

KIRTON | M^CCONKIE

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November 15, 2022

Nick Norris, Director
Salt Lake City – Planning Division
451 S. State St.
Salt Lake City, UT 84111
nick.norris@slcgov.com

RE: Letter in support of application for zoning map and text amendment.

Applicant: Kirton McConkie
Attn: Tyler L. Buswell
50 E. South Temple Street, #400
Salt Lake City, Utah 84111
(801) 321-4820
tbuswell@kmclaw.com

**Property
Addresses:** 754 S. State St.
709 S. Main St.
36, 48, and 56 E. 700 S.
725, 727, 728, 735, and 739 S. Major St.
All of S. Major St.
Salt Lake City, UT 84111
As more fully described in Exhibit A
(collectively, the “Property”).
Totaling approx. 9.22 acres.

**Amendments
Requested:** Zoning map amendment of the Property from the D-2 Zone to the
D-1 Zone. And zoning text amendment to the D-1 Zone to allow
hospitals as a permitted use.

Application Fees: \$2,036.95 for map amendment (\$1,075 + \$121 x 7.95 acres).
\$1,075 for text amendment.

Dear Mr. Norris:

This law firm represents IHC Health Services, Inc. (“Intermountain”), which is the owner of the Property described above. This letter accompanies the zoning map and text amendment application submitted concurrently with this letter. The purpose of this letter is to address the submittal requirements of the City’s Zoning Amendment application form. Specifically, this letter will provide the following: (1) a statement declaring the purpose of the amendment, (2) a description of the proposed use of the property being rezoned, (3) the reasons why the present zoning may not be appropriate for the area, (4) the parcel numbers for each parcel affected by the proposed map amendment, and (5) the requested text revisions to the applicable zoning ordinance. Intermountain and our firm look forward to working with the City regarding this application. We hope to create an outcome that will benefit the City, the Property, and residents of Salt Lake City.

(1) Purpose for the amendment.

Intermountain proposes to amend both the zoning map and the applicable text of the D-1 zone. The Property is comprised of 10 separate tax parcels where the old Sears building is located and an old, unused right of way (S. Major St.), all of which is situated just south of downtown Salt Lake City. The current zoning of all such parcels is the D-2 Downtown Support District zone, and Intermountain proposes to amend the zoning map to the D-1 Central Business District zone. As explained further in paragraph (5) below, Intermountain also proposes to amend the text of the D-1 zone to allow Hospitals as a permitted use, along with other uses to be designated as either permitted or conditional uses.

Accordingly, the purpose of these proposed amendments is to allow for the re-development of the majority of the Sears block to accommodate a new, downtown, urban hospital. As the City has known for some time, the Sears property has been in dire need of improvement and redevelopment for many years. The unique location of the block, directly on the southern border of downtown and right along State Street, makes it a prime location for a unique project in general, and an urban hospital in particular.

The amendment to D-1 will allow for the maximum flexibility on the Property to create a project that can both function as part of the downtown core, but also facilitate a transition from the downtown uses to the supporting uses of the D-2 zone. Moreover, the amendment will allow the Property to best meet the City’s vision for the South State area as described in the Downtown Master Plan.

(2) Description of the proposed use of the property being rezoned.

While Intermountain has not created any formal or conceptual plans for the Property, the hospital use would be akin to many urban hospitals across the country.

The project would create and serve as an anchor and bookend on the south end of downtown. The current border of the D-1 zone is less than half a block away to the northwest of the Property, and approximately half a block away directly to the north of the Property, so a hospital project would not only fit with the existing development pattern in the surrounding area, but it would serve to revitalize the area. The hospital would include the typical necessary accompanying uses for a hospital.

(3) Reasons why the present zoning may not be appropriate for the area.

The current zoning of D-2 for the Property is not appropriate because it has created a site that is underperforming and is not the highest and best use for the Property. The Property has sat largely vacant and underutilized for so long because the D-2 zone does not foster and has not attracted the type of users and uses that this site will support. Because the Property is located in a transition block from D-1 to D-2, it has created a circumstance where more traditional downtown uses, such as high-rise office or residential projects are not well suited, and the economics of lower-rise commercial, office, or residential uses are not as financially viable.

The proposed use of a hospital can bridge the gap of those drawbacks created by the Property's location. The D-1 zone will allow Intermountain the flexibility in building height while also not being out of character for the area with the Grand America being two blocks away, and the new multi-story office/residential projects built on 600 South and Main Street, 700 South Main Street, and 600 South State Street. The D-1 zone's building height and density flexibility will also help Intermountain in working with the City to design a project that better incorporates permeability and walkability of the Property that would not otherwise be possible given the small area of the Property compared to the level of services Intermountain desires to include on the Property.

Amending the Property to D-1 will also be in line with the City's vision of the "South State" area in its Downtown Master Plan. A hospital will accomplish the goals of re-urbanizing South State while not disrupting the integrity of the neighborhoods to the east. It would also serve those neighborhoods by providing needed healthcare services within walking distance to many residents.

