.

2. **Primary Street Accesses.** Access will be off Foothill Blvd. with a rear exit to 2300 East. Because this plan consolidates two business parcels with 3 driveway accesses, the proposed development plan secures an overall reduction in the number of drive approaches onto Foothill Blvd. A Traffic Study is currently underway per UDOT requirement and will be submitted to the City as part of this application.
3. **Adjacent Land Uses.** The site is bordered by retail, commercial, and businesses to the north, south and west along Foothill Blvd. The eastern portion of the site faces the lawn-covered grounds of the Larkin Sunset Lawn Cemetery, located across 2300 East. The single adjacent residence is located to the southeast, on the corner of Sheridan Road and 2300 East, kitty-corner to the site. There are additional, attractive and well-maintained residential neighborhoods to the east, northeast, and southeast.

4. **Discussions with Nearby Property Owners.** There have not been discussions with adjacent property owners yet; we felt it would be appropriate to develop a working site plan and then solicit community comment. We have spoken with the City Council representative for Council District 6, J.T. Martin; and with several individual members of the local community. There has been informal discussion with staff at one of the Foothill village restaurants, which was very positive regarding the opportunity for additional business and they offered to explore a cooperative arrangement. No formal discussions have taken place. We welcome input and hope this proposal is regarded as a positive asset to the local business, medical, research park, and residential community.
5. **Hours of Operation.** As with most hotels, we anticipate round-the-clock operation although most activity will be in the morning hours (7-9) and early evening as customers leave and return for meetings, appointments, and check in/out.
6. **Parking.** The site is designed with 80 stalls (1 stall per room). This exceeds SL City requirements of 1 stall per 2 rooms. Parking is accommodated within the center of the plaza, and in a single-deck parking structure located at the southeast corner of the site. This parking structure is essentially not visible from Foothill Drive.
7. **Employees.** The Hampton Inn will operate with a crew of approximately 20 employees.
8. **Gross Square Footage.** Preliminary designs for the proposed Hotel include about 52,600-sq ft. for 82 rooms and suites, lobby/service areas, breakfast area, and an indoor pool. Approximately 5,700 sq. ft of retail is incorporated into the street-level frontage of the building with a portion of that (2,300-sq ft.) in a separate retail building located at the South portion of the site. Additional basement area for storage and mechanical (approximately 5,300 sq. ft) is provided beneath the tenant spaces.

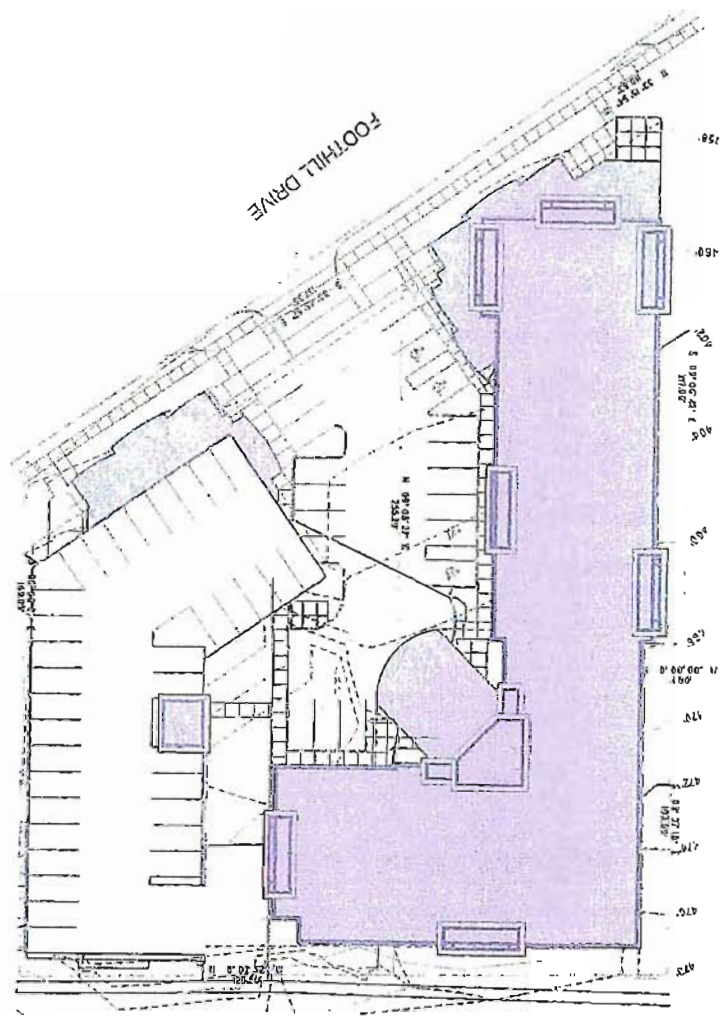
A summary of the current square footages for each type of space is provided below:

Hotel 1 st Level:	16,179 sq. ft.	Retail Lease Space #1: 1,689 sq. ft.
Hotel 2 nd Level:	18,207	Retail #1 (Basement): 2,955
<u>Hotel 3rd Level:</u>	<u>18,207</u>	Retail Lease Space #2: 1,707
Total Hotel Area:	52,593 sq. ft.	Retail #2 (Basement): 2,332
Parking:	48 Stalls 1 st Level	Retail Lease Space #3: 2,329
	32 Stalls 2 nd Level	Total Retail Area: 11,012 sq. ft.

9. **Construction Phases and Scheduling.** Assuming prompt City zoning and building plan review and approvals, we anticipate construction to begin in summer/fall 2009, and require from 9 to 11 months to complete.
10. **Common Spaces.** Most of the common spaces are interior: pool, breakfast area. There is an exterior porte-cochere, and there is an option for seating in front of the retail spaces.

Attachment B
Conceptual Development Plan

PROFESSIONAL SEAL AND LICENSE INFORMATION



1" = 20' SITE PLAN

2300 EAST



- LEGEND**
- PROPERTY LINE
 - SITE SETBACKS/SETBACK LINES
 - SITE FEATURES
 - 500' EASEMENT
 - EXISTING TERRAIN
 - PROPOSED TERRAIN
 - EXISTING TERRAIN
 - PROPOSED TERRAIN
 - EXISTING TERRAIN
 - PROPOSED TERRAIN

EXHIBIT "B"



PROJECT NUMBER 08035	ISSUE DATE: OCTOBER 11, 2008 REVISIONS: No. DATE	HAMPTON INN SALT LAKE CITY, UTAH	SITE PLAN C1.1

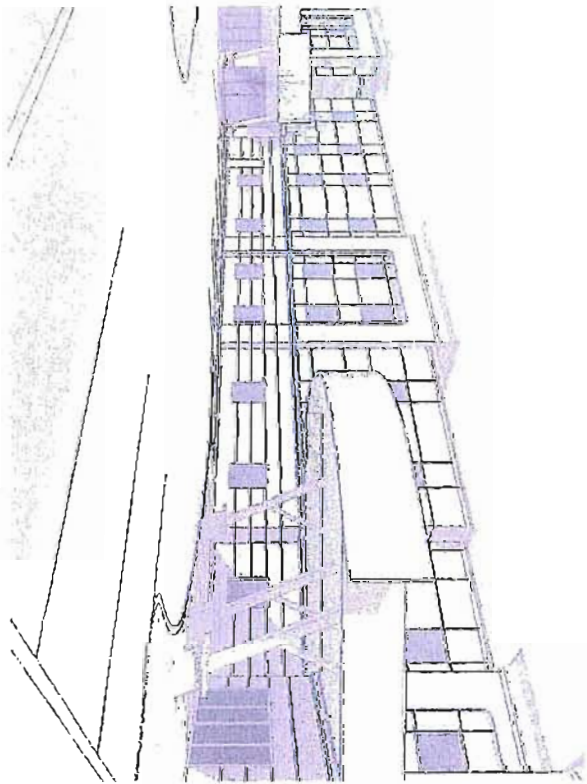
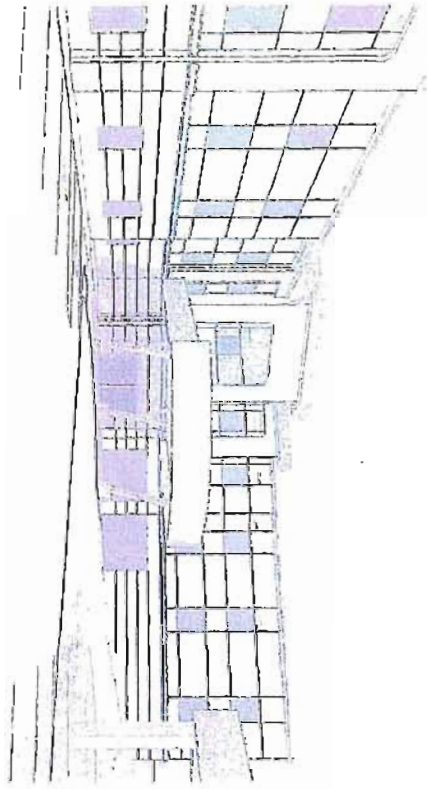
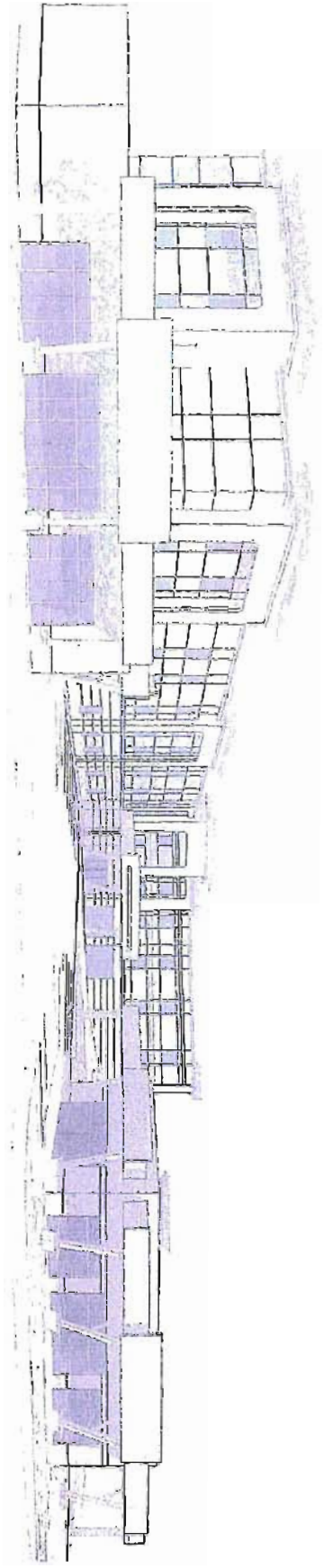


