



COUNCIL STAFF REPORT

CITY COUNCIL of SALT LAKE CITY

TO: City Council Members

FROM: Brian Fullmer
Policy Analyst

DATE: September 1, 2020

RE: Rezone and Master Plan Amendment at 771 & 795 North 400 West
PLNPCM2019-01011 & PLNPCM2019-01095

Item Schedule:

Briefing: July 7, 2020

Set Date: July 7, 2020

Public Hearing #1: August 11, 2020

Public Hearing #2: August 18, 2020

Potential Action: September 1, 2020

PUBLIC HEARING #2 SUMMARY

No one spoke at the public hearing. The Council voted to close the hearing and defer action to a future Council meeting.

The following information was provided for the August 18 public hearing. It is provided again for background purposes.

PUBLIC HEARING #1 SUMMARY

One person, the applicant, spoke at public hearing #1 expressing support for this item. A Council Member asked if the applicant contacted Rocky Mountain Power about potential impacts new transmission lines may have on the project. The applicant confirmed he contacted Rocky Mountain Power and stated the proposed development should be well clear of the power lines.

The following information was provided for the August 11 public hearing. It is provided again for background purposes.

WORK SESSION SUMMARY



During its July 7 work session, the Council expressed general support for the rezone. Some questions were raised about traffic and impact from nearby industrial properties. Planning staff stated this area will transition away from industrial in the coming years. The applicant stated as both the property owner and architects, they are confident they can create a building to alleviate concerns.

The applicant didn't have details of a Rocky Mountain Power transmission line project in the area. Staff provided contact information for Rocky Mountain Power to the applicant.

Two public hearings have been scheduled for this item: August 11 and 18, 2020. The Council may consider taking action on the night of the second public hearing if it chooses.

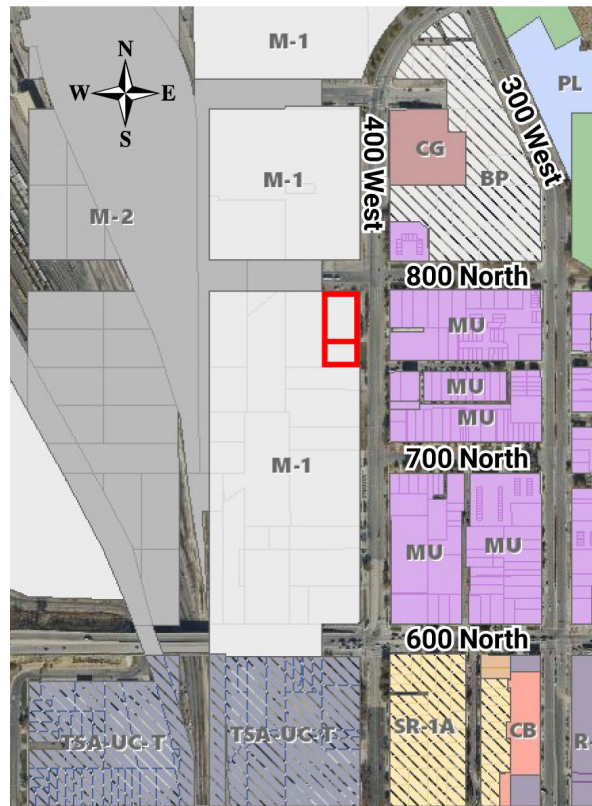
The following information was provided for the July 7 work session. It is provided again for background purposes.

The Council will be briefed about an ordinance to amend the zoning map and future land use map for two properties located at 771 North and 795 North 400 West from M-1 (Light Industrial) to MU (Mixed Use) in order to allow future redevelopment of the vacant parcel at 771 North 400 West for multi-family housing which is not allowed under the current M-1 zoning. No site development proposal was submitted with the request.

According to the applicant, the request is being made to allow future development of an apartment building on the vacant property at 771 North. The property at 795 North was previously developed for office and professional uses and no changes are anticipated at this point.

