



CITY COUNCIL TRANSMITTAL


Rachel Otto, Chief of Staff

Date Received: April 30, 2020
Date sent to Council: 5/8/2020

TO: Salt Lake City Council
Chris Wharton, Chair

DATE: 04/30/2020

FROM: Marcia L. White, Director Department of Community & Neighborhoods



SUBJECT: PLNPCM2019-00000 and PLNPCM2019-00000 – Rezone and Master Plan
Amendment at 771 & 795 North 400 West

STAFF CONTACT: David J. Gellner, AICP, Principal Planner, david.gellner@slcgov.com
(801) 535-6107

DOCUMENT TYPE: Ordinance

RECOMMENDATION: That the City Council follow the recommendation of the Planning Commission to change the future land use map in the Capitol Hill Master Plan from “Industrial” to “High Density Mixed Use” for the subject properties and change the zoning map to MU (Mixed Use) from the current designation of M-1 (Light Industrial) for the properties located at 771 & 795 North 400 West.

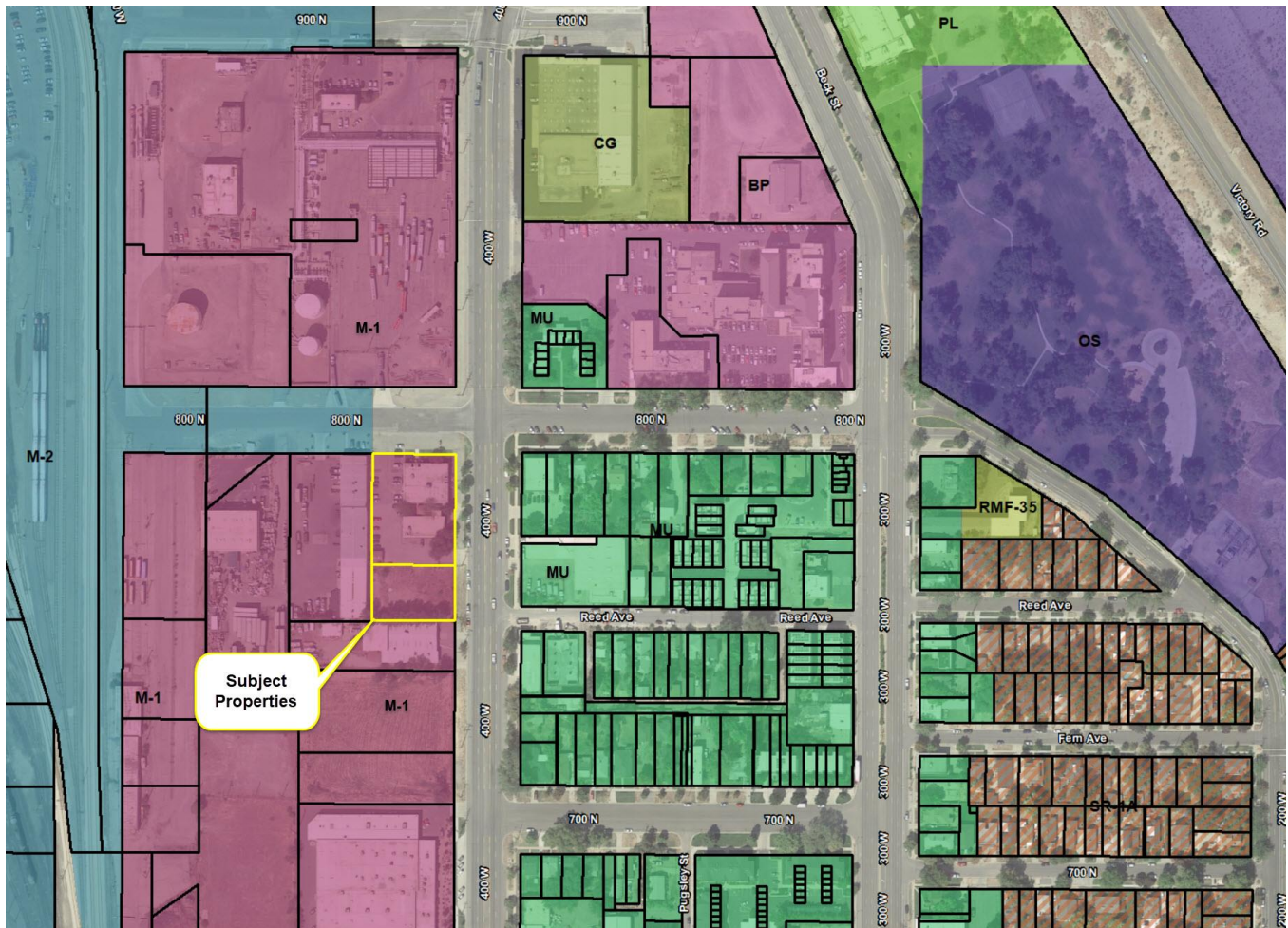
BUDGET IMPACT: None

BACKGROUND/DISCUSSION: Derek Christensen representing DW Asset Management, the property owner, is requesting that the City amend the zoning map and associated future land use map for their properties located at 771 North 400 West and 795 North 400 West. This project requires both a Zoning Map and Master Plan Amendment. The following petitions are associated with this request:

- a. Zoning Map Amendment - The property is currently zoned M-1 – Light Industrial. The petitioner is requesting to amend the zoning map designation of the property to the MU – Mixed Use zoning district. Case number PLNPCM2019-01011

- b. Master Plan Amendment - The associated future land use map in the Capitol Hill Master Plan currently designates the property as "Light Industrial". The petitioner is requesting to amend the future land use map for the parcel to "High Density Mixed Use". Case number PLNPCM2019-01095

For specific information regarding the proposal, please refer to the Planning Commission Staff Report found in Exhibit 3.B.



The applicant's intent is to allow future re-development of the vacant parcel at 771 N for multi-family housing which is not allowed under the current M-1 zoning. No specific site development proposal was submitted for consideration with this request. The applicant's detailed request and narrative is included in Exhibit 4.

PUBLIC PROCESS:

- Notice of the project and request for comments sent to the Chair of the Capitol Hill Neighborhood Council on November 25, 2019
- Staff sent an early notification announcement of the project to all residents and property owners located within 300 feet of the project site on November 25, 2019 providing notice about the proposal and information on how to give public input on the project.
- A Planning Commission Public Hearing was held on March 11, 2020. No public comments in relation to the proposal were provided at the Public Hearing.
- The only public comment provided in advance of the public hearing was from representatives of Marathon Petroleum which operate a refinery and other operations a short distance to the north of the subject property. Their comment related to a concern about introducing housing and residential uses into the area and how that would impact their future operations with more residents living nearby.
- The Planning Commission did not specifically discuss this public comment but there was general discussion about how the area is expected to transition away from industrial uses in the future and that having a mix of uses along this corridor was desirable.
- The Commission reviewed the petition during a public hearing and voted unanimously to forward a positive recommendation to City Council for the zone change from M-1 to MU and for the change to the future land use map from Industrial to High Density Mixed Use.

EXHIBITS:

1. Project Chronology
2. Notice of City Council Hearing
3. Planning Commission (PC) Record
 - a) Original Notice and Postmark
 - b) Planning Commission Staff Report of March 11, 2020
 - c) PC Agenda and Minutes of March 11, 2020
4. Original Petition
5. Mailing List

SALT LAKE CITY ORDINANCE

No. _____ of 2020

(Amending the zoning map pertaining to two parcels of property located at 771 N 400 W and 795 N 400 W to rezone the parcel from M-1 Light Manufacturing District to MU Mixed Use District and amending the Capitol Hill Community Future Land Use Map)

An ordinance amending the zoning map pertaining to two parcels of property located at 771 N 400 W and 795 N 400 W to rezone the parcels from M-1 Light Manufacturing to MU Mixed Use District pursuant to petition number PLNPCM2019-01011 and amending the Capitol Hill Community Future Land Use Map pursuant to petition number PLNCPM2019-01095.

WHEREAS, DW Asset Management submitted an application to rezone two parcels of property located at 771 N 400 W and 795 N 400 W to rezone the parcels from M-1 Light Manufacturing District to MU Mixed Use District pursuant to petition number PLNPCM2019-01011 and amending the Capitol Hill Community Future Land Use Map with respect to the Properties from Light Industrial to High Density Mixed Use pursuant to petition number PLNCPM2019-01095; and

WHEREAS, at its March 11, 2020 meeting, the Salt Lake City Planning Commission held a public hearing and voted in favor of forwarding a positive recommendation to the Salt Lake City Council on said applications; and

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 the Zoning Map. The Salt Lake City zoning map, as adopted by the *Salt Lake City Code*, relating to the fixing of boundaries and zoning districts, shall be and hereby is amended to reflect that the parcels located at 771 N 400 W (Tax ID No. 08-25-376-018-0000) and, 795 N 400 W (Tax ID No. 08-25-376-021-0000) more particularly described on

Exhibit "A" attached hereto, is rezoned from M-1 Light Manufacturing District to MU Mixed Use District.

SECTION 2. Amending the Capitol Hill Community Master Plan. The Future Land Use Map of the Capitol Hill Master Plan shall be and hereby is amended to change the future land use designation of the Properties identified in Exhibit "A" from Light Industrial to High Density Mixed Use.

SECTION 3. 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 _____, 2020.

CHAIRPERSON

ATTEST AND COUNTERSIGN:

CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

CITY RECORDER
(SEAL)

Bill No. _____ of 2020
Published: _____.

