



# COUNCIL STAFF REPORT

CITY COUNCIL *of* SALT LAKE CITY

**TO:** City Council Members

**FROM:** Nick Tarbet, Policy Analyst

**DATE:** January 6, 2015

**RE: Building Height Amendments for Form  
Based Urban Neighborhood District  
PLNPCM2014-00085**

Council Sponsor: **N/A**

## PROJECT TIMELINE:

Briefing: January 6, 2015

Set Date: January 6, 2015

Public Hearing: Feb 3, 2015

Potential Action: Feb 24, 2015

## [VIEW ADMINISTRATION'S PROPOSAL](#)

### ISSUE AT-A-GLANCE

The Council will be briefed on proposed changes to the City's building height standards in the FB-UN2 Form Based Urban Neighborhood District. The proposal would enable a developer to build a multi-family residential building up to five stories with a maximum height of 65 feet on property located on the northwest corner of 200 West Fayette Avenue (approximately 965 South). Current regulations limit building height to four stories with a maximum height of 50 feet. The petition was initiated by 9<sup>th</sup> Street, LLC.

If the Council adopts the proposed ordinance, the text of 21A.27.050.E2 would be amended to include 200 West at Fayette Avenue in the list of corners that are permitted to build up to five (5) stories / 65 feet.

The Planning Commission unanimously forwarded a favorable recommendation.

### ADDITIONAL INFORMATION

The petitioner is asking to have this corner property included in the text that permits 5 stories/65 ft. He claims that as this area was rezoned in 2013, he was under the impression that this property was included in the list of corners that is permitted the increased height. He was surprised to find out that it had been left out. The petitioner has designed a building for the 65 height and claims that the 65 ft height gave him the "unit density and mix that was needed and allowed me to use the first level of the building to provide parking and amenities for the tenants."

The design standards outlined in the ordinance ([21A.27.050E2](#)) will ensure that the ground level parking will not simply create a blank wall on the street. Some of those standards include:

#### CITY COUNCIL OF SALT LAKE CITY

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CHARLIE LUKE | DISTRICT 6 | COUNCIL CHAIR || LUKE GARROTT | DISTRICT 4 | COUNCIL VICE CHAIR || JAMES ROGERS | DISTRICT 1 ||  
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- Minimum of 1 building entry per street frontage. An additional entry feature is required for every 75' of building wall adjacent to street. Side entries for multiple dwelling unit buildings are permitted provided there is at least 1 primary entrance facing a public street.
- Pedestrian access to public walkway is required for each unit.
- Minimum of 60% of street facing facade, located between 2' and 8' above the grade of the sidewalk, shall be transparent glass.
- A minimum of 70% of any street facing building facade shall be clad in glass, brick, masonry, textured or patterned concrete, wood, or stone. Other materials may count up to 30% of the street facing building facade.
- Attached garages and carports are required to be in the rear yard where the rear yard is accessible by an alley with access rights to the subject property. If there is no access to the rear yard, an attached garage may be accessed from the front or corner side yard provided that the garage door (or doors) is no wider than 50% of the front facade of the structure and the entry to the garage is set back at least 10' from the street facing building facade and at least 20' from a public sidewalk. Side loaded garages are permitted.

On December 10, 2013, the Council adopted an ordinance creating the form-based zoning district, FB-Un-1 and FB-UN-2 for the West Temple Gateway area (Ordinance 75 of 2013).

According to the City's Ordinance, the intent of the FB-Un-2 district is to:

provide zoning regulations that focus on the form of development, the manner in which buildings are oriented towards public spaces, the scale of development, and the interaction of uses within the city. Form based districts provide places for people to live, work, and play within a close proximity. Regulations within form based districts place emphasis on the built environment over land use.

The specific purpose of the FB-UN2, as outlined in the City's zoning ordinance is:

generally includes buildings up to 4 stories in height, with taller buildings located on street corner parcels, which may contain a single use or a mix of commercial, office, and residential uses. Development regulations are based on building type, with the overall scale, form, and orientation of buildings as the primary focus.

## Key Issues

The Administration's Transmittal notes four issues that have been considered during the evaluation of this proposal. **See pages 2 – 3 for details.**

**Some members of the community have said that the development is not “in the best interest of the** surrounding properties and expressed specific concerns about the request for additional height on this property (Current zoning permits the applicant to build up to four (4) stories / 50 ft).

The Ball Park Community Council held a public meeting on March 6, 2014 to consider the proposal. According to the transmittal, Planning received a written response from the Community Council Chair noting that 2/3 of the attendees opposed the request for additional height. (The number of attendees was not included.)

## Attachments

- |                                   |                                   |
|-----------------------------------|-----------------------------------|
| • Vicinity Map                    | <b>Page 43 of the transmittal</b> |
| • Site Plan                       | <b>Page 44 of the transmittal</b> |
| • Map of FB-UN-2 Building Heights | <b>Page 51 of the transmittal</b> |

**FB-UN2 Building Form Standards ([21A.27.050.E](#))**

Building Regulation		Building Form				
		Cottage Development <sup>1</sup>	Row House	Multi-Family Residential	Mixed Use	Storefront
Building height and placement:						
H	Height	2.5 stories, 30' maximum from established grade	4 stories with a maximum of 50'. 5 stories with a maximum of 65' on parcels located on the corners of West Temple at 800 or 900 South, 200 West at 700, 800 or 900 South, and 300 West at 800 or 900 South. All heights measured from established grade			
F	Front and corner side yard setback	No minimum Maximum 10'				
B	Required build-to	Minimum of 50% of street facing facade shall be built to the minimum setback line				
S	Interior side yard	Minimum of 15' along a side property line adjacent to FB-UN1, otherwise 4' setback required. Parcels separated by an alley are not considered adjacent		Minimum of 15' along a side property line adjacent to FB-UN1, otherwise no setback required. Parcels separated by an alley are not considered adjacent		
R	Rear yard	Minimum of 25' when rear yard is adjacent to FB-UN1 otherwise no setback required. Parcels separated by an alley are not considered adjacent		Minimum of 20' when rear yard is adjacent to FB-UN1		
U	Upper level step back	When adjacent to lot in the FB-UN1, buildings shall be stepped back 1 additional foot for every foot of building height above 35'. When a parcel in the FB-UN2 district is separated from a parcel in the FB-UN1 district by an alley, the width of the alley may be counted toward the upper level step back				
L	Minimum lot size	4,000 sq. ft.; not to be used to calculate density	1,500 sq. ft.; not to be used to calculate density	4,000 sq. ft.; not to be used to calculate density		
W	Minimum lot width	15' per unit facing a street. Side orientation allowed provided building configuration standards are complied with		30'		
DU	Dwelling	1 per cottage	Minimum	No minimum or maximum		

	units per building form		of 3; maximum of 5			
BF	Number of building forms per lot	1 cottage for every 1,000 sq. ft. of lot area	1 building form permitted for every 1,000 sq. ft. of lot area	1 building form permitted for every 4,000 sq. ft. of lot area		
Parking:						
	Surface parking in front and corner side yards	Not permitted				
	Vehicle access	If off street parking is provided, vehicle access from an alley is required when property is served by a public or private alley with access rights. Vehicle access from street is only permitted when no alley access exists. If pull through parking is required by fire or other code, ingress shall be from street and egress onto alley		If property is less than 30' wide, vehicle access from an alley is required when property is served by a public or private alley with access rights. If no alley access exists, only 1 vehicle access point from a street may be permitted  If property is 30' wide or more, only 1 vehicle access point from a street may be permitted. If property is served by a public or private alley, ingress shall be from street and egress onto alley unless otherwise permitted by this section  Corner lots with a minimum width of 120', may have 1 vehicle access point per street frontage. Vehicle access may be one-way or multi-directional		
	Vehicle access width at street	When a one-way vehicle drive is included in a development, no vehicle drive or curb cut may exceed 12' in width. When a multi-directional vehicle drive is included, a curb cut may not exceed 24' in width				
	Vehicle access from street design standards	If vehicle access is from a street, the following additional design standards shall apply: garage entry shall have a minimum 20' setback from property line; garage entry may not exceed 50% of first floor building width; one-way garage entry may not exceed 14' in width; multiway garage entry may not exceed 26' in width; garage door or gate shall be constructed of durable building materials and compatible with building design				
	Driveway location	The minimum distance between curb cuts shall be 12'. Driveways shall be at least 6' from abutting property lines for a depth of 10' unless shared. Driveways shall be at least 12' from property lines adjacent to a street corner or 5' from the point of tangency of the curb return, whichever is greater. Abandoned curb cuts shall be removed and replaced with city				

		standard curb			
	Vehicle access and parking compliance	All new drive approaches, driveways, and parking lots shall comply with form based urban neighborhood regulations, and all other applicable sections of this code. Existing drive approaches, driveways, and parking lots shall be made compliant with form based urban neighborhood regulations upon change of use, increase in parking, or building additions greater than 25% of the footprint of the structure or 1,000 sq. ft., whichever is less			
	Parking on separate lots	Parking may be provided on an adjacent lot, or in a common area associated with the development, or within 500' of the property. If located on an adjacent parcel or on a parcel within 500', the proposed location of the parking shall contain a principal building and the parking shall be located behind a principal building			
Building configuration:					
	Building entry	Minimum of 1 building entry per street frontage. An additional entry feature is required for every 75' of building wall adjacent to street. Side entries for multiple dwelling unit buildings are permitted provided there is at least 1 primary entrance facing a public street			
	Pedestrian connections	Pedestrian access to public walkway is required for each unit		Pedestrian access to public walkway is required	
	Ground floor transparency	Minimum of 60% of street facing facade, located between 2' and 8' above the grade of the sidewalk, shall be transparent glass. This may be reduced to 30% if ground floor is occupied by residential uses			
	Building fenestration	Required as per subsection F of this section			
	Open space	A minimum of 10% of lot area shall be provided for open space. Open space may include landscaped yards, patios, dining areas, balconies, rooftop gardens, and other similar outdoor living spaces. Required parking lot landscaping or perimeter parking lot landscaping shall not count toward the minimum open space requirement			
	Upper level outdoor space	All street facing residential units above the ground floor shall contain a usable balcony that is a minimum of 4' in depth. Balconies may overhang any required yard			
	Building facade materials	A minimum of 70% of any street facing building facade shall be clad in glass, brick, masonry, textured or patterned concrete, wood, or stone. Other materials may count up to 30% of the street facing building facade			
	Attached garages and carports	Attached garages and carports are required to be in the rear yard where the rear yard is accessible by an alley with access rights to the subject property. If there is no access to the rear yard, an attached garage may be accessed from the front or corner side yard provided that the garage door (or doors) is no wider than 50% of the front facade of the structure and the entry to			

		the garage is set back at least 10' from the street facing building facade and at least 20' from a public sidewalk. Side loaded garages are permitted
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CC: David Everitt, Jill Love, Karen Hale, Art Raymond, Holly Hilton, Mary De La Mare-Schafer, Cheri Coffey, Nick Norris, Michaela Oktay, Michael Maloy, Orion Goff, Les Koch, Larry Butcher, Margaret Plane, Paul Nielson, City Council Liaisons, Mayors Liaisons

File Location: Community and Economic Development Dept., Planning Division, Text Amendment, Form Based Urban Neighborhood District, Height Amendment, 200 West Fayette Avenue

**SALT LAKE CITY CORPORATION**

ERIC D. SHAW  
DIRECTOR

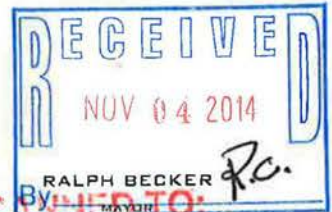
DEPARTMENT OF COMMUNITY & ECONOMIC DEVELOPMENT  
OFFICE OF THE DIRECTOR  
**CITY COUNCIL TRANSMITTAL**

MARY DE LA MARE-SCHAEFER  
DEPUTY DIRECTOR

  
David Everitt, Chief of Staff

Date Received: 11/4/2014

Date Sent to City Council: 11/7/2014

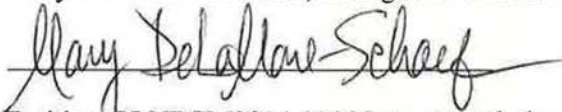


SCANNED TO:  
SCANNED BY: Rachel  
DATE: 11-4-14

**TO:** Salt Lake City Council  
Charlie Luke, Chair

**DATE:** \_\_\_\_\_

**FROM:** Mary DeLaMare-Schaefer, Acting CED Director



**SUBJECT:** Petition PLNPCM2014-00085 to amend the Form Based Urban Neighborhood District ordinance to increase building height on the northwest corner of 200 West and Fayette Avenue. The proposed regulation changes will affect Table 21A.27.050.E of the zoning ordinance.

**STAFF CONTACTS:** Michael Maloy AICP, Principal Planner  
(801) 535-7118 or michael.maloy@slcgov.com

**COUNCIL SPONSOR:** Exempt

**DOCUMENT TYPE:** Ordinance

**RECOMMENDATION:** That the City Council adopts the Planning Commission's recommendation to approve the zoning amendment.