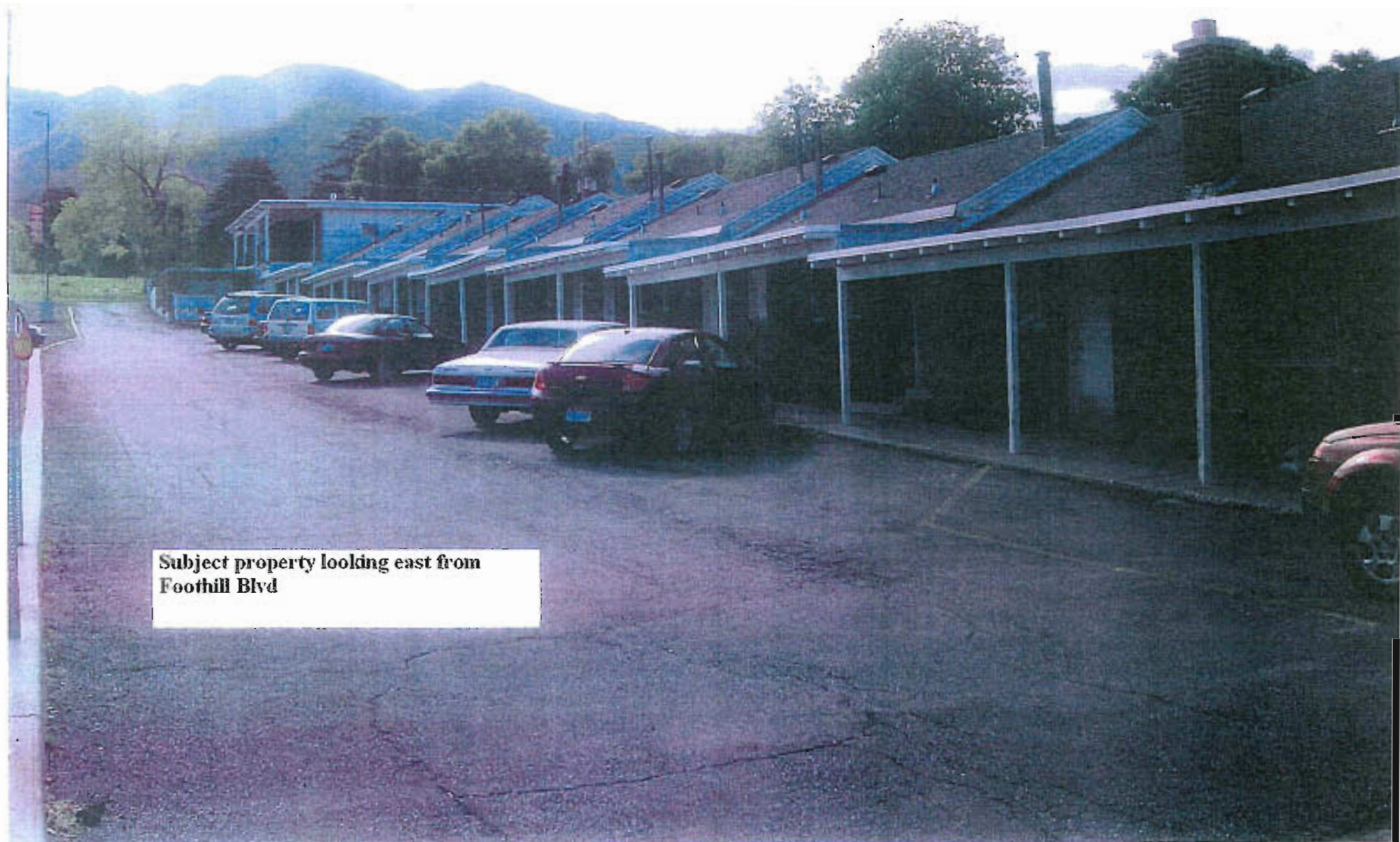
EXHIBIT "B"

ALL RIGHTS RESERVED
 2008 DPM ARCHITECTURE, INC.
 1100 SOUTH 200 WEST, SUITE 200, SALT LAKE CITY, UTAH 84143
 TEL: 801-487-1100 FAX: 801-487-1101
 WWW.DPMARCHITECTURE.COM
 PROJECT NO. 08085
 DATE: 11/2008
 SHEET NO. A22
 SCALE: AS SHOWN
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 APPROVED BY: [Name]



PROJECT NUMBER 08085	ISSUE DATE: 02 DECEMBER 11, 2008 REVISIONS: Rev. Chan	HAMPTON INN SALT LAKE CITY, UTAH	PROJECT PERSPECTIVES A22	
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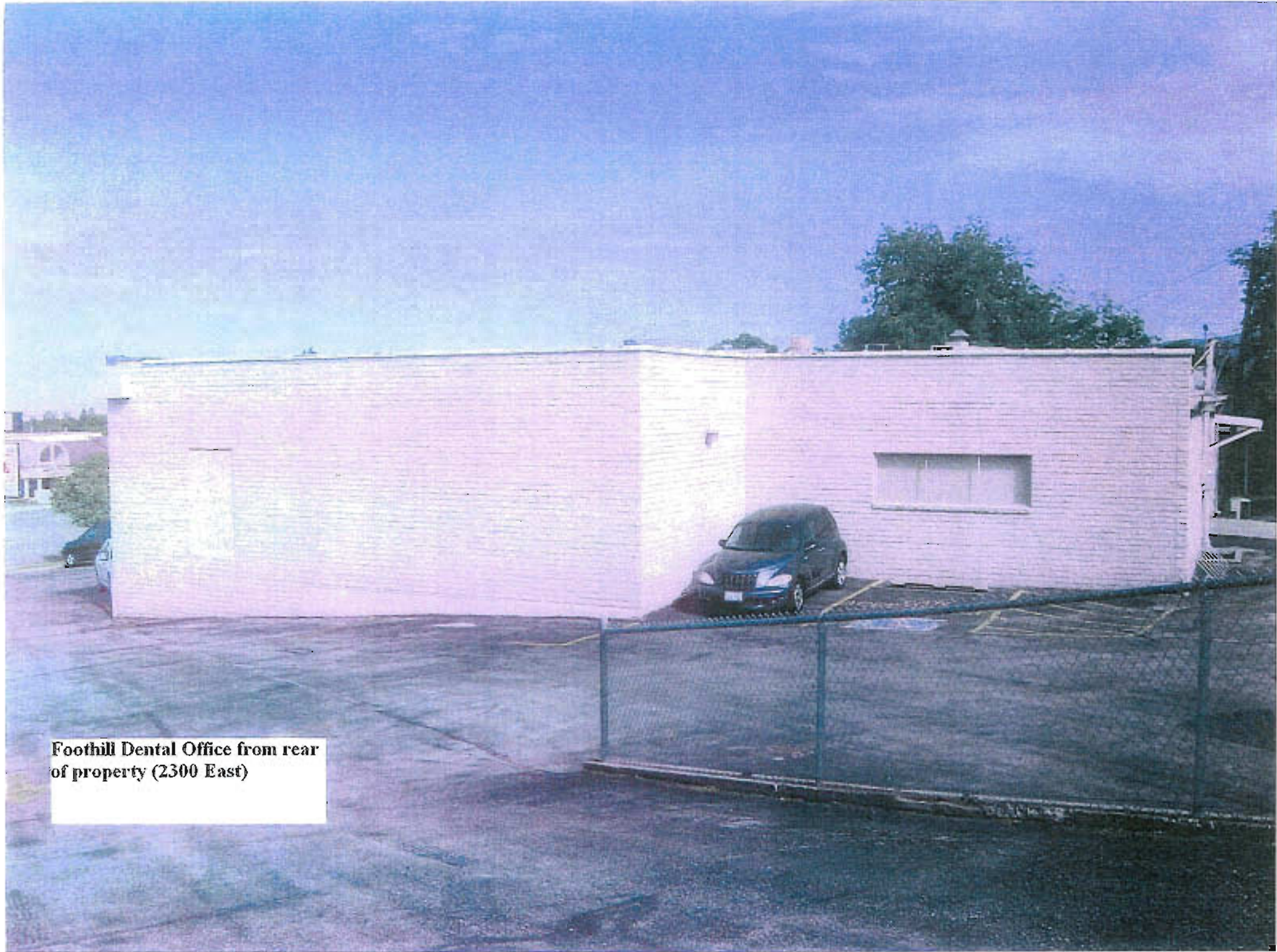
Attachment C
Photographs