The current state and zoning of the Property has failed to live up to or satisfy the City's vision for the area. So, Intermountain would strive to cooperate with the City in its efforts to implement the Downtown Master Plan goals for this site. A hospital can blend and accomplish the City's desired outcomes for this area.

(4) Parcel numbers to be changed from D-2 to D-1 on the Zoning Map.

The following parcels are all proposed to be changed from D-2 to D-1 on the City's Zoning Map:

Address	Parcel Number	Approx. Acreage
709 S. Main St.	16-07-103-001-0000	0.66
56 E. 700 S.	16-07-103-004-0000	0.24
728 S. Major St.	16-07-103-008-0000	0.10
725-727 S. Major St.	16-07-103-009-0000	0.25
754 S. State St.	16-07-103-017-0000	0.55
735 S. Major St.	16-07-103-010-0000	0.10
739 S. Major St.	16-07-103-011-0000	0.10
36 E. 700 S.	16-07-103-002-0000	0.81
48 E. 700 S.	16-07-103-003-0000	0.17
754 S. State St.	16-07-103-022-0000	5.97
All of S. Major St.	None	

(5) Requested text amendments to the D-1 Zone.

Currently, a hospital is not specifically designated in the table of permitted and conditional uses for the D-1 zone. Consequently, in addition to the requested map amendments, Intermountain proposes the following text amendments to the D-1 zone.

(a) Edit to 21A.33.050, Table of Permitted and Conditional Uses For Downton Districts.

Intermountain proposes to add the following uses to Table 21A.33.050:

- “Ambulance service (indoor): Permitted.”
- “Ambulance service (outdoor): Permitted.”
- “Hospital, including accessory lodging facility: Permitted.”
- “Retail, sales and service accessory use when located within a principal building and operated primarily for the convenience of employees: Permitted.”

(Note that the following uses that may be incorporated into the proposed hospital are already either permitted or conditional uses in the D-1 zone as shown on Table 21A.33.050: Bio-medical facility (permitted); medical clinic (permitted); heliport (conditional use); laboratory, medical related (permitted); mixed-use development (permitted); office (permitted).)

We look forward to working with the City on these proposed changes. Please feel free to contact me at tbuswell@kmclaw.com or (801) 321-4820 if you would like to discuss.

Sincerely,

Kirton McConkie

A handwritten signature in blue ink, appearing to read 'TLB', with a long horizontal flourish extending to the right.

Tyler L. Buswell
Counsel for Intermountain

Exhibit A

Legal Description of the Property

Real property located in Salt Lake County, Utah, more particularly described as follows:

PARCEL 1 (16-07-103-001-0000):

COMMENCING AT THE NORTHWEST CORNER OF LOT 5, BLOCK 16, PLAT "A", SALT LAKE CITY SURVEY AND RUNNING THENCE EAST 160 FEET; THENCE SOUTH 179 FEET; THENCE WEST 160 FEET; THENCE NORTH 179 FEET TO THE PLACE OF BEGINNING.

PARCEL 2 (16-07-103-004-0000):

BEGINNING AT THE NORTHEAST CORNER OF LOT 7, BLOCK 16, PLAT "A", SALT LAKE CITY SURVEY AND RUNNING THENCE WEST 62.5 FEET; THENCE SOUTH 165 FEET; THENCE EAST 62.5 FEET; THENCE NORTH 165 FEET TO THE PLACE OF BEGINNING.

PARCEL 3 (16-07-103-008-0000):

PART OF LOTS 6 AND 7, BLOCK 16, PLAT "A", SALT LAKE CITY SURVEY, AND COMMENCING 206.25 FEET SOUTH OF THE NORTHEAST CORNER OF LOT 6, BLOCK 16, PLAT "A", SALT LAKE CITY SURVEY; THENCE WEST 82.5 FEET; THENCE SOUTH 41.25 FEET; THENCE EAST 105 FEET; THENCE NORTH 41.25 FEET; THENCE WEST 22.5 FEET TO THE PLACE OF BEGINNING.

PARCEL 4 (16-07-103-009-0000):

COMMENCING AT A POINT 165 FEET SOUTH AND 44 FEET EAST OF THE NORTHWEST CORNER OF LOT 8, BLOCK 16, PLAT "A", SALT LAKE CITY SURVEY AND RUNNING THENCE SOUTH 57.75 FEET; THENCE WEST 27.5 FEET; THENCE SOUTH 27.5 FEET; THENCE WEST 109 FEET; THENCE NORTH 85.25 FEET; THENCE EAST 136.5 FEET TO THE PLACE OF BEGINNING.

PARCEL 5 (16-07-103-017-0000, 16-07-103-010-0000, 16-07-103-011-0000):

COMMENCING AT THE SOUTHEAST CORNER OF LOT 8, BLOCK 16, PLAT "A", SALT LAKE CITY SURVEY AND RUNNING THENCE SOUTH 49.5 FEET; THENCE WEST 165 FEET; THENCE NORTH 49.5 FEET; THENCE WEST 92.5 FEET; THENCE NORTH 79.75 FEET; THENCE EAST 109 FEET; THENCE NORTH 27.5 FEET; THENCE EAST 148.5 FEET; THENCE SOUTH 107.25 FEET TO THE PLACE OF BEGINNING.