**BUDGET IMPACT:** None

**BACKGROUND/DISCUSSION:**

The applicant, Michael Allred, submitted a petition to amend Table 21A.27.050E2 entitled FB-UN2 Building Form Standards of the Zoning Title (see underlined text below):

**Table 21A.27.050E2 FB-UN2 Building Form Standards**

Building	Building Form				
Building Height and	Cottage Development	Row House	Multi-Family	Mixed Use	Storefront
Height	2.5 stories, 30 feet maximum from established grade	4 stories with a maximum of 50 feet. 5 stories with a maximum of 65 feet on parcels located on the corners of West Temple at 800 or 900 South, 200 West at 700, 800 or 900 South, <u>200 West at Fayette Avenue</u> , and 300 West at 800 or 900 South. All heights measured from established grade			

451 SOUTH STATE STREET, ROOM 404

P.O. BOX 145486, SALT LAKE CITY, UTAH 84114-5486

Petition PLNPCM2014-00085 Form Based Urban Neighborhood Amendment  
TELEPHONE: 801-535-6230 FAX: 801-535-6005  
WWW.SLCGOV.COM/CED



## Back to Staff Report

The purpose of the amendment is to facilitate development of private property located on the northwest corner of 200 West and Fayette Avenue. The applicant, 9<sup>th</sup> Street LLC, currently owns four contiguous parcels—970 S, 966 S, 964 S, and 956 S 200 West—that contain approximately 0.54 of an acre (when combined). The applicant intends to consolidate the parcels for a multi-family residential development. It should be noted that the applicant does not own or control 216 W Fayette Avenue, which is located immediately west of the subject property.

As per Section 21A.50.050 a decision to amend the text of the Zoning title by general amendment is a matter committed to the legislative discretion of the City Council and is not controlled by any one standard. In making a decision concerning a proposed text amendment, the City Council should consider the following:

Factor	Finding	Rationale
Whether a proposed text amendment is consistent with the purposes, goals, objectives, and policies of the city as stated through its various adopted planning documents;	The proposed text amendment is consistent with the purposes, goals, objectives and policies of the City.	Proposed text amendment: 1) expands housing stock, 2) promotes residential development downtown, and 3) encourages use of mass transit to improve air quality, all of which are consistent with policies described in the 1995 <i>Downtown Master Plan</i> .
Whether a proposed text amendment furthers the specific purpose statements of the zoning ordinance;	The proposed text amendment furthers the specific purpose statements of the zoning ordinance.	Through appropriate design regulations contained within the Form Based Urban Neighborhood (FB-UN2) District, the proposed amendment will facilitate development in compliance with the purpose statement of the applicable zoning ordinance.
Whether a proposed text amendment is consistent with the purposes and provisions of any applicable overlay zoning districts which may impose additional standards;	Not applicable.	No overlay zoning districts exist for the property impacted by the proposed zoning amendment.
The extent to which a proposed text amendment implements best current, professional practices of urban planning and design.	The proposed text amendment does implement best current, professional practices of urban planning and design.	The proposed amendment is consistent with the <i>Urban Design Element of the Salt Lake City Master Plan</i> and the 1995 <i>Downtown Master Plan</i> .

Key issues or public concerns that arose while processing the petition have been summarized below:

**Issue 1 Building Height.** An attendee at the March 6, 2014, Ball Park Community Council meeting said, “This particular spot has been impacted by over-scaled buildings and we don’t need to see more of the same.” Although the neighborhood does contain multi-story residential and mixed use structures, none have been developed under the recently adopted Form Based Urban Neighborhood District ordinance, which includes additional design and land use regulations that improve compatibility. Staff also finds the proposed building height is consistent with the *Urban Design Element of the Salt Lake City Master Plan*.



**Issue 2 Undesirable Development.** During the Ball Park Community Council meeting held on March 6, 2014, a resident stated that the proposed multi-family development project is not “in the best interest of the other residents and property owners.” The applicant is permitted by the FB-UN2 District to construct a 50 foot tall building that contains up to 4 stories. Whether the proposal is approved or denied will not impact potential land use, architectural style, or number of dwelling units (because the FB-UN2 District does not limit density). Only the number of floors and building height will be impacted by a decision to approve or deny the proposal. Consideration of the proposed amendment must not be influenced by concerns with the land use or architectural style of the conceptual development plan.

**Issue 3 Plan Compliance.** Within the 1995 *Downtown Master Plan*, the following policies support the proposed amendment:

**Public Investment Infrastructure**

PI-2 Expand Housing Stock: Promote residential development downtown (page 7).

**Natural Environment/Compatibility**

NC-3 Encourage Mass Transit to Improve Air Quality: Encourage a densely developed Downtown readily accessible by transit (page 11).

**Issue 4 Zoning Compliance.** City Code 21A.27.050.C1a describes the FB-UN2 District as a form based sub-district that “generally includes buildings up to four (4) stories in height, with taller buildings located on street corner parcels,” which the proposed amendment achieves.

**PUBLIC PROCESS:**

As stated previously, the Ball Park Community Council advertised and conducted a public meeting on March 6, 2014 to hear and consider the proposal. On April 17, 2014, the Planning Division received a written response from Elke Phillips, Ball Park Community Council Chair, which noted 2/3 of attendees opposed the request for additional building height.

The Planning Commission held a public hearing on May 28, 2014 to review and discuss the petition. No one from the public spoke for or against the petition during the hearing. Following the hearing, the Planning Commission passed a motion to transmit a favorable recommendation to the City Council relating to Petition PLNPCM2014-00085 Master Plan Amendment to amend the Form Based Urban Neighborhood Districts ordinance to allow one additional story and up to 15 additional feet of building height for street corner parcels adjacent to the intersection of Fayette Avenue (approximately 975 South) and 200 West. The vote was unanimous.

**RELEVANT ORDINANCES:**

Amendments to the Zoning Title 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 four standards, which should be analyzed prior to amending the zoning ordinance (Section 21A.50.050A). The standards are discussed in detail on page 5 of the May 28, 2014, Planning Commission Staff Report.

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## **1. PROJECT CHRONOLOGY**

## **Project Chronology**

### **PLNPCM2014-00085 Zoning Amendment**

February, 20, 2014	Applicant submitted Zoning Amendment petition to Salt Lake City for consideration
February 25, 2014	Routed petition to applicable Salt Lake City Departments and Divisions for review
March 6, 2014	Applicant presented petition to Ball Park Community Council for review and discussion
May 15, 2014	Planning Division published Planning Commission agenda for May 28, 2014 meeting
May 17, 2014	Newspaper notice of Planning Commission public hearing published in Salt Lake Tribune and Deseret News
May 22, 2014	Planning Division published Planning Commission Staff Report
May 28, 2014	Planning Commission conducted a public hearing and voted 8-0 to transmit a positive recommendation of the proposal to the City Council
June 11, 2014	Planning Commission approved minutes for May 28, 2014 meeting
July 3, 2014	Received draft ordinance from Salt Lake City Attorney

## **2. ORDINANCE**

SALT LAKE CITY ORDINANCE

No. \_\_\_\_ of 2014

(An ordinance amending Section 21A.27.050.E.2 of the *Salt Lake City Code* pertaining to building height standards in the FB-UN2 Form Based Urban Neighborhood District)

An ordinance amending Section 21A.27.050.E.2 (Zoning: Form Based Districts: FB-UN1 and FB-UN2 Form Based Urban Neighborhood District: Form Regulations) of the *Salt Lake City Code* pursuant to Petition No. PLNPCM2014-00085 to allow additional building height on a corner parcel adjacent to the intersection of 200 West and Fayette Avenue in the FB-UN2 Form Based Urban Neighborhood District.

WHEREAS, the Salt Lake City Planning Commission held a public hearing on May 28, 2014 to consider a request made by Michael Allred (Petition No. PLNPCM2014-00085) to amend Section 21A.27.050.E.2 to allow additional building height on a corner parcel adjacent to the intersection of 200 West and Fayette Avenue in the Form Based Urban Neighborhood FB-UN2 District; and

WHEREAS, at its March 28, 2014 hearing, the planning commission voted in favor of recommending to the Salt Lake City Council that the city council amend the section of the *Salt Lake City Code* identified herein;

WHEREAS, after a public hearing on this matter the city council has determined that adopting this 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 text of Salt Lake City Code Section 21A.27.050.E.2. That Section 21A.27.050.E.2 of the *Salt Lake City Code* (Zoning: Form Based Districts: FB-UN1 and FB-UN2 Form Based Urban Neighborhood District: Form Regulations), shall be, and hereby is, amended to read as follows:

2. Form Regulations: The building form standards are listed in table 21A.27.050E1, "FB-UN1 Building Form Standards" and table 21A.27.050E2, "FB-UN2 Building Form Standards", of this section. Building form standards apply to all new buildings and additions that are greater than twenty five percent (25%) of the footprint of the structure or one thousand (1,000) square feet, whichever is less. Refer to subsection F of this section for more information on how to comply with the building configuration standards. The graphics included provide a visual representation of the standards as a guide and are not meant to supersede the standards in the tables.

TABLE 21A.27.050E2  
FB-UN2 BUILDING FORM STANDARDS

Building Regulation		Building Form				
		Cottage Development <sup>1</sup>	Row House	Multi-Family Residential	Mixed Use	Storefront
Building height and placement:						
H	Height	2.5 stories, 30' maximum from established grade	4 stories with a maximum of 50'. 5 stories with a maximum of 65' on parcels located on the corners of West Temple at 800 or 900 South, 200 West at 700, 800 or 900 South, <u>200 West at Fayette Avenue</u> , and 300 West at 800 or 900 South. All heights measured from established grade			
F	Front and corner side yard setback	No minimum Maximum 10'				
B	Required build-to	Minimum of 50% of street facing facade shall be built to the minimum setback line				
S	Interior side yard	Minimum of 15' along a side property line adjacent to FB-UN1, otherwise 4' setback required. Parcels separated by an alley are not considered adjacent		Minimum of 15' along a side property line adjacent to FB-UN1, otherwise no setback required. Parcels separated by an alley are not considered adjacent		
R	Rear yard	Minimum of 25' when rear yard is adjacent to FB-UN1 otherwise no setback required. Parcels separated by an alley are not considered adjacent		Minimum of 20' when rear yard is adjacent to FB-UN1		



U	Upper level step back	When adjacent to lot in the FB-UN1, buildings shall be stepped back 1 additional foot for every foot of building height above 35'. When a parcel in the FB-UN2 district is separated from a parcel in the FB-UN1 district by an alley, the width of the alley may be counted toward the upper level step back			
L	Minimum lot size	4,000 sq. ft.; not to be used to calculate density	1,500 sq. ft.; not to be used to calculate density	4,000 sq. ft.; not to be used to calculate density	
W	Minimum lot width	15' per unit facing a street. Side orientation allowed provided building configuration standards are complied with		30'	
DU	Dwelling units per building form	1 per cottage	Minimum of 3; maximum of 5	No minimum or maximum	
BF	Number of building forms per lot	1 cottage for every 1,000 sq. ft. of lot area	1 building form permitted for every 1,000 sq. ft. of lot area	1 building form permitted for every 4,000 sq. ft. of lot area	
Parking:					
	Surface parking in front and corner side yards	Not permitted			
	Vehicle access	If off street parking is provided, vehicle access from an alley is required when property is served by a public or private alley with access rights. Vehicle access from street is only permitted when no alley access exists. If pull		If property is less than 30' wide, vehicle access from an alley is required when property is served by a public or private alley with access rights. If no alley access exists, only 1 vehicle access point from a street may be permitted  If property is 30' wide or more,	

		<p>through parking is required by fire or other code, ingress shall be from street and egress onto alley</p> <p>only 1 vehicle access point from a street may be permitted. If property is served by a public or private alley, ingress shall be from street and egress onto alley unless otherwise permitted by this section</p> <p>Corner lots with a minimum width of 120', may have 1 vehicle access point per street frontage. Vehicle access may be one-way or multi-directional</p>
	Vehicle access width at street	When a one-way vehicle drive is included in a development, no vehicle drive or curb cut may exceed 12' in width. When a multi-directional vehicle drive is included, a curb cut may not exceed 24' in width
	Vehicle access from street design standards	If vehicle access is from a street, the following additional design standards shall apply: garage entry shall have a minimum 20' setback from property line; garage entry may not exceed 50% of first floor building width; one-way garage entry may not exceed 14' in width; multiway garage entry may not exceed 26' in width; garage door or gate shall be constructed of durable building materials and compatible with building design
	Driveway location	The minimum distance between curb cuts shall be 12'. Driveways shall be at least 6' from abutting property lines for a depth of 10' unless shared. Driveways shall be at least 12' from property lines adjacent to a street corner or 5' from the point of tangency of the curb return, whichever is greater. Abandoned curb cuts shall be removed and replaced with city standard curb
	Vehicle access and parking compliance	All new drive approaches, driveways, and parking lots shall comply with form based urban neighborhood regulations, and all other applicable sections of this code. Existing drive approaches, driveways, and parking lots shall be made compliant with form based urban neighborhood regulations upon change of use, increase in parking, or building additions greater than 25% of the footprint of the structure or 1,000 sq. ft., whichever is less
	Parking on separate lots	Parking may be provided on an adjacent lot, or in a common area associated with the development, or within 500' of the

		property. If located on an adjacent parcel or on a parcel within 500', the proposed location of the parking shall contain a principal building and the parking shall be located behind a principal building			
Building configuration:					
	Building entry	Minimum of 1 building entry per street frontage. An additional entry feature is required for every 75' of building wall adjacent to street. Side entries for multiple dwelling unit buildings are permitted provided there is at least 1 primary entrance facing a public street			
	Pedestrian connections	Pedestrian access to public walkway is required for each unit		Pedestrian access to public walkway is required	
	Ground floor transparency	Minimum of 60% of street facing facade, located between 2' and 8' above the grade of the sidewalk, shall be transparent glass. This may be reduced to 30% if ground floor is occupied by residential uses			
	Building fenestration	Required as per subsection F of this section			
	Open space	A minimum of 10% of lot area shall be provided for open space. Open space may include landscaped yards, patios, dining areas, balconies, rooftop gardens, and other similar outdoor living spaces. Required parking lot landscaping or perimeter parking lot landscaping shall not count toward the minimum open space requirement			
	Upper level outdoor space	All street facing residential units above the ground floor shall contain a usable balcony that is a minimum of 4' in depth. Balconies may overhang any required yard			
	Building facade materials	A minimum of 70% of any street facing building facade shall be clad in glass, brick, masonry, textured or patterned concrete, wood, or stone. Other materials may count up to 30% of the street facing building facade			
	Attached garages and carports	Attached garages and carports are required to be in the rear yard where the rear yard is accessible by an alley with access rights to the subject property. If there is no access to the rear yard, an attached garage may be accessed from the front or corner side yard provided that the garage door (or doors) is no wider than 50% of the front facade of the structure and the entry to the garage is set back at least 10' from the street facing			

		building facade and at least 20' from a public sidewalk. Side loaded garages are permitted
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Note:

1. See subsection G of this section for additional standards.

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 \_\_\_\_\_, 2014.