**Subject property looking east from
Foothill Blvd**



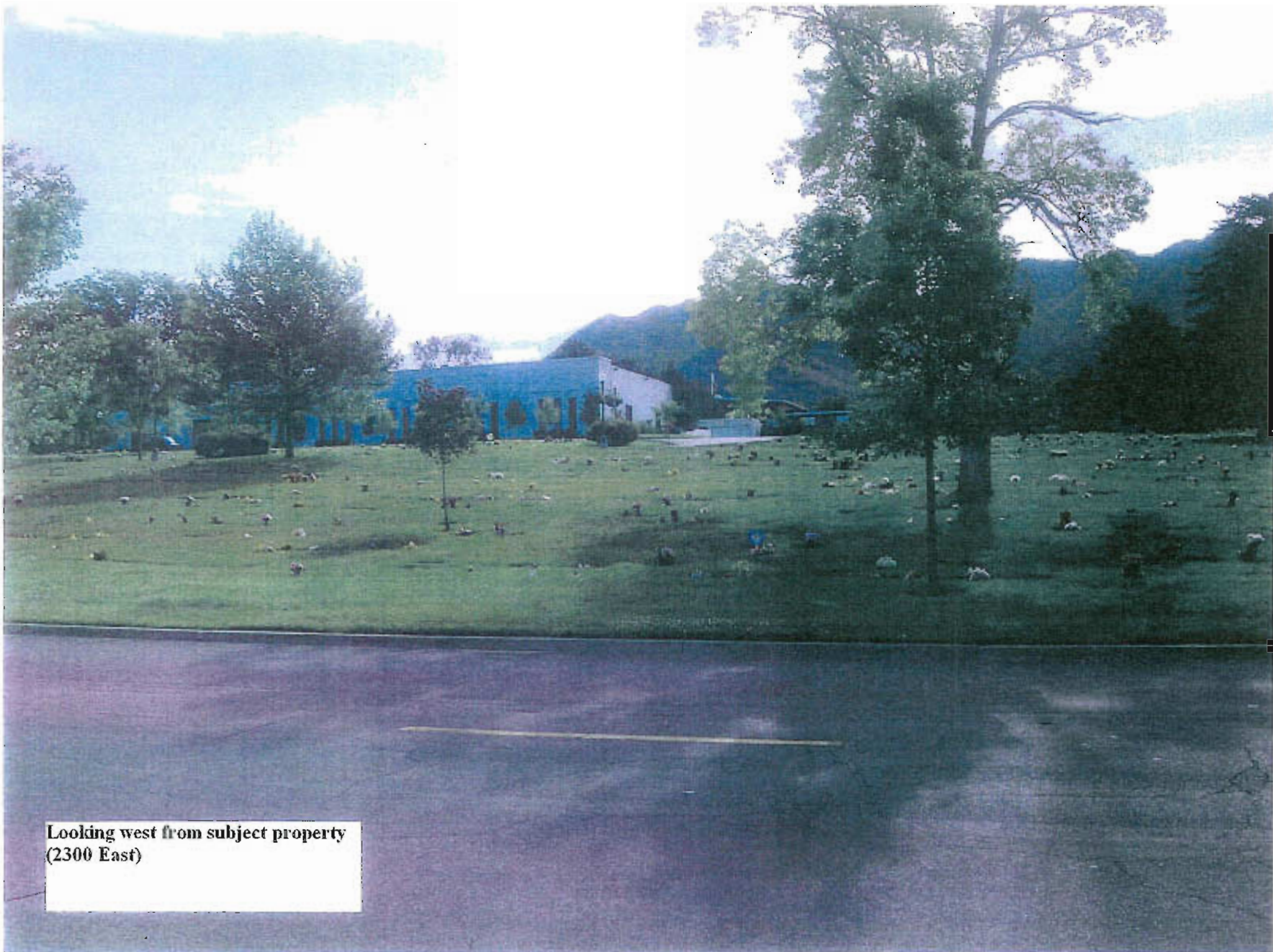
Property to the south of subject property looking from 2300 East



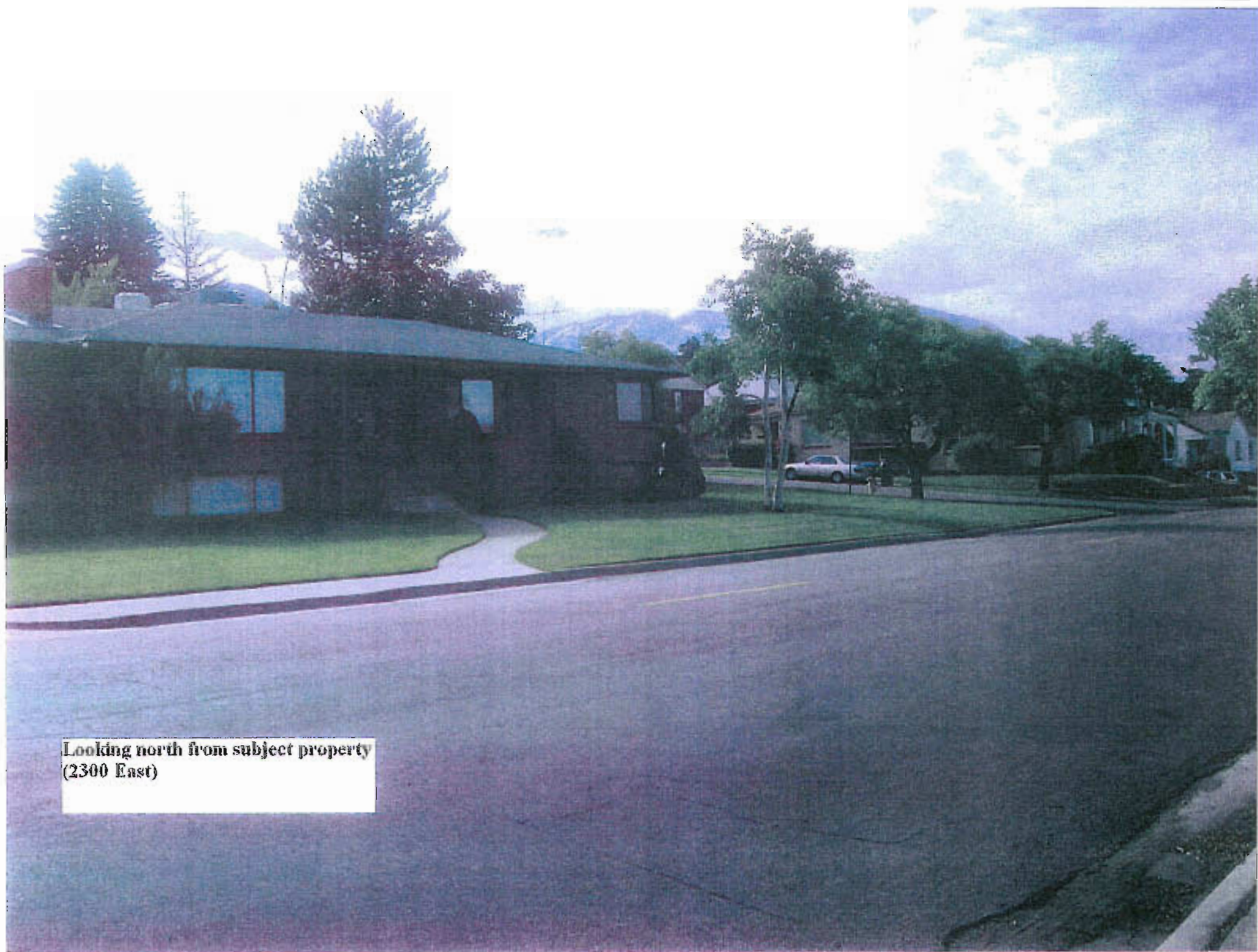
**Foothill Dental Office from rear
of property (2300 East)**



Looking north from subject property parking lot.