APPROVED AS TO FORM
Salt Lake City Attorney's Office

Date: April 6, 2020

By: 
Paul Nielson, Senior City Attorney

Exhibit “A”

Legal descriptions of the two (2) property parcels:

Tax ID No. **08-25-376-018-0000**

0408 BEG 220 FT S FR NE COR LOT 8, BLK 152, PLAT A, SLC SUR; W 10 RDS; S 110 FT; E 10 RDS; N 110 FT TO BEG 5081-0202 7172-0028

Tax ID No. **08-25-376-021-0000**

0408 BEG AT NE COR OF LOT 8, BLK 152, PLAT A, SLC SUR; W 165 FT; S 220 FT; E 165 FT; N 220 FT TO BEG. 5572-0429

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 - a) Original Notice and Postmark**
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 - c) PC Agenda and Minutes of March 11, 2020**
- 4. Original Petition**
- 5. Mailing List**

1. Project Chronology

PROJECT CHRONOLOGY

PETITION:

**PLNPCM2019-01011 and PLNPCM2019-01095
DW Asset Management - Zoning Map & Master Plan
Amendments – 771 N 400 W and 795 N 400 W**

October 24, 2019	Petition for zoning map amendment received by the Salt Lake City Planning Division
November 6, 2019	Petition assigned to David Gellner, Principal Planner, for staff analysis and processing.
November 19, 2019	Petition for master plan amendment received by the Salt Lake City Planning Division
November 25, 2019	Information about the project was sent to the Chair of the Capitol Hill Community Council in order to solicit public comments and start the 45-day Recognized Organization input and comment period.
November 25, 2019	Staff sent an early notification announcement of the project to all residents and property owners living within 300 feet of the project site providing information about the proposal and how to give public input on the project.
January 13, 2020	The 45-day public comment period for Recognized Organizations ended. No formal comments were submitted to staff by the recognized organizations to date related to this proposal.
February 28, 2020	Public notice posted on City and State websites and sent via the Planning list serve for the Planning Commission meeting of March 11, 2020. Public hearing notice mailed.
February 28, 2020	Public hearing notice sign with project information and notice of the Planning Commission public hearing physically posted on the property.
March 11, 2020	The Planning Commission reviewed the petitions, conducted a public hearing and voted to forward a positive recommendation to the City Council for both the requested zoning map and master plan amendments.

2. Notice of City Council Hearing

NOTICE OF PUBLIC HEARING

The Salt Lake City Council is considering Petitions **PLNPCM2019-01011 and PLNPCM2019-01095 – 771 & 795 North 400 West Rezone and Master Plan Amendment** – Derek Christensen representing DW Asset Management, the property owner, is requesting that the City amend the zoning map and associated future land use map for their properties located at 771 North 400 West and 795 North 400 West. The intent is to allow future re-development of the properties for multi-family housing which is not allowed under the current zoning. No specific site development proposal has been submitted at this time. The property is currently zone M-1 – Light Industrial. The petitioner is requesting to amend the zoning map designation of the properties to MU – Mixed Use. The associated future land use map in the Capital Hill Master Plan currently designates the property as "Light Industrial". The petitioner is requesting to amend the future land use map for the parcels to "High Density Mixed Use". The property is located within Council District 3, represented by Chris Wharton. (Staff contact: David J. Gellner at (801-535-6107 or david.gellner@slcgov.com)

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 electronically:

DATE:

TIME: 7:00 p.m.

PLACE: This will be an electronic meeting pursuant to Salt Lake City Emergency Proclamation No.2 of 2020(2)(b). Please visit <https://www.slc.gov/council/news/featured-news/virtually-attend-city-council-meetings/> to learn how you can share your comments live during electronic City Council meetings. If you would like to provide feedback or comment, via email or phone, please contact us at: 801-535-7654 (24-Hour comment line) or by email at: council.comments@slcgov.com .

If you have any questions relating to this proposal or would like to review the file, please call David Gellner at 801-535-6107 between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday or via e-mail at david.gellner@slcgov.com

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 City Council Office at council.comments@slcgov.com, 801-535-7600, or relay service 711.(P 19-19)

3a. Planning Commission - Original Notice and Postmark



Salt Lake City Planning Division
451 S State Street, Room 406, PO Box 145480, Salt Lake City, Utah 84114-5480

Salt Lake City Planning Commission Wednesday, March 11, 2020, 5:30 p.m.
City and County Building 451 S State Street, Room 326

A public hearing will be held on the following matter. Comments from the Applicant, City Staff and the public will be taken.

Rezone and Master Plan Amendment at approximately 771 & 795 North 400 West - Derek Christensen representing DW Asset Management, the property owner, is requesting that the City amend the zoning map and associated future land use map for their properties located at 771 North 400 West and 795 North 400 West. The intent is to allow future re-development of the properties for multi-family housing which is not allowed under the current zoning. No specific site development proposal has been submitted at this time. The following petitions are associated with this request;

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- b. Master Plan Amendment - The associated future land use map in the Capitol Hill Master Plan currently designates the property as "Light Industrial". The petitioner is requesting to amend the future land use map for the parcel to "High Density Mixed Use". Case number PLNPCM2019-01095**

The property is located within Council District 3, represented by Chris Wharton. (Staff Contact: David J. Gellner at (801-535-6107 or david.gellner@slcgov.com))

Salt Lake City Corporation complies with all ADA guidelines. People with disabilities may make requests for reasonable accommodations no later than 48 hours in advance in order to attend this meeting. Accommodations may include: alternative formats, interpreters, and other auxiliary aids. This is an accessible facility. For additional meeting information, please see www.slcgov.com or call 801-535-7757; TDD 535-6220.



SALT LAKE CITY PLANNING DIVISION
451 S STATE STREET ROOM 406
PO BOX 145480
SALT LAKE CITY UT 84114-5480

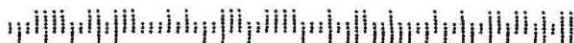
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Salt Lake City Planning Division
Attn: David J. Gellner, Principal Planner
451 South State Street, Room 406
P.O. Box 145480
Salt Lake City, UT 84114-5480

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3c. Planning Commission Agenda and Minutes for March 11, 2020

SALT LAKE CITY PLANNING COMMISSION MEETING AGENDA
In Room 326 of the City & County Building
March 11, 2020, at 5:30 p.m.
(The order of the items may change at the Commission's discretion)

FIELD TRIP - The field trip is scheduled to leave at 4:00 p.m.

DINNER - 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 FEBRUARY 26, 2020

REPORT OF THE CHAIR AND VICE CHAIR

REPORT OF THE DIRECTOR

PUBLIC HEARINGS

1. **ADU Conditional Use at approximately 1695 S Wasatch Dr** - Andrea Palmer, Modal Living and property owner representative, is requesting Conditional Use approval for a 432 square foot accessory dwelling unit (ADU) to be located in the rear of the property located at 1695 S Wasatch Drive. The property is zoned R-1/12,000 (Single Family Residential), where ADUs must be processed as a conditional use. The property is located within Council District 6, represented by Dan Dugan. (Staff Contact: Krissy Gilmore at (801) 535-7780 or Kristina.gilmore@slcgov.com) **Case number PLNPCM2020-00012**

2. **Rezone and Master Plan Amendment at approximately 771 & 795 North 400 West** - Derek Christensen representing DW Asset Management, the property owner, is requesting that the City amend the zoning map and associated future land use map for their properties located at 771 North 400 West and 795 North 400 West. The intent is to allow future re-development of the properties for multi-family housing which is not allowed under the current zoning. No specific site development proposal has been submitted at this time. The following petitions are associated with this request;
 - a. **Zoning Map Amendment** - The property is currently zoned M-1 – Light Industrial. The petitioner is requesting to amend the zoning map designation of the property to the MU – Mixed Use zoning district. **Case number PLNPCM2019-01011**

 - b. **Master Plan Amendment** - The associated future land use map in the Capitol Hill Master Plan currently designates the property as "Light Industrial". The petitioner is requesting to amend the future land use map for the parcel to "High Density Mixed Use". **Case number PLNPCM2019-01095**

The property is located within Council District 3, represented by Chris Wharton. (Staff Contact: David J. Gellner at (801-535-6107 or david.gellner@slcgov.com)

3. **Maplewood Addition Street Closure and Subdivision Amendment at approximately 6780 W North Temple** - Corbin Bennion, representing the School and Institutional Trust Lands Administration, adjacent property owner, is requesting to vacate the streets within the Maplewood Addition subdivision. The subdivision was platted in 1911 but never developed as intended. The applicant would like to vacate the streets to incorporate into the adjacent parcel. The subject property is located in the M-1 (Light Manufacturing) zoning district and within Council District 1, represented by James Rogers. (Staff Contact: Mayara Lima at (801) 535-7118 or mayara.lima@slcgov.com) **Case Numbers PLNPCM2019-00567 and PLNSUB2019-00755**

4. **Design Review Gillmor Hall Building Addition at Westminster College at approximately 1230 East 1700 South** - Derek Payne of VCBO Architecture, has submitted an application to the City for Design Review on behalf of Westminster College. The proposed project consists of an addition to the existing Jewett Center for the Performing Arts which is located south of 1700 S at approximately 1230 E on the Westminster campus. The building addition to be known as Gillmor Hall will be 45-feet tall with a footprint of approximately 9,000 square feet. It will contain a 100-person recital hall and dance performance studio housed in a triangular-shaped building located on the south-east side of the existing Jewett Center. In the institutional zoning district, buildings taller than 35-feet but less than 75-feet in height may be authorized through the design Review process. The subject property is located within the I – Institutional zoning district and is within Council District 7, represented by Amy Fowler. (Staff Contact: David J. Gellner at (801)-535-6107 or david.gellner@slcgov.com) **Case number PLNPCM2020-00009**

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/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. 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
City & County Building
451 South State Street, Room 326, Salt Lake City, Utah
Wednesday, March 11, 2020

A roll is being kept of all who attended the Planning Commission Meeting. The meeting was called to order at [5:32:11 PM](#). Audio recordings of the Planning Commission meetings are retained for a period of time.

Present for the Planning Commission meeting were: Chairperson Adrienne Bell; Vice Chairperson Brenda Scheer; Commissioners Maurine Bachman, Amy Barry,Carolynn Hoskins, Jon Lee, Matt Lyon, Andres Paredes, and Sara Urquhart.

Planning Staff members present at the meeting were Nick Norris, Planning Director; Paul Nielson, Attorney; Krissy Gilmore, Principal Planner; David Gellner, Principal Planner; Mayara Lima Principal Planner; Rosa Jimenez, Administrative Secretary; and Marlene Rankins, Administrative Secretary.

Field Trip

A field trip was held prior to the work session. Planning Commissioners present were; Maurine Bachman, Sara Urquhart and Brenda Scheer. Staff members in attendance were; David Gellner and Krissy Gilmore.