\_\_\_\_\_  
CHAIRPERSON

ATTEST AND COUNTERSIGN:

\_\_\_\_\_  
CITY RECORDER

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

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

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY RECORDER

(SEAL)

Bill No. \_\_\_\_\_ of 2014.

Published: \_\_\_\_\_.

SALT LAKE CITY ORDINANCE

No. \_\_\_\_\_ of 2014

(An ordinance amending Section 21A.27.050.E.2 of the *Salt Lake City Code* pertaining to building height standards in the FB-UN2 Form Based Urban Neighborhood District)

An ordinance amending Section 21A.27.050.E.2 (Zoning: Form Based Districts: FB-UN1 and FB-UN2 Form Based Urban Neighborhood District: Form Regulations) of the *Salt Lake City Code* pursuant to Petition No. PLNPCM2014-00085 to allow additional building height on a corner parcel adjacent to the intersection of 200 West and Fayette Avenue in the FB-UN2 Form Based Urban Neighborhood District.

WHEREAS, the Salt Lake City Planning Commission held a public hearing on May 28, 2014 to consider a request made by Michael Allred (Petition No. PLNPCM2014-00085) to amend Section 21A.27.050.E.2 to allow additional building height on a corner parcel adjacent to the intersection of 200 West and Fayette Avenue in the Form Based Urban Neighborhood FB-UN2 District; and

WHEREAS, at its March 28, 2014 hearing, the planning commission voted in favor of recommending to the Salt Lake City Council that the city council amend the section of the *Salt Lake City Code* identified herein;

WHEREAS, after a public hearing on this matter the city council has determined that adopting this 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 text of *Salt Lake City Code* Section 21A.27.050.E.2. That Section 21A.27.050.E.2 of the *Salt Lake City Code* (Zoning: Form Based Districts: FB-UN1 and FB-UN2 Form Based Urban Neighborhood District: Form Regulations), shall be, and hereby is, amended to read as follows:

2. Form Regulations: The building form standards are listed in table 21A.27.050E1, "FB-UN1 Building Form Standards" and table 21A.27.050E2, "FB-UN2 Building Form Standards", of this section. Building form standards apply to all new buildings and additions that are greater than twenty five percent (25%) of the footprint of the structure or one thousand (1,000) square feet, whichever is less. Refer to subsection F of this section for more information on how to comply with the building configuration standards. The graphics included provide a visual representation of the standards as a guide and are not meant to supersede the standards in the tables.

TABLE 21A.27.050E2  
FB-UN2 BUILDING FORM STANDARDS

Building Regulation		Building Form				
		Cottage Development <sup>1</sup>	Row House	Multi-Family Residential	Mixed Use	Storefront
Building height and placement:						
H	Height	2.5 stories, 30' maximum from established grade	4 stories with a maximum of 50'. 5 stories with a maximum of 65' on parcels located on the corners of West Temple at 800 or 900 South, 200 West at 700, 800 or 900 South, 200 West at Fayette Avenue, and 300 West at 800 or 900 South. All heights measured from established grade			
F	Front and corner side yard setback	No minimum Maximum 10'				
B	Required build-to	Minimum of 50% of street facing facade shall be built to the minimum setback line				
S	Interior side yard	Minimum of 15' along a side property line adjacent to FB-UN1, otherwise 4' setback required. Parcels separated by an alley are not considered adjacent		Minimum of 15' along a side property line adjacent to FB-UN1, otherwise no setback required. Parcels separated by an alley are not considered adjacent		
R	Rear yard	Minimum of 25' when rear yard is adjacent to FB-UN1 otherwise no setback required. Parcels separated by an alley are not considered adjacent		Minimum of 20' when rear yard is adjacent to FB-UN1		

U	Upper level step back	When adjacent to lot in the FB-UN1, buildings shall be stepped back 1 additional foot for every foot of building height above 35'. When a parcel in the FB-UN2 district is separated from a parcel in the FB-UN1 district by an alley, the width of the alley may be counted toward the upper level step back			
L	Minimum lot size	4,000 sq. ft.; not to be used to calculate density	1,500 sq. ft.; not to be used to calculate density	4,000 sq. ft.; not to be used to calculate density	
W	Minimum lot width	15' per unit facing a street. Side orientation allowed provided building configuration standards are complied with		30'	
DU	Dwelling units per building form	1 per cottage	Minimum of 3; maximum of 5	No minimum or maximum	
BF	Number of building forms per lot	1 cottage for every 1,000 sq. ft. of lot area	1 building form permitted for every 1,000 sq. ft. of lot area	1 building form permitted for every 4,000 sq. ft. of lot area	
Parking:					
	Surface parking in front and corner side yards	Not permitted			
	Vehicle access	If off street parking is provided, vehicle access from an alley is required when property is served by a public or private alley with access rights. Vehicle access from street is only permitted when no alley access exists. If pull		If property is less than 30' wide, vehicle access from an alley is required when property is served by a public or private alley with access rights. If no alley access exists, only 1 vehicle access point from a street may be permitted  If property is 30' wide or more,	



		<p>through parking is required by fire or other code, ingress shall be from street and egress onto alley</p> <p>only 1 vehicle access point from a street may be permitted. If property is served by a public or private alley, ingress shall be from street and egress onto alley unless otherwise permitted by this section</p> <p>Corner lots with a minimum width of 120', may have 1 vehicle access point per street frontage. Vehicle access may be one-way or multi-directional</p>
	Vehicle access width at street	When a one-way vehicle drive is included in a development, no vehicle drive or curb cut may exceed 12' in width. When a multi-directional vehicle drive is included, a curb cut may not exceed 24' in width
	Vehicle access from street design standards	If vehicle access is from a street, the following additional design standards shall apply: garage entry shall have a minimum 20' setback from property line; garage entry may not exceed 50% of first floor building width; one-way garage entry may not exceed 14' in width; multiway garage entry may not exceed 26' in width; garage door or gate shall be constructed of durable building materials and compatible with building design
	Driveway location	The minimum distance between curb cuts shall be 12'. Driveways shall be at least 6' from abutting property lines for a depth of 10' unless shared. Driveways shall be at least 12' from property lines adjacent to a street corner or 5' from the point of tangency of the curb return, whichever is greater. Abandoned curb cuts shall be removed and replaced with city standard curb
	Vehicle access and parking compliance	All new drive approaches, driveways, and parking lots shall comply with form based urban neighborhood regulations, and all other applicable sections of this code. Existing drive approaches, driveways, and parking lots shall be made compliant with form based urban neighborhood regulations upon change of use, increase in parking, or building additions greater than 25% of the footprint of the structure or 1,000 sq. ft., whichever is less
	Parking on separate lots	Parking may be provided on an adjacent lot, or in a common area associated with the development, or within 500' of the

		property. If located on an adjacent parcel or on a parcel within 500', the proposed location of the parking shall contain a principal building and the parking shall be located behind a principal building			
Building configuration:					
	Building entry	Minimum of 1 building entry per street frontage. An additional entry feature is required for every 75' of building wall adjacent to street. Side entries for multiple dwelling unit buildings are permitted provided there is at least 1 primary entrance facing a public street			
	Pedestrian connections	Pedestrian access to public walkway is required for each unit		Pedestrian access to public walkway is required	
	Ground floor transparency	Minimum of 60% of street facing facade, located between 2' and 8' above the grade of the sidewalk, shall be transparent glass. This may be reduced to 30% if ground floor is occupied by residential uses			
	Building fenestration	Required as per subsection F of this section			
	Open space	A minimum of 10% of lot area shall be provided for open space. Open space may include landscaped yards, patios, dining areas, balconies, rooftop gardens, and other similar outdoor living spaces. Required parking lot landscaping or perimeter parking lot landscaping shall not count toward the minimum open space requirement			
	Upper level outdoor space	All street facing residential units above the ground floor shall contain a usable balcony that is a minimum of 4' in depth. Balconies may overhang any required yard			
	Building facade materials	A minimum of 70% of any street facing building facade shall be clad in glass, brick, masonry, textured or patterned concrete, wood, or stone. Other materials may count up to 30% of the street facing building facade			
	Attached garages and carports	Attached garages and carports are required to be in the rear yard where the rear yard is accessible by an alley with access rights to the subject property. If there is no access to the rear yard, an attached garage may be accessed from the front or corner side yard provided that the garage door (or doors) is no wider than 50% of the front facade of the structure and the entry to the garage is set back at least 10' from the street facing			

building facade and at least 20' from a public sidewalk. Side loaded garages are permitted

Note:

1. See subsection G of this section for additional standards.

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 \_\_\_\_\_, 2014.

\_\_\_\_\_  
CHAIRPERSON

ATTEST AND COUNTERSIGN:

\_\_\_\_\_  
CITY RECORDER

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

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

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY RECORDER

(SEAL)

Bill No. \_\_\_\_\_ of 2014.

Published: \_\_\_\_\_.

APPROVED AS TO FORM  
Salt Lake City Attorney's Office

Date: July 2, 2014

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

### **3. NOTICE OF CITY COUNCIL HEARING**

## **NOTICE OF PUBLIC HEARING**

Zoning Amendment Language:

**PLNPCM2014-00085 Zoning Amendment** – A request by Michael Allred, in behalf of 9<sup>th</sup> Street LLC, for a zoning text amendment to allow an additional story and 15 additional feet of building height for property located on the northwest corner of 200 West and Fayette Avenue (approximately 975 South).

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 Michael Maloy at (801) 535-7118 between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday or via e-mail at [michael.maloy@slcgov.com](mailto:michael.maloy@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.

## **4. MAILING LABELS**

Erin Youngberg  
Westpointe  
1910 Bridge Crest Circle  
Salt Lake City UT 84116

Elke Phillips  
Ball Park  
839 S Washington St  
Salt Lake City UT 84101

Denise Doxey  
Foothill Sunnyside  
2028 E Laird Dr  
Salt Lake City UT 84108

Blake Perez  
Rose Park  
768 N Oakley St  
Salt Lake City UT 84116

Michael Iverson  
Central City  
210 S 300 East St #116  
Salt Lake City UT 84111

Kim Peterson  
East Bench  
3069 Carrigan Canyon Dr  
Salt Lake City UT 84109

Jo Ann Anderson  
Jordan Meadows  
1590 Spring St  
Salt Lake City UT 84116

Esther Hunter  
East Central  
606 Trolley Square  
Salt Lake City UT 84102

Amy Barry  
Sugar House  
1178 Ramona Ave  
Salt Lake City UT 84105

Steve Johnson  
Fairpark  
861 W 300 North St  
Salt Lake City UT 84116

Michael Cohn  
East Liberty Park  
PO Box 520123  
Salt Lake City UT 84125

Andrew Johnston  
Poplar Grove  
716 Glendale St  
Salt Lake City, Utah 84104

Jeff Bair  
Liberty Wells  
PO Box 520442  
Salt Lake City UT 84152-0442

Michael Maloy  
Salt Lake City Planning Division  
PON Box 145480  
Salt Lake City UT 84114-5480

Randy Sorenson  
Glendale  
1184 S Redwood Dr  
Salt Lake City UT 84104-3325

Esther Hunter  
University Gardens  
606 Trolley Square  
Salt Lake City UT 84102

Eric Jergensen  
Capitol Hill  
53 E 200 North St  
Salt Lake City UT 84103

Lynn Kennard Pershing PhD  
Yalecrest  
1715 Laird Ave  
Salt Lake City UT 84108

Mary Ann Wright  
Greater Avenues  
PO Box 1679  
Salt Lake City UT 84110

Michael Dodd  
Wasatch Hollow  
1577 E 1700 South St  
Salt Lake City UT 84105

Gene Fitzgerald  
Federal Heights  
1385 Butler Ave  
Salt Lake City UT 84102-1803

Mike Ely  
Sunnyside East  
2345 E 900 South St  
Salt Lake City UT 84108

D Christian Harrison  
Downtown  
336 W Broadway #308  
Salt Lake City UT 84101

Ellen Reddick  
Bonneville Hills  
1338 S Foothill Drive Suite 205  
Salt Lake City UT 84108

