



# COUNCIL STAFF REPORT

CITY COUNCIL of SALT LAKE CITY

**TO:** City Council Members

**FROM:** Brian Fullmer  
Policy Analyst

**DATE:** October 6, 2020

**RE: 989 East 900 South RB to CB Zoning Map Amendment  
PLNPCM2020-00126**

**Item Schedule:**

Briefing: August 18, 2020  
Set Date: August 18, 2020  
Public Hearing #1: September 15, 2020  
Public Hearing #2: October 6, 2020  
Potential Action: October 6, 2020

## **PUBLIC HEARING #1 SUMMARY**

No comments were received at the September 15 public hearing. The Council closed the hearing and noted a second hearing scheduled for October 6, 2020. The Council could consider taking action that night.

***The following information was provided for the August 18 work session. It is provided again for background purposes.***

## **WORK SESSION SUMMARY**

A Council Member asked for more information about a potential buffer between the subject property and a single-family residence to the north. Planning staff noted changes to the Design Review process stating the Planning Commission can impose additional setback and massing changes to reduce impact to adjacent properties. These changes were added to address compatibility concerns when applying the CB zone.

A question was raised about whether Planning received input from the adjacent resident in a single-family house. Planning stated they have not heard from that resident. It was noted multiple notices were sent to the property. Asked what the likelihood of that property owner



requesting a change from Institutional to residential, Planning staff stated they couldn't say. The future land use map calls for that property to remain Institutional.

In response to a Council Member question about whether the design review process is automatic if changes are made to a building in the CB zone, Planning responded the process is automatic if certain thresholds are met. In this instance, if the subject property owner increased the building size by approximately 1/3 the Design Review process would be triggered.

There was a question about the RB zone's purpose. Planning staff stated it is intended to preserve the residential home character for buildings converted to commercial use. It is useful for those buildings, but less so for commercial-style buildings.

A Council Member asked about parking requirements under RB and CB zoning designations. Planning responded they both require two spaces per 1,000 square feet of building space.

A designer working with the applicant addressed the Council stating They have not yet explored how the property would be used if the entire parcel is zoned CB vs. the east half remaining RB. It was his opinion changing the east half zoning to CB simplifies the owner's ability to be compatible with the neighborhood.

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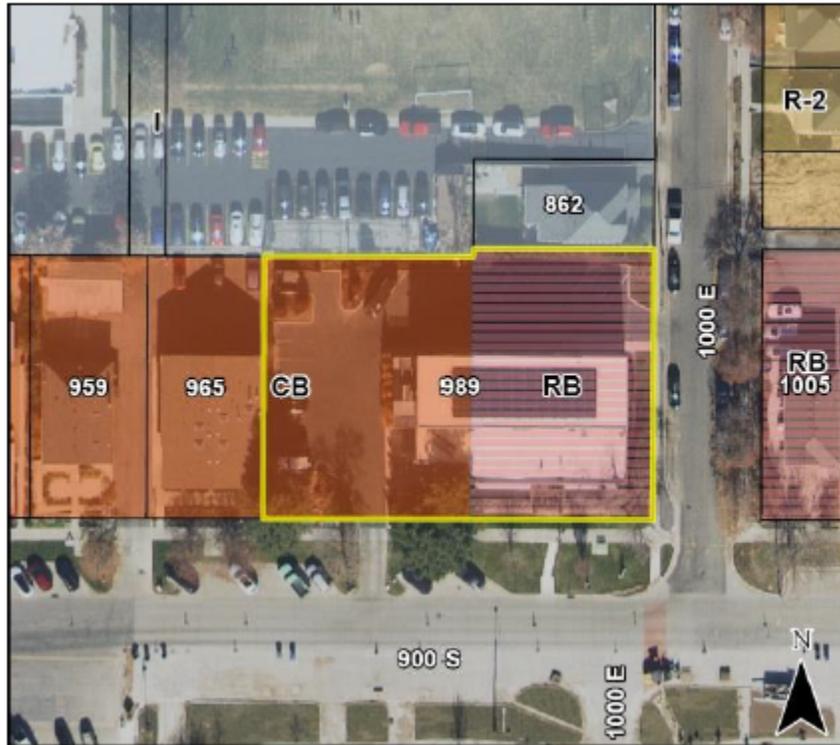
***The following information was provided for the August 18 work session. It is provided again for background purposes.***

The Council will be briefed about an ordinance to rezone a portion of the property at 989 East 900 South in City Council District Five. The property is currently "split-zoned" with the west half of the property zoned Community Business (CB) and the east half zoned Residential Business (RB). The applicant would like to change zoning on the east half to CB, so the entire parcel is zoned CB.