- **1695 S Wasatch Drive**: Staff discussed the use of the property and current enforcement actions in relation to an Air BNB operation on site. The location of parking for the proposed use was also discussed.
- **1230 East 1700 South**: Staff discussed the height of the addition and design elements.
- **400 West 800 North**: Staff discussed the master plan surrounding property uses and presence of other multi-family developments in the area including some newer development.

APPROVAL OF THE FEBRUARY 26, 2020, MEETING MINUTES. [5:32:23 PM](#)

MOTION [5:32:26 PM](#)

Commissioner Bachman moved to approve the February 26, 2020, meeting minutes. Commissioner Urquhart seconded the motion. Commissioners Lee, Bachman, Barry, Scheer, Hoskins, and Urquhart voted “Aye”. Commissioner Paredes abstained. The motion passed 6-1.

REPORT OF THE CHAIR AND VICE CHAIR [5:32:57 PM](#)

Chairperson Bell stated she had nothing to report.

Vice Chairperson Scheer stated she had nothing to report.

REPORT OF THE DIRECTOR [5:33:06 PM](#)

Nick Norris, Planning Director, provided the Commission with an update on number of applications planning staff is currently working on. He also updated the Commission on what the City is currently doing to prepare for the rapid changes of COVID-19.

[5:40:06 PM](#)

ADU Conditional Use at approximately 1695 S Wasatch Dr - Andrea Palmer, Modal Living and property owner representative, is requesting Conditional Use approval for a 432 square foot accessory dwelling unit (ADU) to be located in the rear of the property located at 1695 S Wasatch Drive. The property is zoned R-1/12,000 (Single Family Residential), where ADUs must be processed as a conditional use.

The property is located within Council District 6, represented by Dan Dugan. (Staff Contact: Krissy Gilmore at (801) 535-7780 or Kristina.gilmore@slcgov.com) **Case number PLNPCM2020-00012**

Krissy Gilmore, Principal Planner, reviewed the petition as outlined in the Staff Report (located in the case file). She stated Staff recommended that the Planning Commission approve the request.

The Commission and Staff discussed the following:

- Whether there being an Air BNB now keeps the commission from approving the conditional use
- Clarification on what happens if the applicant decides to go back the Air BNB

Ian Kaplin and Andrea Palmer, representatives for the applicant, clarified the commissions concerns with the Air BNB.

PUBLIC HEARING [5:46:57 PM](#)

Chairperson Bell opened the Public Hearing;

Aimee Burrows, Chairperson of the East Bench Community Council – Raised concerns about enforcement and compatibility of the neighborhood. She also raised concerns with the number of people occupying and number of days of occupancy allowed. Overall stated her opposition of the request.

Inaudible name – Stated her opposition.

Stuart Louis, owner of the property – Stated he does currently have tenants as a 30 day rental and also stated that he has never received complaints from the surrounding neighbors.

Zachary Dussault – Stated his support in the project.

Seeing no one else wished to speak; Chairperson Bell closed the Public Hearing.

The Commission, Staff and Applicant further discussed the following:

- Clarification on the allowance of number of occupants in an ADU

MOTION [5:58:23 PM](#)

Commissioner Urquhart stated, based on the information in the staff report, the information presented, and the input received during the public hearing, I move that the Planning Commission approve petition PLNPCM2020- 00012 with the following conditions:

- 1. The applicant shall comply with the registration process outlined in section 21A.40.200.F of the Salt Lake City zoning ordinance.**

Commissioner Bachman seconded the motion. Commissioners Urquhart, Lyon, Paredes, Hoskins, Scheer, Barry, Bachman and Lee voted “Aye”. The motion passed unanimously.

[6:02:20 PM](#)

Rezone and Master Plan Amendment at approximately 771 & 795 North 400 West - Derek Christensen representing DW Asset Management, the property owner, is requesting that the City amend the zoning map and associated future land use map for their properties located at 771 North 400 West and 795 North 400 West. The intent is to allow future re-development of the properties for multi-family

housing which is not allowed under the current zoning. No specific site development proposal has been submitted at this time. The following petitions are associated with this request;

- a) **Zoning Map Amendment** - The property is currently zoned M-1 – Light Industrial. The petitioner is requesting to amend the zoning map designation of the property to the MU – Mixed Use zoning district. **Case number PLNPCM2019-01011**
- b) **Master Plan Amendment** - The associated future land use map in the Capitol Hill Master Plan currently designates the property as "Light Industrial". The petitioner is requesting to amend the future land use map for the parcel to "High Density Mixed Use". **Case number PLNPCM2019-01095**

The property is located within Council District 3, represented by Chris Wharton. (Staff Contact: David J. Gellner at (801-535-6107 or david.gellner@slcgov.com)

David Gellner, Principal Planner, reviewed the petition as outlined in the Staff Report (located in the case file). He stated Staff recommended that the Planning Commission forward a positive recommendation to the City Council for both the Zoning Map and Master Plan Amendment.

The Commission and Staff discussed the following:

- Clarification on the staff's take on whether the area as a whole will have a zoning change
- Clarification if a brewery would be allowed in a mixed-use zone

Derek Christensen representing DW Asset Management, provided a presentation along with further details.

PUBLIC HEARING [6:16:05 PM](#)

Chairperson Bell opened the Public Hearing;

Jordan Atkin – Stated his support in the proposal.

Ian Kaplin – Stated he feels a mixed-use zone is appropriate and supports the request.

Zachary Dussault – Stated his support in the proposal and provided alternate transit for the site.

Seeing no one else wished to speak; Chairperson Bell closed the Public Hearing.

MOTION [6:20:33 PM](#)

Commissioner Lyon stated, based on the findings and analysis in the staff report, testimony, and discussion at the public hearing, I move that the Planning Commission recommend that the City Council approve the proposed Zoning Map Amendment, file PLNPCM2019-01011 for the properties located at 771 & 795 N 400 W respectively, proposed zone change from the M-1 (Light Industrial) zoning district to the MU (Mixed Use) zoning district and corresponding master plan amendment under file PLNPCM2019-01095 changing the future land use map designation from Light Industrial to High Density Mixed Use.

Commissioner Scheer seconded the motion. Commissioners Lee, Bachman, Barry, Scheer, Hoskins, Paredes, Lyon and Urquhart voted "Aye". The motion passed unanimously.

4. Original Petitions

Planning and Zoning Change Request

July 22, 2019

Report Prepared for:
DW Asset Management
(DWAM)

Prepared by:
Design West Architects

Project Synopsis

Addresses:

795 North 400 West, Salt Lake City, UT– Parcel Number 08253760210000

765 North 400 West, Salt Lake City, Ut – Parcel Number 08253760180000

DW Asset Management (DWAM) owns connecting parcels of land located **795 North 400 West & 765 North 400 West Salt Lake City** and desires to change the Zoning District Classification from M-1 Light Manufacturing District into MU Residential/Mixed Use District.

This .83 acre property is currently developed with 2 connected commercial office buildings and a small out building. Approximately 1/3 of the property is undeveloped and is not utilized for any purpose.

According to the 2001 Capitol Hill publication created by Salt Lake City, the property is identified within the Capitol Hill Community and is surrounded by the Marmalade Neighborhood, the Guadalupe Neighborhood/Railroad Redevelopment area and the West Capitol Hill Neighborhood.

While determining interest in development options for the property it was found that M-1 limits development for uses that are not desired in the area.

Housing continues to be needed in the area, re-zoning will allow for a future development on the property to create housing via an apartment building.

Upon visiting with Current Planning and Zoning staff it was requested we submit a formal statement demonstrating our desire for this rezoning effort.

Site description

See Photos at end of document for further reference

According to the Salt Lake City Planning and Zoning Map the Address of the property is 795 N. 400 W. The .83 acre property is located on the South West corner of the intersection of 400 West and 800 North. The property currently is home to single story structures used for office/professional purposes. An Architectural firm and an Engineering firm currently occupy the 2 buildings. On the southern portion of the property is a vacant lot which has been used for miscellaneous storage and a stockpile of soil. The vacant portion has never held any formal development to our knowledge. According to the Salt Lake City Planning and Zoning Map the Address of the vacant property is 765 N. 400 W.

The adjacent surrounding the property are the following uses/conditions:

North: Marathon Petroleum refinery / truck refilling station – Also previously known as Andeavor and Tesoro

South: Unidentified business, Office/Warehouse

East: 2-Story professional office (currently an engineering office) and Multi-Family and Single-Family residential housing

West: Office warehouse facilities

Purpose for request

While researching opportunities for development of the vacant portion of the lot it has been discovered that there is still a need for housing in the area. This is also supported by publications commissioned by Salt Lake City personnel.

As stated in "Growing SLC", (2018) there is a "*Housing Crisis*" in the City. The need for high/medium density housing is needed.

Other areas of the Salt Lake Valley are better suited for light industrial areas.

The property in question is in an area which needs to have a transition from light industrial areas into the more mixed-use / residential areas found in the area.

"Capitol Hill", (2001) is also commissioned by Salt Lake City and states that future uses and improvements for the industrial area of this property should "*Encourage the relocation of the existing industrial and heavy commercial land uses to industrially zone land in other appropriate areas of the City by rezoning the existing properties...*", "*to encourage mixed use development of residential and office / commercial in this area.*"

Currently the Property is classified as M-1 which prevents the construction of Mixed Use housing.

In the adjacent neighborhoods MU Zoning is found along with many housing projects. Continuing development in the area such as this property will help to provided ongoing stabilization of property values in the community.