**Community Council Chairs**  
**Last updated from CC website 10.13.14**



Name	Address1	Address2
	MONTOKA, LEONA; TR (M FM TR)	QUALITY LINEN & TOWEL SUPPLY CO
	434 ZINFANDEL CIRCLE	68 JONSPIN RD
	CLAYTON, CA 94517	WILMINGTON, MA 01887
WILCOX, STEPHANIE	9TH STREET CENTER LLC	GREEN STREET PARTNERS/SECOND
5283 FLORENCE DR NW	1175 E 1850 S	WEST APARTMENTS LLC
ROCHESTER, MN 55901-4833	BOUNTIFUL, UT 84010	12636 S 125 W #A
		DRAPER, UT 84020-5411
HENRIES 9TH LLC	STACY MARTIN, LLC 401K PLAN	CRESTVIEW INVESTMENTS, LLC
4703 S ICHABOD ST	5088 S WANDER LN	PO BOX 57845
HOLLADAY, UT 84117-6405	HOLLADAY, UT 84117-6463	MURRAY, UT 84157-0845
CAPITOL CENTER PROPERTIES, LLC	BATES, F FENTON & ELAINE W; TC	PROVOST, TIFFANIE
936 S 200 W	937 S 200 W	351 W 400 S
SALT LAKE CITY, UT 84101-2936	SALT LAKE CITY, UT 84101-2937	SALT LAKE CITY, UT 84101-1707
SOCIAL HALL INVESTMENTS LLC	HERNANDEZ, JOSE R & ROSALBA R; JT	SEWELL, RICKIE S & TONI; JT
1831 S CONNOR ST	216 W FAYETTE AVE	224 W FAYETTE AVE
SALT LAKE CITY, UT 84108-3007	SALT LAKE CITY, UT 84101-2932	SALT LAKE CITY, UT 84101-2932
WASATCH LIMITED COMPANY	TENFIFTEEN PARTNERS, LLC	SALT LAKE CITY CORPORATION
926 S JEFFERSON ST	3045 E LOUISE AVE	PO BOX 145460
SALT LAKE CITY, UT 84101-2934	SALT LAKE CITY, UT 84109-2104	SALT LAKE CITY, UT 84114-5460
UTAH TRANSIT AUTHORITY	GAITAN, CAROLINE D	WILFORD APARTMENT LIMITED
PO BOX 30810	PO BOX 65751	PARTNERSHIP
SALT LAKE CITY, UT 84130-0810	SALT LAKE CITY, UT 84165-0751	1475 E SIGSBEE AVE
		SALT LAKE CITY, UT 84103-4476
PITTSBURGH HOUSE LOFTS LIMITED	CHAMBERLAIN, G B	VERNON, REBECCA K
PARTNERSHIP	919 S WASHINGTON ST	942 S WASHINGTON ST
1475 E SIGSBEE AVE	SALT LAKE CITY, UT 84101-2949	SALT LAKE CITY, UT 84101-2948
SALT LAKE CITY, UT 84103-4476		
JENSEN, DANIEL	STAKER, CASEY A	SCHAUERHAMER ENTERPRISES, L.L.C.
955 S WASHINGTON ST	958 S WASHINGTON ST	PO BOX 965
SALT LAKE CITY, UT 84101-2949	SALT LAKE CITY, UT 84101-2948	SANTA CLARA, UT 84765-0965
VALENTE, ATTILIO	BEEHIVE REAL HOLDINGS INC	Resident
1440 W ALDER RD	3777 S REDWOOD RD	950 S WASHINGTON ST
TAYLORSVILLE, UT 84123-1204	WEST VALLEY, UT 84119-3801	Salt Lake City, UT 84101-2948

Resident  
962 S WASHINGTON ST  
Salt Lake City, UT 84101-2948

Resident  
968 S WASHINGTON ST  
Salt Lake City, UT 84101-2948

Resident  
927 S WASHINGTON ST  
Salt Lake City, UT 84101-2949

Resident  
933 S WASHINGTON ST  
Salt Lake City, UT 84101-2949

Resident  
935 S WASHINGTON ST  
Salt Lake City, UT 84101-2949

Resident  
937 S WASHINGTON ST  
Salt Lake City, UT 84101-2949

Resident  
945 S WASHINGTON ST  
Salt Lake City, UT 84101-2949

Resident  
951 S WASHINGTON ST  
Salt Lake City, UT 84101-2949

Resident  
953 S WASHINGTON ST  
Salt Lake City, UT 84101

Resident  
961 S WASHINGTON ST  
Salt Lake City, UT 84101-2949

Resident  
932 S 200 W  
Salt Lake City, UT 84101-2936

Resident  
950 S 200 W  
Salt Lake City, UT 84101-2936

Resident  
964 S 200 W  
Salt Lake City, UT 84101-2936

Resident  
967 S WASHINGTON ST  
Salt Lake City, UT 84101-2949

Resident  
226 W FAYETTE AVE  
Salt Lake City, UT 84101-2932

Resident  
222 W FAYETTE AVE  
Salt Lake City, UT 84101-2932

Resident  
218 W FAYETTE AVE  
Salt Lake City, UT 84101-2932

Resident  
925 S 200 W  
Salt Lake City, UT 84101-2937

Resident  
947 S 200 W  
Salt Lake City, UT 84101-2937

Resident  
947 S 200 W #REAR  
Salt Lake City, UT 84101-2937

Resident  
950 S JEFFERSON ST  
Salt Lake City, UT 84101-2934

Resident  
954 S JEFFERSON ST  
Salt Lake City, UT 84101-2934

## **5. PLANNING COMMISSION**

**5.A ORIGINAL HEARING NOTICE**  
**May 17, 2014**

4770 S. 5600 W.  
P.O. BOX 704005  
WEST VALLEY CITY, UTAH 84170  
FED.TAX I.D.# 87-0217663  
801-204-6910

The Salt Lake Tribune  
www.sltrib.com

MEDIAOne  
A NEWSPAPER AGENCY COMPANY  
www.MEDIAONEUTAH.COM

Deseret News  
www.DESERETNEWS.COM

PROOF OF PUBLICATION

CUSTOMER'S COPY

CUSTOMER NAME AND ADDRESS	ACCOUNT NUMBER	DATE
PLANNING DIVISION,  PO BOX 145480  SALT LAKE CITY UT 84114	9001394298	5/19/2014

ACCOUNT NAME	
PLANNING DIVISION,	
TELEPHONE	ADORDER# / INVOICE NUMBER
8015357759	0000958258 /
SCHEDULE	
Start 05/17/2014	End 05/17/2014
CUST. REF. NO.	
Plan Comm PH 5/28	
CAPTION	

Notice of Public Hearing On Wednesday, May 28, 2014, the Salt Lake City Planning		<b>Notice of Public Hearing</b> On Wednesday, May 28, 2014, the Salt Lake City Planning Commission will hold a public hearing to consider making recommendations to the City Council regarding the following petition:  1. Outdoor dining with a Nonconforming Restaurant Use - Jude Rubadue is requesting that the City amend the zoning regulations in order to allow outdoor dining in conjunction with a legal nonconforming restaurant at approximately 654 East 3rd Avenue. The subject property is located in an SR1-A (Special Development Pattern Residential zoning district.) The text amendment could affect all nonconforming restaurants citywide. The proposed regulation changes will affect chapter 21A.38 Nonconforming Uses and Noncomplying Structures of the zoning ordinance. Related provisions of Title 21A-Zoning may also be amended as part of this petition. (Staff contact: Everett Joyce at (801) 535-7930 or everett.joyce@slcgov.com).  2. Form Based Urban Neighborhood Text Amendment - Michael Allred is requesting the City amend the Form Based Urban Neighborhood District ordinance to increase building height on the corner of 200 West and Fayette Avenue. The proposed regulation changes will affect Table 21A.27.050.E of the zoning ordinance. Related provisions of Title 21A-Zoning may also be amended as part of this petition. (Staff contact: Michael Maloy at (801) 535-7118 or michael.maloy@slcgov.com). Case number PLNPCM2014-00085.  The public hearing will begin at 5:30 p.m. in room 326 of the City County Building, 451 South State Street, Salt Lake City, UT. For more information or for special ADA accommodations, which may include alternate formats, interpreters, and other auxiliary aids or additional information, please contact Michael Stott at 801-535-7976 or call TDD 801-535-6220. UPAXLP
SIZE		
39 Lines	2.00 COLUMN	
TIMES	RATE	
2		
MISC. CHARGES	AD CHARGES	
TOTAL COST		
102.50		

AFFIDAVIT OF PUBLICATION

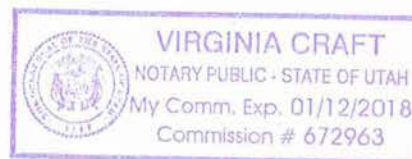
AS NEWSPAPER AGENCY COMPANY, LLC dba MEDIAONE OF UTAH LEGAL BOOKER, I CERTIFY THAT THE ATTACHED ADVERTISEMENT OF **Notice of Public Hearing On Wednesday, May 28, 2014, the Salt Lake City Planning Commission will hold a public hearing to consider making recommendations to the** FOR **PLANNING DIVISION**, WAS PUBLISHED BY THE NEWSPAPER AGENCY COMPANY, LLC dba MEDIAONE OF UTAH, AGENT FOR THE SALT LAKE TRIBUNE AND DESERET NEWS, DAILY NEWSPAPERS PRINTED IN THE ENGLISH LANGUAGE WITH GENERAL CIRCULATION IN UTAH, AND PUBLISHED IN SALT LAKE CITY, SALT LAKE COUNTY IN THE STATE OF UTAH. NOTICE IS ALSO POSTED ON UTAHLEGALS.COM ON THE SAME DAY AS THE FIRST NEWSPAPER PUBLICATION DATE AND REMAINS ON UTAHLEGALS.COM INDEFINATELY. COMPLIES WITH UTAH DIGITAL SIGNATURE ACT UTAH CODE 46-2-101; 46-3-104.

PUBLISHED ON Start 05/17/2014 End 05/17/2014

SIGNATURE 

DATE 5/19/2014

THIS IS NOT A STATEMENT BUT A "PROOF OF PUBLICATION"  
PLEASE PAY FROM BILLING STATEMENT



Virginia Craft  
NOTARY SIGNATURE

**5.B STAFF REPORT**  
**May 28, 2014**



# Staff Report

PLANNING DIVISION  
COMMUNITY & ECONOMIC DEVELOPMENT

To: Salt Lake City Planning Commission  
From: Michael Maloy, AICP, 801.535.7118  
Date: May 28, 2014  
Re: PLNPCM2014-00085 Form Based Urban Neighborhood Amendment

---

## Zoning Text Amendment

**PROPERTY ADDRESS:** 970 S 200 West (approximate)

**PARCEL ID:** 15-12-258-028

**MASTER PLAN:** Central Business District Support, Central Community Master Plan

**ZONING DISTRICT:** FB-UN2 Form Based Urban Neighborhood District

**REQUEST:** The petitioner, Michael Allred in behalf of 9<sup>th</sup> Street LLC, is requesting a zoning text amendment to allow one additional story and 15 additional feet of building height for street corner parcels at the intersection of 200 West and Fayette Avenue (approximately 975 South). As per Section 21A.50.020 the Planning Commission shall hold a public hearing and recommend approval or denial of the proposed amendment, and then transmit a recommendation to the City Council. The City Council has final decision making authority for zoning amendments.

**RECOMMENDATION:** Based on the information in this report, Planning Staff recommends that the Planning Commission forward a positive recommendation to the City Council to approve a text amendment to Chapter 21A.27 to allow 5 stories or 65 feet of building height on the corner parcel located at the intersection of 200 West and Fayette Avenue.

**ATTACHMENTS:**

- A. Letter from Applicant
- B. Property Photographs
- C. Vicinity Map
- D. Site Plan
- E. Building Elevation
- F. Community Council Comments
- G. FB-UN2 District Building Heights
- H. Department Comments
- I. Motions

## PROJECT DESCRIPTION:

The applicant submitted a petition to amend Chapter 21A.27, which is entitled Form Based Districts, of the Zoning Title (see Attachment A – Letter from Applicant). Specifically, the applicant proposes the following (see underlined text):

Table 21A.27.050E2

### FB-UN2 Building Form Standards

Building Regulation		Building Form				
Building height and Placement:		Cottage Development <sup>1</sup>	Row House	Multi-Family Residential	Mixed Use	Storefront
H	Height	2.5 stories, 30' maximum from established grade	4 stories with a maximum of 50'. 5 stories with a maximum of 65' on parcels located on the corners of West Temple at 800 or 900 South, 200 West at 700, 800 or 900 South, <u>200 West at Fayette Avenue</u> , and 300 West at 800 or 900 South. All heights measured from established grade			

Note:

1. See subsection G of this section for additional standards.

The purpose of the amendment is to facilitate development of private property located adjacent to the intersection of 200 West and Fayette Avenue (see Attachment B – Property Photographs). The applicant, 9<sup>th</sup> Street LLC, currently owns four contiguous parcels—970 S, 966 S, 964 S, and 956 S 200 West—that contain approximately 0.54 of an acre (when combined). The applicant intends to consolidate the parcels for a multi-family residential development. However, it should be noted that the applicant does not own or control 216 W Fayette Avenue, which is located immediately west of the subject property (see Attachment C – Vicinity Map). For conceptual development plans see Attachment D – Site Plan, and Attachment E – Building Elevation.

