



## CITY COUNCIL STAFF REPORT

<b>MEETING DATE:</b>	19 March 2015
<b>APPLICANT:</b>	Louise Avenue, LLC
<b>ADDRESS:</b>	75-79 E. Louise Avenue
<b>REQUEST:</b>	General Plan Amendment
<b>ZONE:</b>	Low-Density Residential (3-8 units per acre) to General Commercial
<b>FILE NUMBER:</b>	GP-15-002
<b>PREPARED BY:</b>	Michael Florence

**SYNOPSIS:** Louise Avenue, LLC is petitioning the Planning Commission for a recommendation to amend the future land use map to designate .26 acres located at 75-79 E. Louise Avenue from Low Density Residential to General Commercial. The purpose of the petition is to allow for the expansion of the existing car dealership that fronts State Street at 2848 S. State Street.

### **SUMMARY:**

- Louise Avenue, LLC is the property owner of the existing dealership and the two homes for which this petition is made to amend the future land use map designation
- Louise Avenue, LLC claims that the two homes have become less viable as rental properties and that the homes are now at the stage that the cost of rehabilitating them does not make financial sense
- There is an existing alley that separates the two uses. If the applicant is successful in amending the General Plan map and Zoning map then the applicant will petition to have the alley vacated by the City
- No new construction is proposed with this application. The proposal is to allow for a larger display area for the dealership
- If the proposal is approved by the City Council the applicant is willing to add a solid fence and ten feet of landscaping as a buffer between the residences and the dealership
- Staff recommends reviewing the General Plan recommendations as indicated in this staff report that apply to the application
- For this application, the Planning Commission is making a recommendation to the City Council. If successful, the applicant will return to the Planning Commission for a recommendation to amend the zoning map and for design review since the expansion is adjacent to a single family zone.
- The car dealership directly to the north was approved by the Planning Commission and City Council and subsequently redeveloped the site into a larger site with a new building and landscaping



## CITY COUNCIL STAFF REPORT

### PLANNING COMMISSION ACTION:

At a public hearing on March 19, 2015, the South Salt Lake Planning Commission voted unanimously to recommend DENIAL to the City Council to amend the future land use map of the General Plan from Medium Density Residential to General Commercial located at 75 E. and 79 E. Louise Avenue.