The Central Community Master Plan Future Land Use map designates the property's west half as "Community Commercial" and the east half "Low Residential/Mixed Use (5-10 dwelling units per acre)." The property currently has a commercial building where the property owner's business, Contender Bicycles is located and a parking lot.

The applicant stated he is considering a building expansion, but no development plans have been submitted to date. Under current zoning, any new buildings or additions would need to comply with CB zoning requirements for the west half of the property and RB requirements for the east half.

Planning staff recommended and the Planning Commission forwarded a unanimous positive recommendation to the City Council for this proposed rezone.



*Aerial view of nearby zoning designations with subject parcel outlined in yellow.  
(Page 1 of the Administration’s transmittal)*

**Goal of the briefing:** Review the proposed zoning map amendment and determine if the Council supports moving forward with the proposal.

**POLICY QUESTION**

1. Does the Council support the Planning Commission’s recommendation to adopt the proposed changes?

**ADDITIONAL INFORMATION**

The subject property has been split-zoned since at least the 1995 City rezone. Zoning for this property likely corresponded with a property line that ran through the property until 1993. The building was remodeled and expanded in 2013. The west side was required to meet CB requirements and the east side RB.

The proposed rezone would allow for greater building coverage on the east half of the property than under the current RB zoning. The RB zoning designation has fewer design requirements than the CB zone. Any significant additions to the current building or new construction would likely be reviewed through a Design Review process under CB zoning rather than “by right” under the current RB zoning.

Through analysis of the proposal and zoning amendment consideration standards, Planning staff identified three key considerations which are summarized below. For the complete analysis, please see pages 17 – 24 of the Administration’s transmittal.

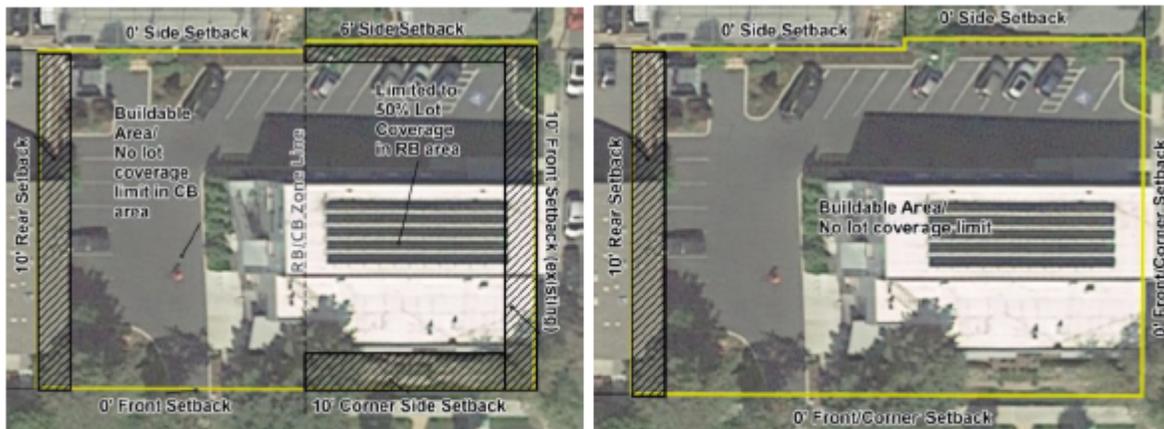
1. **CB and RB Zoning Development Potential**

The CB and RB zones have similar regulations allowing for many of the same uses and similar sized buildings. If the east half of the property is not rezoned, any additional development on that

portion would need to meet RB zoning requirements. A few significant differences between the RB and CB zoning designations are summarized below. A table on page 19 of the Administration’s transmittal includes additional comparisons of the two zoning designations.

- A maximum of 50% a lot can be covered by buildings under the RB zone. The CB zone doesn’t have this limit.
- The RB zone has front/corner and side setbacks. The CB zone doesn’t have these setbacks but has maximum front/corner setbacks to encourage buildings to be closer to the sidewalk.
- The CB zone requires a public Design Review process for buildings with a first floor exceeding 7,500 square feet. There is no such requirement under the RB zone.
- If the east half of the property is rezoned to CB, additions to the building’s first floor that make it total more than 7,500 square feet (or 15,000 square feet for the entire building) will require a Design Review. The existing first floor is approximately 5,400 square feet, so additions to the first floor more than 2,100 square feet would require Design Review.

