



# COUNCIL STAFF REPORT

CITY COUNCIL of SALT LAKE CITY

**TO:** City Council Members

**FROM:** Brian Fullmer  
Policy Analyst

**DATE:** April 2, 2024

**RE:** Zoning Map Amendment at 2260, 2270, and 2290 East 1300 South  
PLNPCM2023-00385

Item Schedule:

Briefing: January 16, 2024

Set Date: February 6, 2024

Public Hearing: February 20, March  
26, 2024

Potential Action: April 2, 2024

## PUBLIC HEARING UPDATE

One person spoke at the March 26, 2024 continued public hearing requesting that any potential new development on the site be ADA compliant. The Council closed the public hearing and deferred action to a future meeting.

No one spoke at the February 20, 2024 public hearing. Because the petitioner planned to provide additional information, the Council continued the hearing to a future meeting.

The petitioner followed up indicating that if the zoning map amendment was approved by the Council, it is likely some portion of new dwelling units would meet the 80% area median income (AMI) threshold, but they are not open to committing to any requirement through a development agreement. If the rezone is not approved, a smaller development could be built on the parking lot area of the property under existing zoning and would be less likely to include dwelling units at the 80% AMI threshold.

It is anticipated that a new tenant will occupy the currently vacant restaurant space fronting Foothill Drive, which will serve as the mixed-use portion of a new development. It is the petitioner's belief that limited exposure and foot traffic from 2300 East would make it difficult for retail businesses in other areas of the site to succeed.

***The following information was provided for previous Council meetings. It is included again for background purposes.***



## BRIEFING UPDATE

Much of the January 16, 2024 briefing was focused on potential affordable housing in the proposed development. Council Members expressed a desire for affordable units either with, or separate from, the Affordable Housing Initiative. The petitioner said they hadn't planned on including affordable units but will review possibilities to include them. Planning staff will work with the petitioner to let them know what options exist for affordable units.

When asked about maintaining current zoning on the subject parcels and constructing fourplexes, the petitioner said it wouldn't be financially feasible, and the existing homes would likely stay. Without these parcels, there is not enough space to do a development in the current parking lot. They are amenable to exploring available tools and include them as options for future development. The petitioner will discuss with the property owner and follow up once they have more information.

The petitioner clarified that the subject parcels, vacant restaurant, and parking lot are under common ownership. There are plans for a new tenant to move into the restaurant space. The proposed building would utilize most of the parking lot and include 50-60 units, providing an additional housing option in an area of predominantly single-family homes. The existing gas station/fast food restaurant, and hotel are under separate ownership and not included in this proposal.

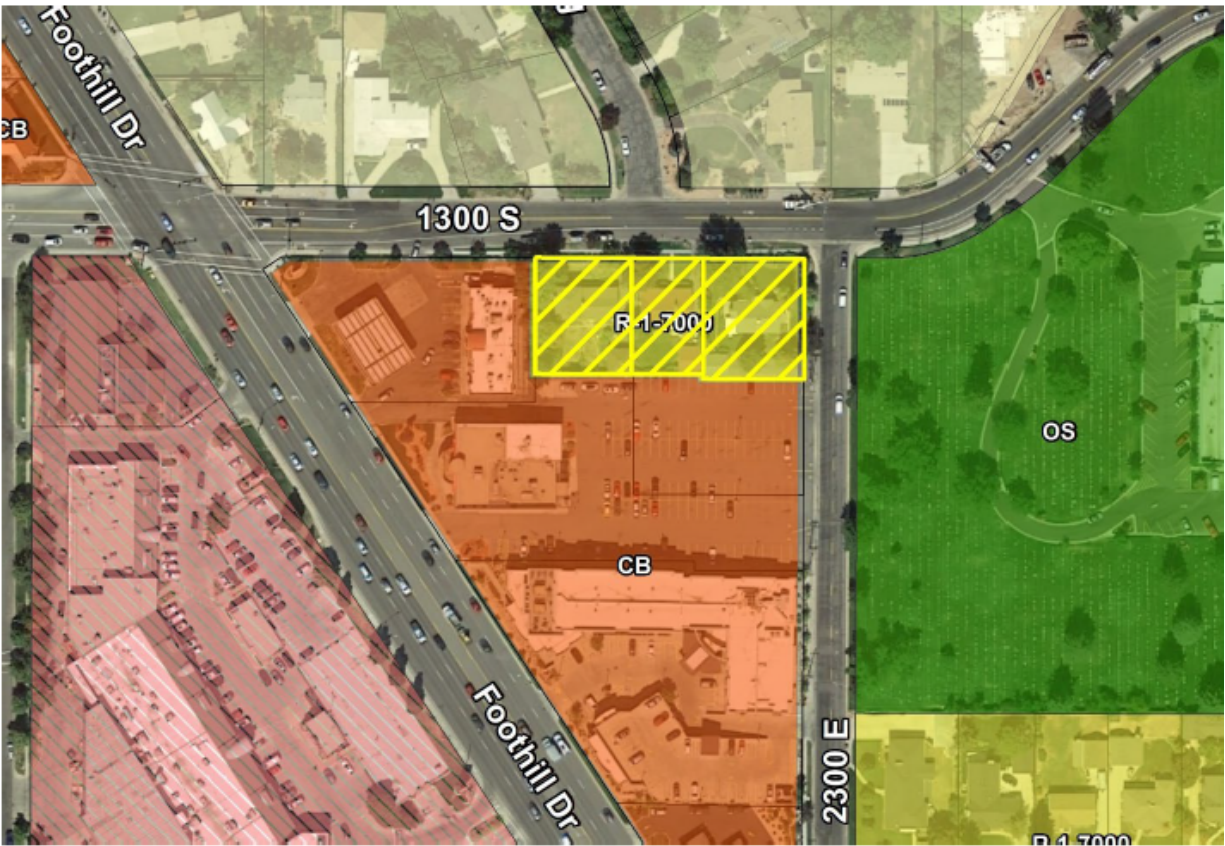
The petitioner will provide more information to the Council after discussions with the property owner.