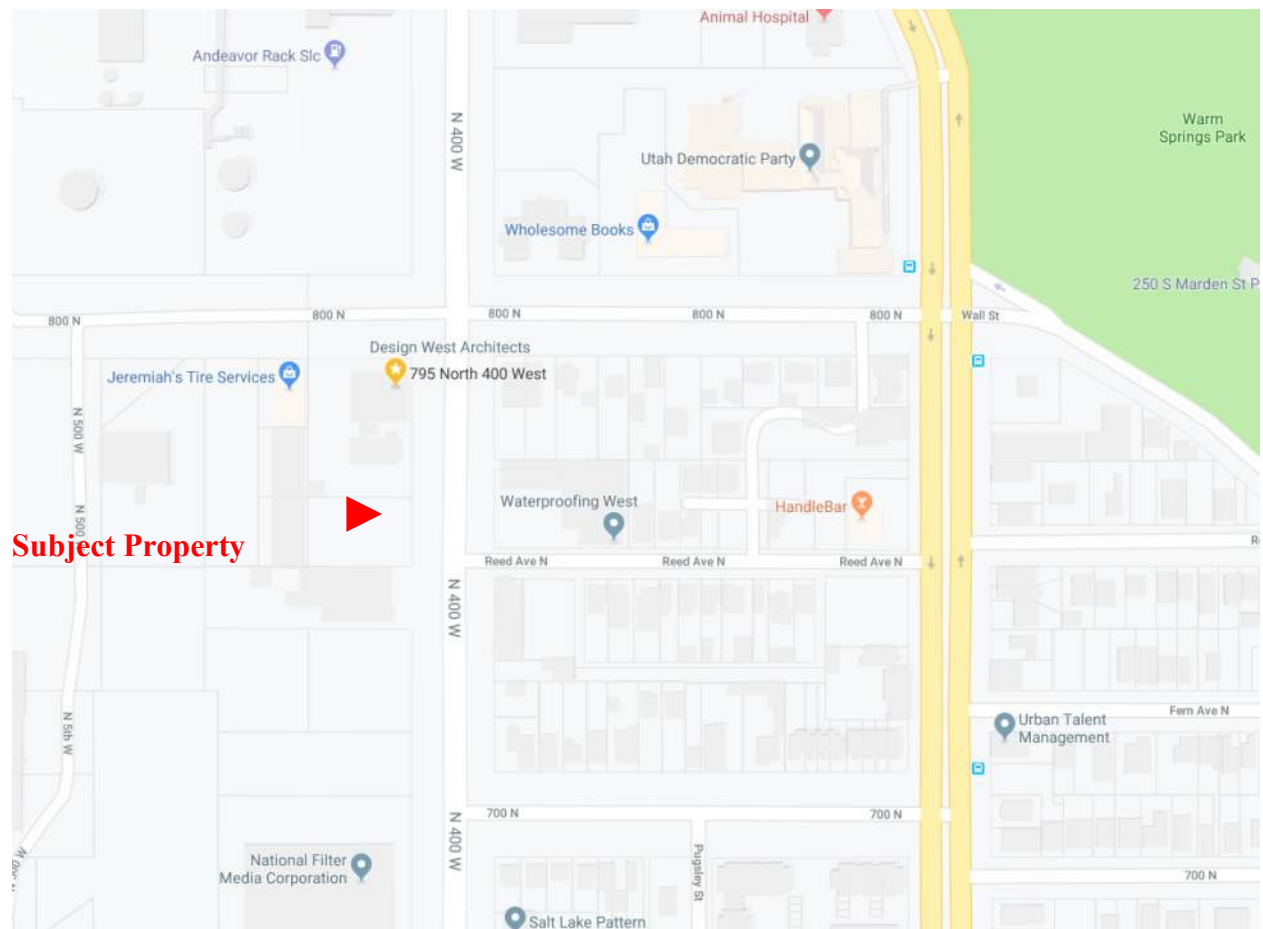
To address the recommendations found in the master plan documents, to help create a transitional neighborhood, and to clean up and provide continued improvements and growth in the area it is desired that the parcel be rezoned to a MU classification.

A MU classification would allow similar uses to those found in the area to occur while allowing residential development to also occur.

Such improvements would have minimal impact to traffic counts on the road which is currently a 5 lane surface street.

We would encourage the City utilize existing regulation for any new uses permitted to the area to provide the appropriate landscape barriers. These actions will continue to beautify the city and promote growth in an otherwise declining area.

Vicinity Map





Subject Property – 400 West Frontage - Looking South West & West



Subject Property – Vacant Lot - 400 West Frontage – Looking West



Subject Property – 400 West Frontage - Existing Buildings



Subject Property – 400 West Frontage - Existing Building (cont.)



Subject Property- 800 North Frontage – Existing Building



Property to North – 800 North



Property to North – 400 West



Property to East – 400 West



Property to South – 400 West



Property to North East – 400 West & 800 North



Property to West – 800 North



- End of Planning and Zoning Change Request -



Staff Report

PLANNING DIVISION
DEPARTMENT of COMMUNITY and NEIGHBORHOODS

To: Salt Lake City Planning Commission

From: David J. Gellner, AICP, Principal Planner; (801) 535-6107; david.gellner@slcgov.com

Date: March 11, 2020

Re: Zoning Map Amendment (PLNPCM2019-01011) and Master Plan Amendment (PLNPCM2019-01095)

Master Plan and Zoning Map Amendment

PROPERTY ADDRESS: 771 & 795 North 400 West
PARCEL SIZES: 0.4172 acres & 0.8339 acres (combined area approx. 1.25 acres/54,500 square feet)
PARCEL ID: 08-25-376-018 & 08-25-376-021-0000
MASTER PLAN: Capitol Hill Master Plan (2001)
ZONING DISTRICT: M-1 – Light Industrial

REQUEST: Derek Christensen representing DW Asset Management, the property owner, is requesting that the City amend the zoning map and associated future land use map for their properties located at 771 North 400 West and 795 North 400 West. The intent is to allow development of the currently vacant property parcel at 771 North for multi-family housing which is not allowed under the current M-1 zoning. No specific site development proposal has been submitted at this time. This project requires both a Zoning Map and Master Plan Amendment.

- a. Zoning Map Amendment - The properties are currently zoned M-1 – Light Industrial. The petitioner is requesting to amend the zoning map designation of the properties to the MU – Mixed Use zoning district. Case number PLNPCM2019-01011
- b. Master Plan Amendment - The associated future land use map in the Capitol Hill Master Plan currently designates the properties as "Light Industrial". The petitioner is requesting to amend the future land use map for the parcels to "High Density Mixed Use". Case number PLNPCM2019-01095

The Planning Commission's role in these applications is to provide a recommendation to the City Council, who will make the final decision on both applications.

RECOMMENDATIONS:

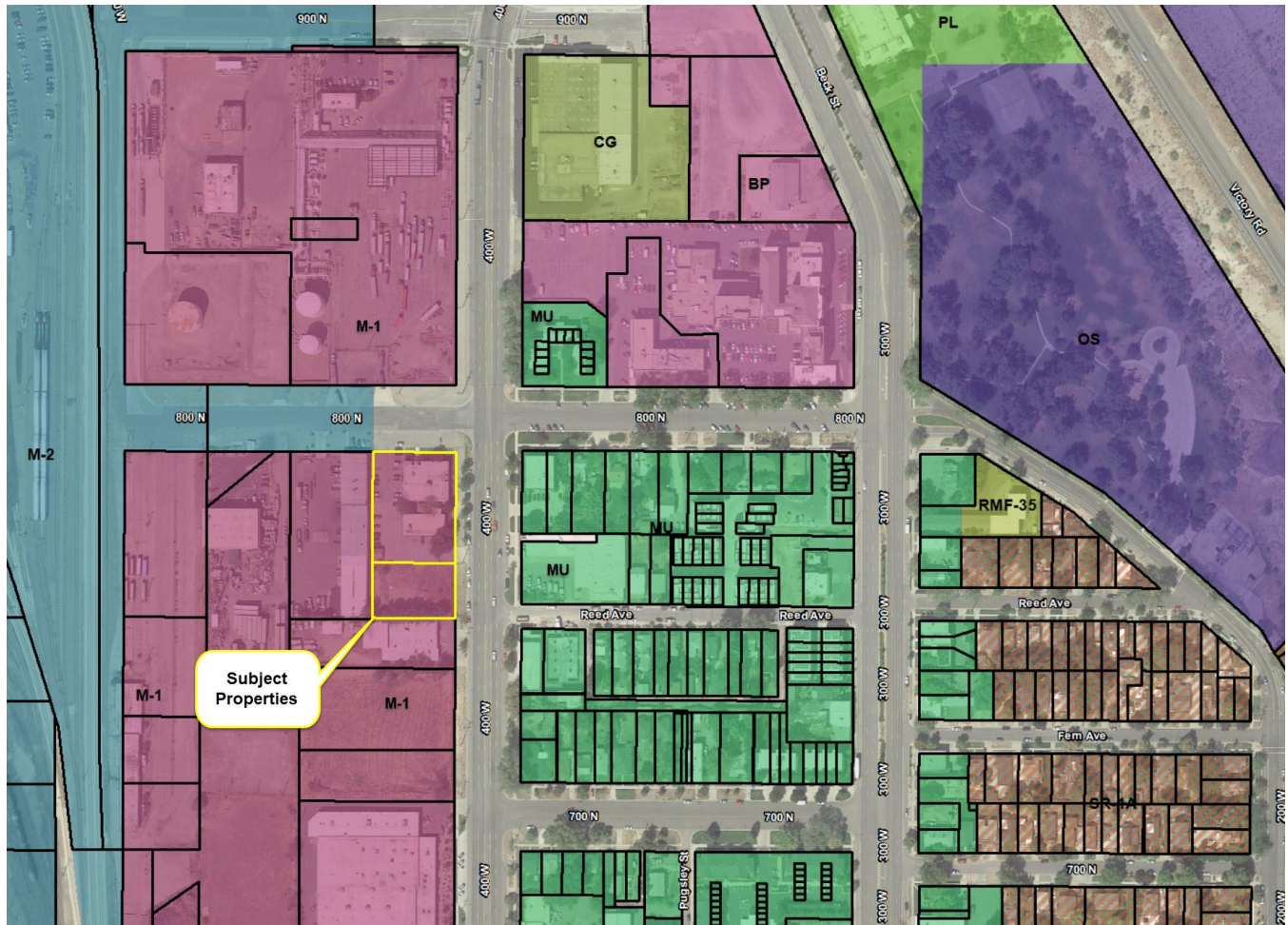
Based on the analysis and findings of fact in this staff report, Planning Staff recommends that the Planning Commission forward a positive recommendation to the City Council for the proposed amendment to the future land use map in the Capitol Hill Master Plan for the change from as "Light Industrial" to "High Density Mixed Use".

Based on the information in this staff report, planning staff finds that the zoning map amendment petition meets the standards, objectives and policy considerations of the city for a zoning map amendment and recommends that the Planning Commission also forward a positive recommendation to City Council for a change to the MU – Residential/Mixed Use zoning district.