### General Information:

**Location:** 75-79 E. Louise Avenue

**Property Size:** .26

### Surrounding General Plan Designation and Land Uses

North: General Commercial – Car dealership

South: Low Density Residential – Detached single family homes

East: General Commercial – Car dealership

West: Medium Density Residential – Detached single family homes

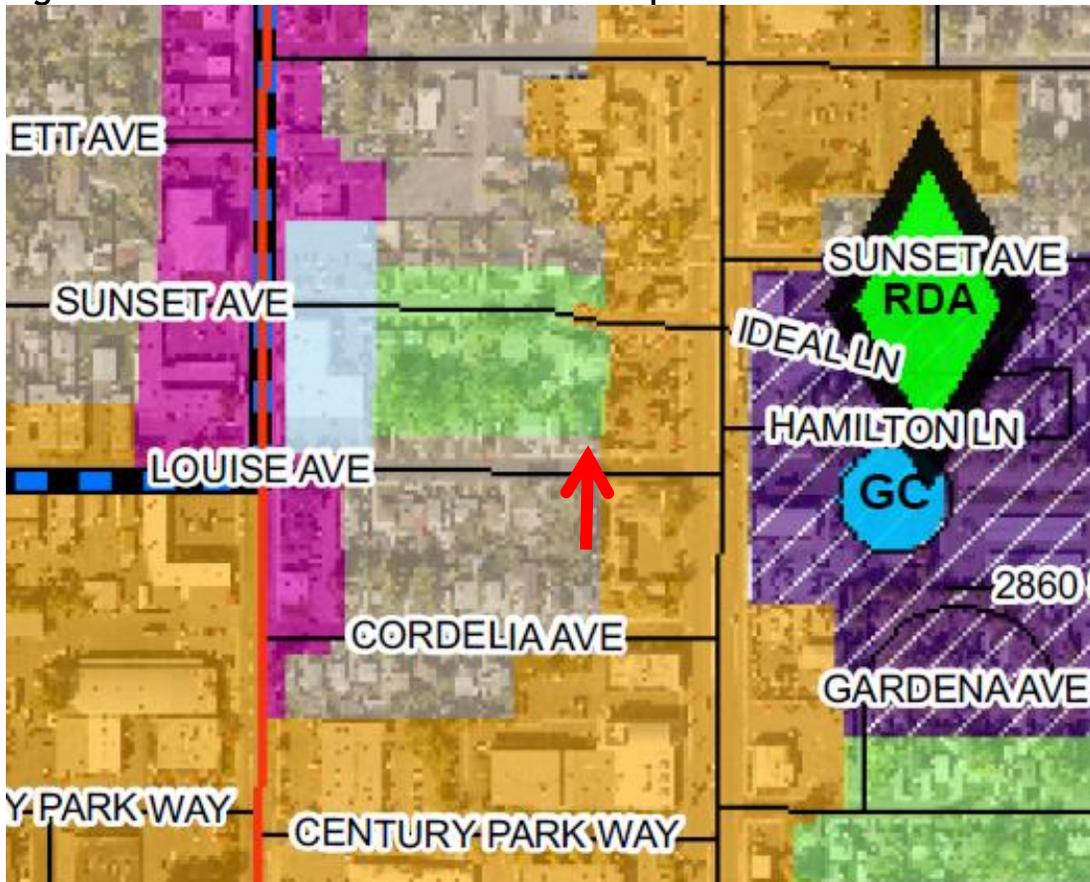
**Figure 1: Aerial Photo**



Figure 2: Existing Zoning



Figure 3: General Plan Future Land Use Map



**Requirements:**

**17.07.020 - Establishment and duties of planning commission.**

K. Responsibilities.

1. The planning commission makes recommendations to the city council for:
  - a. The general plan and amendments to the general plan;

**General Plan Considerations:**

**Goal LU-1. Regulate land uses based on compatibility with surrounding uses, residential areas and economic feasibility. Maintain residential, business and industrial areas that are vibrant and where the health and safety of all are protected.**

**Objective LU-1.2:** Preserve business and industrial areas.

**Policy LU-1.1.1:** Do not allow encroachment into existing residential areas on a lot-by-lot basis. If encroachment is allowed into a residential area, it should be done on a larger scale with significant amenities and buffers installed to upgrade the neighborhood.

**Goal LU-3 Appropriately seek the redevelopment of legal non-conforming uses, properties and structures to be more conforming over the long term.**

**Objective LU-3.1:** Establish specific programs that can eliminate or reduce non-conformity.

**Policy LU-3.1.1:** Whenever a change of use occurs require the installation of parking, landscaping and other requirements.

**Goal LU-7. Protect low density residential areas adjacent to business districts**

**Objective LU-7.1:** Mitigate impacts caused by businesses near low density residential by the addition of landscape buffers, traffic calming and traffic reduction measures.

**Policy LU-7.1.1:** Study and determine the feasibility of using traffic calming and traffic reduction measures.

**Policy LU-7.1.2:** Site medium density residential projects between intense businesses and low density residential

**Policy LU-7.1.3:** If alleyways exist between businesses and residential consider converting them to pedestrian walkways and bike paths

**Goal CV-3. Follow the General Plan as closely as possible.**

**Objective CV-3.1:** The General Plan should guide all land use amendments and decisions by the Planning Commission and City Council.

**Policy CV-3.1.1:** Land use recommendations should always reference the General Plan.

**Policy CV-3.1.2:** If the General Plan is not followed, the reasons for not following the Plan should be established and recorded.