**Looking west from subject property
(2300 East)**



Looking north from subject property
(2300 East)

Attachment D
Department Comments

SALT LAKE CITY BUILDING SERVICES

Preliminary Zoning Review

Log Number: PLNPCM2009-00135

Date: February 20, 2009

Project Name: Salt Lake Exchange Accommodations

Project Address: 1345 & 1355 East Foothill Drive

Contact Person: Kevin LoPiccolo

Fax Number: (801) 535-6174

Phone Number: (801) 535-6003

E-mail Address:

Zoning District: CB (Proposed)

Reviewer: Alan Hardman

Phone: 535-7742

Comments

This preliminary zoning review is based on a DRT meeting held on November 19, 2008.

1. Approve zoning text amendment PLNPCM2009-00135.
2. Consolidate two existing lots into one new lot as approved by the Planning Division.
3. UDOT approval required for Foothill Drive improvements.
4. Provide parking calculations.
5. Provide a Landscape Plan
6. Show trash dumpster location.
7. Planned Development as a Conditional Use approval will be required for design elements that do not conform to the CB zoning requirements:
 - Additional building height greater than 30 feet;
 - Surface parking lots in front yards (not allowed);
 - Parking structures encroaching into the 35 foot front yard setback—lot has double frontage (Foothill Drive and 2300 East Street);
 - Buildings greater than 20,000 square feet;
 - Entrance and visual access requirements.

LoPiccolo, Kevin

From: Walsh, Barry
Sent: Thursday, February 26, 2009 10:16 AM
To: LoPiccolo, Kevin
Cc: Young, Kevin; Smith, Craig; Itchon, Edward; Stewart, Brad; Butcher, Larry
Subject: Hampton Inn zone amendment
Categories: Program/Policy

February 26, 2009

Kevin LoPiccolo, Planning

RE: Zoning text amendment to allow hotel/motel as a conditional use in the Community Business (CB) zone.
For the Hampton Inn at 1345 and 1355 South Foothill Drive.

The division of transportation review comments and recommendations are for approval as follows:

The inclusion of hotel/motel into the CB zone status as a conditional use covers transportation issues in that traffic impact studies (TIS) are a standard requirement. As noted in the application, a TIS is required by UDOT for this site. Other site development conditions cover issues with parking, vehicular and pedestrian access, circulation, and services.

The proposed site is adjacent to a major arterial, Foothill Drive a UDOT roadway, and a local class, 2300 East SLC roadway.

The DRT has reviewed this proposal and commented on design issues for public way improvements, parking layout, ADA compliance, bike provisions, circulation – pedestrian and vehicular, grades, etc.

Sincerely,

Barry Walsh

Cc Kevin Young, P.E.
Craig Smith, Engineering
Ted Itchon, Fire
Brad Stewart, Public Utilities
Larry Butcher, Permits
File

LoPiccolo, Kevin

From: Isbell, Randy
Sent: Friday, February 27, 2009 1:42 PM
To: LoPiccolo, Kevin
Cc: Spangenberg, Craig
Subject: Zoning text amendment
Categories: Program/Policy

Kevin,

Our office has reviewed the proposal and plans for a text amendment to modify the Community Business, CB, Zone to permit a hotel/motel as a Conditional Use. Housing and Zoning has no concerns or comments at this time.

Thanks,

Randy Isbell, Housing/Zoning Specialist
Building & Zoning Division
Salt Lake City Corporation
Ph. (801) 535-6042
Fx. (801) 535-6131

Attachment E
Public Comment

Print

Close

June minutes EBCC

From: **Presmoffitt@aol.com**

Sent: Thu 6/18/09 1:20 PM

To: grabetoy@yahoo.com; rebecca.utz@utah.edu; wagontrainwalker@netzero.net; info@henryslaw.com; jypala@comcast.net; dixonwr@yahoo.com; sandman@jurassicsand.com; chickadee.kj@gmail.com; Musuris@aol.com; dave@daveperry.com; bennion@vii.com; thekean@msn.com; JanUofU@aol.com; camronc@comcast.net; drvogel@comcast.net; HARPAPP@aol.com; douglasg@xmission.com; rilyprice@msn.com; gkevinjones@hotmail.com; lilathom@earthlink.com; pmccune@xmission.com; peterames@earthlink.net; RogerF@aol.com; rebeccabatt@earthlink.net; balder@alderconstruction.com; paultayler6830@msn.com; ljsamuels@comcast.net; klkennard@hotmail.com; tfendler@secor.com; Andolsek@aol.com; lyntaylor4@comcast.net; bruce@crslaw.com; ziggydonn@msn.com; nmoldover@comcast.net; phoenixsilverky@yahoo.com; henry.welch@slcgov.com

Attachments:

EBCC june attachment.pdf (152.4 KB), EBCC June minutes.docx (10.5 KB)



Download the AOL Classifieds Toolbar for local deals at your fingertips.

EAST BENCH COMMUNITY COUNCIL

MINUTES JUNE 17 MEETING

Welcome by G. Kevin Jones

1. Lisa Harrison from the mayors office introduced Shawna McDonald as her replacement as the community liaison for districts 5, 6 and 7. Shawna has worked for the mayor's office for several years working with special events, demonstrations and protests. Her E-mail address is shawnamcdonaldslcgov.com.
2. No decision has been made yet for the placement of the new public safety building. Shawna encouraged us to get everyone interested to attend the open houses. The next one will be June 22 at 455 F st. and the one after that will be at the Sprague library June 23th. You can find further information on her web site.
3. Crime report was given by Mark from the Salt Lake Police Department. Car prowls are still the biggest problem in area. Please remember to lock cars and keep valuables out of sight. The home burglary that took place on Beacon Drive happened in 5 minutes when the garage door was left open, he said to lock your homes and garage doors burglars are just looking for easy access. Most people are not aware that dogs must be on leash in the city. There are very few places they can be off leash. Be aware of Donner Park as they will be giving tickets if dogs are off leash. Mark also told us he gives several tickets at the 4 way stop at Crestview and Kennedy. So please be aware and come to a full stop.
4. Fire department from the 21st south office. They introduced the EMT's that were with them. The question was asked, "If we had a mass emergency in this area would they be able to handle it?" There

answer was "no" everyone needs to have an emergency plan in their home as part of a "be prepared system". They also were asked if they were called to an address on Foothill Drive do they get it mixed up with the other Foothill St. west of Foothill Drive, and they thought it could be a problem if not clarified. All in attendance agree it would be nice to have the street name changed. Some thought David Park Rd. would help because of the park there.

5. Kevin has had several people ask him about putting in speed bumps or a stop sign at Wasatch and Skyline. All present agree that is a dangerous intersection and would prefer a stop sign over a speed bump.

6. Clarification was made on the Hampton Inn/Scenic Motel planned development.

A quorum being present the resolution passed this 17th day of June 2009 with only one dissenting vote. The resolution was as follows.

"The position represented by the chair, G. Kevin Jones, before the Salt Lake City Planning Commission on the Hampton Inn/Scenic Motel Planned Development on Wednesday evening, June 10th 2009 is a true and accurate statement of the position of the East Bench Community Council and accurately represents the position of the East Bench Community Council. The statement is attached to the minutes as exhibit A."

7. Sonia Woodbury, director of City Academy was on the agenda but did not show up for the meeting. We will try to see if she would like to reschedule for September.
8. We still have one at large slot for a person from the north end of the council.

TESTIMONY OF G. KEVIN JONES
CHAIR, EAST BENCH COMMUNITY COUNCIL
BEFORE THE SALT LAKE PLANNING COMMISSION
ON THE HAMPTON-INN-SCENIC MOTEL PLANNED DEVELOPMENT
WEDNESDAY EVENING, JUNE 10, 2009

Good evening. My name is G. Kevin Jones and I am the Chairman of the East Bench Community Council. Thanks for extending the opportunity to speak before the Planning Commission on the proposed Hampton Inn-Scenic Motel Site planned development.

The proposed development is within the boundaries of the East Bench Community Council, and we therefore have a particular interest in the project.

For the reasons stated below, I can accurately represent that the majority of East Bench residents support or strongly support the planned development.

The East Bench Community Council held a through discussion of the proposed development at our April 2009 monthly meeting. The meeting was well attended. It included a presentation by the developer followed by questions and answers from the audience. I have also received numerous comments by telephone, e-mail, and conversation from community members about the planned development.

Concerns about the planned development.

The only expressed opposition to the planned development at our council meeting was from individuals who adjoin the project site, or live near-by. Some of these individuals own business properties bordering the Scenic Motel.

Their primary concern was increased traffic. They were also concerned with the architectural design, noting that the proposed Hampton Inn would be significantly larger than the current Scenic Motel.

Other than remarks at our council meeting, I have not received any additional comments from individuals opposed to the project.

Support for the planned development.