ATTACHMENTS:

- A. [Current Zoning and Future Land Use Map](#)
- B. [Applicant Information](#)
- C. [Existing Conditions](#)
- D. [Analysis of Standards](#)
- E. [Public Process and Comments](#)
- F. [Department Comments](#)

VICINITY MAP & ZONING



PROJECT DESCRIPTION:

Reason for Request

According to the applicant, this request is being made in order to allow the future development of an apartment building on the vacant subject property located at 771 North. The property at 795 North has been developed for office and professional uses and no changes are anticipated at this time. The applicant's detailed narrative explaining the rationale for the zoning map and master plan amendment requests can be found in [Attachment B](#) of this report.

Property Location Context, Existing Conditions & Adjacent Zoning & Land Uses

The properties are located on the southwest corner of the intersection of 400 W and 800 N in an area that consisting of commercial, residential and industrial uses. The predominant street frontage for the property is along 400 West. The east side of 400 W is predominantly zoned MU – Mixed Use and contains a variety of business and residential uses. However, 400 W effectively serves as a dividing line and that MU zoning designation does not continue over on the west side of 400 W. To the north the uses are more industrial in nature and include oil refining operations and a train yard to the west.

To the west and north of the property the uses are more intensely industrial in nature and include railyards, manufacturing and an oil refinery to the north of 800 N. The adjacent zoning is M-1 – Light Industrial which transitions into the M-2 – Heavy Manufacturing zoning district further north and west. Along the street frontage on the west side of 400 W to the south of the subject property are a number of commercial uses. On the east side of 400 W there are both residential and commercial uses including multi-family uses. Farther south at 600 N, the west side of 400 W is zoned TSA-UC-T – Transit Station Area Urban Core Transition.

North: Zoned M-1 – Light Manufacturing

South: Zoned M-1 – Light Manufacturing until 600 N, then TSA-UC-T

East: Zoned M-U – Mixed Use – This is the zoning to the north, south and east on 400 W

West: Zoned M-1 – Light Manufacturing

The request involved two (2) property parcels. The northern parcel at 795 N is approximately 0.83 acres or 36,150 square feet in size and contains two (2) existing commercial office buildings and a small accessory structure. No changes are being discussed on the northern parcel. The south parcel at 771 North is 0.42 acres or 18,300 square feet in size and is vacant. The applicant would like to develop a multi-family use such as an apartment building on the vacant parcel. No specific site development plan has been submitted at this time.

Comparison of the Existing and Proposed Zoning

A simplified table showing a comparison of the building size limits and yard requirements as well as some of the design requirements for both zones is included below. This is extracted from the more detailed requirements for each zone found in the Zoning Ordinance in Chapter 21A.28.020 – M-1 – Light Manufacturing District and Chapter 21A.32.130 – MU – Mixed Use District.

The subject property is zoned M-1 – Light Industrial. The purpose of the M-1 zoning district follows:

The purpose of the M-1 Light Manufacturing District is to provide an environment for light industrial uses that produce no appreciable impact on adjacent properties, that desire a clean attractive industrial setting, and that protects nearby sensitive lands and waterways. This zone is appropriate in locations that are supported by the applicable Master Plan policies adopted by the City. This district is intended to provide areas in the City that generate employment opportunities and to promote economic development. The uses include other types of land uses that support and provide service to manufacturing and industrial uses. Safe, convenient and inviting connections that provide access to businesses from public sidewalks, bike paths and streets are necessary and to be provided in an equal way. Certain land uses are prohibited in order to preserve land for manufacturing uses and to promote the importance of nearby environmentally sensitive lands.

The applicant has requested that the property be changed to the MU –Mixed Use zoning district. The purpose of the MU zoning district follows:

The purpose of the MU Mixed Use District is to encourage the development of areas as a mix of compatible residential and commercial uses. The district is to provide for limited commercial use opportunities within

existing mixed-use areas while preserving the attractiveness of the area for residential use. The district is intended to provide a higher level of control over nonresidential uses to ensure that the use and enjoyment of residential properties is not substantially diminished by nonresidential redevelopment. The intent of this district shall be achieved by designating certain nonresidential uses as conditional uses within the Mixed Use District and requiring future development and redevelopment to comply with established standards for compatibility and buffering as set forth in this section. The design standards are intended to facilitate walkable communities that are pedestrian and mass transit oriented while still ensuring adequate automobile access to the site.

The main differences in allowed uses and building design between the existing M-1 and proposed MU zoning districts are:

- Both zones allow for a variety of commercial uses.
- The MU zone does not allow manufacturing and industrial uses.
- The MU zone incorporates more lot and bulk controls that are intended to help maintain compatibility between residential and commercial uses.
- The M-1 zone does not allow residential uses while the MU zone allows for a variety of residential uses.

	Light Industrial (M-1) – Existing Zoning	Mixed Use (MU) – Proposed Zoning
Maximum Building Height	The maximum building height permitted in this district is sixty-five feet (65'). Additional height is allowed for certain structures such as distillation columns generally associated with petroleum refining	The maximum building height is 45-feet, but additional height can be authorized through the design review process. Non-residential buildings are limited to 30-feet or two (2) stories. Mixed used buildings are limited to 45-feet. Non-residential uses in a mixed-use building are limited to the first two (2) stories.
General Yard Requirements	Front: 15 feet Corner Side: 15 feet Interior Side: None required Rear: None required Maximum coverage: Not specified	For multi-family developments: Front: 10 feet Corner Side: 10 feet Interior Side: 10 feet Rear: 25% of 30 feet There are differing requirements for non-residential developments and for single-family attached, detached and two-family dwellings. The MU zone also includes maximum setbacks which may be modified through the Design Review process.
Parking Requirements – Number of Spaces	Parking is based upon the use in the zone and includes calculations for the amount of space in the building devoted to office functions as well as warehouse space etc.	Residential – 1/2 space for multi-family dwelling unit and 1-space for single-family, two-family and twin home dwellings.

KEY CONSIDERATIONS:

The key considerations associated with this proposal are:

1. Neighborhood and City-Wide Master Plan Considerations
2. Change in Zoning and Compatibility with Adjacent Properties
3. Consideration of Alternate Zoning Districts

The applicant makes the argument that there is a need for additional housing in the area and that other areas of the Salt Lake Valley would be more suitable for light industrial uses. The applicant also envisions the creation of a transitional neighborhood with both housing and businesses in the area. The applicant's rationale as to why the MU zoning district would be more appropriate for this property is included in the narrative found in [Attachment B: Applicant Information](#).

Key considerations are discussed further in the following paragraphs and were identified through the analysis of the project ([Attachment D](#)) and department review comments ([Attachment F](#)).

Consideration 1: Neighborhood and City-Wide Master Plan Considerations

Capitol Hill Master Plan (2001) - Analysis of the Proposed Zoning Change

The subject property is not located discreetly within a specific neighborhood identified in the Capitol Hill Master Plan. It is located in what the plan describes more generally as the "industrial areas of Capitol Hill". It lies slightly to the north of the Guadalupe Neighborhood which is located west of 400 W but ends at 600 North. It is located to the west of the West Capitol Hill Neighborhood which uses the east side of 400 West as its defined western boundary. It is located outside of the West Capitol Hill RDA area which ends at 400 W. Within the context of the industrial area described in the Plan, it is roughly within the area between North Temple and 900 North and 400 West and 550 West that is discussed in the context of "redevelopment of existing railroad property."

With regard to the specific subject property, it is located across the street from MU – Mixed Use zoning which includes a variety of commercial, business and residential uses. The Future Land Use Map in the Plan recognizes the uses in the area to be either General Commercial or High-Density Mixed Use in the future. The properties are however in the area shown as Light Industrial on the west side of 400 West. Mixed uses including residential have been long established in the area on the east side of 400 W which is classified as a City Arterial Street. Having mixed-use zoning along the frontage of 400 W would be considered desirable in the context of future development of the area and would help to provide a more logical transition between the industrial and residential areas in that part of the City.

The Master Plan is somewhat contradictory in the sense that it envisions changes to several areas in the community as discussed above but the future land use does not reflect those same anticipated changes. The associated future land use map in the Capitol Hill Master Plan currently designates the property as "Light Industrial". The petitioner is requesting to amend the future land use map so that the property is designated as "High Density Mixed Use". The 400 W corridor serves as the dividing line between the more industrial uses to the west and the mixed-use zoning to the east. This dividing line is not a physical barrier such as an Interstate Highway or some other defined topographical or physical feature so is somewhat arbitrary in nature.

Additional policies and elements from the Capitol Hill Master Plan that staff considered including the following:

- The plan outlines a vision for the future redevelopment of the industrial areas between North Temple and 900 North and 400 to approximately 550 West as businesses rely less on railroad access than they did when uses in the area were established.
- Promote the redevelopment of the area between the Guadalupe and West Capitol Hill Neighborhoods as a mixed-use area with medium density residential development west of 500 West and medium-high density residential-mixed use development (including residential, office and commercial land uses) east of 500 West.
- Allow moderate increases in multi-family uses in appropriate locations and with the mixed-use area.
- Encourage new medium/high density housing opportunities in certain appropriate locations with the West Capitol Hill Neighborhood.

- Mixed use zoning offers opportunities for a mix of commercial and residential uses. This type of zoning is predominant along major corridors identified in the CHMP such as 300 W and 400 W.

Although the proposal does not meet the future land use map, it is consistent with other policies in the plan and the proposed changes are generally supported by the visions and policies contained in the Capitol Hill Master Plan, Plan Salt Lake and Growing SLC. Staff is recommending approval of the zoning change and the change to the future land use map in the Master Plan to designate the property as High Density Mixed Use from the current Light Industrial designation and to change the zoning map designation from M-1 to MU as requested. This issue is also discussed in [Attachment D: Analysis of Standards](#).

Plan Salt Lake (2015)

Plan Salt Lake (December 2015) outlines an overall vision of sustainable growth and development in the city. This includes the development of a diverse mix of uses which is essential to accommodate responsible growth. At the same time, compatibility, that is how new development fits into the scale and character of existing neighborhoods is an important consideration. New development should be sensitive to the context of surrounding development while also providing opportunities for new growth.