**Objective CV-3.2:** The General Plan should be kept as a relevant document.

**Policy CV-3.2.1:** If the desired land use changes are not consistent with the General Plan, an amendment to the plan should be considered.

**Staff Analysis:**

The Community and Economic Development Departments main concern is allowing commercial encroachment into the existing residential area and protecting low density residential areas adjacent to business districts. Policy 1.1.1 under Land Use Goal 1 states “do not allow encroachment into existing residential areas on a lot-by-lot basis. If encroachment is allowed into a residential area, it should be done on a larger scale with significant amenities and buffers installed to upgrade the neighborhood.” There is always going to be a balance between preserving residential integrity of the neighborhoods adjacent to State Street and allowing commercial properties to expand or redevelop. Land Use Goal 3 also recommends to “appropriately seek the redevelopment of legal non-conforming uses, properties and structures to be more conforming over the long term.” The existing car dealership is non-conforming as to the display area. The City ordinance requires that a dealership have at a minimum one acre of display area located in the front or side yard of the business. By allowing the dealership to expand this would be decreasing the non-conformance as to area but the new display area would also be located behind the building. The area behind the building could be considered a vehicle prep area where vehicles wait to be displayed by the dealer.

If the applicant group is successful with the General Plan amendment, they will return requesting an amendment to the zoning map and design review approval. One thing that the commission could request when the applicant returns is to bring the site more into conformance with landscaping. For a change in zoning, the commission could request that the applicant install landscaping along State Street and Louise Avenue. This landscaping would be in addition to the ten foot landscape buffer that will be required adjacent to the single family residence.

**City Council Options:**

**A. Approval**

**Approval of the applicant’s petition to amend the future land use map to designate .26 acres located at 75-79 E. Louise Avenue from Low Density Residential to General Commercial, with the following findings:**

1. Allowing the dealership to expand helps to bring the non-conforming property closer into compliance to title 17.06.110 - Automobile, boat, trailer or camper sales or rental—Special requirements.

**B. Denial**

**Denial of the applicant’s petition to change the future land use map at 75-79 E. Louise Avenue for the following reason:**

1. The General Plan includes a policy to not allow encroachment into existing residential areas on a lot-by-lot basis. This application seeks to amend the

designation of two single family parcels from medium density residential to Commercial General

2. Encroachment into the residential district should be done on a larger scale with significant amenities and buffers installed to upgrade the neighborhood

### Attachments

Site photos  
Applicant letter  
Planning Commission Minutes

### Site Photos

Picture of the existing dealership



Picture of the existing single family homes



**Applicant Letter**

**LOUISE AVE. L.L.C.**  
11576 S. State Street, Suite 102-B  
Draper, Utah 84020

Telephone: 801-898-2299

E-mail: [garywmac@gmail.com](mailto:garywmac@gmail.com)

February 27, 2015

City of South Salt Lake  
Community Development Department  
220 E. Morris Avenue, Ste. 200  
South Salt Lake City, Utah 84115

Re: Request for General Plan Amendment/Change in Zoning  
79 E. Louise Avenue and 75 E. Louise Avenue  
South Salt Lake City, Utah

Dear Community Development Department:

Our family (the Delmer W. McDougal and Evelyn McDougal Family) has owned the two houses on Louise Avenue dating back to the late 1970's. It is these two properties (and a remnant of an alley) that is the subject of our requested General Plan Amendment.

Our father ("Mac") originally bought property on State Street that was formerly a Union 76 gas station built around 1960. He converted it to a used car lot around 1968 and operated Mac Auto Sales at this location until his death in 1997.

The homes located at 75 E. and 79 E. Louise, which lie directly west of the State Street property, were acquired by him in the late 1970's for possible expansion. Obviously that expansion never took place. We, as a family, still own the State Street property and it is currently leased to Patagonia Car Sales.