Although a resolution was not asked for by the developer or taken at our April meeting, those residents of the East Bench Community Council who were in attendance at our meeting were generally favorable to the project. Moreover, the neighbors who contacted me on their own initiative were overwhelming supportive of the planned development. This included some residents who live near the site. In fact, I have not received one single communication from residents opposed to the project other than what was expressed at the April meeting.

The East Bench residents who support the planned development identified the following reasons:

1. The East Bench has limited motel/hotel capacity.
2. The Scenic Motel is an aging structure and in need of significant repairs or modernization.
3. The Scenic Motel has a high occupancy rate but limited capacity.
4. The Scenic Motel provides convenient lodging for patients and family receiving or assisting those who are receiving medical attention at the University of Utah Medical Center or Primary Children's Medical Center.
5. An updated and expanded motel would provide modern hotel accommodations to business clients and visitors to Research Park.
6. The site is already within an existing commercial district.
7. Finally, the development would provide additional income to existing businesses, particularly those who are located at the adjacent Foothill Village Shopping Center.

Conclusion

Some East Bench residents who adjoin the proposed project oppose it because of concerns about traffic and architectural design. However, the majority of residents in the East Bench Community Council, including some who live near the site, support or strongly support the planned development of the Scenic Motel Site into a modern motel facility, in this case the Hampton Inn.

I will be pleased to address any questions.

G. Kevin Jones
Chair, East Bench Community Council

Print

Close

June minutes EBCC

From: **Presmoffitt@aol.com**

Sent: Thu 6/18/09 1:20 PM

To: grabetoy@yahoo.com; rebecca.utz@utah.edu; wagontrainwalker@netzero.net; info@henryslaw.com; jypala@comcast.net; dixonwr@yahoo.com; sandman@jurassicsand.com; chickadee.kj@gmail.com; Musuris@aol.com; dave@daveperry.com; bennion@vii.com; thekean@msn.com; JanUofU@aol.com; camronc@comcast.net; drvogel@comcast.net; HARPAPP@aol.com; douglasg@xmission.com; rilyprice@msn.com; gkevinjones@hotmail.com; lilathom@earthlink.com; pmccune@xmission.com; peterames@earthlink.net; RogerF@aol.com; rebeccabatt@earthlink.net; balder@alderconstruction.com; paultayler6830@msn.com; ljsamuels@comcast.net; klkennard@hotmail.com; tfendler@secor.com; Andolsek@aol.com; lyntaylor4@comcast.net; bruce@crslaw.com; ziggydonn@msn.com; nmoldover@comcast.net; phoenixsilverky@yahoo.com; henry.welch@slcgov.com

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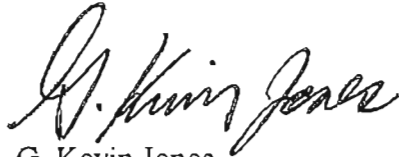
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Kevin Lopiccolo
Salt Lake Planning (Scenic Motel)

Enclosed is a copy of the minutes for the June meeting of the East Bench Community Council that contains a resolution clarifying that the position I presented before the Planning Commission on June 10th regarding the Scenic Motel/Hampton Inn development was accurate. See ¶ 6.

A handwritten signature in black ink, appearing to read "G. Kevin Jones". The signature is written in a cursive, flowing style.

G. Kevin Jones
Chair, East Bench Community Council
June 22, 2009

LoPiccolo, Kevin

From: Layne Anthony [layne@msisutah.com]
Sent: Thursday, May 28, 2009 10:13 AM
To: LoPiccolo, Kevin
Subject: RE: Public Hearing Notice - Proposed 82 room hotel
Follow Up Flag: Follow up
Flag Status: Red

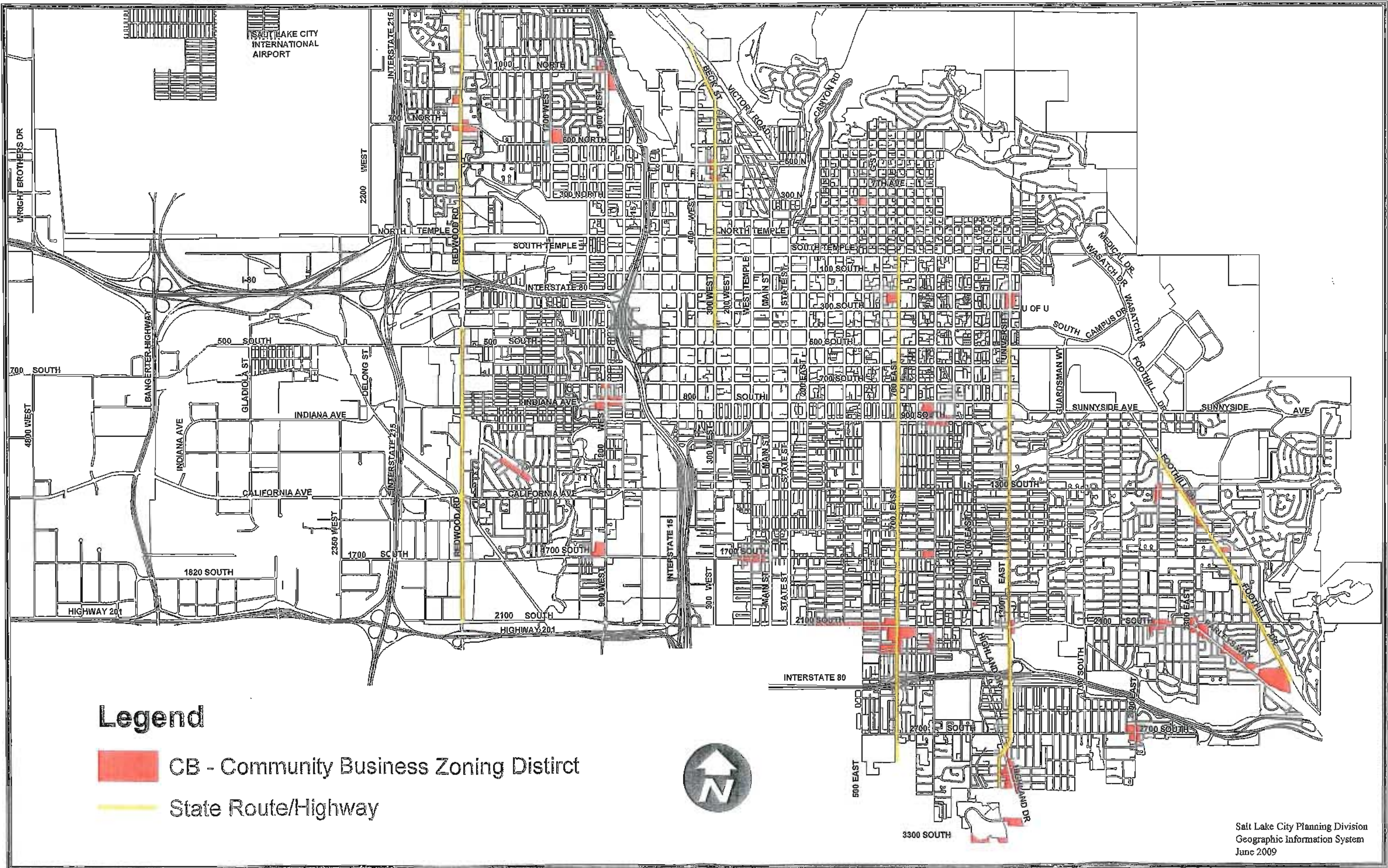
I have some huge concerns over this proposal, among them being my direct view of the west setting sun and the obstructions this hotel would cause. Also, I am very concerned about any increase in traffic in the Foothill and surrounding area. Already there is enormous congestion at the immediate intersections, not to mention the increased traffic "literally speeding" through my neighborhood to skirt this very congestion! I have small children and have been unable to convince city personnel to increase speed trap patrols, let alone an officer patrol at all. In addition, speed humps have been denied multiple times. God help us all when the next child is injured or killed. Now, are we going to allow additional sprawl (this proposed hotel) in such a congested area when we can't even solve some of the simple issues? I'm only just getting started.....

Please respond with any details, drawings, etc. of this proposed hotel project promptly so that those of us who will be affected might evaluate its' nature in a time frame that allows us to respond constructively.