Guiding Principles outlined in Plan Salt Lake that would relate to the proposed zone change include the following:

Neighborhoods that provide a safe environment, opportunity for social interaction, and services needed for the wellbeing of the community therein.

- *Growing responsibly while providing people with choices about where they live, how they live, and how they get around.*
- *Access to a wide variety of housing types for all income levels throughout the City, providing the basic human need for safety and responding to changing demographics.*

The proposed zoning map amendment and overall project is aligned with the vision and guiding principles contained in Plan Salt Lake and are supported by the policies and strategies in that document as cited above.

Growing SLC: A Five-Year Housing Plan (2018)

Growing SLC (City Housing Plan) adopted in 2018 includes a number of goals and policies that are related to the requested zoning map change. One of the overall and over-arching goals of the Housing Plan is to Increase Housing Options. The requested change is being made in order to develop an apartment building (multi-family residential use) on the property, which is prohibited by the current zoning. The proposal meets the overall goal of the plan by providing an opportunity to potentially develop additional housing units in the area. Since there is not a specific development plan under consideration with this application, staff cannot provide additional analysis or an assessment of the type of housing that could be provided including details related to housing needs or cost structure.

The Salt Lake City Comprehensive Housing Policy adopted in 2016 is intended to help achieve the following:

- Develop new housing opportunities throughout the City

The proposed zoning map amendment and overall change is aligned with the vision and guiding principles contained in Growing SLC and are supported by the policies and strategies in that document as cited above.

Consideration 2: Change in Zoning and Compatibility with Adjacent Properties

Zoning compatibility with adjacent properties generally considers how a change will negatively impact surrounding properties, often in terms of an intensification of use. In this case, one concern about the change is the introduction of a residential use into a non-residential setting and how those surrounding land uses could impact this property and the

residents living there if it is rezoned and developed for a multi-family use. Given the likely future transition of the area into one of mixed uses, having mixed-use zoning along the frontage of 400 W is desirable in the context of future development. This predicted transition to an area of mixed uses also helps to address the concerns about some of those existing industrial uses intensifying over time which would further impact residents in the area. Related, the applicant has stated their intent to keep the existing offices on the parcel at 795 North operational. This parcel with existing low-scale offices lying between any future multi-family development on the 771 North parcel and the more industrial uses to the north of 800 North will provide additional buffering adjacent to any new residential uses.

In terms of building height, lot setbacks and massing, the MU zoning is generally more restrictive than the M-1 zoning district. The MU zone also seeks to create more street presence than the M-1 district by providing for more walkability while also preserving the attractiveness of the area for residential uses. These requirements will vary depending if the type of use is strictly residential or includes a mix of uses. While the applicant has stated a desire to develop an apartment building on the site, in the absence of a specific development plan for consideration, staff cannot comprehensively analyze the compatibility that any new development will share with adjacent properties. However, any future redevelopment of the property under the MU zoning is likely to be less impactful to neighboring properties than the current M-1 zoning given the massing and setback requirements and the more intense uses allowed under the current zoning.

It is staff's opinion that the change in zoning from M-1 to MU along this corridor would be appropriate and make sense in the context of the area and would provide a logical transition between the industrial and residential areas in this part of the City and not lead to development that would be incompatible within the context of the area.

Consideration 3: Consideration of Alternate Zoning Districts

Planning Staff considered and analyzed different zoning districts for the property in lieu of a change to the requested MU zoning district but ultimately rejected those options.

The CG – General Commercial zoning district was considered in lieu of the MU zoning district. CG zoning would allow multi-family residential uses and mixed uses. While residential and mixed uses are allowed in the CG zone, the main focus of the zone is to create an attractive commercial setting. As such, there are fewer design standards incorporated into the CG zone. This includes no requirements for ground floor glass or entrance requirements, elements that add to the pedestrian and street-level experience. As such, staff does not believe this zone should be considered in lieu of the MU zoning district.

R-MU – Residential Mixed Use zoning is another option that staff considered. Like the MU zoning, it would allow a mix of residential and commercial uses. The height limit in R-MU is 75-feet which is considerably taller than the 45-feet allowed by right in the MU zone and 60 feet allowed through the Design Review process in that same zone. The M-1 zone allows for a building height of 60-feet which is closer to what could be built under the proposed MU zoning so MU would provide some consistency in scale along 400 W in terms of what could potentially be built in the area.

The MU zoning district would allow both residential and commercial uses in the area which would mirror the zoning on the east side of 400 W. This would help to provide a transition between the industrial areas to the west and MU areas to the east and would help maintain some continuity of development along 400 W.

The general area on the east side of 400W is mixed use and given the purpose statement for the proposed zoning district “to encourage the development of areas as a mix of compatible residential and commercial uses” the proposed MU zoning is both appropriate and an accurate reflection of the zoning and development pattern of the surrounding area.

For the reasons cited above and the issues identified in the Key Considerations and Analysis of Standards sections of this report, a change to an alternate zoning district in lieu of the applicant's original request for the MU zoning district is not being recommended by staff.

DISCUSSION:

The applicant has proposed to rezone the property from the existing M-1 to the MU zoning designation in order to develop a multi-family use on the site. The change in allowed uses is the driving factor in this request as current zoning does not support residential uses.

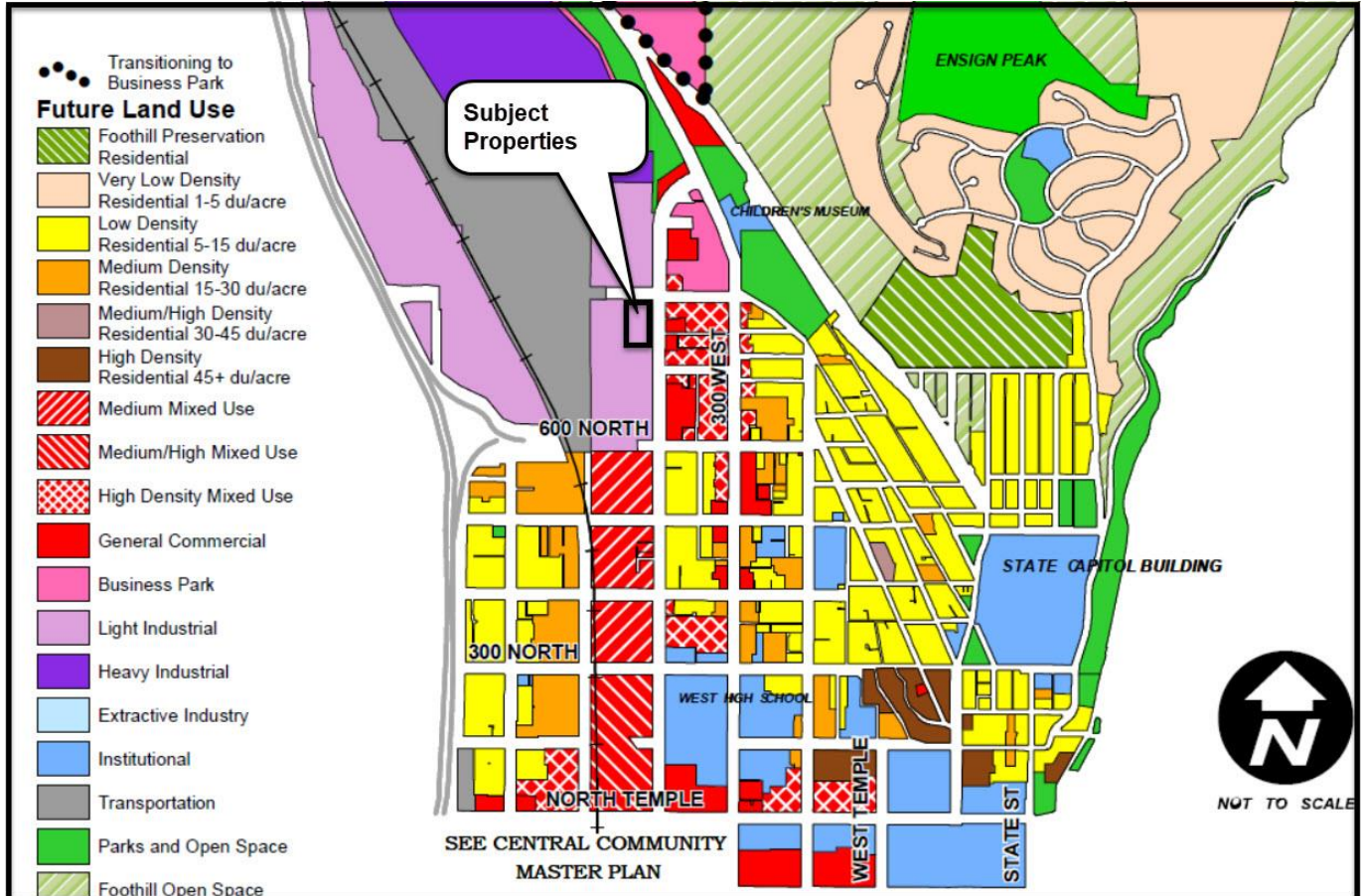
It is staff's opinion that the change in zoning from M-1 to MU would be appropriate when considered in the context of the area and is recommending approval. Staff is also recommending approval of the master plan amendment in order to provide consistency between the zoning and master plan.

NEXT STEPS:

The Planning Commission's recommendation will be forwarded to the City Council for their consideration as part of the final decision on these petitions. If ultimately approved, the applicant may proceed with the submission of plans for the project. If ultimately denied, the applicant would still be eligible to re-develop or modify the existing development on the property in accordance with the regulations for the existing M-1 zone.

ATTACHMENT A: Future Land Use Map in the Master Plan

Future Land Use Map in the Capitol Hill Master Plan (2001)



ATTACHMENT B: Applicant Information

The narrative and other exhibits found on the following pages were submitted by the applicant in relation to this project.

Planning and Zoning Change Request

July 22, 2019

Report Prepared for:
DW Asset Management
(DWAM)

Prepared by:
Design West Architects

Project Synopsis

Addresses:

795 North 400 West, Salt Lake City, UT– Parcel Number 08253760210000

765 North 400 West, Salt Lake City, Ut – Parcel Number 08253760180000

DW Asset Management (DWAM) owns connecting parcels of land located **795 North 400 West & 765 North 400 West Salt Lake City** and desires to change the Zoning District Classification from M-1 Light Manufacturing District into MU Residential/Mixed Use District.