## KEY ISSUES:

The key issues listed below have been identified through the analysis of the project, neighbor and community input, and department review comments.

- Issue 1. Additional building height is viewed as undesirable by two-thirds of Ball Park Community Council meeting attendees on March 6, 2014.
- Issue 2. Conceptual development plans are viewed as undesirable by two-thirds of Ball Park Community Council meeting attendees on March 6, 2014.
- Issue 3. Compliance with applicable master plan policies.
- Issue 4. Compliance with zoning district purpose statement.

### Issue 1 Building Height

Public comments received by Planning Staff from Elke Phillips, Ball Park Community Council Chair, state that “this particular spot has been impacted by over-scaled buildings and we don’t need to see more of the same” (see Attachment F – Community Council Comments). Although the neighborhood does contain multi-story residential and mixed use structures, none have been developed under the recently adopted Form Based Urban Neighborhood District ordinance, which includes additional design and land use regulations that improve compatibility.

The Form Based Urban Neighborhood District (FB-UN) ordinance identifies areas for shorter buildings (up to 30 feet tall in the FB-UN1 District), and areas for taller buildings (up to 50 feet



tall in the FB-UN2 District). However, certain corners within the FB-UN2 District are allowed an additional story and 15 feet of building height (see above table).

When the Planning Commission voted on December 12, 2012, to recommend adoption of the Form Based Urban Neighborhood District ordinance, only intersections located at 300 West Street and 800 or 900 South, and West Temple at 800 or 900 South were eligible for additional building height. However, based largely on public comment (from property owners) the City Council voted to include additional corner parcels located at the intersections of 200 West and 700, 800 or 900 South. At the time, no one proposed or discussed additional building height for the corner parcel located at 200 West and Fayette Avenue. According to statements made to staff, the applicant believed that the subject property had been included in the list of qualifying intersections adopted by the City Council. Once the issue was discovered, the applicant submitted a petition to amend the Zoning text.

Regarding building height, the Urban Design Element of the Salt Lake City Master Plan, which was published in 1990, provides the following policy:

**Preserve and improve the visual form of the city through an appropriate building height profile and color scheme.**

The historic urban form of Salt Lake City's Commercial Core relies on taller buildings—historically approximately 14 stories—*at the corners of 10 acre blocks with lower buildings around them. Building heights should diminish away from the Core* (page 11, italics added for emphasis).

Whereas the proposed amendment permits taller buildings on the corner of a “10 acre block” within the Central 9<sup>th</sup> Neighborhood, it is consistent with the Urban Design Element of the Salt Lake City Master Plan as demonstrated in Attachment G – FB-UN2 District Building Heights.

### **Issue 2 Undesirable Development**

During the Ball Park Community Council meeting on March 6, 2014, a resident stated that the proposed multi-family development project is not “in the best interest of the other residents and property owners.” The applicant is permitted by the FB-UN2 District to construct a 50 foot tall building that contains up to 4 stories. Whether the proposal is approved or denied will not impact potential land use, number of dwelling units, or architectural style. Only the number of floors and building height will be impacted by a decision to approve or deny the proposal. Consideration of the proposed amendment must not be influenced by concerns regarding permitted land uses or the architectural style of the conceptual development plans.

### **Issue 3 Plan Compliance**

Although the petition is a text amendment, it has a singular effect on property located at or near 970 S 200 West. The subject property is identified as “Central Business District Support” by the Central Community Master Plan and is within the “Downtown Neighborhood Planning Area” which is described below:

Downtown Salt Lake City is the “central place” for the Wasatch Front. The planning area extends from South Temple to 900 South between 300 West and 200 East. The Downtown core is generally described as the area extending from South Temple to 400 South and West Temple to 200 East. Downtown is anchored at the north by the LDS Church temple and headquarters, the Salt Palace convention center, and the Main Street retail area, with two regional scale malls. The Downtown area contains a strong civic center with court complexes and the City and County Building, as well as the City’s theater, art and hotel districts (page 4).

The land use policy directions for this area are contained in the Downtown Master Plan adopted in 1995. Significant urban design policy for the Downtown area is identified in the City's Urban Design Element. These plans articulate the vision of Downtown with essential goals and objectives to direct the future (page 4).

Within the 1995 Downtown Master Plan, the following policies support the proposed amendment:

**Public Investment Infrastructure**

PI-2 Expand Housing Stock: Promote residential development downtown (page 7)

**Natural Environment/Compatibility**

NC-3 Encourage Mass Transit to Improve Air Quality: Encourage a densely developed Downtown readily accessible by transit (page 11).

The proposed amendment is consistent with applicable master plan policies (as stated above).

**Issue 4 Zoning Compliance**

As stated previously, the proposed amendment affects the FB-UN2 District, the purpose of which is provided in the following section of the Zoning Title:

**21A.27.050 FB-UN1 and FB-UN2 Form Based Urban Neighborhood District**

The purpose of the FB-UN form based urban neighborhood district is to create an urban neighborhood that provides the following:

1. Options for housing types;
2. Options in terms of shopping, dining, and fulfilling daily needs within walking distance or conveniently located near mass transit;
3. Transportation options;
4. Access to employment opportunities within walking distance or close to mass transit;
5. *Appropriately scaled buildings that respect the existing character of the neighborhood* (italics added for emphasis);
6. Safe, accessible, and interconnected networks for people to move around in; and
7. Increased desirability as a place to work, live, play, and invest through higher quality form and design.

Regarding the existing character of the neighborhood, the subject property is vacant and surrounded by the following land uses:

Address	Direction from Subject Property	Zoning District	Land Use	Building Height
216 W Fayette	West	FB-UN2	Residential duplex	11'-0"
966-964 S 200 West	North	FB-UN2	Commercial office	14'-0"
965 S 200 West	East	FB-UN2	Vacant	0'-0"
215 W Fayette Avenue	South	FB-UN2	Vacant, unbuildable remnant parcel abutting 900 South ramp for Interstate-15	0'-0" 31'-0" (elevation of pavement on ramp)

Although the existing land uses that surround the subject property are relatively low, there are other multi-story developments within the immediate neighborhood, one of which is similar to the proposed amendment (according to available GIS data):

Address	Direction from Subject Property	Zoning District	Land Use	Building Height
936 S 200 West	North	FB-UN2	Multi-family residential	36'-0"
932 S 200 West	North	FB-UN2	Multi-family residential	28'-0"
925 S 200 West	North	FB-UN2	Multi-family residential	61'-0"

City Code 21A.27.050.C1a also describes the FB-UN2 District as a form based sub-district that “generally includes buildings up to four (4) stories in height, with taller buildings located on street corner parcels,” which the proposed amendment is consistent with.

Based on the above analysis, Planning Staff recommends that the proposed amendment does not conflict with the purpose statement of the FB-UN2 Form Based Urban Neighborhood District.

## DISCUSSION:

As per Section 21A.50.050 a decision to amend the text of the Zoning title by general amendment is a matter committed to the legislative discretion of the city council and is not controlled by any one standard. In making a decision concerning a proposed text amendment, the Planning Commission and City Council should consider the following:

Factor	Finding	Rationale
<b>Whether a proposed text amendment is consistent with the purposes, goals, objectives, and policies of the city as stated through its various adopted planning documents;</b>	The proposed text amendment is consistent with the purposes, goals, objectives and policies of the City.	Proposal expands housing stock, promotes residential development downtown, and encourages use of mass transit to improve air quality, which policies are described in the 1995 Downtown Master Plan.
<b>Whether a proposed text amendment furthers the specific purpose statements of the zoning ordinance;</b>	The proposed text amendment furthers the specific purpose statements of the zoning ordinance	Through appropriate design regulations contained within the Form Based Urban Neighborhood District regulations, the proposed amendment will facilitate development in compliance with the purpose statement for the FB-UN2 District.
<b>Whether a proposed text amendment is consistent with the purposes and provisions of any applicable overlay zoning districts which may impose additional standards;</b>	The proposed text amendment is consistent with the purposes and provisions of any applicable overlay zoning districts	No overlay zoning districts exist for the subject property impacted by the proposed zoning amendment.
<b>The extent to which a proposed text amendment implements best current, professional practices of urban planning and design.</b>	The proposed text amendment does implement best current, professional practices of urban planning and design.	The proposed amendment is consistent with the <i>Urban Design Element of the Salt Lake City Master Plan</i> and the 1995 <i>Downtown Master Plan</i> .
<b>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, stormwater drainage systems, water supplies, and wastewater and refuse collection.</b>	Existing public facilities and services will adequately serve development on the property affected by the proposed amendment.	Salt Lake City Public Utilities, the City Engineer, and the Transportation Division reviewed the petition and did not identify any concerns (see Attachment H – Department Comments).

**NEXT STEPS:**

If the Planning Commission recommends approval of the zoning amendment, the petition will be transmitted to the City Council to conduct a public hearing and vote to approve, modify, or deny the proposal. If the City Council grants approval of the petition, the applicant will be required to obtain all necessary permits for the project. If denied the applicant would not have City approval to do what is proposed, however the property may be developed under existing building and zoning regulations, which allows a maximum of 4 stories and 50 feet of building height (see Attachment I – Motions).

## **ATTACHMENT A: LETTER FROM APPLICANT**

February 19, 2014

### Zoning Amendment – Project Description

I have owned the project site at 964 South 200 West for 25 years. In 1988, I developed a small office/warehouse building on the site. This building has served as my office and as a commercial rental property. I was pleased when the Salt Lake City planners showed a specific interest in this area with the advertising and eventual adoption of the new form-based zoning. I felt this was now the time to redevelop the site and upgrade the use to comply with the new zoning and with the transit orientation of this project area. The new 9<sup>th</sup> Street Village Apartments will reinforce the goals of city planners for this area. This project will bring energy and vibrancy to this area. This project will enhance the use of the 9<sup>th</sup> Street transit hub and beautify the area with a new pedestrian friendly streetscape and state of the art building materials.

As I became familiar with the new zoning proposal, I began working with a local architect to design an apartment building that would comply with the FB-UN2 zoning requirements. My understanding was that buildings located on the corners in this area would be permitted to be 65 feet in height, so I designed my building to meet this height requirement. This height gave me this unit density and mix that was needed and allowed me to use the first level of the building to provide parking and amenities for the tenants.

When the final draft of the FB-UN2 zone was adopted, the language in the ordinance allowing for the 65 foot building height LEFT OUT the corner of 200 West and Fayette Avenue. This was a huge disappointment to me and left me with a building design that would not work. When I discovered that my project corner had been left out of the final draft, it was too late to change the ordinance. In an attempt to resolve this so that my project can go forward, Michael Maloy recommended that I apply for this text change to the FB-UN2 zone. Michael presented this change informally to his staff and did not receive any disagreement or objection to the change. Michael also told me that the city master plan encourages taller buildings on the corners of city blocks, so he felt this request was consistent with the goals of the city master plan.

The schedule for this project requires that I have my funding package be completed no later than August 15<sup>th</sup>, 2014. Failing to meet this schedule will delay the project for at least another year. For this reason, I am asking that this amendment be approved and adopted no later than July 1<sup>st</sup>, 2014.

Thank you very much for consideration of my request. I am confident that the 9<sup>th</sup> Street Village Apartments will set a new standard of quality and excellence for living in this area.

If you have any further questions, please contact me at:

801-597-6284 or e-mail me at [allredconstruction@yahoo.com](mailto:allredconstruction@yahoo.com)

Sincerely,

A handwritten signature in cursive script, appearing to read "Michael Allred".

Michael Allred, Managing Partner

9<sup>th</sup> Street Village Apartments

## **ATTACHMENT B: PROPERTY PHOTOGRAPHS**





Northerly View from Intersection of Fayette Avenue and 200 West



Westerly View from Intersection of Fayette Avenue and 200 West

## **ATTACHMENT C: VICINITY MAP**

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## **ATTACHMENT D: SITE PLAN**

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## **ATTACHMENT E: BULDING ELEVATION**



**ALLRED CONSTRUCTION &  
PARLEYS PARTNERS  
200 W. AND FAYETTE PROPERTY  
SALT LAKE CITY, UT**

# **9th STREET VILLAGE APARTMENTS**



**An opportunity to bring affordable housing to 964 S. and 200 W..**



## **ATTACHMENT F: COMMUNITY COUNCIL COMMENTS**



**Planned Development  
Community Council / Citizen Group Input**

TO: Elke Phillips, Chair of Ball Park Community Council

FROM: Michael Maloy, AICP, Planning Division Staff

DATE: March 4, 2014

RE: Petition PLNPCM2014-00085 for Zoning Text Amendment in the FB-UN2 Form Based Urban Neighborhood District

Michael Allred, 9<sup>th</sup> Street LLC, is requesting the Salt Lake City Council amend the zoning text of City Code 21A.27.050 for the FB-UN2 Form Based Urban Neighborhood District (codification pending). The purpose of the amendment is to allow additional building height on corner parcels located at 200 West and Fayette Avenue, similar to other corners within the FB-UN2 District. As part of this process, the applicant is required to solicit comments from the Ball Park Community Council. The purpose of the Community Council review is to inform the community of the project and solicit comments / concerns they have with the project. The Community Council may also take a vote to determine whether there is support for the project, but this is not required. (Please note that a vote in favor or against is not as important to the Planning Commission as relevant issues that are raised by the community council.) I have enclosed information submitted by the applicant relating to the project to facilitate your review. The applicant will present this information at the meeting. Planning Staff may attend to clarify regulations, policies, and processes.