PARCEL 6 (16-07-103-002-0000):

BEGINNING AT A POINT 160 FEET EAST OF THE NORTHWEST CORNER OF LOT 5, BLOCK 16, PLAT "A", SALT LAKE CITY SURVEY, AND RUNNING THENCE EAST 87.5 FEET; THENCE SOUTH 179 FEET; THENCE WEST 87.5 FEET; THENCE NORTH 179 FEET TO THE PLACE OF BEGINNING.

ALSO: BEGINNING AT A POINT 4 FEET WEST OF THE NORTHEAST CORNER OF LOT 6, BLOCK 16, PLAT "A", SALT LAKE CITY SURVEY, AND RUNNING THENCE WEST 78.5 FEET; THENCE SOUTH 165 FEET; THENCE EAST 78.5 FEET; THENCE NORTH 165 FEET TO THE PLACE OF BEGINNING.

ALSO: BEGINNING AT THE NORTHWEST CORNER OF LOT 7, BLOCK 16, PLAT "A", SALT LAKE CITY SURVEY, AND RUNNING THENCE EAST 37.5 FEET; THENCE SOUTH 148.5 FEET; THENCE

SOUTHWESTERLY 22.4 FEET TO A POINT 165 FEET SOUTH AND 22.5 FEET EAST OF THE NORTHWEST CORNER OF LOT 7; THENCE WEST 26.5 FEET; THENCE NORTH 165 FEET; THENCE EAST 4 FEET TO THE PLACE OF BEGINNING.

PARCEL 7 (16-07-103-003-0000):

BEGINNING 57.5 FEET EAST OF THE NORTHWEST CORNER OF LOT 7, BLOCK 16, PLAT "A", SALT LAKE CITY SURVEY, AND RUNNING THENCE EAST 45 FEET; THENCE SOUTH 165 FEET; THENCE WEST 30 FEET; THENCE NORTHWEST 22.4 FEET, MORE OR LESS, TO A POINT 148.5 FEET SOUTH FROM THE POINT OF BEGINNING; THENCE NORTH 148.5 FEET TO THE PLACE OF BEGINNING.

PARCEL 8 (16-07-103-022-0000):

TRACT 1: COMMENCING AT THE SOUTHEAST CORNER OF LOT 1, BLOCK 16, PLAT "A", SALT LAKE CITY SURVEY AND RUNNING THENCE NORTH 17 RODS; THENCE WEST 10 RODS; THENCE NORTH 3 RODS; THENCE WEST 142.5 FEET; THENCE NORTH 5 RODS; THENCE WEST 105 FEET; THENCE NORTH 68.5 FEET; THENCE WEST 15 RODS; THENCE SOUTH 239 FEET; THENCE EAST 10 RODS; THENCE SOUTH 21 FEET; THENCE WEST 10 RODS; THENCE SOUTH 221 FEET; THENCE EAST 660 FEET TO THE PLACE OF BEGINNING.

TRACT 2: BEGINNING 165 FEET SOUTH FROM THE NORTHEAST CORNER OF LOT 6, BLOCK 16, PLAT "A", SALT LAKE CITY SURVEY AND RUNNING THENCE EAST 22.5 FEET; THENCE SOUTH 41.25 FEET; THENCE WEST 105 FEET; THENCE NORTH 41.25 FEET; THENCE EAST 82.5 FEET TO THE BEGINNING.

TRACT 3: BEGINNING AT A POINT 88 FEET SOUTH FROM THE NORTHWEST CORNER OF LOT 4, BLOCK 16, PLAT "A", SALT LAKE CITY SURVEY AND RUNNING THENCE SOUTH 21 FEET; THENCE EAST 165 FEET; THENCE NORTH 21 FEET; THENCE WEST 165 FEET TO THE POINT OF BEGINNING.

PARCEL 9 (S. Major St.):

PARCELS 3, 4, 5, 6, 7 AND 8 DESCRIBED ABOVE ARE TOGETHER WITH THE FOLLOWING:

A RIGHT OF WAY IN COMMON WITH OTHERS: COMMENCING 37.5 FEET EAST FROM THE NORTHWEST CORNER OF LOT 7, BLOCK 16, PLAT "A", SALT LAKE CITY SURVEY AND RUNNING THENCE SOUTH 148.5 FEET; THENCE SOUTHWEST 22.5 FEET, MORE OR LESS, TO A POINT 142.5 FEET WEST AND 165 FEET NORTH FROM THE SOUTHEAST CORNER OF SAID LOT 7; THENCE SOUTH 165 FEET; THENCE EAST 50 FEET; THENCE NORTH 165 FEET; THENCE NORTHWEST 22.5 FEET, MORE OR LESS, TO A POINT 107.5 FEET WEST AND 11 RODS NORTH FROM THE SOUTHEAST CORNER OF SAID LOT 7; THENCE NORTH 148.5 FEET; THENCE WEST 20 FEET TO THE PLACE OF BEGINNING.