This .83 acre property is currently developed with 2 connected commercial office buildings and a small out building. Approximately 1/3 of the property is undeveloped and is not utilized for any purpose.

According to the 2001 Capitol Hill publication created by Salt Lake City, the property is identified within the Capitol Hill Community and is surrounded by the Marmalade Neighborhood, the Guadalupe Neighborhood/Railroad Redevelopment area and the West Capitol Hill Neighborhood.

While determining interest in development options for the property it was found that M-1 limits development for uses that are not desired in the area.

Housing continues to be needed in the area, re-zoning will allow for a future development on the property to create housing via an apartment building.

Upon visiting with Current Planning and Zoning staff it was requested we submit a formal statement demonstrating our desire for this rezoning effort.

Site description

See Photos at end of document for further reference

According to the Salt Lake City Planning and Zoning Map the Address of the property is 795 N. 400 W. The .83 acre property is located on the South West corner of the intersection of 400 West and 800 North. The property currently is home to single story structures used for office/professional purposes. An Architectural firm and an Engineering firm currently occupy the 2 buildings. On the southern portion of the property is a vacant lot which has been used for miscellaneous storage and a stockpile of soil. The vacant portion has never held any formal development to our knowledge. According to the Salt Lake City Planning and Zoning Map the Address of the vacant property is 765 N. 400 W.

The adjacent surrounding the property are the following uses/conditions:

North: Marathon Petroleum refinery / truck refilling station – Also previously known as Andeavor and Tesoro

South: Unidentified business, Office/Warehouse

East: 2-Story professional office (currently an engineering office) and Multi-Family and Single-Family residential housing

West: Office warehouse facilities

Purpose for request

While researching opportunities for development of the vacant portion of the lot it has been discovered that there is still a need for housing in the area. This is also supported by publications commissioned by Salt Lake City personnel.

As stated in "Growing SLC", (2018) there is a "*Housing Crisis*" in the City. The need for high/medium density housing is needed.

Other areas of the Salt Lake Valley are better suited for light industrial areas.

The property in question is in an area which needs to have a transition from light industrial areas into the more mixed-use / residential areas found in the area.

"Capitol Hill", (2001) is also commissioned by Salt Lake City and states that future uses and improvements for the industrial area of this property should "*Encourage the relocation of the existing industrial and heavy commercial land uses to industrially zone land in other appropriate areas of the City by rezoning the existing properties...*", "*to encourage mixed use development of residential and office / commercial in this area.*"

Currently the Property is classified as M-1 which prevents the construction of Mixed Use housing.

In the adjacent neighborhoods MU Zoning is found along with many housing projects. Continuing development in the area such as this property will help to provided ongoing stabilization of property values in the community.

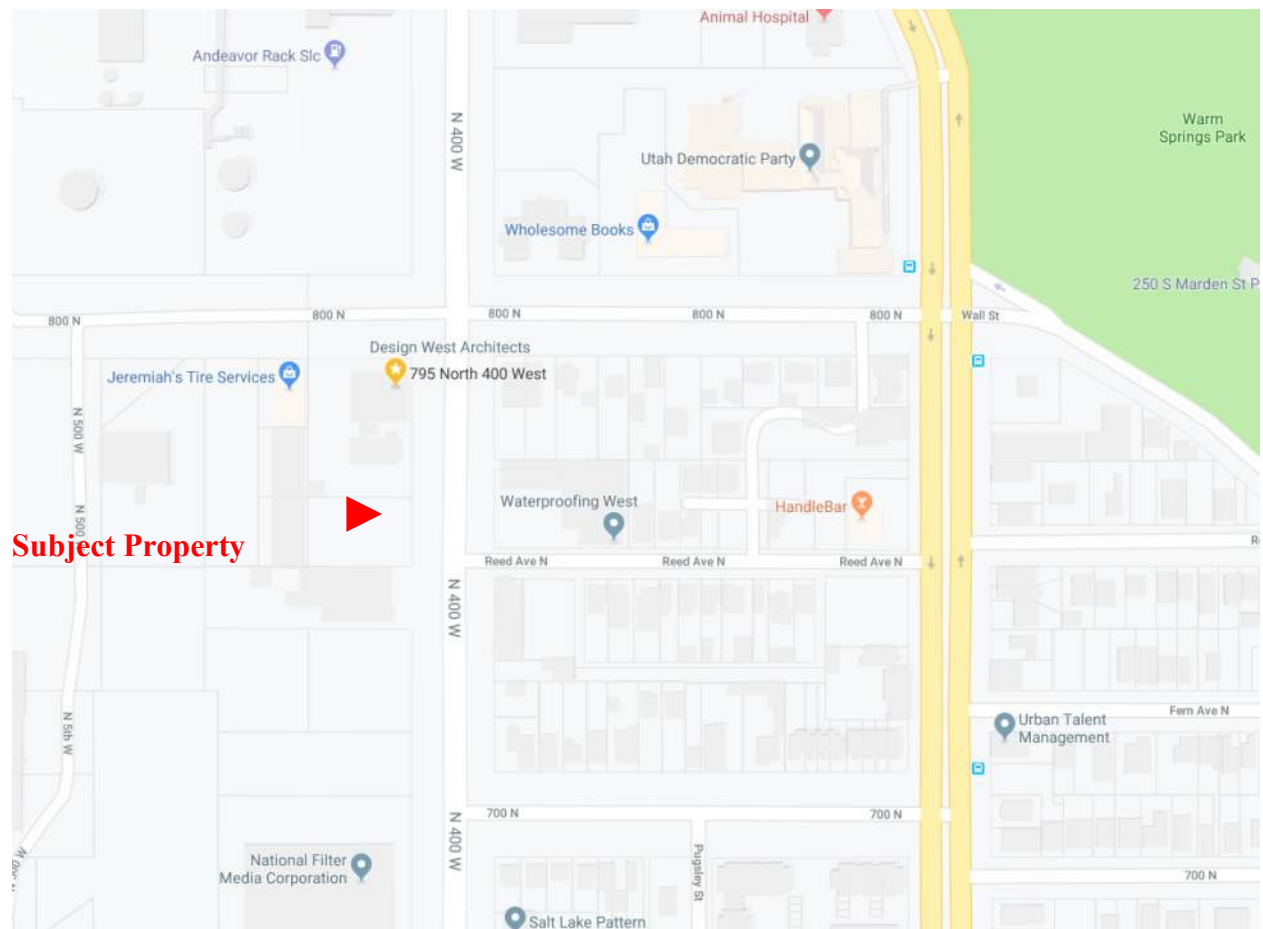
To address the recommendations found in the master plan documents, to help create a transitional neighborhood, and to clean up and provide continued improvements and growth in the area it is desired that the parcel be rezoned to a MU classification.

A MU classification would allow similar uses to those found in the area to occur while allowing residential development to also occur.

Such improvements would have minimal impact to traffic counts on the road which is currently a 5 lane surface street.

We would encourage the City utilize existing regulation for any new uses permitted to the area to provide the appropriate landscape barriers. These actions will continue to beautify the city and promote growth in an otherwise declining area.

Vicinity Map





Subject Property – 400 West Frontage - Looking South West & West



Subject Property – Vacant Lot - 400 West Frontage – Looking West



Subject Property – 400 West Frontage - Existing Buildings



Subject Property – 400 West Frontage - Existing Building (cont.)



Subject Property- 800 North Frontage – Existing Building



Property to North – 800 North



Property to North – 400 West



Property to East – 400 West



Property to South – 400 West



Property to North East – 400 West & 800 North



Property to West – 800 North



- End of Planning and Zoning Change Request -

ATTACHMENT C: Existing Conditions



Existing building on the subject property visible on right – looking south on 400 West.



Vacant parcel at 771 N 400 W



Heavy industrial uses including refining operations to the north of the subject property.



Existing building frontage on 800 North. Frontrunner Train visible in background. Office buildings to remain on 795 North parcel.



Multi-family residential uses to the north-west of the subject property on the east side of 400 West



Multi-family residential development and mixed uses to the east of the subject property on the east side of 400 west



Small-scale commercial development on the east side of 400 W. in the vicinity of the subject properties.

ATTACHMENT D: ANALYSIS OF STANDARDS

MASTER PLAN AMENDMENTS

State Law, Utah Code Annotated, Title 10 Chapter 9a, requires that all municipalities have a master plan. However, there is no specific criteria relating to master plan amendments. The City does not have specific criteria relating to master plan amendments. However, City Code Section 21A.02.040 – Effect of Adopted Master Plans or General Plans addresses this issue in the following way:

All master plans or general plans adopted by the planning commission and city council for the city, or for an area of the city, shall serve as an advisory guide for land use decisions. Amendments to the text of this title or zoning map should be consistent with the purposes, goals, objectives and policies of the applicable adopted master plan or general plan of Salt Lake City. (Ord. 26-95 § 2(1-4), 1995)

In this case, the master plan is being amended in order to provide consistency between the Capitol Hill Master Plan and the zoning designation of the subject property. This request facilitates a rezoning of the property to a district that will allow different uses on the property. State Law does include a required process in relation to a public hearing and recommendation from the Planning Commission in relation to a master plan amendment. The required process and noticing requirements have been met.