If the Community Council chooses to have a project presented to them, the applicant will only be required to meet with the Community Council once before the Planning Staff will begin processing the application. Where a project is located within the boundaries of more than one Community Council or where the project is within six hundred feet of the boundaries of other Community Councils, the Planning Division will hold an Open House. Community Council Chairs will be notified of the meeting and asked to notify the members about the meeting. The Community Council should submit its comments to me, as soon as possible, after the Community Council meeting to ensure there is time to incorporate the comments into the staff report to the Planning Commission. Comments submitted too late to be incorporated into the staff report, can be submitted directly to the Planning Commission, via the Planning Division, for their review prior to the Planning Commission Public Hearing. I will also attend the meeting to answer any questions and listen to the comments made by the Community Council members.

Following are City adopted criteria that the Planning Commission will use to make their decision. The City's technical staff will review the project to ensure it complies with adopted policies and regulations. Input from the Community Council / citizen groups can be more general in nature and focus on issues of impacts to abutting properties and compatibility with the neighborhood. Staff is not looking for you to make comments on each of the below listed criteria, but general comments should pertain to the criteria listed below.

1. Whether a proposed text amendment is consistent with the purposes, goals, objectives, and policies of the city as stated through its various adopted planning documents;
2. Whether a proposed text amendment furthers the specific purpose statements of the zoning ordinance;
3. Whether a proposed text amendment is consistent with the purposes and provisions of any applicable overlay zoning districts which may impose additional standards; and
4. The extent to which a proposed text amendment implements best current, professional practices of urban planning and design.

Please submit your written comments to the Planning Division by mail at Salt Lake City Planning Division, PO Box 145480, Salt Lake City, UT 84111-5480; by FAX at (801) 535-6174 or via e-mail to me at [michael.maloy@slcgov.com](mailto:michael.maloy@slcgov.com).

If you have any questions, please call me at (801) 535-7118 or via e-mail.

## COMMUNITY COUNCIL COMMENTS:

The above referenced applicant, met with the Ball Park Community Council on March 6, 2014. Approximately \_\_\_\_\_ people attended the meeting. Those in attendance made the following comments relating to the project.

There were many questions on this proposal. The question of parking was not considered answered well by the attendees. Also the height was not received well.

This is comment from Jesse Hulse that was asked to be read, as he could not attend.

*“There may be specifics that we don't know about this project, but generally speaking Jason and I don't think this is in the best interest of the other residents and property owners - this particular spot has already been negatively impacted by over-scaled buildings and we don't need more of the same.*

*Also, once one person gets an allowance, it sets a bad precedent and makes it that much easier for the next person to try to change the rules.*

*Thanks again,*

**Jesse J Hulse NCARB “**

Principal, Atlas Architects Inc

Another issue the attendees had issues with was the high density of his apartment building.

All in all, about 2/3 of the attendees votes against granting Mr. Allred a zoning change.

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In general, was the group supportive of the project?

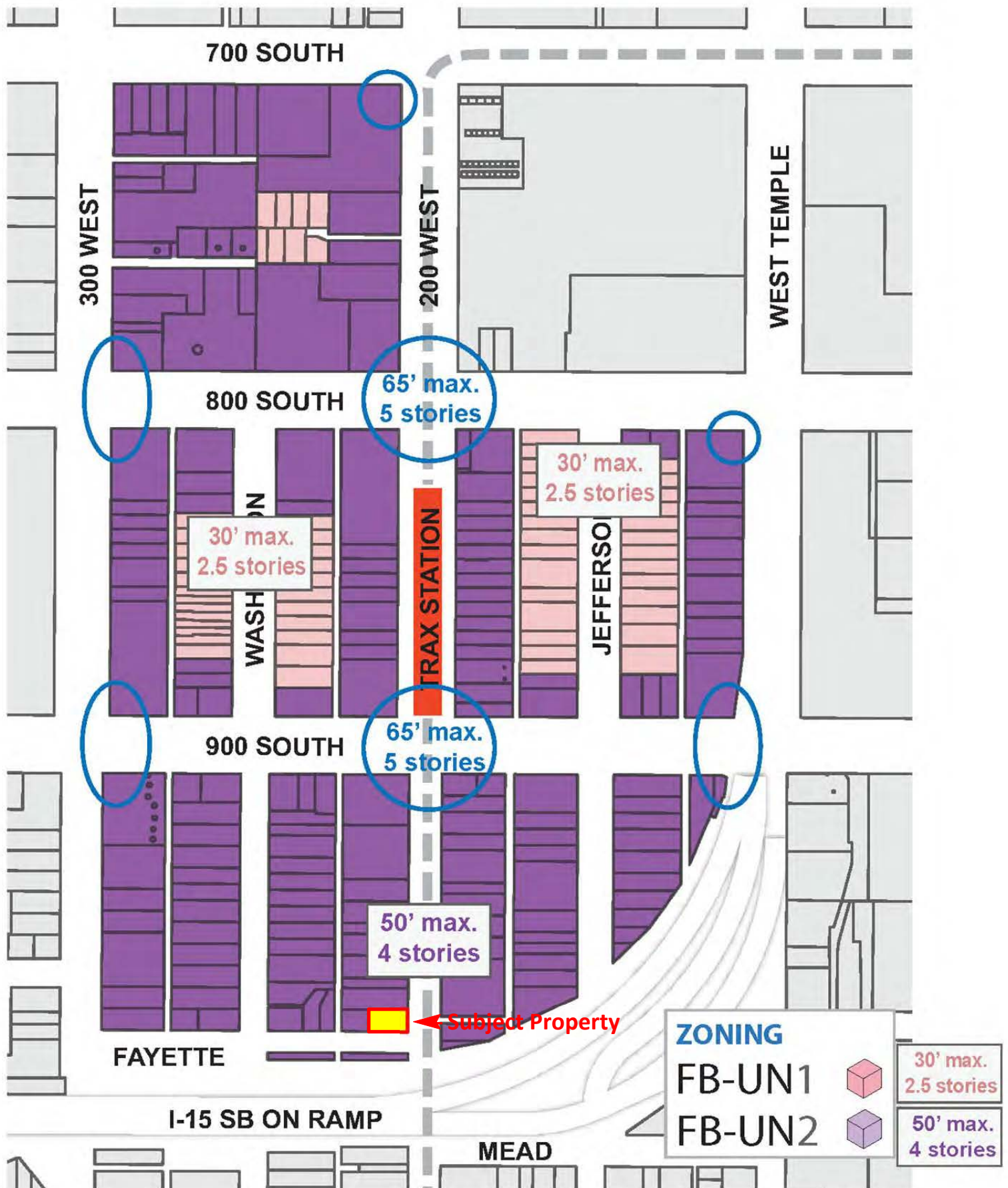
about 2/3 of the attendees votes against granting Mr. Allred a zoning change.

Signature of the Chair or Group Representative

Elke Phillips, BallPark Community Council Chair

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## **ATTACHMENT G: FB-UN2 DISTRICT BUILDING HEIGHTS**



Corners circled in blue above correspond with building heights specified in Table 21A.27.050E2, which permits 5 stories with a maximum of 65' on parcels located on the corners of West Temple at 800 or 900 South, 200 West at 700, 800 or 900 South, and 300 West at 800 or 900 South. All heights are measured from established grade.

## **ATTACHMENT H: DEPARTMENT COMMENTS**



# Department Comments

## 964 S 200 West

### PLNPCM2014-00085

Date	Task/Inspection	Status/Result	Action By	Comments
2/25/2014	Staff Assignment	Routed	Maloy, Michael	
2/26/2014	Transportation Review	Complete	Walsh, Barry	The proposed height amendment presents no issue to the transportation corridor of 200 West and Fayette Avenue. Standard development regulations address required public right of way improvements for Fayette Avenue and Transportation requirements for parking and alternative transportation modes ( bike, car pool, electric vehicles, etc.).
3/6/2014	Community Council Review	Complete	Maloy, Michael	Ball Park Community Council received a presentation from the applicant on the proposed zoning amendment. Approximately 2/3 of attendees opposed the proposal citing concerns with building height, development density, and design.
3/17/2014	Engineering Review	Complete	Weiler, Scott	No objections to the revised height restrictions. When civil plans are prepared, please submit them to SLC Engineering for review. A Permit to Work in the Public Way is required, prior to performing in work in the public way.
5/6/2014	Planning Division Review	Complete	Maloy, Michael	Petition is consistent with pattern of additional building height on corners of historic 10 acre grid, which is recommended in the Urban Design Element of the Salt Lake City Master Plan. The proposal is also within and adjacent to the FB-UN2 District which permits greater density and building height than the FB-UN1 District.
5/16/2014	Building Review	Complete	Maloy, Michael	No comments received.
5/16/2014	Fire Code Review	Complete	Maloy, Michael	No comments received.
5/16/2014	Police Review	Complete	Maloy, Michael	No comments received.
5/16/2014	Public Utility Review	Complete	Maloy, Michael	No comments received.
5/16/2014	Sustainability Review	Complete	Maloy, Michael	No comments received.
5/16/2014	Zoning Review	Complete	Maloy, Michael	No comments received.

## **ATTACHMENT I: MOTIONS**

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### Recommended Motion:

Based on testimony received, plans presented, and the findings listed within the staff report, I move that the Planning Commission transmit a favorable recommendation to the City Council relating to Petition PLNPCM2014-00085 to amend the Form Based Urban Neighborhood Districts ordinance to allow one additional story and up to 15 additional feet of building height for street corner parcels adjacent to the intersection of Fayette Avenue (approximately 975 South) and 200 West.

**Table 21A.27.050E2**  
**FB-UN2 Building Form Standards**

Building Regulation		Building Form				
Building height and Placement:		Cottage Development <sup>1</sup>	Row House	Multi-Family Residential	Mixed Use	Storefront
H	Height	2.5 stories, 30' maximum from established grade	4 stories with a maximum of 50'. 5 stories with a maximum of 65' on parcels located on the corners of West Temple at 800 or 900 South, 200 West at 700, 800 or 900 South, <u>200 West at Fayette Avenue</u> , and 300 West at 800 or 900 South. All heights measured from established grade			

Note:

1. See subsection G of this section for additional standards.

### Not Consistent with Staff Recommendation:

Based on testimony received, plans presented, and the findings listed within the staff report, I move that the Planning Commission transmit a negative recommendation to the City Council relating to Petition PLNPCM2014-00085 to amend the Form Based Urban Neighborhood Districts ordinance to allow one additional story and up to 15 additional feet of building height for street corner parcels adjacent to the intersection of Fayette Avenue (approximately 975 South) and 200 West.

The Planning Commission shall make findings on the Zoning Amendment standards as listed below:

1. Whether a proposed map amendment is consistent with the purposes, goals, objectives, and policies of the City as stated through its various adopted planning documents;
2. Whether a proposed map amendment furthers the specific purpose statements of the zoning ordinance;
3. The extent to which a proposed map amendment will affect adjacent properties;
4. Whether a proposed map amendment is consistent with the purposes and provisions of any applicable overlay zoning districts which may impose additional standards; and
5. 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.



**5.C AGENDA AND MINUTES**  
**May 28, 2014**

**AMENDED SALT LAKE CITY PLANNING COMMISSION  
MEETING AGENDA  
In Room 326 of the City & County Building  
451 South State Street  
Wednesday, May 28, 2014, at 5:30 p.m.  
(The order of the items may change at the Commission's discretion.)**

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 of the City and County Building. During the dinner break, the Planning Commission may receive training on city planning related topics, including the role and function of the Planning Commission.