Over the past quarter century we have owned the houses under the umbrella company Louise Ave. LLC. We have rented out the houses at a very modest rent just to keep them occupied. The houses, built in 1914 and 1928, have become, over time, less and less viable as rental units. The houses are now at the stage that the cost of rehabilitating them does not make financial sense.

Recently the owner of the car sales operation directly to the north of the two Louise homes, Unlimited Auto Sales, expanded his car sales operation to the west. A very large commercial building (two stories high) now runs along the entire north border of the two Louise home. The Louise homes are now bordered on the east side by the car lot located at 2848 S.

State. They are bordered on the north side by the large commercial building erected by Unlimited Auto Sales.

Given the location, age, and condition of the two homes on Louise Avenue we are requesting that the zoning on those two properties be changed to commercial. It would be our intention to demolish the two homes and merge the re-zoned properties with the current commercial property facing State Street.

We would intend to erect a permanent fence along the western border of the property and would respect the wishes of the homeowner to the west regarding the type of materials and height of the fence. We believe that such a fence would improve the appearance and value of the residence by removing the distraction of the two adjacent houses on Louise Avenue, which, frankly, do not add to the value or appearance of the neighborhood in their current condition.

Long term, a commercial building may be appropriate for this property. If built, it would be adjacent to the large commercial building already erected on the north side of the property.

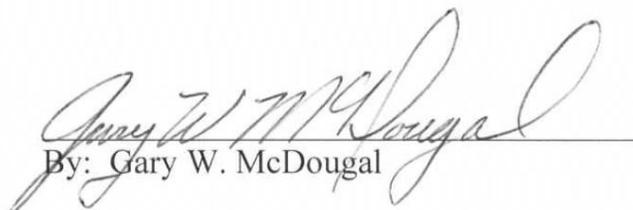
The financial life of the two houses is coming to an end, and we believe that a zoning change would be in the best interests of the City, the adjacent property owners, and us, as current owners.

There also appears to be the remnant of a public alley running north/south along the east side of 79 E. Louise Ave. and the west side of 2848 S. State. It is our understanding that north portion of this lane was abandoned when Unlimited Car Sales obtained their rezoning and permit to build their new commercial building. The alley no longer runs between Louise Ave. and Sunset Ave. We think this alley remnant should be abandoned/resolved as part of the General Plan Amendment.

We respectfully request that the Community Development Department and South Salt Lake City approve the requested General Plan Amendment.

Sincerely,

Louise Avenue, L.L.C.

  
By: Gary W. McDougal

cc:

Bryan L. McDougal  
Marlene McDougal Barbano  
Sharon McDougal Arnoldus  
Curtis D. McDougal

## Planning Commission Minutes

### *Planning Commission Work Meeting Minutes*

*Thursday, March 19, 2015*

*City Council Chambers*

*220 East Morris Avenue*

*Time 6:00 p.m.*

#### **Commission Members Present:**

Rachel Lauritzen, Presiding

Lynda Brown

Holly Carson

Jeremy Carter

Brandon Dalton

Mark Kindred

#### **Staff Members Present:** Director

Michael Florence, Community Development

Francis Lilly, Deputy Director

Alexandra White, City Planner

Sharen Hauri, Urban Design Director

Mr. Lilly introduced the Louise Avenue petition, which is very similar to the Car City request. A key difference is that the homes on 75 and 79 East Louise Avenue exist and the applicants are not proposing to completely redevelop the site. They would like to demolish the homes, expand the parking, install a buffer, upgrade the landscaping, and allow the dealership to expand. This would bring the dealership close to conformity with the ordinance. Currently one acre of display area is required along with 200 feet of lineal frontage. What is proposed gets them closer to that goal. An aerial photo of the dealership was shown along with the location of the single-family homes. The surrounding land uses are similar in both cases.

In response to an email Mr. Lilly received earlier in the day from Commissioner Carter, he reported that in 2012 a zone change was approved for Unlimited Auto to allow the applicant to redevelop their site. At that time staff did not believe a General Plan amendment was necessary because it was functioning as a single dealership lot and the applicant found a way to improve its function. The zone change was ultimately approved. The historic use of the property was described.