The associated future land use map in the Capitol Hill Master Plan 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."

Planning staff recommended and the Planning Commission forwarded a unanimous positive recommendation to the City Council for this proposed rezone and future land use map amendment.



*Aerial view with subject parcels outlined in red.
Nearby parcel zoning is shown.*

Goal of the briefing: *To review the proposed zoning map and master plan amendments, determine if the Council supports moving forward with the proposal.*

POLICY QUESTION

1. The Council may wish to ask the Administration about future plans for the area.
2. Does the Council support the Planning Commission’s recommendation to adopt the proposed changes?

ADDITIONAL INFORMATION

The subject properties are located on the southwest corner of 400 West and 800 North in an area with commercial, residential and industrial uses. The property’s primary street frontage is on 400 West. Properties on the east side of the street are zoned MU between 600 and 800 North with a variety of business and residential uses. The west side of 400 West in this area is zoned M-1 and includes more industrial uses to the north and west of the subject properties. This zoning designation transitions to M-2 (Heavy Manufacturing) farther north and west including oil refining operations and a train yard. At 600 North, the west side of 400 West is zoned TSA-UC-T (Transit Station Area Urban Core Transition).

This request involves two parcels. The northern parcel is approximately 0.83 acres and contains two commercial office buildings as well as a small accessory structure. No changes are being proposed for the northern parcel at this point. The southern parcel is 0.42 acres and is vacant. The applicant proposes developing a multi-family use such as an apartment building on the vacant southern parcel. No site development plan has been submitted to date.

Comparison of the Existing and Proposed Zoning

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.

A table comparing building size limits and yard requirements as well as some design requirements for both zones is included on page 38 of the Administration's transmittal.

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 requested 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.

KEY CONSIDERATIONS

The Planning Commission staff report (pages 39-42 of the Administration's transmittal) identifies three key considerations for the proposed rezone. A short description of each is provided below for reference. Please see the Planning Commission staff report for full analysis.

1. Neighborhood and City-wide Master Plan Considerations

The subject property is not located in one of the neighborhoods identified in the 2001 Capitol Hill Master Plan (CHMP). It is north of the Guadalupe Neighborhood; west of the West Capitol Hill Neighborhood; and outside of the West Capitol Hill RDA area. It is within an area the CHMP describes as the "industrial areas of Capitol Hill" in the area between North Temple and 900 North and between 400 West and 550 West the Plan discusses in the context of "redevelopment of existing railroad property."

The CHMP envisions changes to the area, but the future land use does not reflect these changes. The map currently designates the subject property as “Light Industrial.” It is Planning staff’s opinion mixed-use zoning on the 400 West frontage would be desirable for the area’s future development, providing a more logical transition between industrial and residential areas in that part of the city.

Planning staff also considered the following from the CHMP:

- 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 within the West Capitol Hill Neighborhood.
- Mixed use zoning offers opportunities for a mix of commercial and residential uses. This type of zoning is predominantly along major corridors identified in the CHMP such as 300 West and 400 West.

Planning staff is of the opinion the proposed rezone and master plan amendment are aligned with the vision and guiding principles contained in *Plan Salt Lake* (2015) and *Growing SLC: A Five-Year Housing Plan* (2018). See page 40 of the Administration’s transmittal for more information.

2. Change in Zoning and Compatibility with Adjacent Properties

Zoning compatibility with adjacent properties considers potential negative impacts to surrounding properties, often in terms of intensified use. One concern with the proposed zoning change is introducing residential use into a non-residential area and how surrounding land uses might impact residents if the subject property is developed for multi-family use. The predicted transition of this area to mixed uses helps address concerns of current industrial uses intensifying over time. This along with the applicant’s stated intent to keep existing offices on the corner lot would provide additional buffering between the proposed multi-family development and the more industrial uses north of 800 North.

Planning staff noted any future development of the property under the MU zoning designation is likely to be less impactful to neighboring properties than the current M-1 zoning given massing and setback requirements and the more intense uses allowed under the current zoning.

