



# Staff Report

PLANNING DIVISION  
DEPARTMENT of COMMUNITY and NEIGHBORHOODS

**To:** Salt Lake City Planning Commission

**From:** Caitlyn Tubbs, [caitlyn.tubbs@slcgov.com](mailto:caitlyn.tubbs@slcgov.com), 385-315-8115

**Date:** February 9, 2022

**Re:** PLNPCM2021-00717 and PLNPCM2021-00718 – 1902 S 400 E Master Plan and Zoning Map Amendments (tabled at November 10, 2021 Planning Commission meeting)

## Master Plan and Zoning Map Amendments

**MASTER PLAN:** Central Community

**FUTURE LAND USE (EXISTING):** Low Density Residential (1-5 du/acre)

**FUTURE LAND USE (PROPOSED):** Medium Density Residential (15-30 du/acre)

**ZONING DISTRICT (EXISTING):** R-1-5,000 Residential

**ZONING DISTRICT (PROPOSED):** RMF-35 Moderate Density Multi-Family Residential

**PROPERTY ADDRESS:** 1902 South 400 East (Salt Lake County Parcel ID: 16-18-452-012)

### REQUEST:

Paul Dowland, on behalf of the property owner, is requesting a Master Plan and Zoning Map Amendment for the parcel located at approximately 1902 South 400 East.

- **Zoning Map Amendment** - The property is currently zoned R-1-5,000 Residential and the request is to rezone it to RMF-35 Moderate Density Multi-Family Residential.
- **Master Plan Amendment** - The subject property is located within the boundary of the Central Community Master Plan where the existing future land use designation is Low Density Residential (1-5 dwelling units/acre). The Applicant is requesting to amend this designation to Medium Density Residential (15-30 dwelling units/acre) in order to facilitate the Zoning Map amendment request.

### RECOMMENDATION:

Based on the findings and analysis in this staff report and the factors to consider for zoning map amendments in 21A.50.050 of the zoning ordinance, Planning Staff recommends that the Planning Commission forward a positive recommendation to the City Council regarding this proposal.

### ATTACHMENTS:

- [Zoning and Vicinity Maps](#)
- [Minutes from November 10, 2021 Planning Commission Meeting](#)
- [R-1-5,000 Residential & RMF-35 Zoning Land Use Comparison](#)
- [City Plan Considerations](#)
- [Analysis of Zoning Amendment Standards](#)
- [Property Photographs](#)
- [Public Process & Comments](#)
- [City Department Review Comments](#)

## PROJECT DESCRIPTION AND BACKGROUND:



*Figure 1: View of the vacant subject property from 400 East.*



*Figure 2: Photograph of damage to Sears Mansion following March 2020 earthquake.*

Paul Dowland, on behalf of the property owner, is requesting a master plan and zoning map amendment for the property located at approximately 1902 South 400 East. The total area of the subject property is approximately 0.3316 acres or approximately 14,444 square feet.

The subject property was home to the historic Septimus and Isabella Sears Residence. The home was constructed in 1896 and suffered catastrophic damage in the March 2020 earthquake. The historic home has been demolished and the property currently stands vacant. The purpose of the Zoning Map and Master Plan Amendment requests is to facilitate future development of townhome units on the subject property.

The subject property is located just north of 2100 South, a major vehicular, pedestrian, and transit corridor. While the subject property is close to the major corridor 400 East itself is a calmer street which primarily provides access to residential streets and properties. The properties across the street to the east are zoned RMF-35

and Institutional and are the location(s) of the St. Joseph Villa and Senior Living development. The surrounding properties on the block and within the surrounding area

are zoned R-1-5,000 and are strictly residential properties.

The primary reason for the rezone request is so the applicant will have the ability to construct townhome units, which is not currently allowed under the existing R-1-5,000 zoning district but is allowed as a permitted use under the requested RMF-35 zoning district. New permitted uses would include: assisted living facilities (small), multi-family dwellings, single-family attached dwellings, and twin home/two family dwellings. New conditional uses would include: congregate

care facility (large), residential support (small), community recreation centers, assisted living facilities (large), group homes (large) and residential support dwellings (small). There are no uses which are currently permitted which would become conditional uses but there are conditional uses which would become permitted. These include: community garden, accessory dwelling units, limited capacity assisted living facility, and small congregate care facility. For a complete list of uses that are allowed under the existing R-1-5,000 Residential zone and the proposed RMF-35 Multifamily Residential zone, please refer to Attachment C.