**PLANNING COMMISSION MEETING WILL BEGIN AT 5:30 PM IN ROOM 326**

**APPROVAL OF MINUTES FOR MAY 14, 2014**

**REPORT OF THE CHAIR AND VICE CHAIR**

**REPORT OF THE DIRECTOR**

**Administrative Matters**

1. **Morton In-line Addition at approximately 2568 S Filmore** - Dave Webster, representing the property owner, Chad Morton, is requesting an in-line addition to an existing residential building which does not currently comply with the required front yard setback. The applicant is specifically requesting an addition to the north side of the building which would contain a two car garage on the lower level with additional living space above. The property is in the R-1/7000 zoning district. This type of project must be reviewed as a special exception. The subject property is within Council District 7, represented by Lisa Ramsey Adams. (Staff contact: Chris Lee at (801) 535-7706 or [christopher.lee@slcgov.com](mailto:christopher.lee@slcgov.com).) Case number: PLNPCM2014-00195
2. **Wilmington Mixed Use Development at approximately 1202 E. Wilmington Avenue** - Lynn Woodbury of Woodbury Corporation, is requesting Conditional Building & Site Design Review to construct a mixed-use development consisting of street level retail, senior housing, and associated parking. Mr. Woodbury is also requesting Planned Development approval for the relaxation of certain required zoning standards related to increased building setback height, and a partial elimination of "active" uses at the street level. Finally, Mr. Woodbury is requesting Special Exception approval for increased building height. The subject property is zoned CSHBD-1 (Sugar House Business District) and is located in Council District 7 represented by Lisa Ramsey Adams. (Staff contact: Lex Traughber at (801) 535-6184 or [lex.traughber@slcgov.com](mailto:lex.traughber@slcgov.com).) Case numbers PLNPCM2014-00137, PLNPCM2014-00287 & PLNSUB2014-00138
  - a. **Conditional Building & Site Design Review** – In order to build the above referenced project, Conditional Building & Site Design Review is required per Zoning Ordinance Section 21A.26.060(D) – Sugar House Business District Zone. The project exceeds fifty feet in building height and exceeds 20,000 square feet in floor area. Case number PLNPCM2014-00137
  - b. **Planned Development** - In order to build the above referenced project, the applicant is also requesting Planned Development approval for the relaxation of required zoning standards related to increased building setback height (from 30' to 40') and a partial elimination of "active" uses at the street level. Case number PLNSUB2014-00138
  - c. **Special Exception** – In order to build the above referenced project, the applicant is also requesting Special Exception approval for increased building height. The maximum building height allowed by Zone is 105'. The applicant is requesting a building height of 115'. Case number PLNPCM2014-00287
3. **Bishop Place Preliminary Subdivision, Planned Development, and Zoning Map Amendment at approximately 432 N 300 West** - John Maxim, representing International Real Estate Solutions, is requesting approval from the City to develop a thirteen (13) lot subdivision at the above listed address, including all properties that abut the east of the address. Currently the land is occupied by nine (9) vacant single family lots, one (1) existing single-family home, and two (2) vacant parcels. This type of project requires Planned Development, Preliminary Subdivision, and Zoning Amendment review. The subject properties are zoned RMF-35 (Multifamily Residential) and SR-3 (Special Development Pattern Residential) and are located within Council District 3 represented by Stan Penfold. (Staff contact: Daniel Echeverria at (801) 535-7165 or [daniel.echeverria@slcgov.com](mailto:daniel.echeverria@slcgov.com).) Case numbers PLNSUB2014-00019, PLNSUB2014-00020, & PLNPCM2014-00021.
  - a. **Preliminary Subdivision**- In order to build the project noted above, a preliminary subdivision is required to dedicate Bishop Place as a public right-of-way and divide existing properties. Bishop Place currently exists as a private right-of-way and is not maintained by the City. This request will require that the street and associated public utilities be brought up to current City standards. Certain aspects of the proposed subdivision are being modified by the associated Planned Development review. Case number PLNSUB2014-00019

- b. **Planned Development-** In order to build the project noted above, a Planned Development is required to modify certain standards of the zoning ordinance, including setbacks, lot coverage, and lot size, as well as certain subdivision standards. The purpose of the zoning modifications is to allow for expansions to revitalize the existing vacant homes and better accommodate potential residents, while preserving the historic features of the homes. The proposed subdivision standard modifications are related to street design and are due to the limited street width available between the existing historic homes. Case number PLNSUB2014-00020
- c. **Zoning Map Amendment-** In order to build the project noted above, the applicant is requesting to rezone 432 North 300 West from RMF-35 (Multifamily Residential) to SR-3 (Special Development Pattern Residential.) The applicant is proposing to convert the existing structure into a twin home. This would exceed the density limitation for the current RMF-35 zone. A zoning map amendment to SR-3 would allow for the proposed density. Although the applicant has requested that the property be rezoned to the SR-3 zone, consideration may be given to rezoning the property to another zoning district with similar characteristics. The proposed regulations can be found at <http://www.slcgov.com/node/1081>. Case number PLNPCM2014-00021

## **Legislative Matters**

- 4. **Design Guidelines for Historic Apartments and Multi-Family Buildings-** Mayor Ralph Becker initiated a petition to create Design Guidelines for Historic Apartments and Multifamily Buildings in Salt Lake City regulated by the H Historic Preservation Overlay Zoning District. The design guidelines will provide design advice to owners and applicants, and serve to guide the review and decisions of the Historic Landmark Commission and Staff. The design guidelines are new and will supplement the current design guidelines for Residential and Commercial historic buildings and signs. They reflect best practices in information, guidance, organization and clarity. No sections of the Zoning Ordinance will be modified or affected by this petition. On April 3, 2014, the Historic Landmark Commission forwarded a positive recommendation to City Council to adopt the guidelines. The Planning Commission is required to review the Design Guidelines because it is a land use document, and to forward a recommendation to City Council concerning its adoption. (Staff contact: Carl Leith at (801) 535-7758, or [carl.leith@slcgov.com](mailto:carl.leith@slcgov.com).) Case number PLNPCM2012-00870
- 5. **Outdoor dining with a Nonconforming Restaurant Use Text Amendment** – Jude Rubadue is requesting that the City amend the zoning regulations in order to allow outdoor dining in conjunction with a legal nonconforming restaurant at approximately 654 East 3rd Avenue. The subject property is located in an SR1-A (Special Development Pattern Residential zoning district.) The text amendment could affect all nonconforming restaurants citywide. The proposed regulation changes will affect chapter 21A.38 Nonconforming Uses and Noncomplying Structures of the zoning ordinance. Related provisions of Title 21A-Zoning may also be amended as part of this petition. (Staff contact: Everett Joyce at (801) 535-7930 or [everett.joyce@slcgov.com](mailto:everett.joyce@slcgov.com).) Case number PLNPCM2014-00106
- 6. **Form Based Urban Neighborhood Text Amendment** - Michael Allred is requesting that the City amend the Form Based Urban Neighborhood District ordinance to increase building height on the corner of 200 West and Fayette Avenue. The proposed regulation changes will affect Table 21A.27.050.E of the zoning ordinance. Related provisions of Title 21A-Zoning may also be amended as part of this petition. (Staff contact: Michael Maloy at (801) 535-7118 or [michael.maloy@slcgov.com](mailto:michael.maloy@slcgov.com).) Case number PLNPCM2014-00085

*The files for the above items are available in the Planning Division offices, room 406 of the City and County Building. Please contact the staff planner for information, Visit the Planning Division's website at [www.slcgov.com/CED/planning](http://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. Planning Commission Meetings may be watched live on SLCTV Channel 17; past meetings are recorded and archived, and may be viewed at [www.slctv.com](http://www.slctv.com).*

*The City & County Building is an accessible facility. People with disabilities may make requests for reasonable accommodation, which may include alternate formats, interpreters, and other auxiliary aids and services. Please make requests at least two business days in advance. To make a request, please contact the Planning Office at 801-535-7757, or relay service 711.*

**SALT LAKE CITY PLANNING COMMISSION MEETING**  
**Room 126 of the City & County Building**  
**451 South State Street, Salt Lake City, Utah**  
**Wednesday, May 28, 2014**

A roll is being kept of all who attended the Planning Commission Meeting. The meeting was called to order at [5:34:45 PM](#). Audio recordings of the Planning Commission meetings are retained in the Planning Office for an indefinite period of time.

Present for the Planning Commission meeting were: Chairperson Emily Drown, Vice Chair Clark Ruttinger; Commissioners Angela Dean, Michael Fife, Michael Gallegos, James Guilkey, Matt Lyon, Marie Taylor, Matthew Wirthlin and Mary Woodhead. Commissioner Carolynn Hoskins was excused.

Planning Staff members present at the meeting were: Wilford Sommerkorn, Planning Director; Michaela Oktay, Planning Manager; Everett Joyce, Senior Planner; Carl Leith, Senior Planner; Lex Traughber, Senior Planner; Michael Maloy, Principal Planner; Chris Lee, Associate Planner; Michelle Moeller, Senior Secretary and Paul Nielson, Senior City Attorney.

**FIELD TRIP**

A field trip was held prior to the work session. Planning Commissioners present were: Emily Drown, Angela Dean, Michael Fife, James Guilkey, Matt Lyon, Clark Ruttinger and Mary Woodhead. Staff members in attendance were Michaela Oktay, Michael Maloy, Carl Leith, Lex Traughber and Chris Lee.

The following locations were visited:

- **654 East 3rd Avenue** - Staff gave an overview of the petition.
- **1202 E Wilmington**- Staff gave an overview of the petition.
- **2568 S Filmore**- Staff gave an overview of the petition.
- **200 West and Fayette Avenue** - Staff gave an overview of the petition.

**APPROVAL OF THE MINUTES FROM THE MAY 14, 2014, MEETING [5:34:54 PM](#)**  
**MOTION [5:35:04 PM](#)**

**Commissioner Fife moved to approve the May 14, 2014. Commissioner Dean seconded the motion. The motion passed unanimously. Commissioner Wirthlin and Guilkey abstained from voting as they were not present at the subject meeting.**

**REPORT OF THE DIRECTOR [5:35:31 PM](#)**

Mr. Wilford Sommerkorn, Planning Director, stated he had nothing to report.

[9:07:24 PM](#)

**Form Based Urban Neighborhood Text Amendment** - Michael Allred is requesting that the City amend the Form Based Urban Neighborhood District ordinance to increase building height on the corner of 200 West and Fayette Avenue. The proposed regulation changes will affect Table 21A.27.050.E of the zoning ordinance. Related provisions of Title 21A-Zoning may also be amended as part of this petition. (Staff contact: Michael Maloy at (801) 535-7118 or [michael.maloy@slcgov.com](mailto:michael.maloy@slcgov.com).) Case number PLNPCM2014-00085

Mr. Michael Maloy, Principal Planner, reviewed the petition as presented in the Staff Report (located in the case file). He stated Staff was recommending that the Planning Commission forward a positive recommendation to the City Council to approve a text amendment to Chapter 21A.27 to allow 5 stories or 65 feet of building height on the corner parcel located at the intersection of 200 West and Fayette Avenue.

The Commission and Staff discussed the following:

- The parcels being combined in the proposal.
- The parcel that would be considered the corner lot for the proposal.

Mr. Mike Allred, Applicant, reviewed the history of the property and the reason for the request. He reviewed the issues with the ordinance and how they affected the development of his property. Mr. Allred stated one of the issues the neighbors had with these projects was parking however; proposal addressed parking for the tenants and eliminated the issue.

#### **PUBLIC HEARING** [9:17:16 PM](#)

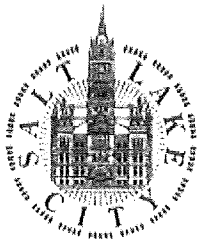
Chairperson Drown opened the Public Hearing; seeing no one in the audience wished to speak to the petition, Chairperson Drown closed the Public Hearing.

#### **MOTION** [9:17:30 PM](#)

Commissioner Woodhead stated regarding petition PLNPCM2014-00085, Form Based Urban Neighborhood Districts Ordinance Amendments, she moved that the Planning Commission transmit a favorable recommendation to the City Council, based on testimony received, the recommendation in the Staff Report, information gleaned during the hearing, the field trip, plans presented, and the findings listed within the Staff Report, with the addition that the proposal was appropriate because it was consistent with the Master Plan and the zoning intentions for the neighborhood. Commissioner Gallegos seconded the motion. The motion passed unanimously.

The meeting adjourned at [9:43:44 PM](#)

## **6. ORIGINAL PETITION**



# Zoning Amendment

☒ Amend the text of the Zoning Ordinance    ☐ Amend the Zoning Map

## OFFICE USE ONLY

Received By:

Date Received:

Project #:

Name or Section/s of Zoning Amendment:

*A. Anglin*    *2/20/14*    *PLN/PCM2014-00085*  
*21A.27.OSO.E    FB-UN2-text Amendment*

## PLEASE PROVIDE THE FOLLOWING INFORMATION

Address of Subject Property (or Area):

*964 S. 200 W.    SLC, Utah*

Name of Applicant:

*Michael Alfred - 9th Street LLC*

Phone:

*801-597-6284*

Address of Applicant:

*1175 E. 1850 S.    Bountiful, Utah    84010*

E-mail of Applicant:

*alfredconstruction@yahoo.com*

Cell/Fax:

*Fax - 801-292-8304*

Applicant's Interest in Subject Property:

☒ Owner    ☐ Contractor    ☐ Architect    ☐ Other:

Name of Property Owner (if different from applicant):

*9th Street LLC*

E-mail of Property Owner:

*same as above*

Phone:

*801-597-6284*

➔ Please note that additional information may be required by the project planner to ensure adequate information is provided for staff analysis. All information required for staff analysis will be copied and made public, including professional architectural or engineering drawings, for the purposes of public review by any interested party.

## AVAILABLE CONSULTATION

➔ If you have any questions regarding the requirements of this application, please contact Salt Lake City Planning Counter at (801) 535-7700 prior to submitting the application.

## REQUIRED FEE

➔ Filing fee of \$918.73 plus \$114.84 per acre in excess of one acre, plus additional cost of postage for mailing notice.

## SIGNATURE

➔ If applicable, a notarized statement of consent authorizing applicant to act as an agent will be required.

Signature of Owner or Agent:

*Museena*

Date:

*Feb. 5, 2014*

SALT LAKE CITY PLANNING

## SUBMITTAL REQUIREMENTS

Staff Review

### 1. Project Description (please attach additional sheets.)

- |                          |                                     |   |
|--------------------------|-------------------------------------|---|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | A statement declaring the purpose for the amendment.  |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | A description of the proposed use of the property being rezoned.  |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | List the reasons why the present zoning may not be appropriate for the area.  |
| <input type="checkbox"/> | <input type="checkbox"/>            | Is the request amending the Zoning Map? <i>No</i><br>If so, please list the parcel numbers to be changed.   |
| <input type="checkbox"/> | <input type="checkbox"/>            | Is the request amending the text of the Zoning Ordinance? <i>Yes</i><br>If so, please include language and the reference to the Zoning Ordinance to be changed. |

### WHERE TO FILE THE COMPLETE APPLICATION

*Mailing Address:* Planning Counter  
PO Box 145471  
Salt Lake City, UT 84114

*In Person:* Planning Counter  
451 South State Street, Room 215  
Telephone: (801) 535-7700

### INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

*And*, I acknowledge that Salt Lake City requires the items above to be submitted before my application can be processed. I understand that Planning will not accept my application unless all of the following items are included in the submittal package.