The Planning Commission Work Meeting adjourned at approximately 6:50 p.m.

***Planning Commission Regular Meeting Minutes***

*Thursday, March 19, 2015*

*City Council Chambers*

*220 East Morris Avenue*

*Time 7:00 p.m.*

**Commission Members Present:**

Rachael Lauritzen, Presiding  
Lynda Brown  
Holly Carson  
Jeremy Carter  
Brandon Dalton  
Mark Kindred

**Staff Members Present:**  
Director

Michael Florence, Community Development  
Francis Lilly, Deputy Director  
Alexandra White, City Planner

**Moment of Reflection:**

**Chair Lauritzen**

**Pledge of Allegiance:**

**Commissioner Dalton**

**Motion to Approve the Agenda:**

**Commissioner Carter**

**Second to the Motion:**

**Commissioner Brown**

**Vote:**

**Unanimous**

**A Recommendation to the City Council to amend the City's Future Land Use Map from Medium Density Residential to General Commercial.**

**Action Item**

**Address: 75 and 79 East Louise Avenue**

**Applicant: Louise Avenue, LLC and Gary McDougal**

Mr. Lilly presented the staff report and stated that Louise Avenue, LLC is making the petition to amend the Future Land Use Map to designate just over one-quarter acre of land from Low-Density Residential to General Commercial. The purpose of the petition is to allow for the expansion of the existing car dealership, which fronts State Street at 2848 South State Street. This application is similar to the previous one presented in that a car dealership on State Street is seeking to expand to the east. The current zoning map was displayed showing the property in red. The Future Land Use Map shows Medium-Density Residential to Low-Density Residential for the residential component and General Commercial for the commercial component. Photos of the property were displayed.

There are two homes located to the west that are in poor condition. The surrounding uses consists of an auto dealership to the north, single-family residences to the south, an auto dealership to the east, and single-family residences to the west. The General Plan considerations for the request were exactly the same as for the previous request.

Mr. Lilly stated that there is a policy to prevent encroachment into residential areas on a lot-by-lot basis. It was understood that there could be a balance struck between preserving residential integrity of neighborhoods adjacent to State Street and allowing commercial properties to redevelop. Mr. Lilly referenced Land Use Goal 3, which recommends appropriately seeking the redevelopment of legal non-conforming uses, properties, and structures to be more conforming over the long term. The existing car dealership is non-conforming with respect to the display area. City ordinance requires that a dealership have a minimum of one acre of display area in the front or side yard. Allowing the dealership to expand would decrease the level of non-conformance but the new display area would be located behind the building. The applicant was not proposing to build a new structure or redevelop the site. The area behind the building could be considered a vehicle preparation area where vehicles would wait to be displayed by the dealer.

Mr. Lilly reported that if the applicant obtains the General Plan amendment, they will request an amendment to the zoning map and design review approval. At that time the Planning Commission could request that they bring the site into more conformance in terms of landscaping and request that they install landscaping along State Street and Louise Avenue. The landscaping would be in addition to the 10-foot landscape buffer that would be required adjacent to the single-family residence. Furthermore, the applicants indicated in their Applicant Letter, that while they are in no hurry to redevelop the site, they would do so if their tenant requested it and as circumstances warranted. They were willing, however, to do the landscaping and the buffering wall immediately.

Chair Lauritzen asked about the material differences between this request and the previous application. Mr. Lilly explained that there are two existing homes on the site. Although they are in poor condition, they are habitable. The home in the previous request posed a life safety risk and the applicant requested a new site plan and proposed to mitigate some of the problems with the site. None of those conditions exist in this case. This applicant is not proposing to rebuild the dealership but is simply looking to expand the parking area.