Typically when the zoning designation of properties is amended to a zone which allows non-residential uses a Housing Loss Mitigation Study is required. In this case, however, the residential use was terminated (demolished) before these petitions were filed so a Housing Loss Mitigation Study is not required.

This request was previously heard by the Planning Commission on November 10, 2021 where the Applicant was requesting a zoning map amendment to the RMF-45 zoning district. Numerous neighbors attended the public hearing at this meeting; some voiced their support and others stated their opposition. Planning Staff's previous analysis of the map amendment considerations led to a negative recommendation and the Planning Commission voted to table the requested map amendments to allow the Applicant and Planning Staff time to discuss the request and consider other available zoning districts. Following this discussion the Applicant opted to amend their zoning map amendment request to RMF-35.

**Vicinity Zoning Map**



## Zoning Map Amendment Considerations

Planning staff is required by ordinance to analyze proposed zoning map amendments against existing adopted City policies and other related adopted City regulations. Planning staff is also directed to consider whether zoning map amendments implement best planning practices. However, ultimately, a decision to amend the zoning map is fully up to the discretion of the City Council and is not subject to any particular standard of review or consideration.

The full list of factors to consider for a zoning map amendment are located in Attachment E.

## KEY CONSIDERATIONS:

The key considerations and concerns below have been identified through the analysis of the project, neighbor and community input, and department reviews.

## 1. Existing Area Plan Guidance

### Consideration 1: Existing City Plan Guidance – Central City Master Plan

For zoning map amendments, Planning Staff is directed by ordinance to consider the associated City master plans and adopted policies that apply to a proposal. Staff reviews general City policies, including adopted policies in Citywide master plans such as *Plan Salt Lake*, and considers plans that are specific to an area. In this case the property is within the boundaries of the *Central Community Master Plan*. The Central Community Master Plan outlines how this area developed; beginning as a residential area into which commercial uses began to infiltrate after WWII.

The Future Land Use Map associated with the Central Community Master Plan indicates the subject property is intended to be a Low-Density Residential land use (beige), which is not consistent with the proposed zoning map amendment. To remedy this the Applicant has also requested an Master Plan Amendment of the Central Community Future Land Use Map to Medium-Density Residential (golden color) in order to facilitate the zoning change. This change would allow for zoning changes consistent with 15-30 dwelling units per acre as opposed to the 1-15 dwelling units per acre currently encouraged under the existing land use and zoning map designations.

The subject property is located in the “Liberty neighborhood planning area” within the Central Community Master Plan. This area is bounded between 900 South to 2100 South and State Street to 700 East. The Plan indicates single-family detached residential uses are the most common in this area. The residential land use goals outlined in the Central Community Master Plan encourage higher density developments to be located in appropriate areas including East Downtown, the Central Business District, the Gateway area and nearby downtown light rail stations. It also seeks to ensure the preservation of low-density residential neighborhoods and to ensure new developments are compatible with the existing scale, character and density of the surrounding neighborhoods. While the Plan encourages the creation of various housing opportunities it is clear that projects not in keeping with the surrounding scale, character and density of a neighborhood should not be allowed. The proposed zoning change to RMF-35 is in keeping with the surrounding neighborhood and would be directly across the street from an existing property that is also zoned RMF-35 (St. John’s Villa).

See Attachment D for policy statements and goals from various city plans that staff considered as part of the review of this rezone request. Generally, staff finds that the proposed map amendments meet the considerations outlined in section 21A.50.050.

### NEXT STEPS:

The Planning Commission can provide a positive or negative recommendation for the proposal and as part of a recommendation, can add conditions or request that changes be made to the proposal. The recommendation and any requested conditions/changes will be sent to the City Council, who will hold a briefing and additional public hearing on the proposed zoning changes. The City Council may make modifications to the proposal and approve or decline to approve the proposed zoning map amendment.

**Zoning Map and Master Plan Amendment Approval** - If the requests are ultimately approved by the City Council, the changes would be incorporated into the official City Zoning map and the future land use map within the Central Community Master Plan and the subject property could be developed under the RMF-35 zoning regulations.