As you can see, I am very passionate about certain things. I thank you in advance for your prompt reply

layne@msisutah.com

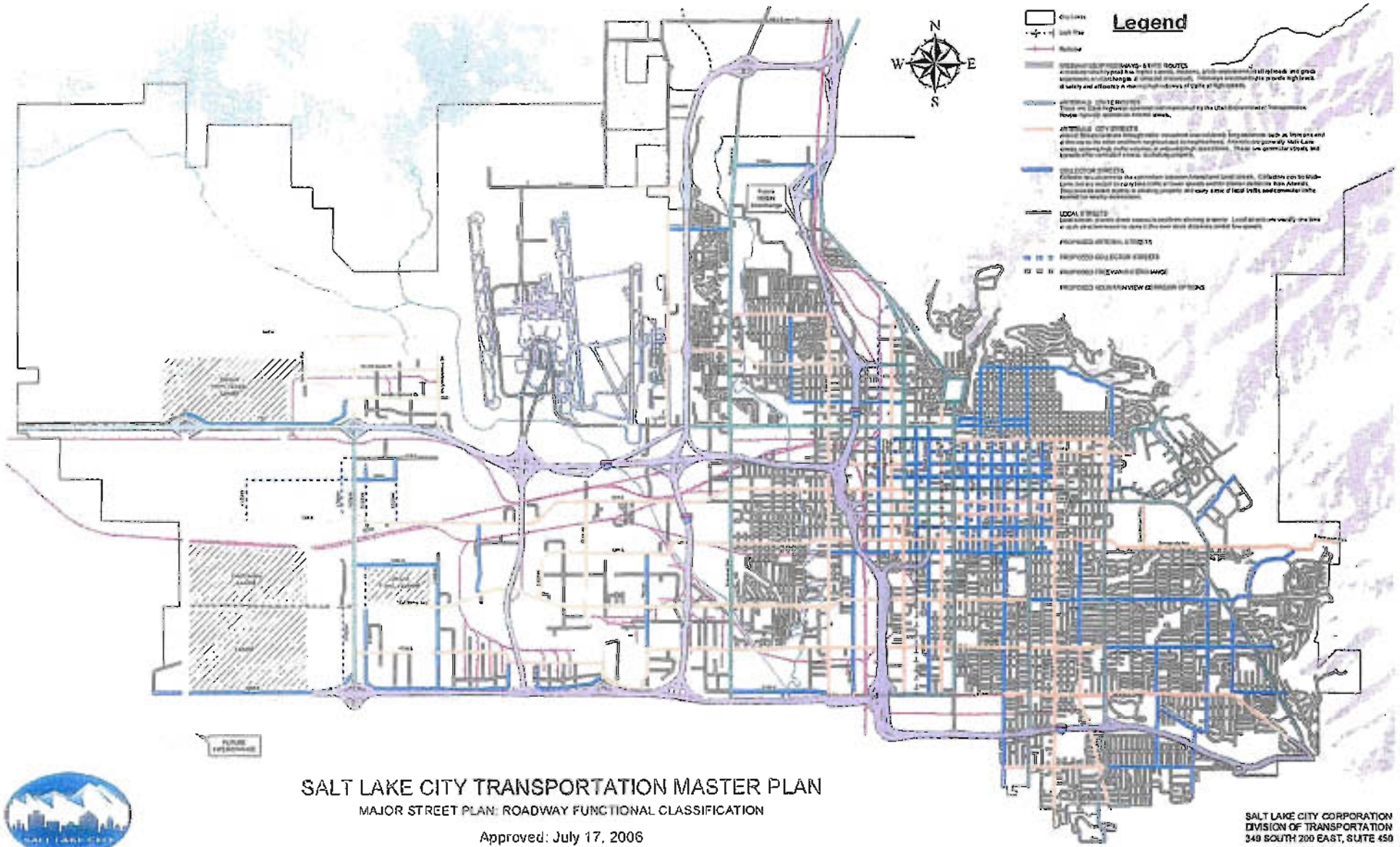
Attachment F
SLC Transportation Plan



Legend

- CB - Community Business Zoning District
- State Route/Highway





SALT LAKE CITY TRANSPORTATION MASTER PLAN

MAJOR STREET PLAN: ROADWAY FUNCTIONAL CLASSIFICATION

Approved: July 17, 2006



SALT LAKE CITY CORPORATION
DIVISION OF TRANSPORTATION
349 SOUTH 200 EAST, SUITE 450
DRAWN BY: K. BELL

Attachment G
Draft Land Use Table

Flea market (indoor)			P	P	P	P	C
Flea market (outdoor)						P	
Funeral home			P	P	P	P	C
Homeless shelter						C	
Hotel or motel		C ⁸		P	P	P	C
House museum in landmark sites (see subsection 21A.24.010T of this title)	C	C	C	C	C	C	C ⁸
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	
Off site parking, as per chapter 21A.44 of this title	C	P	P	P	P	P	C
Offices and reception centers in landmark sites (see subsection 21A.24.010T of this title)	P	P	P	P	P	P	P
Outdoor sales and display		C	C	P	P	P	C
Outdoor storage				C		P	
Outdoor storage, public				C		P	
Park and ride lots		C	C	C	P	P	C
Park and ride, parking shared with existing use		P	P	P	P	P	P
Pet cemeteries ⁴						P	
Precision equipment repair shops				P		P	
Public/private utility buildings and structures ²	p ²	p ²	p ²	p ²	p ²	p ²	p ²
Public/private utility transmission wires, lines, pipes and poles ²	P	P	P	P	P	P	P
Radio, television station			C		P	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	P

Taxicab facilities, dispatching, staging and maintenance						P	
Temporary labor hiring office						P	
Vehicle auction use						P	
Vending carts on private property as per title 5, 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 shall be subject to planned development approval pursuant to the provisions of section [21A.54.150](#) of this title. Certain developments in the CS-HBD zone shall be subject to the conditional building and site design review process pursuant to the provisions of subsection [21A.26.060D](#) of this chapter and chapter 21A.59 of this title.
2. Subject to conformance to the provisions in 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.24.010T](#) of this title and subsection [21A.26.010K](#) of this chapter).
4. Subject to Salt Lake Valley health department approval.
5. Pursuant to the requirements set forth in section [21A.36.140](#) of this title.
6. Subject to location restrictions as per section [21A.36.190](#) of this title.
7. Greater than 3 ambulances at location require a conditional use.
8. Building additions on lots less than 20,000 square feet for office uses may not exceed 50 percent of the building's footprint. Building additions greater than 50 percent of the building's footprint or new office building construction are subject to the conditional uses process.
9. Hotel/Motel are only permitted when abutting a State Route and shall be subject to a conditional use/planned development.

6. Planning Commission Minutes from June 10, 2009

SALT LAKE CITY PLANNING COMMISSION MEETING

In Room 326 of the City & County Building

451 South State Street, Salt Lake City, Utah

Wednesday, June 10, 2009

Present for the Planning Commission meeting were Chair Mary Woodhead and Vice Chair Susie McHugh; Commissioners Michael Gallegos, Angela Dean, Prescott Muir, Michael Fife, Tim Chambless, and Kathleen Hill. Commissioners Matthew Wirthlin, Frank Algarin, and Babs De Lay were excused.

A field trip was held prior to the meeting. Planning Commissioners present were: Tim Chambless, Michael Fife, Kathleen Hill, and Mary Woodhead. Staff members present were: Joel Paterson, Michael Maloy, and Ray Milliner.

A roll is being kept of all who attended the Planning Commission Meeting. Chair Woodhead called the meeting to order at 5:46 p.m. Audio recordings of the Planning Commission meetings are retained in the Planning Office for an indefinite period of time. Planning staff members present at the meeting were: Wilford Sommerkorn, Planning Director; Joel Paterson, Programs Manager; Paul Neilson, City Attorney; Doug Dansie, Senior Planner; Nole Walkingshaw, Senior Planner; Michael Maloy, Principal Planner; Ray Milliner, Principal Planner, and Tami Hansen, Planning Commission Secretary.

7:35:21 PM **Petition PLNPCM2009-00135**—a request by Salt Lake Exchange Accommodations for a text amendment to the Salt Lake City Zoning Ordinance to permit hotel/motel as a conditional use in the Community Business (CB) zoning when abutting State Arterial Streets. The proposed change would allow for the redevelopment of an existing motel located at approximately 1345 and 1355 South Foothill Drive to an 82 room hotel. This project is located in Council District 6, represented by JT Martin. View: [Staff Report](#)

Chair Woodhead recognized Kevin LoPiccolo as staff representative.

Mr. LoPiccolo stated that the applicant was asking that the Commission evaluate the potential of allowing this use, and to then forward a positive recommendation to the City Council. He noted that as stated the proposed text amendment would allow the conditional use as a planned development and the hotel/motel would only be considered along state routes that were in the CB zone. He stated that the subject property is known as the Scenic Motel, to the north was a Red Robin Restaurant and to the south was a dental office and a bank. The proposal would include the demolition of the Scenic Motel as well as the dental office directly to the south. He stated that staff thought that issues with traffic would be less of an impact to the area than other retail uses.

Mr. Sommerkorn stated that this text amendment would affect any area that was currently zoned CB and that was along a State arterial road.

Commissioner Gallegos inquired if a motel was located on the safe passageway leading to or next to a school under this zoning, would comments be requested from the school district.

Mr. LoPiccolo stated that typically that would not be required.

Commissioner Gallegos stated that what he was getting at was would this be a type of business that should be located next to a school.

Mr. LoPiccolo stated that the district would be notified, but staff would not ask the district to provide comments.

Chair Woodhead invited the applicant to the table.

