



CITY COUNCIL STAFF REPORT

MEETING DATE: 22 July 2015
APPLICANT: Edgardo Martinez
ADDRESS: 3165-3185 S. State, 131-139 E. 3185 S.
REQUEST: Land Use Map Amendment – Zone Change
ZONE: Single-Family Residential to Commercial Corridor
FILE NUMBER: Z-15-003
PREPARED BY: Alexandra White

SYNOPSIS: Edgardo Martinez is petitioning the City Council for a recommendation to amend the City zoning map to designate .33 acres located at 131-139 E. 3185 S. from Single-Family Residential to Commercial Corridor. The purpose of the petition is to allow for the expansion of the existing car dealership that fronts State Street at 3165 S. State Street.

SUMMARY:

- **The General Plan Amendment for this application was approved by the City Council in March 2015**
- **This application is for a Zone Change**
- The applicant operates a car dealership at 3165 S. State called Car City
- The home at 135 E. 3185 S. was damaged by a fallen tree a number of years ago. The City Building Official declared it a dangerous building and the City Administrative Law Judge upheld the decision. The current property owners recently demolished the home after leaving it vacant for many years
- The property owner of the dealership and the residence are the same
- New construction is proposed with this application. The proposal is to construct a new dealership building and allow for additional display area
- Staff recommends reviewing the General Plan recommendations as indicated in this staff report that apply to the application
- The applicant will be subject to a Design Review by the Planning Commission for a new site plan

PLANNING COMMISSION ACTION:

At a public hearing on July 16, 2015 the South Salt Lake Planning Commission voted on a 5 to 0 vote to recommend DENIAL to the City Council to amend the Land Use Map from Single-Family Residential to Commercial Corridor located at 3185 S 131-139 E. The Planning Commission felt this application was encroachment into existing residential areas on a lot-by-lot basis and the scale of the project was not significant enough to warrant a zone change.



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General Information:

Location: 3165-3185 S. State, 131-139 E. 3185 S.

Property Size: 0.33 Acres

Surrounding General Plan Designation and Land Uses

North: Commercial Corridor – Auto repair and strip mall

South: Commercial Corridor – Restaurant and single family residence

East: R-1 Residential – Single family homes and apartments

West: Commercial Corridor – Commercial retail

Figure 1: Aerial Photo



Figure 2: Existing Zoning



Figure 3: General Plan Future Land Use Map



Requirements:

17.01.140 - Zoning map adopted.

The zoning map for the City of South Salt Lake as adopted by the city council and executed by the mayor is the official zoning map for the city. Upon amendment to the official zoning map, the mayor shall execute a new map, or re-execute the existing map with the amendments noted thereon.

(Ord. No. 2012-01, 4-4-2012)

17.01.150 - Amendments.

- A. Amendments to the Zoning Map. Amendments to the zoning map shall be made in compliance with the provisions of this chapter and Utah State Code Annotated.
- B. Initiating Amendments and Corrections. Any citizen, property owner, the planning commission, the city council, or the community development director may initiate

proposals for change or amendment of the South Salt Lake General Plan or any chapter or regulation of this code or the official city zoning map.

C. Application. Any person seeking an amendment to the land use code or zoning map shall submit an application with the community development department indicating the change desired and how the change will further promote the goals and objectives of the general plan. Application will be processed and noticed to the public, when applicable, according to this code and Utah Code Annotated. Applications will be processed in an efficient manner in order to not cause the applicant unwarranted delays.

D. Planning Commission. The planning commission shall:

1. Fulfill all duties outlined in state statute that are to be performed by the planning commission.
2. Prepare and recommend to the city council the general plan or amendments to the general plan, any proposed land use ordinance or ordinances and a zoning map, and amendments thereto that represent the planning commission's recommendation for regulating the use and development of land within all or any part of the area of the municipality.
3. Hold a public hearing on a proposed land use ordinance or zoning map amendment.

