



# COUNCIL STAFF REPORT

CITY COUNCIL of SALT LAKE CITY

**TO:** City Council Members

**FROM:** Brian Fullmer  
Policy Analyst

**DATE:** February 7, 2023

**RE: 130 North 2100 West Airport Flight Path Protection Influence Zone B Map Amendment  
PLNPCM2022-00833**

Item Schedule:

Briefing: February 7, 2023

Set Date: February 7, 2023

Public Hearing: February 21, 2023

Potential Action: March 7, 2023

The Council will be briefed about a petition amending the zoning map to remove property at 130 North 2100 West in Council District One from the Airport Flight Path Protection (AFPP) Influence Zone B (found in Chapter 21A.34.040 *Salt Lake City Code*). A former hotel is currently located on the property. The petitioner's stated intention is to remodel and expand the hotel for use as permanent supportive housing with a focus on older individuals transitioning out of homelessness. Under the proposal 94 residential units would be created with kitchen and bathroom facilities. In addition, community amenities including a clubhouse, kitchen, laundry facilities, community room, and community gardens are planned for the site.

Hotels and motels are allowed in the TSA-MUEC-T (Transit station Area District Mixed-Use Employment Center-Transition) zoning district and within the AFPP Influence Zone B. Under City Code rooms/dwelling units available for rent or lease for less than 30 days are considered hotels or motels. Lease or rental periods of more than 30 days are typically considered residential use which is not allowed under the AFPP Influence Zone B. If the property is removed from the Airport Influence Zone B the applicant would be able to accommodate stays longer than 30 days. The petitioner is working toward accepting housing vouchers for this location, which would require it to be a residential use.

When the building was purchased by the petitioner, they were unaware it is within the Airport Influence Zone. It is worth noting the petitioner received \$2 million of the \$6 million of City funding to create deeply affordable housing by May 2023 which aligns with closure of the emergency winter shelter. The petitioner stated they received additional funding from the State for a total of \$13.3 million for the project. The property has a 25-year deed restriction requiring it to be used for affordable housing.