The Council will be briefed about a proposal to amend the zoning map for parcels at 2260 East, 2270 East, and 2290 East 1300 South in City Council District Six from their current R-1/7,000 (Single-family Residential) zoning designation to CB (Community Business). The petitioner has not submitted development plans for the parcels, but it is anticipated they would be developed along with adjoining property to the south for multi-family housing or a mixed-use development. The parcels are between Foothill Drive and 2300 East, as shown in the image below, and each has a single-family dwelling currently used as rental housing.

Adjacent properties to the south and west are zoned CB and include a parking lot, gas station/fast food restaurant, a two-story restaurant and office building (the restaurant is currently vacant), and a three-story hotel. Properties on the north side of 1300 South are zoned R-1/12,000 and include single-family homes. A cemetery zoned OS (Open Space) is on the east side of 2300 East. The Foothill Village shopping center is on the west side of Foothill Drive and is zoned CS (Community Shopping).

The Planning Commission reviewed the proposed zoning map amendment during its September 13, 2023 meeting and held a public hearing at which no one spoke. **Planning staff recommended and the Commission voted 7-2 to forward a positive recommendation to the City Council.** One Commissioner who voted in opposition cited concerns with what could be built on the site under the proposed zoning, and a potential loss of residential feel. She prefers moderate-density residential zoning for the parcels. The other Commissioner who voted against the motion did not state why he was opposed.

Planning staff received a letter from the East Bench Community Council outlining their opposition to the proposed zoning map amendment. It is included on pages 21-24 of the Planning Commission staff report and summarized here. Concerns include changes to the neighborhood and encroachment, and the proposed zoning does not follow some initiatives found in the *East Bench Master Plan*. In addition, Planning received email comments expressing concern with neighborhood impacts including parking, traffic, and reduced walkability.



*Area zoning map with the subject properties outlined in yellow.*



*Aerial view looking south with the subject properties outlined in yellow.*

*Images courtesy of Salt Lake City Planning Division.*

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

## **POLICY QUESTIONS**

1. The Council may wish to ask the applicant if they plan to include any affordable housing in potential future projects on the subject sites. If yes, is the Council interested in asking the applicant

if they would be willing to enter into a development agreement pertaining to affordable housing units?

2. The Council may wish to ask the Administration how the Affordable Housing Incentives may impact this petition or development potential on the property.
3. The Council may wish to ask if tenants of the properties will be offered relocation assistance.

### **ADDITIONAL INFORMATION**

The Council is only being asked to consider rezoning the property. No formal site plan has been submitted to the City nor is it within the scope of the Council's authority to review the plans. Because zoning of a property can outlast the life of a building, any rezoning application should be considered on the merits of changing the zoning of that property, not simply based on a potential project.

### **KEY CONSIDERATIONS**

Planning staff identified three key considerations related to the proposal which are found on pages 4-8 of the Planning Commission staff report and summarized below. For the complete analysis, please see the staff report.

#### **Consideration 1 – Master Plan Compatibility.**

Planning staff found that the proposed zoning map amendment supports several initiatives in *Plan Salt Lake*, *East Bench Master Plan*, and the *Salt Lake City Housing Plan*. It has the potential to increase moderate-density housing in a neighborhood with existing infrastructure. Combining the parcels with adjacent parcels already zoned CB would allow cohesive development for the block and vehicular access from a key intersection on Foothill Drive.