E. City Council. The city council:

1. May adopt or amend:
 - a. The number, shape, boundaries, or area of any zoning district on the official city zoning map;
 - b. Any regulation of or within the zoning district; or
 - c. Any provision of the development code.
2. The municipal legislative body shall consider each proposed land use ordinance and zoning map recommended to it by the planning commission, and, after providing notice as indicated in this code and Utah State Code Annotated and holding a public meeting, the legislative body may adopt or reject the ordinance or map either as proposed by the planning commission or after making any revision the municipal legislative body considers appropriate. The city council is not bound by any recommendation from the planning commission.

(Ord. No. 2012-01, 4-4-2012)

17.01.160 - Resubmission of the zone code or zoning map amendment.

If an application for amendment is denied by the city council, resubmission of an application for the same amendment shall not be allowed for a period of twelve (12) months unless significant new facts or information are presented. If there is a substantial change in facts, circumstances and evidence, the applicant shall submit a written request to the community development director to consider a resubmittal of a second application before the twelve-month period expires.

(Ord. No. 2012-01, 4-4-2012)

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 General Plan Amendment for this application was approved by the City Council in March 2015. This amendment supported the properties being designated from low-density Residential to Commercial. Furthermore, the applicant is proposing a complete redevelopment of the property. As part of this process, the applicant will be subject to a Design Review for the new proposed site plan. This proposal is consistent with the Future Land Use Map as amended.

The current state of the property has fallen into disrepair. The home located at 135 E. 3185 S. was damaged by a fallen tree a number of years ago. The City Building Official declared it a dangerous building and the City Administrative Law Judge upheld the decision. The current property owners recently demolished the home after leaving it vacant for many years. The redevelopment of the property is considered a large scale project and Staff believes will be an improvement to the neighborhood. The proposed new site plan anticipates a complete redevelopment of the property. As part of the overall proposal, landscaping will be installed along State Street, as well as, along 3185 South and adjacent to the east residence as a buffer. In addition, a new building and parking lot design will be included on the property. The applicant will not be allowed to park vehicles on the vacant lot until redevelopment occurs. The redevelopment of this property supports the General Plans goals of creating vibrant corridors. The dealership will not be allowed to expand into the rezoned property unless design review is granted.

Staff recommends approval to amend the future land use map to designate .33 acres located at 131-139 E. 3185 S. from Single-Family Residential to Commercial Corridor, with the following findings:

1. New development will enhance the appearance of the Commercial District and meets the General Plan goal of creating vibrant corridors
2. The potential redevelopment of the property is considered a larger scale development and will provide landscape buffers to upgrade the neighborhood
3. The adjacent low density residential will be protected from the business district through the addition of landscape buffers as required by the City's Commercial Design Standards.

City Council Options:

A. Approval

Approval of the applicant's petition to amend the land use map to designate .33 acres located at 3165-3185 S. State and 131-139 E. 3185 S. from Single-Family Residential to Commercial Corridor, with the following findings:

1. The potential redevelopment of the property is considered a larger scale development and will provide landscape buffers to upgrade the neighborhood
2. The adjacent low density residential will be protected from the business district through the addition of landscape buffers
3. New development will enhance the appearance of the Commercial District and meets the General Plan goal of creating vibrant corridors

B. Denial

Denial of the applicant's petition to change the future land use map at 3165-3185 S. State and 131-139 E. 3185 S. 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 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

Attachments

Site photos

Applicant letter

Proposed New Site Plan

Attachment 1.





Attachment 2.

June 10, 2015

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

Re: Car City Rezoning

To Whom It May Concern:

Car City has simply out grown its current layout. With a continual increase in sales, we are bursting at the seams and are having a difficult time finding places to store inventory that doesn't break ordinances and codes.

Recently an opportunity came up to buy the three residential lots to the east of Car City and we jumped at the opportunity. There was a rundown abandoned home that was known to have shady activities happening there and we tore it down and feel as if we made the neighborhood safer.

Also our current office and garage are older and in need of constant repair to meet current codes and to be kept presentable for customers.

With all of the above mentioned items we would like to take the three residential lots and turn them into commercial zoning. This would allow Car City to expand for their increased inventory, allow for a new building and make everything look all around better and more functional. We feel it is good for South Salt Lake City, the neighborhood, and Car City.

We hope you agree and thank you for your consideration in the rezoning of this property.

Sincerely,


Carlos Martinez

Attachment 3.