The applicants, Brian McDougal, who gave his address as 2449 Brook Mill Lane, in Sandy, and his brother, Curtis McDougal, who resides at 11761 South Autumn Ridge Cove, in Sandy, introduced themselves. Brian McDougal gave a history of the property and reported that his father originally purchased the area outlined in red in the late 1960s. They also purchased all of the property where Unlimited Auto Sales was. It was not zoned commercial and was a motel/apartment complex. Their father also purchased the two homes on Louise Avenue. Both are in poor shape and it is not financially feasible to make the necessary renovations. Because of the new adjacent commercial building approved in 2012, they did not think it was viable to build new residences there. With the proposed expansion, their intent was to reunite the lots for a contiguous car lot. Mr. McDougal stated that they would like to remodel the existing building and replace the roof. If the two lots are combined, he felt they would be close to having a conforming lot.

Commissioner Carter did not understand how installing new windows and a new furnace is not financially feasible. Curtis McDougal stated that the homes need extensive repairs. They also have structural problems and cannot be rebuilt. Commissioner Carter's understanding was that the applicants do not want to make the needed repairs and would prefer to build a parking lot. He did not see the need for repairs as a viable reason to

bulldoze the homes. Mr. McDougal stated that regardless of how much money is invested in the homes they will never break even. The fact that the homes abut commercial makes renovation less feasible. Mr. McDougal thought that what is proposed will make the site look much better and improve the neighborhood.

**Chair Lauritzen opened the public hearing.**

Pat Brown gave his address as 64 East Louise Avenue and stated that he has lived on the street since he was a child. He loves the City and described Mack McDougal, the McDougal's father as a very kind person. He described the close relationship families who have lived in the neighborhood have had for many years. Mr. Brown realized there are numerous problems with the homes and stated that much of that is due to fact that the tenant never complains. He questioned whether the McDougals understand the extent of the problems because he has never seen them there or observed anyone care for the homes. He felt they would be in better shape if they had been properly maintained. Mr. Brown stated that as a contractor, he has never seen a home that cannot be restored. With respect to the building behind the homes, it provides privacy for the tenants. The tenants, although elderly, cannot be discarded. He noted that many of the families on the street have been there for 30 or 40 years. It is a great family neighborhood and they would like to keep it that way. Mr. Brown offered to help restore the homes to make it more affordable for the McDougals.

Kathleen Allred was present on behalf of Shirley Lecheminant who lives at 64 East Louise Avenue and was unable to be in attendance. Ms. Lecheminant is 76 years old and started a petition on the street. In one day she collected 41 signatures from people who do not want the request to be approved. The neighbors do not want to see the commercial operation expand and they love the people who live in the homes.

Ini Frank gave her address as 71 East Louise Avenue and stated that she has small children and worries about them. She wanted to maintain her privacy.

**There were no further public comments. Chair Lauritzen closed the public hearing.**

Chair Lauritzen asked if the Landlord Program has been maintained. Mr. Lilly did not know if the McDougals were good landlords or whether they have licensed rentals. Chair Lauritzen felt the same conditions apply to this request as to the previous one since it involves a small expansion of the Future Land Use Map. It also encroaches on the neighborhood, which is still doing well.

Commissioner Kindred agreed and felt this was a similar situation and that the request is contrary to the desires of the City.

Commissioner Dalton felt that the last request had the potential to enhance the street. That did not seem to be the case with this request. He considered this to be an encroachment and saw no benefit to Louise Avenue.

**Motion to recommend DENIAL of the applicant's petition to change the Future Land Use Map at 79-79 East Louise Avenue for the following reasons:**

- 1. The General Plan includes a policy to not allow encroachment into existing residential areas on a lot-by-lot basis. This application seeks to amend the**

**designation of three single-family parcels from Low-Density Residential to Commercial General.**

- 2. Encroachment into the residential district should be done on a larger scale with significant amenities and buffers installed to upgrade the neighborhood.**

**Commissioner Carson**

**Second to the motion:**

**Commissioner Carter**

**Vote:**

**Unanimous**