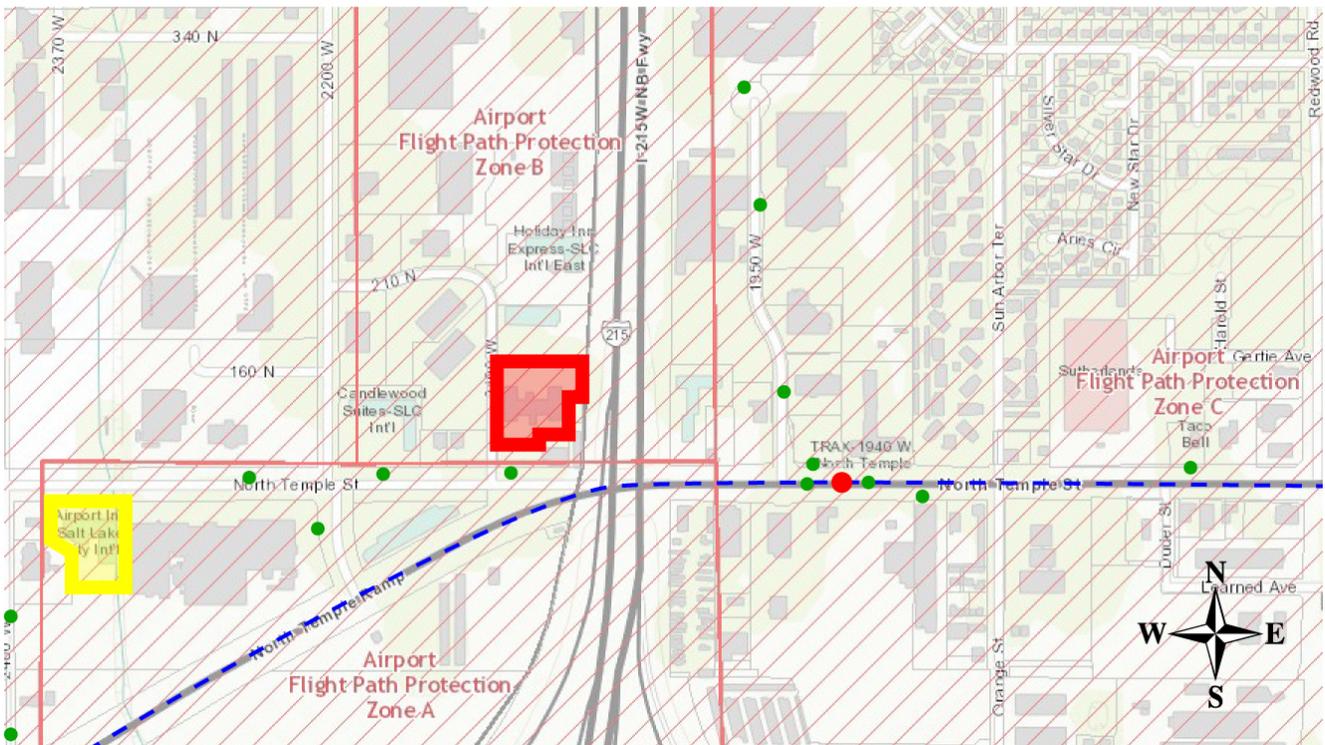


Council Members may recall approving a similar request in spring 2022 for the nearby former Airport Inn located at 2333 West North Temple (shown in the image below). That property was removed from the AFPP Influence Zone A, which is more restrictive than Zone B the subject property is under.

The Planning Commission reviewed the proposal at its November 16, 2022 meeting and held a public hearing at which there were no comments. Commissioners closed the hearing and forwarded a unanimous positive recommendation to the Council with the following recommended condition:

*A development agreement shall be recorded on the property that requires any new development or substantial remodel of existing development to be constructed with air circulation systems of at least thirty (30) dBs of sound attenuation in sleeping areas and at least twenty-five (25) dBs of sound attenuation elsewhere.*

Planning staff noted sound attenuation in the existing building meets requirements of the above condition. They recommend including the condition to ensure it is met with the planned expansion, or if the building is replaced in the future.



*Image showing the subject parcel outlined in red and the nearby former Airport Inn outlined in yellow. Transit stops are indicated by green dots (bus), and red dot (Trax station). Airport Flight Path Protection Zones are also shown.*

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

### POLICY QUESTIONS

1. The proposed zoning map amendment would “carve out” the subject property creating an irregular boundary line for the Airport Flight Path Protection Zone. Does the Council have concerns with this?

2. Does the Council support the Planning Commission's recommended development agreement requiring sound attenuation?
3. Is the Council supportive of the proposed zoning map amendment?

### **ADDITIONAL INFORMATION**

Planning staff identified four key considerations related to the proposal which are found on pages 3-7 of the Planning Commission staff report. They are summarized below. For the complete analysis, please see the staff report.

#### **Consideration 1-Neighborhood and Citywide Master Plan Considerations**

Planning staff reviewed how the proposal aligns with the *North Temple Boulevard Master Plan (2010)*, *Plan Salt Lake (2015)*, and *Growing SLC: A Five-Year Housing Plan-2018-2022 (2017)*. They found the proposed rezone removing the subject property from the Airport Flight Path Protection Zone B generally aligns with principles outlined in these plans.

#### **Consideration 2-Equity Considerations**

Planning staff was initially apprehensive about allowing housing for vulnerable populations in an area where other housing types are not permitted. Proximity to the airport and Interstate-215 were concerning. The petitioner provided a noise study taken from the property which showed the freeway was the largest source of noise at this location. Airport noise was lower than anticipated and is similar to an office building. Planning noted market rate multi-family housing is permitted on the eastern side of the freeway, which similarly impacts those properties. The subject property is lower than the freeway which helps mitigate some noise and visual impacts. The site's proximity to bus and Trax stops provides nearby transit options.

It is Planning staff's belief that the need for deeply affordable housing outlined in the City's *Thriving in Place* study outweighs negative conditions of this property.

#### **Consideration 3-Development Potential**

If the property is removed from the AFPP Influence Zone B, any use in the current TSA-MUEC-T zone would be allowed. The zoning map amendment is intended for the housing outlined above, prohibited uses listed below would be allowed.