The following image from page 18 of the Administration’s transmittal illustrates development potential of the property under the current split-zoning and the proposed CB zoning designation:



*Buildable area with current split-zoning. A ~950 square foot addition could be built on the east half of the property under the current zoning by right. An addition without such size limitations could be built on the west side.*

*Buildable area if the property is rezoned to CB. There would be no lot coverage limit, except for the rear (west) setback. Building additions over the size threshold would trigger Design Review and additional design guidelines.*

## 2. Central City Community Master Plan Compatibility

The Central City Community Master Plan future land use map shows the property with a split designation which aligns with the current split-zoning. The Plan designates the property’s west side as “Community Commercial, while the east side is designated “Low Residential/Mixed Use (5-10 dwelling units/acre.”

Neither the current RB or CB zoning designations fully match the “Low Residential/Mixed Use” master plan designation. Both RB and CB zoning allows for multi-family development without density limitations and could exceed the 5-10 dwelling units/acre noted above.

The RB zone does not require the building or additions to “maintain a residential character.” The building on this site was remodeled in 2013 and retained its flat roof and commercial style. Under the proposed CB zone, there are design guidelines for large buildings going through Design Review which provide more regulatory guidance for residential character. These guidelines allow the

Planning Commission to impose roof styles such as sloped roofs for additions to buildings if appropriate to help ensure compatibility with roof lines found on the block. These could potentially better comply with the master plan guidance to maintain a “residential character” for buildings.

Both the RB and CB zoning designations allow for similar low intensity “neighborhood retail and service land uses” such as retail, restaurant and office uses. The CB zone allows for some more intense permitted uses than the RB zone including minor automotive repair, banks and restaurant/retail with drive-through. Some additional conditional uses including gas station, hotel/motel, and bed and breakfast manor allowed under CB zoning (see Attachment C on pages 33 – 40 of the Administration’s transmittal for a more complete summary of CB and RB zoning regulations).

It is Planning staff’s opinion that although the CB zone does not completely match the master plan’s future land use designation, it is generally compatible with the description considering design requirements of the zone and allowed lower intensity commercial land uses.

### **3. Compatibility with Adjacent Properties**

As part of a zoning amendment request, Planning staff analyzes how adjacent properties may be affected by a zoning change. For this property, the adjacent parcels to the north are zoned Institutional (I), and CB to the west. Across 1000 East to the east are properties zoned RB and across 900 South to the south are parcels zoned RMF-35. There is an existing single-family residence in the Institutional zone adjacent to the north. Residential uses are not allowed in the Institutional zone, so the use is considered “nonconforming.” Because the property is zoned Institutional, a landscape buffer is not required as buffers are only required when adjacent to residential zoned properties.

If the east half of the property is rezoned CB, there is no base requirement for a setback on the north side of the property next to the residence, but a six-foot setback is required under the RB zone. If parking remains on the north side of the property there will continue to be a seven-foot landscaped setback as it is required regardless of the zoning designation. Planning staff believes it is unlikely any parking would be removed from the property with a building expansion.

Properties to the south and east are buffered by 900 South and 1000 East respectively. The streetscapes, park strips, large trees, on-street parking and driving lanes provide horizontal and vertical buffering. Planning staff noted 1000 East may serve as a logical dividing line for the transition from the CB to RB zone, providing a built-in buffer to reduce compatibility concerns between zoned areas rather than in the middle of a developed property.

## **ANALYSIS OF STANDARDS**

Attachment F (pages 52 – 54 of the Administration’s transmittal) includes zoning amendment criteria against which this proposal was reviewed. Planning staff found the proposal is generally consistent with the policies and goals of applicable master plans and furthers the specific purpose statements of the zoning ordinance. If approved the zoning change is not anticipated to create any substantial new negative impacts that would not be anticipated with the current zoning.

## **PUBLIC PROCESS**

- Notice of the project and request for comments was sent to the Chairs of the East Liberty Park Community Organization and the East Central Community Council March 12, 2020.

- The East Liberty Park Community Organization provided a letter in support of the proposal. That letter is in Exhibit 3d.
- An “online open house” notice was mailed to property owners/residents within 300 feet of the proposal April 10, 2020 informing them of the proposal, where to get more information, and who to contact for questions and comments.
  - One letter in support of the proposal was received from a nearby property owner/resident.
  - No public comments were received in opposition to the proposal.
- The Planning Commission public hearing was held June 10, 2020. One person spoke during the public hearing in support the proposal.
- Following the public hearing, the Planning Commission voted unanimously to forward a positive recommendation to the City Council for the zone change from RB to CB as requested by the applicant.