ZONING MAP AMENDMENTS

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. In making a decision to amend the zoning map, the City Council should consider the following:

Factor	Finding	Rationale
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;	Complies with Master Plan policy statements but does not comply with Future Land Use Map. A petition for a Master Plan amendment has also been submitted as part of this request.	<p>The subject property is not located discreetly within a neighborhood identified in the Capitol Hill Master Plan. It is located across the street from MU – Mixed Use zoning which includes a variety of commercial, business and residential uses. The Future Land Use Map in the Plan recognizes the uses to the east to be either General Commercial or High-Density Mixed Use in the future. Policy statements supporting the change can be found in the Capitol Hill Master Plan, Plan Salt Lake and Growing SLC (Housing Plan). There are also contradictory statements and the proposal does not meet the future land use map in the area.</p> <p>In the overall balance, Staff believes that based on the existing land uses, development pattern and the adopted City plans and policies, that rezoning the parcel to MU is appropriate for the following reasons:</p> <ul style="list-style-type: none"> • The property is located along a City arterial street (400 W) with MU zoning being the predominant classification on the east side of the street. • The proposed change would help to create a transition boundary between the mixed uses on the east side of 400 W and more intense industrial uses to the west of 400 W. • The zoning change will not substantially increase current or potential impacts on the site and would not be out of character with the area. <p>The proposed change in zoning is not consistent with the future land use map. However, it is consistent with other policies in the plan and the proposed changes are generally supported by the visions and policies contained in the Capitol Hill Master Plan as well as other City plans and policies. As such, staff is recommending approval.</p>
2. Whether a proposed map amendment furthers the specific purpose statements of the zoning ordinance.	Complies	<p>The purpose of the Zoning Ordinance is to promote the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Salt Lake City, to implement the adopted plans of the city, and, in addition:</p> <ul style="list-style-type: none"> A. Lessen congestion in the streets or roads; B. Secure safety from fire and other dangers; C. Provide adequate light and air; D. Classify land uses and distribute land development and utilization; E. Protect the tax base; F. Secure economy in governmental expenditures; G. Foster the city's industrial, business and residential development; and H. Protect the environment. (Ord. 26-95 § 2(1-3), 1995) <p>The proposed zone change from M-1 to MU would support the purposes of the zoning ordinance found in Chapter 21A.02.0303: Purpose and Intent as outlined above. The change would help to</p>

		distribute land and utilizations (D.), while helping to support the city's residential and business development (G.)
3. The extent to which a proposed map amendment will affect adjacent properties;	Complies	<p>The proposed MU zoning district would allow a mix of land uses and residential uses that are not currently allowed by the M-1 zoning. The development standards in the MU zoning district are intended to encourage the development of areas as a mix of compatible residential and commercial uses. The design standards in the zone are intended to facilitate walkable communities that are pedestrian and mass transit oriented while still ensuring adequate automobile access to the site.</p> <p>A change to the MU zoning may facilitate additional residential development on this property which could potentially be impacted by the more intense industrial uses on adjacent properties. Development could consist of residential uses as well as commercial or mixed uses.</p> <p>Given the likely future transition of the area into one of mixed uses, having mixed-use zoning along the frontage of 400 W is desirable in the context of future development. Since 400 W does not in and of itself impose a solid physical barrier between the mixed use and industrial areas, it is essentially an arbitrary boundary. While there is some potential for the surrounding uses to have some impact on this property and any future residents, it is not in excess of that which currently would be experienced by residents on the opposite side of 400 W which consists of both residential and commercial uses.</p>
4. Whether a proposed map amendment is consistent with the purposes and provisions of any applicable overlay zoning districts which may impose additional standards	Complies	<p>The north-east corner of the property is located within the Groundwater Source Protection Primary Zone. This ordinance is administered by the Salt Lake City Department of Public Utilities. During the evaluation of a specific development proposal, Public Utilities will review the proposal and may impose additional mitigation conditions that must be met under the building permit. The extent of these cannot be fully assessed in the absence of a specific site development plan.</p>
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, stormwater drainage systems, water supplies, and wastewater and refuse collection.	Complies	<p>The proposed development of the subject properties was reviewed by the various city departments tasked with administering public facilities and services.</p> <p>The city has the ability to provide services to the subject property. Any infrastructure upgrades will be evaluated with a specific site development plan. Infrastructure may need to be upgraded at the owner's expense in order to meet specific City requirements for future development or redevelopment of the site.</p>

ATTACHMENT E: Public Process and Comments

Public Notice, Meetings, Comments

The following is a list of public meetings that have been held, and other public input opportunities, related to the proposed project:

- Notice of the project and request for comments sent to the Chair of the Capitol Hill Neighborhood Council (CHNC) on November 25, 2019.
- The CHNC did not ask the applicant or staff to attend a regular meeting to explain the proposal.
- To date, no comments have been submitted by the CHNC related to this proposal.

Notice of the public hearing for the proposal included:

- Public hearing notice mailed on February 28, 2020
- Public hearing notice sign posted on property: February 28, 2020
- Public notice posted on City and State websites and Planning Division list serve: February 28, 2020

Public Input:

To date, the only public comments that have been submitted in relation to this proposal have been from Michael Benson and other representatives of Marathon Petroleum which operate a refinery and other operations a short distance to the north of the subject property. Their comments included concerns about introducing housing and residential uses into the area and how that would impact their future operations with more residents living nearby.

Staff's Response:

The juxtaposition of these different land use classifications that previously had a defined boundary – 400 W and 800 N and the introduction of possibly incompatible uses in the area is a concern that staff considered in their analysis. This change would allow multi-family residential uses into an area that has been traditionally industrial in nature. At the same time, these types of mixed uses including residential have been long established in the area on the east side of 400 W which is classified as a City Arterial Street. The purpose of this type of street is to facilitate through traffic movement of traffic from one neighborhood to another. Having mixed-use zoning along the frontage of 400 W is considered desirable in the context of future development and would provide a more logical transition between the industrial and residential areas in that part of the City. The change is generally supported by policies in the Capitol Hill Master Plan and other City plans and policies.

ATTACHMENT F: Department Comments

CITY DEPARTMENT COMMENTS

Zoning Review

Building Services has identified no issues with proposed requests.

Public Utilities

No comments from Public Utilities

Sustainability

No comments provided.

Engineering:

No objections.

Transportation

No objections.

Fire

No comments provided.

5. Mailing List

OWN_FULL_NAME	OWN_ADDR	UNIT	OWN_CITY	OWN_STATE	OWN_ZIP
TESORO LOGISTICS OPERATIONS, LLC	13111 NORTHWEST FWY #125		HOUSTON	TX	77040
TESORO LOGISTICS OPERATIONS LLC	19100 RIDGEWOOD PKWY		SAN ANTONIO	TX	78259
TRENTON J DRESSEN	201 MARINA DR # 1513		TUSCALOOSA	AL	35406
NATHANIEL EUGENE LEVINE; BETH NOYMER LEVINE; HENRY LEVINE (JT)	370 W 800 N		SALT LAKE CITY	UT	84103
ALEX MEADOWS	370 W 800 N		SALT LAKE CITY	UT	84103
JOSEPH SPANBAUER	611 MILLRUN CIR		SUN PRAIRIE	WI	53590
SHANA C LOPEZ-CENTENO	370 W 800 N # 5		SALT LAKE CITY	UT	84103
MATTHEW C SHELTON	370 W 800 N # 7		SALT LAKE CITY	UT	84103
BENJAMIN O OLSON; JUDY O OLSON (TC)	370 W 800 N # 8		SALT LAKE CITY	UT	84103
MARMALADE PARK CONDOMINIUM ASSOCIATION	370 W 800 N # 11		SALT LAKE CITY	UT	84103
SALT LAKE CITY CORPORATION	PO BOX 145460		SALT LAKE CITY	UT	84114
DW ASSET MANAGEMENT LLC	795 N 400 W		SALT LAKE CITY	UT	84103
MBR CORP	251 E SOUTHSANDRUN RD		SALT LAKE CITY	UT	84103
RCW, LLC	251 E SOUTHSANDRUN RD		SALT LAKE CITY	UT	84103
MARK JENSEN	1400 E MURPHYS LN		SALT LAKE CITY	UT	84106
BLACK FROG PROPERTY LLC	PO BOX 1542		BOUNTIFUL	UT	84011
SASQUATCH INVESTMENT COMPANY	377 W 800 N		SALT LAKE CITY	UT	84103
DAVID DEAN ANESI LIVING TRUST 07/24/2015	511 S 900 E		SALT LAKE CITY	UT	84102
LARA K JONES	355 W 800 N		SALT LAKE CITY	UT	84103
MATTHEW MCKNIGHT	356 W REED AVE		SALT LAKE CITY	UT	84103
STEVEN F MOOSMAN	331 GARY WY		NORTH SALT LAKE	UT	84054
365 REED AVE, LLC	PO BOX 711548		SALT LAKE CITY	UT	84171
REAL ESTATE VENTURES	PO BOX 2721		PARK CITY	UT	84060
Current Occupant	425 W 900 N		Salt Lake City	UT	84103
Current Occupant	470 W 800 N		Salt Lake City	UT	84103
Current Occupant	370 W 800 N	# 1	Salt Lake City	UT	84103
Current Occupant	370 W 800 N	# 2	Salt Lake City	UT	84103
Current Occupant	370 W 800 N	# 3	Salt Lake City	UT	84103
Current Occupant	370 W 800 N	# 4	Salt Lake City	UT	84103
Current Occupant	370 W 800 N	# 5	Salt Lake City	UT	84103
Current Occupant	370 W 800 N	# 7	Salt Lake City	UT	84103
Current Occupant	370 W 800 N	# 8	Salt Lake City	UT	84103
Current Occupant	370 W 800 N		Salt Lake City	UT	84103
Current Occupant	745 N 400 W		Salt Lake City	UT	84103
Current Occupant	771 N 400 W		Salt Lake City	UT	84103
Current Occupant	795 N 400 W		Salt Lake City	UT	84103
Current Occupant	469 W 800 N		Salt Lake City	UT	84103
Current Occupant	461 W 800 N		Salt Lake City	UT	84103
Current Occupant	755 N 400 W		Salt Lake City	UT	84103
Current Occupant	423 W 800 N		Salt Lake City	UT	84103
Current Occupant	377 W 800 N		Salt Lake City	UT	84103
Current Occupant	367 W 800 N		Salt Lake City	UT	84103
Current Occupant	365 W 800 N		Salt Lake City	UT	84103
Current Occupant	355 W 800 N		Salt Lake City	UT	84103
Current Occupant	356 W REED AVE		Salt Lake City	UT	84103
Current Occupant	726 N 400 W		Salt Lake City	UT	84103
Current Occupant	365 W REED AVE		Salt Lake City	UT	84103
Current Occupant	720 N 400 W		Salt Lake City	UT	84103
Current Occupant	724 N 400 W		Salt Lake City	UT	84103
Salt Lake City Planning Division David Gellner	PO BOX 145480		Salt Lake City	UT	84114