February 19, 2014

### Zoning Amendment – Project Description

I have owned the project site at 964 South 200 West for 25 years. In 1988, I developed a small office/warehouse building on the site. This building has served as my office and as a commercial rental property. I was pleased when the Salt Lake City planners showed a specific interest in this area with the advertising and eventual adoption of the new form-based zoning. I felt this was now the time to redevelop the site and upgrade the use to comply with the new zoning and with the transit orientation of this project area. The new 9<sup>th</sup> Street Village Apartments will reinforce the goals of city planners for this area. This project will bring energy and vibrancy to this area. This project will enhance the use of the 9<sup>th</sup> Street transit hub and beautify the area with a new pedestrian friendly streetscape and state of the art building materials.

As I became familiar with the new zoning proposal, I began working with a local architect to design an apartment building that would comply with the FB-UN2 zoning requirements. My understanding was that buildings located on the corners in this area would be permitted to be 65 feet in height, so I designed my building to meet this height requirement. This height gave me this unit density and mix that was needed and allowed me to use the first level of the building to provide parking and amenities for the tenants.

When the final draft of the FB-UN2 zone was adopted, the language in the ordinance allowing for the 65 foot building height LEFT OUT the corner of 200 West and Fayette Avenue. This was a huge disappointment to me and left me with a building design that would not work. When I discovered that my project corner had been left out of the final draft, it was too late to change the ordinance. In an attempt to resolve this so that my project can go forward, Michael Maloy recommended that I apply for this text change to the FB-UN2 zone. Michael presented this change informally to his staff and did not receive any disagreement or objection to the change. Michael also told me that the city master plan encourages taller buildings on the corners of city blocks, so he felt this request was consistent with the goals of the city master plan.

The schedule for this project requires that I have my funding package be completed no later than August 15<sup>th</sup>, 2014. Failing to meet this schedule will delay the project for at least another year. For this reason, I am asking that this amendment be approved and adopted no later than July 1<sup>st</sup>, 2014.

Thank you very much for consideration of my request. I am confident that the 9<sup>th</sup> Street Village Apartments will set a new standard of quality and excellence for living in this area.

If you have any further questions, please contact be at:

801-597-6284 or e-mail me at [allredconstruction@yahoo.com](mailto:allredconstruction@yahoo.com)

Sincerely,

A handwritten signature in cursive script, appearing to read "Michael Allred".

Michael Allred, Managing Partner

9<sup>th</sup> Street Village Apartments

**Table 21A.27.050.E FB-UN2 Building Form Standards**

BUILDING REGULATION		BUILDING FORM				
Building Height and Placement		Cottage Development (see paragraph G for additional standards)	Row House	Multi-Family Residential	Mixed Use	Store Front
H	Height	2.5 stories, 30' maximum from established grade	4 stories with a maximum of 50'. 5 stories with a maximum of 65' on parcels located on the corners of West Temple at 800 or 900 South, 200 West at 700, 800 or 900 South, <u>200 West at Fayette Avenue</u> , and 300 West at 800 or 900 South. All heights measured from established grade			

**ALLRED CONSTRUCTION &  
PARLEYS PARTNERS  
200 W. AND FAYETTE PROPERTY  
SALT LAKE CITY, UT**

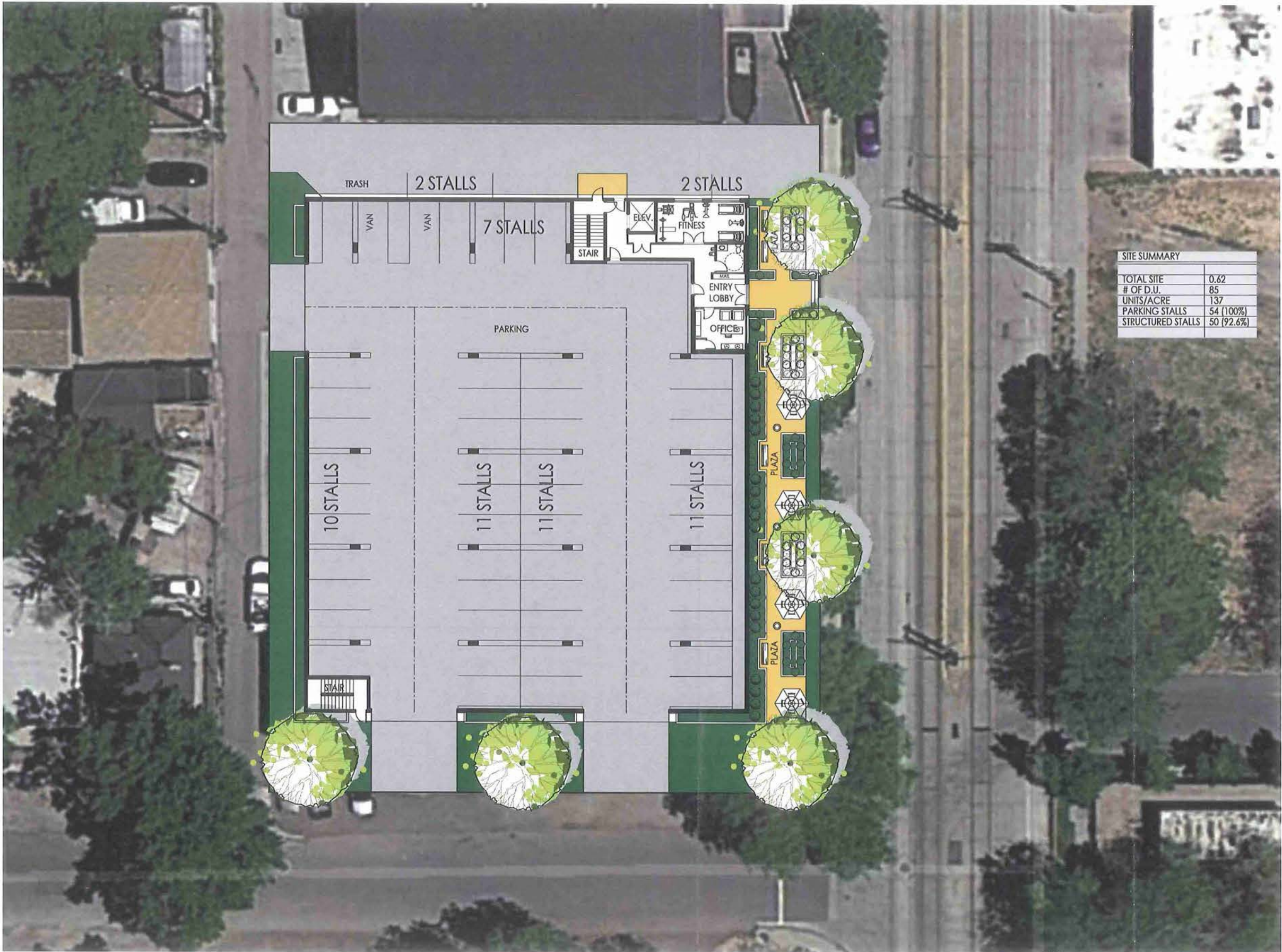
# **9th STREET VILLAGE APARTMENTS**



**An opportunity to bring affordable housing to 964 S. and 200 W..**







SITE PLAN  
SCALE: 1" = 10'-0"



Architecture  
Interior Design  
Landscape Architecture  
Land Planning  
Construction Management

3111 South 900 East, Suite 200  
Salt Lake City, UT 84117  
Ph: 801.569.5555  
Fax: 801.569.1425  
www.thinkark.com

The design and construction of this project is the responsibility of the architect and shall not be construed as a guarantee of performance or quality of workmanship.

This drawing is for informational purposes only and is not to be used for construction or other purposes without the written consent of the architect.

ALLRED CONSTRUCTION AND PARLEY PARTNERS  
9TH STREET VILLAGE APARTMENTS

200 W. AND FAYETTE  
SALT LAKE CITY, UTAH

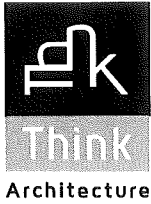
PROJECT NO. 140XX  
DATE: FEB 03, 2014  
REVISIONS:

SHEET TITLE:  
SITE-PLAN

SHEET NUMBER:

A101



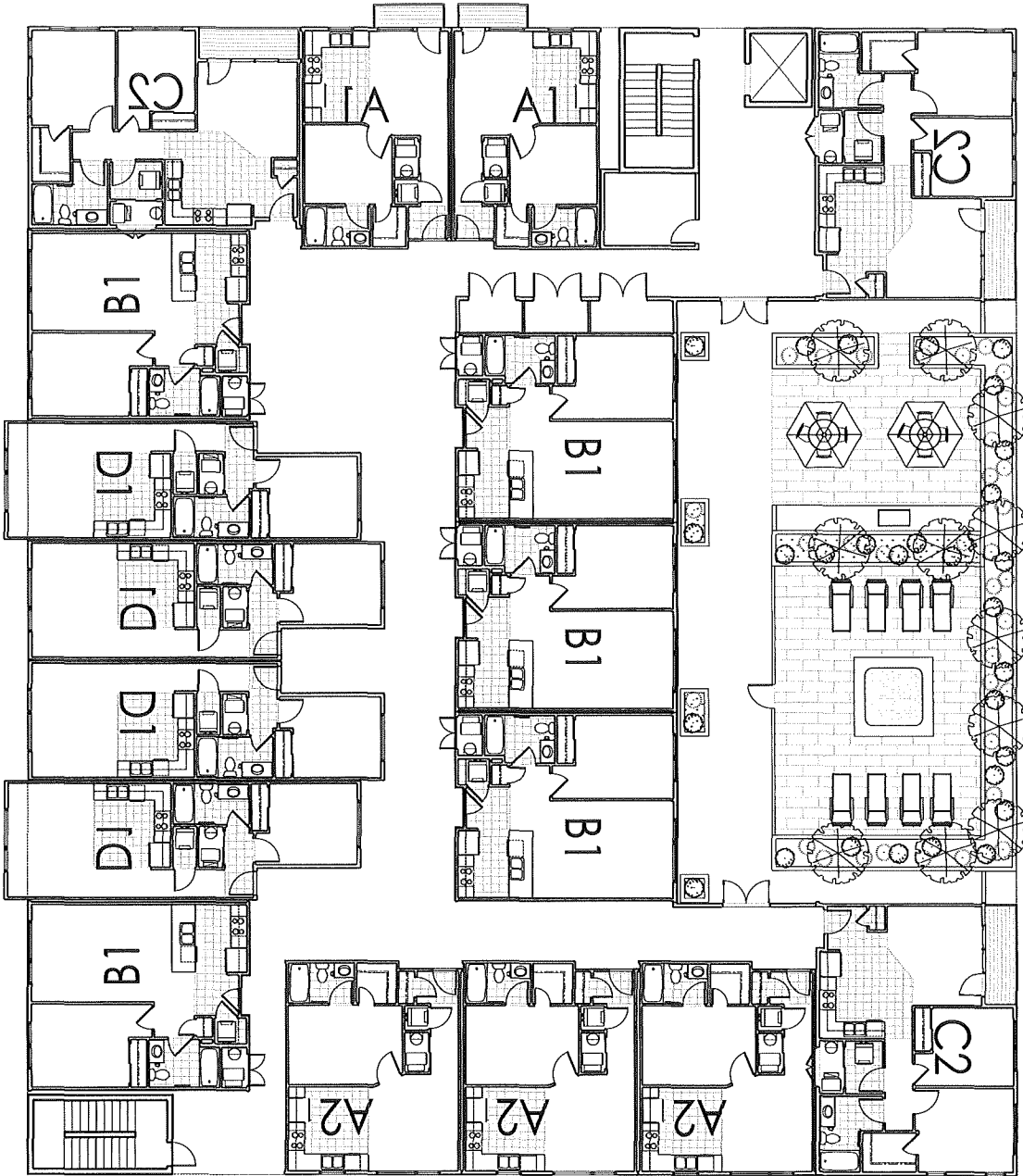


Architecture  
Interior Design  
Landscape Architecture  
Land Planning  
Construction Management

5151 South 900 East, Suite 200  
Salt Lake City, UT 84117  
Ph: 801.267.0535  
Fax: 801.267.1432  
www.thinkarc.com

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These drawings are available for limited review and notation by clients, consultants, contractors, government agencies, vendors, and other personnel only in accordance with the policies.

UNIT TYPE SUMMARY		
TYPE	# THIS LEVEL	TOTAL
A1	2	10
A2	3	15
B1	5	25
C2	3	15
D1	4	20
TOTAL		85



RESIDENTIAL LEVEL 1  
SCALE: 1/8" = 1'-0"

1  
A201

ALLRED CONSTRUCTION AND PARLEY PARTNERS  
9TH STREET VILLAGE APARTMENTS  
200 W. AND FAYETTE  
SALT LAKE CITY, UTAH

PROJECT NO. 140XX  
DATE: FEB 03, 2014  
REVISIONS:

SHEET TITLE:  
RESIDENTIAL LEVEL 1  
SHEET NUMBER:  
A201