3. Consideration of Alternate Zoning Districts

Planning staff considered different zoning districts for the subject property in lieu of the requested change to MU, but ultimately rejected those options.

General Commercial (GC) would allow multi-family residential and mixed uses. The CG zone’s focus is to create an attractive commercial setting. There are fewer design standards incorporated into CG. There is no requirement for ground floor glass or entrance requirements, which add to the pedestrian and street-level experience.

Residential Mixed Use (R-MU) zoning would allow a mix of residential and commercial uses. The R-MU height limit is 75 feet which is considerably taller than the 45-foot limit allowed in the MU

zone and 60 feet allowed through the design review process in that zone. The M-1 zone allows for 60-foot building height which is closer to what could be built under the proposed MU zoning. This would provide some consistency in scale along 400 West for potential buildings.

The MU zoning district allows both residential and commercial uses and mirrors zoning on the east side of 400 West. It would help provide a transition between industrial uses to the west and MU areas to the east, maintaining some development continuity along 400 West.

Planning staff is of the opinion the proposed MU zoning is appropriate and accurately reflects the zoning and development pattern of the area. They do not recommend an alternate zoning designation in lieu of the requested MU zoning.

ANALYSIS OF STANDARDS

Attachment D of the Planning Commission staff report (pages 62-64 of the Administration's transmittal) outlines standards that should be considered as the Council reviews this proposal. An outline of the analysis is summarized below, please see the Planning Commission staff report for full details.

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.
 - *Planning staff found the proposed map amendment complies with Master Plan policy statements but does not comply with the Future Land Use Map. However, they believe the proposed change is consistent with other policies in the Master Plan and are generally supported by the visions and policies within the CHMP and other City plans and policies. A Master Plan amendment petition was submitted as part of the request.*
2. Whether a proposed map amendment furthers the specific purpose statements of the zoning ordinance.
 - *Planning staff is of the opinion the proposed zone change from M-1 to MU supports the purposes of the zoning ordinance. It would help distribute land and utilizations (D), while helping support the city's residential and business development (G).*
3. The extent to which a proposed map amendment will affect adjacent properties.
 - *Planning staff stated the change in zoning from M-1 to MU is desirable given the likely future transition of the area into one of mixed uses. While there is some potential for surrounding uses to impact the subject property and future residents, Planning noted it is not in excess of that which would be experienced by residents on the east side of 400 West which includes both residential and commercial uses.*
4. Whether a proposed map amendment is consistent with the purposes and provisions of any applicable overlay zoning districts which may impose additional standards.
 - *The northeast corner of the property is within the Groundwater Source Protection Primary Zone, administered by City Public Utilities. During evaluation of a future development proposal, Public Utilities will review the proposal and may require additional mitigation conditions that must be met.*
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, storm water drainage systems, water supplies, and wastewater and refuse collection.

- *The City can 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 requirements.*

PUBLIC PROCESS

Notice of the project was sent to Chair of the Capitol Hill Neighborhood Council November 25, 2019.

An announcement providing early notification of the project was mailed November 25, 2019 to residents and property owners within 300 feet of the subject parcels. The announcement provided information about the proposal and how to provide public input.

Public notice posted on City and State websites and sent via the Planning listserv February 28, 2020 for the March 11, 2020 Planning Commission meeting. A public notice was also mailed, and a sign posted on the property February 28, 2020 with project information and notice of the Planning Commission public hearing.

The Planning Commission reviewed the petition and conducted a public hearing March 11, 2020. Representatives from Marathon Petroleum, which operates a refinery a short distance to the north expressed concern about introducing housing into the area and impact to Marathon's operations with additional residents nearby. The Planning Commission did not specifically address this comment but discussed the area's expected transition away from industrial uses and a mix of uses along the corridor was desirable. The Commission voted unanimously to forward a positive recommendation to the Council on the proposed rezone and master plan amendment.