##### ***Airport Flight Path Protection Influence Zone B Prohibited Uses***

*Airport Influence Zone B: The following uses are incompatible in this zone and are prohibited:*

- a. Residential uses, except residences in agricultural zones with air circulation systems and at least twenty five (25) dBs of sound attenuation;*
- b. Institutional uses such as schools, hospitals, churches and rest homes, except those constructed with air circulation systems and at least twenty five (25) dBs of sound attenuation;*
- c. Hotels and motels except those constructed with air circulation systems, and at least twenty five (25) dBs of sound attenuation, in sleeping areas. (Chapter 21A.34.040 (2) Salt Lake City Code)*

As noted above, a 25-year deed restriction on this property restricts its use to affordable housing.

#### **Consideration 4-Compatibility with Adjacent Properties**

Adjacent parcels to the north, west, and south are also zoned TSA-MUEC-T or TSA-MUEC-C (Transit station Area District Mixed-Use Employment Center-Core) and within the Airport Influence Zone A or B. (The primary difference between TSA-MUEC-C and TSA-MUEC-T is allowed height. Buildings up to 75 feet tall are allowed in the Core zone, while buildings in the Transition zone may be up to 60 feet.) Parcels to the east of Interstate-215 are in Airport Influence Zone C, which allows residential uses.

Development in the area is generally commercial use with hotels and motels the primary use as well as the airport. A restaurant fronting North Temple is to the south of the subject property, and hotels/motels are to the north, east, and west. The petitioner plans to remodel the building, and no new structures are anticipated for the site. Planning found there should be minimal impact to surrounding properties.

It is Planning staff's opinion the proposed zoning change to remove the property from the Airport Flight Path Protection Influence Zone B would not negatively impact the area's character.

**ANALYSIS OF STANDARDS**

Attachment D (pages 15-17) of the Planning Commission staff report outlines zoning map amendment standards that should be considered as the Council reviews this proposal. The standards and findings are summarized below. Please see the Planning Commission staff report for additional information.

<b>Factor</b>	<b>Finding</b>
Whether a proposed map amendment is consistent with the purposes, goals, objectives, and policies of the city as stated through its various adopted planning documents.	<i>The proposed amendment is generally consistent with the goals and policies of applicable master plans.</i>
Whether a proposed map amendment furthers the specific purpose statements of the zoning ordinance.	<i>The proposal generally furthers the specific purpose statements of the zoning ordinance.</i>
The extent to which a proposed map amendment will affect adjacent properties	<i>The change in zoning is not anticipated to create any substantial new negative impacts that wouldn't be anticipated with the current zoning.</i>
Whether a proposed map amendment is consistent with the purposes and provisions of any applicable overlay zoning districts which may impose additional standards.	<i>There is no applicable overlay district that imposes additional development standards on this property.</i>
The adequacy of public facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreational facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and wastewater and refuse collection.	<i>The proposal does not increase the need for improvements beyond that required by</i>

	<i>existing zoning allowances.</i>
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**CITY DEPARTMENT REVIEW**

During City department and division review of the petition, the Department of Airports indicated that if the AFPP overlay zone is removed from the property a condition of approval should be added to ensure sound attenuation standards are met. No other department or division provided comments.

**PROJECT CHRONOLOGY**

- August 22, 2022-Application submitted.
- September 9, 2022-Petition assigned to Krissy Gilmore, Senior Planner.
- September 21, 2022-Notice sent to recognized community organizations informing them of the petition. Early notification of the project was also sent to property owners and residents within 300 feet of the proposal.
- September 26, 2022-Proposal posted for online open house through November 30, 2022.
- November 4, 2022-Planning Commission public hearing notice emailed to interested parties and residents/property owners who requested notice. Planning Commission agenda posted to the Planning Commission website and the State of Utah Public Notice webpage. Public hearing notice posted on property.

Planning staff did not receive any comments on this proposal. As of the writing of this report, Council staff has not received any public comments on the proposal.

- November 10, 2022-Planning Commission staff report posted.
- November 16, 2022-Planning Commission public hearing. There were no comments at the public hearing and the Commission voted unanimously to forward a positive recommendation to the City Council.
- November 21, 2022-Ordinance request sent to Attorney’s Office.
- December 2, 2022-Signed ordinance received from Attorney’s Office.
- December 21, 2022-Transmittal received in City Council Office.