#### **Consideration 2 – Housing Loss Mitigation.**

When properties with housing units are rezoned to a zoning district that allows non-residential uses, a housing loss mitigation plan approved by the City is required. Options for mitigation are found in Chapter 18.97.030 *Salt Lake City Code*. They include replacement housing, a fee based on the difference between existing housing and replacement cost, and a fee where deteriorated housing exists, not caused by deliberate indifference of the landowner. In this case, the petitioner chose to enter a development agreement with the City requiring the three single-family homes to be replaced with at least the same number of dwelling units if the homes are demolished.

#### **Consideration 3 – Neighborhood Impacts.**

The CB zoning district is intended to provide close integration of moderately sized commercial areas with adjacent residential neighborhoods. As discussed above, the subject properties abut CB-zoned development to the south and west. Planning staff found that if additional development occurred on the CB zoned properties, the single-family homes would feel isolated and potentially out of place.

Future buildings larger than 7,500 square feet within the CB zone would require additional design standards and design review approval from the Planning Commission.

As shown in the zoning comparison table below, the 30-foot maximum building height in CB zoning is similar to the 28-foot maximum height under current R-1/7,000 zoning. Planning staff found that 1300 South will help buffer single-family residential properties to the north.

### **ZONING COMPARISON**

The following table compares building height, setback, and other requirements for the current R-1/7,000 and proposed CB zoning districts.

|                                | <b><i>R-1/7,000 (Current)</i></b>  | <b><i>CB (Proposed)</i></b>   |
|--------------------------------|--|---|
| <i>Maximum Building Height</i> | 28 feet for pitched roofs or average of block face.<br>20 feet for flat roofs.<br>20-foot maximum exterior wall height adjacent to interior side yards.  | 30 feet.  |
| <i>Setbacks</i>                | Front - average of buildings on block face or 20 feet where none exist.<br>Corner side - average of buildings on block face or 20 feet where none exist.<br>Side - 6 feet and 10 feet.<br>Rear - 25 feet.  | Front - none.<br>Sides - none.<br>Rear- 10 feet.<br>A maximum setback of 15 feet is required for at least 75% of the façade.<br>Exceptions approved only through design review.   |
| <i>Coverage/Open Space</i>     | At least 60% required.   | All provided yards to be landscaped.  |
| <i>Parking</i>                 | Two parking spaces per dwelling unit.  | Minimum: Studio and 1+ bedrooms: 1 space per dwelling unit.<br>Maximum: All Contexts: Studio & 1 Bedroom: 2 spaces per dwelling unit.<br>2+ bedrooms: 3 spaces per dwelling unit. |
| <i>Lot Area/Width</i>          | No minimum size or width for municipal services, open space and trails, utility lines.<br>12,000 square feet and 80 feet wide for places of worship less than 4 acres in size.<br>7,000 square feet and 50 feet wide for all other permitted uses. | None  |

### **Analysis of Standards**

Attachment E (pages 17-19) of the Planning Commission staff report outlines zoning map amendment standards that should be considered as the Council reviews this proposal. The standards and findings are summarized below. Please see the Planning Commission staff report for additional information.

| <b>Factor</b>   | <b>Finding</b>  |
|---|-----------------|
| 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. | <i>Complies</i> |
| Whether a proposed map amendment furthers the specific purpose statements of the zoning ordinance.  | <i>Complies</i> |
| The extent to which a proposed map amendment will affect adjacent properties  | <i>Complies</i> |

|  |   |
|--|---|
| Whether a proposed map amendment is consistent with the purposes and provisions of any applicable overlay zoning districts which may impose additional standards.  | <i>Complies</i>   |
| 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. | <i>Some City public facilities and services may need to be upgraded and improved if the density changes or if land use changes to a more intense use.</i> |

### City Department Review

During City review of the petitions, no responding departments or divisions expressed concerns with the proposal but stated additional review and permits would be required if the property is developed.

### PROJECT CHRONOLOGY

- May 19, 2023-Petition for zoning map amendment received by Planning Division.
- June 15, 2023-Petition assigned to Eric Daems, Senior Planner.
- July 3, 2023-
  - Notice sent to East Bench Community Council.
  - Early notification sent to property owners and tenants within 300 feet of the subject properties.
- July 3-August 17, 2023-Virtual open house hosted on the City's website.
- September 4, 2023-Notice signs posted on properties indicating date of the public hearing.
- September 7, 2023-
  - Notice of the Planning Commission public hearing posted and mailed to property owners and tenants within 300 feet of the subject properties.
  - Notice of public hearing emailed to listserv accounts.
- September 13, 2023- Planning Commission public hearing. The Planning Commission voted 7-2 to forward a positive recommendation to the City Council for the proposed zoning map amendment.
- August 22, 2023-Ordinance requested from City Attorney's Office.
- November 16, 2023-Planning received signed ordinance from the Attorney's Office.
- November 20, 2023-Transmittal received in City Council Office.