Ms. Darlene Batabe (3316 South Monte Verde Drive) gave a PowerPoint presentation. She stated that she was a development consultant and was representing Salt Lake Exchange Accommodations. The Scenic Motel was a successful locally owned business, which was in need of an upgrade and expansion, and the owner wished to expand by connecting the current parcel with the adjacent Foothill Office Dental parcel into a 1.2 acre site.

She stated that currently the CB zone did not allow a hotel or motel use, so the existing structure was nonconforming, which eliminated the potential of any type of upgrade that was off the existing footprint or an expansion. She stated that the success of the Scenic Motel proved that this was a good use of the site; it was well situated to local businesses, the medical research park, and a major arterial road.

Ms. Batabe stated that the nonconforming status of this site could be approached either through a rezone, which was not the preferred approach for the applicant because it opened the door for a bunch of other allowable uses, some of which were permitted and some conditional that may be more objectionable uses at this site. She stated that the applicant proposed that the zone be modified in a way that allowed this use to become conforming, but also constricted it to appropriate locations.

She stated that this project would meet the parking, landscape, and lighting ordinances and they were exploring "green" and other sustainable design features that could be incorporated into the building. She stated that the hotel could offer shuttles to the airport and hospitals. There were traffic problems on 1300 East due to some improper use of that intersection, but the lighting, height, and traffic would be addressed through the planned development conditional use process.

Ms. Batabe stated that there were possible objections to the hotel proposal: traffic was always going to be an issue because Foothill Drive was a highly used road, the hotel would have reduced driveways off of Foothill Drive, but UDOT still wanted the applicant to get a variance. She stated that they would be back before the Commission for a height modification request; there were some concerns that the site plan would be over built, but this was a business district and a pretty compact hotel layout, located on a high traffic boulevard which was appropriate for this. She stated that they had also complied with the East Bench Master Plan as well as being consistent with adjacent land uses.

Commissioner Chambless stated that this looked like a good proposal, but it was also very compacted and appeared to be in the wrong place given the geographic configuration of the land and where it was located on Foothill Drive.

8:08:14 PM Public Hearing

Chair Woodhead opened the public hearing portion of the petition.

The following people submitted cards or spoke in *support* of the petition: **Kevin Jones** (East Bench Community Chair) stated that the majority of the neighbors support this planned development. He stated that a discussion was held at the April 2009 monthly meeting, which was well attended. He stated that concerns that have been expressed to him from neighbors were individuals that adjoined the property or lived nearby and the primary concern was increased traffic and the architectural design and the fact that the new hotel would be significantly larger than the current Scenic Motel. He stated that the neighbors who supported the project identified the following reasons: the East Bench currently has limited hotel/motel capacity, the Scenic Motel is an aging structure and in need of significant repairs and modifications, the Scenic Motel has a surprising high occupation rate, but has limited capacity; and the motel provides convenient lodging for patients and their families who receive medical attention from nearby hospitals.

Chair Woodhead stated that one of the significant purposes of the CB zone is the integration of businesses with the neighborhood and residential component of that district. She stated that there was a lot of testimony on how this hotel would support the businesses in the area, but she inquired of Mr. Jones how he thought this hotel integrated with the neighborhoods and the residential component.

Mr. Jones stated that a lot of people had expressed to him that if there was not already a motel use in place they might have stronger feelings against this petition, so the question became does one allow an existing motel, which is over 50 years old to stay, or upgrade it to something that is more modern. He stated that since there was a significant business community plus many neighbors in the neighborhood that had guest come to visit, but did not have rooms for them to stay in. He stated that this hotel would be adjacent to their homes so this use would help with that by providing more modestly priced rooms in the area.

Ellen Reddick (Bonneville Hills Community Council) stated that there were traffic issues in the area, but she cannot see how this would really impact that further where as the restaurant Red Robin just opened and had people in and out all day long, where a hotel would be more stationary. She stated she was also representing the Foothill Merchant's Association, and she had met with the Foothill Merchants along with Mark Gardner and all of them were very in favor of this project, it was a unique opportunity to be behind a positive project. Speaking on behalf of the Vest Pocket Business Coalition Ms. Reddick stated that they support the project because it was a locally owned, independent business.

The following people submitted cards or spoke in *opposition* to the petition: **Keith Johnson** (480 Wakara Way) stated he was the general manager at the University Park Marriott. He stated that he welcomed the competition that the Hampton Inn would bring, but he was concerned about the proposed uses because there was a need for affordable short term lodging for patients and their families at the Primary and University Hospitals. He stated that between the Marriott and two other hotels that sit within a mile and a half of those two hospitals, there were already 476 rooms available and another 82 rooms probably would not make that much of an impact. He stated that Chase Suites had a hospital rate specially designed for patients at either one of those hospitals and the hotel was strictly designed for long term stays. The Guest House, which sits on University property and is actually in walking distance to the hospitals also have affordable rates from \$64 to \$74 a night. He stated that the Marriott offered four different packages for patients. He stated that the Hampton Inn would be sitting in the middle of the block and hotel guest on busy Foothill Drive might dart across that busy street, so the safety factor surrounding this development and pedestrians should be more heavily considered.

James Duffin (10692 South 300 East) stated his family owned the block other than this parcel. He stated he and his family were not against commercial development. He stated that the hotel would be too compact for the land and it did not fit this area. Foothill Drive was a major corridor to the City and largely a residential area, except for this small business area and there was just not a need for such a large hotel in this area. He stated that good commercial development builds the community and this was like a boil on the landscape that never heals. **Thomas Duffin** stated that this was a massive monstrosity that the applicant was trying to sandwich in. He stated that he was in favor of business in the area, but just not this hotel this big. He stated that Kevin Jones had already made up his mind on this and would not allow negative public comment and the community council meeting, which was why he was reporting there was none.

Chair Woodhead closed the public hearing.

Ms. Batabe stated that the issues of the site plan development were best left for the conditional use planned development; however, from the street view concept plan that showed the layout of the hotel, it was up to the Commission to decide whether they were squeezing this onto the land. She stated that the real question was in regards to the appropriateness of the use on this site and finding a way to manage it that would restrict the site to some appropriate uses.

Chair Woodhead stated that what she was not hearing was how a hotel/motel addition benefitted the CB district because the zoning definition talked about the integration of the businesses to the residents. She inquired if a hotel/motel use in this zoning district in general integrates with residential districts.

Ms. Batabe stated that it may be very much site specific, which was why the conditional use process was appropriate because this could be labeled as a tabled or permitted use and there may be sites where it was not appropriate to place a hotel/motel in the CB zone. She stated that there was already an existing commercial and transportation infrastructure to support this hotel so it would be appropriate here. She stated that she agreed with Mr. Jones that there did need to be additional space in the area to accommodate guests and relatives.

Commissioner Chambless stated that the proposal was to increase the number of units by 500 percent on this site, and he inquired if the petitioner would simply be willing to accept a doubling of units from 14 to 28.

Ms. Batabe stated that the petition tonight was not regarding the number of rooms and she was only prepared to address the text amendment concept.

Commissioner Hill stated that this use may be site specific, but a proposed text amendment would affect all CB zones.

Mr. Sommerkorn stated that it would, but this petition was proposing that it be limited to State arterial roads.

Commissioner Hill stated she was concerned because there were a lot of State arterial roads that this petition would set a precedent for.

Commissioner Fife stated that the distinction of being next to a State road was not a meaningful differentiator because State roads have a variety of different traffic patterns. He stated that the CB zone was appropriate in this neighborhood as a buffer between the neighborhood and this very busy road, and not having hotels was appropriate in the CB zone because they did not integrate with the neighborhood like a bank, store, or restaurant would. He stated that once this became a conditional use it may have unintended consequences.

Commissioner Muir inquired of Commissioner Chambless if from sitting in on the discussion with the University of Utah and the City involving discussion of mitigating the traffic long term on Foothill Drive if he would share some of that insight.

Commissioner Chambless stated that the traffic issues on Foothill Drive were inherited almost 50 years ago when a decision was made regarding the Northeast Quadrant of the City, and the problem had only gotten worse because of the increased traffic volume. He stated that the University of Utah is the second largest employer in the state and obviously created a lot of traffic and a solution has not been reached except for shuttle buses and lane closures.

Commissioner Muir stated that a possible solution would be greater dependence on public transportation.

Mr. Sommerkorn stated that the Foothill Corridor study was completed a few months ago and reviewed by the Commission and City Council which addressed this issue and offered some solutions.

Commissioner Dean stated that this was obviously a viable business in its current location and it would be fabulous to allow it to continue, improve, and expand; however, she had concerns about amending the zoning ordinance without further information about more specific impacts that it might have whether on a State road or not.

Commissioner Fife stated that the appropriate place to put hotels seemed to be on transit corridors so people could take public transportation up to the hospitals.

8:45:33 PM Motion

Commissioner Hill made a motion regarding Petition PLNPCM2009-00135 that the Planning Commission forwards a negative recommendation to the City Council that the hotel/motel use not be allowed in a Community Business (CB) district when abutting a State route, based on the fact that this might create unintended consequences and limit the ability of the City to deny conditional uses.

Commissioner Gallegos seconded the motion.

Discussion of the motion:

Chair Woodhead stated that she felt it was important that the motion should include the factual basis for the motion.

Commissioner Hill stated that this proposal was in violation of the intent of the CB district is that, *the purpose of that district is intended to provide for the close integration of moderately sized commercial areas with adjacent residential neighborhoods. The design guidelines are intended to facilitate retail that is pedestrian in its orientation and scale, while also acknowledging the importance of transit and automobile access to the site.*

Commissioner Muir stated that an intensive auto-oriented use in an existing challenged corridor exacerbates Factor A, listed in the staff report which read, *whether the proposed amendment is consistent with the purposes, goals, objectives, and policies of the adopted general plan of Salt Lake City*. He stated that these uses would be more appropriate either in existing zones along transit-oriented development or in CB zones should they occur in that corridor. Commissioner Muir stated that in regards to Factor E which reads, *the adequacy of public facilities and services intended to serve the subject property, including but not limited to roadways*. He stated that given the Foothill Corridor Plan that area was obviously under considerable stress and this would contribute to that challenge.

Commissioner Fife stated that this type of business does not relate to the residential areas that it was supposed to be supporting.

Commissioner Hill stated that Factor B read, *whether the proposed amendment is harmonious with the overall character of existing development in the immediate vicinity of the subject property*, which it is not because it is out of scale.

Commissioners Dean, Hill, Fife, Gallegos, Chambless, and Muir voted, "Aye". Vice Chair McHugh voted, "No". The motion passed.

Chair Woodhead announced a small break at 8:50 p.m.

Chair Woodhead reconvened the meeting at 8:58 p.m.

Commissioner Muir recused himself from the meeting.



Zoning Amendment

OFFICE USE ONLY

Application No. PLN/PCM 2009-00135

Date Received: 2/11/09

Reviewed By:

Amend the text of the Zoning Ordinance by amending Section:

21A.26.080 - TABLE OF PERMITTED

Amend the Zoning Map by reclassifying the above property from a zone to a zone. (attach map or legal description)

& CONDITIONAL USES

Address of Subject Property: 1345 & 1355 S. FOOTHILL BLVD.

Name of Applicant: WADE OLSEN

Phone: (801) 487-4201

Address of Applicant: C/O DEE'S INC. 777 E. 2100 SOUTH, SLC UT 84106

E-mail Address of Applicant: wolsen@dees-inc.com Cell/Fax: (801) 232-1199

Applicant's Interest in Subject Property: owner/developer

Name of Property Owner: SALT LAKE EXCHANGE

Phone: (801) 487-4201

ACCOMMODATIONS 324 LLL

E-mail Address of Property Owner: wolsen@dee-inc.com

Cell/Fax: (801) 232-1199

County Tax ("Sidwell #"): 1615129001 & 1610379009

Zoning: CB

Legal Description (if different than tax parcel number):

Existing Property Use:

MOTEL & OFFICE

Proposed Property Use:

HOTEL w/ RETAIL

Please include with the application:

1. A statement of the text amendment or map amendment describing the purpose for the amendment and the exact language, boundaries and zoning district.
2. A complete description of the proposed use of the property where appropriate.
3. Reasons why the present zoning may not be appropriate for the area.
4. The cost of first class postage for each address within 450 feet is due at time of application. Please do not provide postage stamps.
5. Legal description of the property.
6. Six (6) copies of site plans drawn to scale and one (1) 11 x 17 inch reduced copy of each plan and elevation drawing.
7. If applicable, a signed, notarized statement of consent from property owner authorizing applicant to act as agent
8. Filing fee of \$885.92, plus \$110.74 for each acre over one acre and the cost of first class postage is due at time of application.

Notice: Additional information may be required by the project planner to ensure adequate information is provided for staff analysis.

All information submitted as part of the application may be copied and made public including professional architectural or engineering drawings which will be made available to decision makers, public and any interested party.

File the complete application at:

Salt Lake City Buzz Center
PO Box 145471
451 South State Street, Room 215,
Salt Lake City, UT 84114
(801) 535-7700

RECEIVED

FEB 09 2009

BY: [Signature]

Signature of Owner or Agent

[Signature]

Date

2/9/09

SALT LAKE CITY PLANNING

**Zoning Amendment Application for
Proposed Hampton Inn- 1345 and 1355 S. Foothill Blvd.
(Modify CB Zone to Allow Hotel/Motel as a Conditional Use)**

1. Statement of Text Amendment:

This Zoning Amendment request is to modify the Community Business (CB) Zone to permit a Hotel as a Conditional Use. Allowable uses for Commercial Districts are defined in the "Table: "Permitted and Conditional Uses, By District" - Section 21A.26.080 (Page 960-79). Hotel and Motel is already allowed in the CC, CSHBD, and CG zones as a Permitted Use, and as a Conditional Use in the TC-75 zone. The Text Amendment would add the CB zone to commercial districts that allow Hotel or Motel use. To address this proposed Zone Amendment, a "C" (Conditional Use) would be added to this Table under the CB Zone for a Hotel or Motel use. Exhibit A, attached, shows this change. Designating Hotel/Motel as a Conditional Use rather than a Permitted Use provides opportunity for oversight by the Planning Commission and local Community.

2. Complete Description of the Proposed Use:

The proposed development will replace the existing Scenic Motel and adjacent Foothill Dental Office buildings with a new Hampton Inn complex. Preliminary Site Concept Drawings are presented in Exhibit "B". Preliminary designs for the proposed Hotel include about 68,000-sq ft. for 80+ rooms and suites, and lobby/service areas. Approximately 6,000 sq. ft of retail is incorporated into the street-level frontage of the building.

The proposed development will consolidate two parcels into a single 1.28 acre-parcel. Access will be off Foothill Blvd. with a rear exit to 2300 East, reducing the present number of drive approaches onto Foothill Blvd. A Traffic Study is currently underway per UDOT requirement.

A "Planned Development as a Conditional Use" application will be submitted separately for review of the proposed Hotel site plan. As part of the Conditional Use, the owner will request a height variance to accommodate a 3-story structure. The site slopes from 18 feet from the front to rear (west to east), so the proposed hotel will be three stories above-grade along Foothill Drive, but less than two levels above-grade in the rear, along 2300 East. For comparison, some of the retail buildings across the street at Foothill Village are 3 stories.

The site is bordered by retail, commercial, and businesses to the north, south and west along Foothill Blvd., and by the lawn-covered burial grounds of the cemetery to the east (rear), across 2300 East. A single adjacent residence is located to the southeast, across 2300 East, kitty-corner to the site.

3. Reasons why the present zoning may not be appropriate:

The Scenic Motel was constructed in 1946, expanded in 1954, and received a "modern" facade in 1964. The motel is fully booked year around, but the structure is aging, badly in need of modernizing, does not meet new building and safety codes for short-term lodging, and has very limited room capacity.

Although a motel currently occupies the site, the Community Business CB Zone as defined in Table 21A.26.080 does not currently permit a hotel or motel- not as a Permitted or Conditional Use. There is no "grandfathering" or allowance for an existing non-conforming use in this zone designation. That means that under the present zoning, an aging but successful motel cannot be removed and replaced with a larger, more modern structure. It could only be renovated on its existing footprint, which is not economically attractive or feasible due to the limited number of rooms (there are only 14 rooms at the Scenic Motel).

An expanded, upgraded and modern Hotel in this location will meet the challenge of providing affordable short-term lodging to serve patients and their families who must travel to receive medical care at Primary Children's Medical Center, Huntsman Cancer Institute, the University of Utah Hospitals and Clinics, Moran Eye Center, etc. There currently is no modestly-priced short-term lodging in the vicinity of these hospitals and clinics. The site is already within an existing Commercial District, and the proximity of shopping, groceries, dining, and other retail uses, both adjacent and immediately across the street, is advantageous for the proposed hotel use as well as providing an additional economic base for these other businesses. Public transportation is immediately accessible.

The East Bench Master Plan states "Redevelopment or at least renovation of some business properties in the East Bench area is quite likely and is considered the most desirable approach to meeting future business needs in the community.... More efficient use of existing business properties is the preferred approach to meet future business needs". This proposal meets these criteria by removing an aging, undersized, but successful business, and consolidating parcels to allow room for expansion. This is a business use that meets a great need for affordable short-term lodging in the community. Components of the East Bench Master Plan can be more fully addressed as part of the Conditional Use application.

Finally, as stated above, Hotel and Motel use is already allowed in other Commercial District Zones: As a Permitted Use in the CC, CSHBD, and CG zones, and as a Conditional Use in the TC-75 zone. It may simply be an oversight that this use was not included in the CB zone. This Text Amendment would add the CB zone to these commercial districts that allow Hotel or Motel use and allow this use to expand at this site to meet a clear need for short-term lodging

Remarks:

Petition No: **PLNPGM2009-00135**

By: **Wade Olsen**

Zoning Amendment

Date Filed: **02/09/2009**

Address: **1345 & 1355 S Foothill Boulevard**