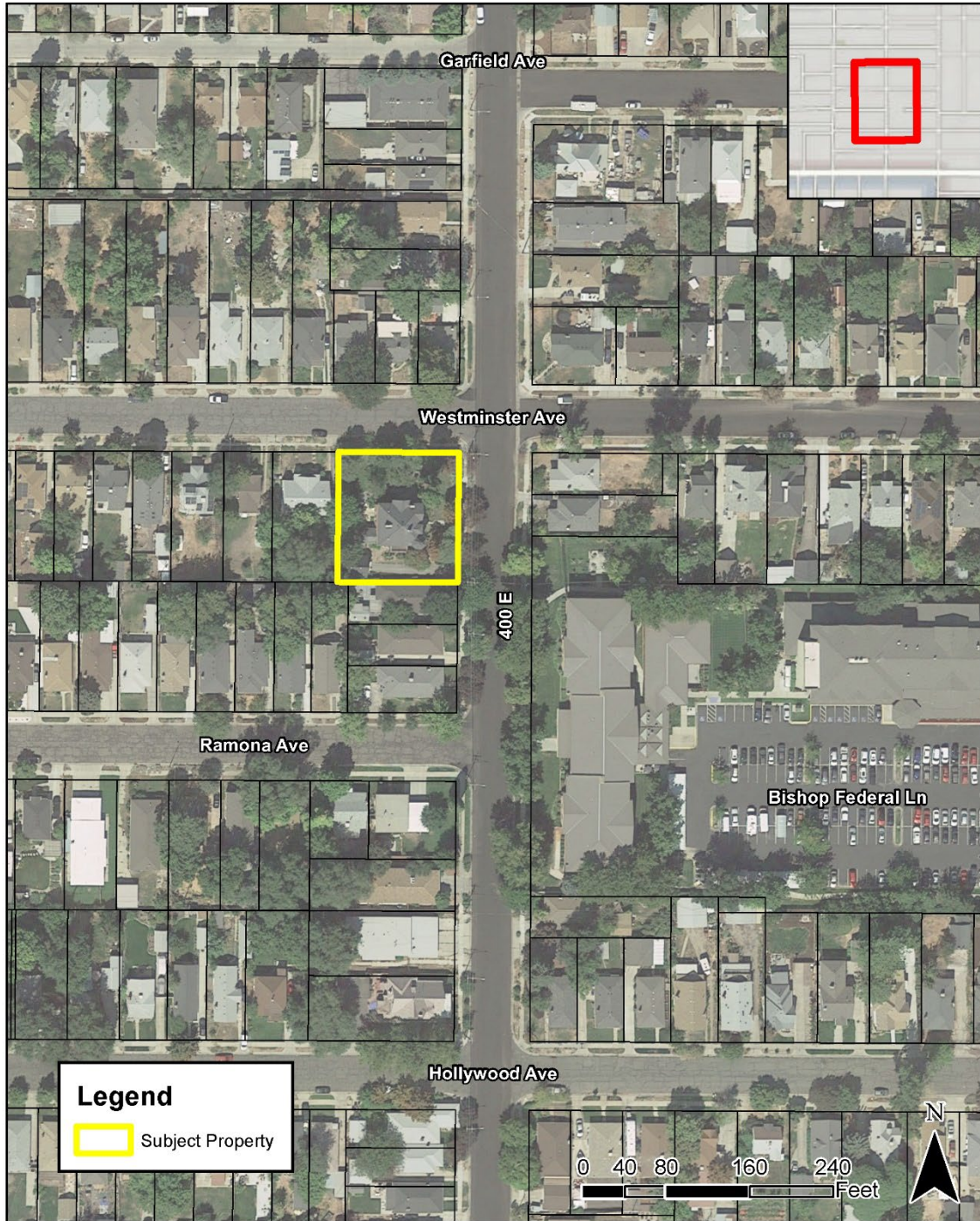
**Zoning Map and Master Plan Amendment Denial** - If the proposed amendments are not approved by the City Council, the property could still be developed under the current R-1-5,000

zoning designation, however, the property would not be able to have townhome units as they are not permitted in the existing zoning district.



# ATTACHMENT A: Zoning and Vicinity Maps

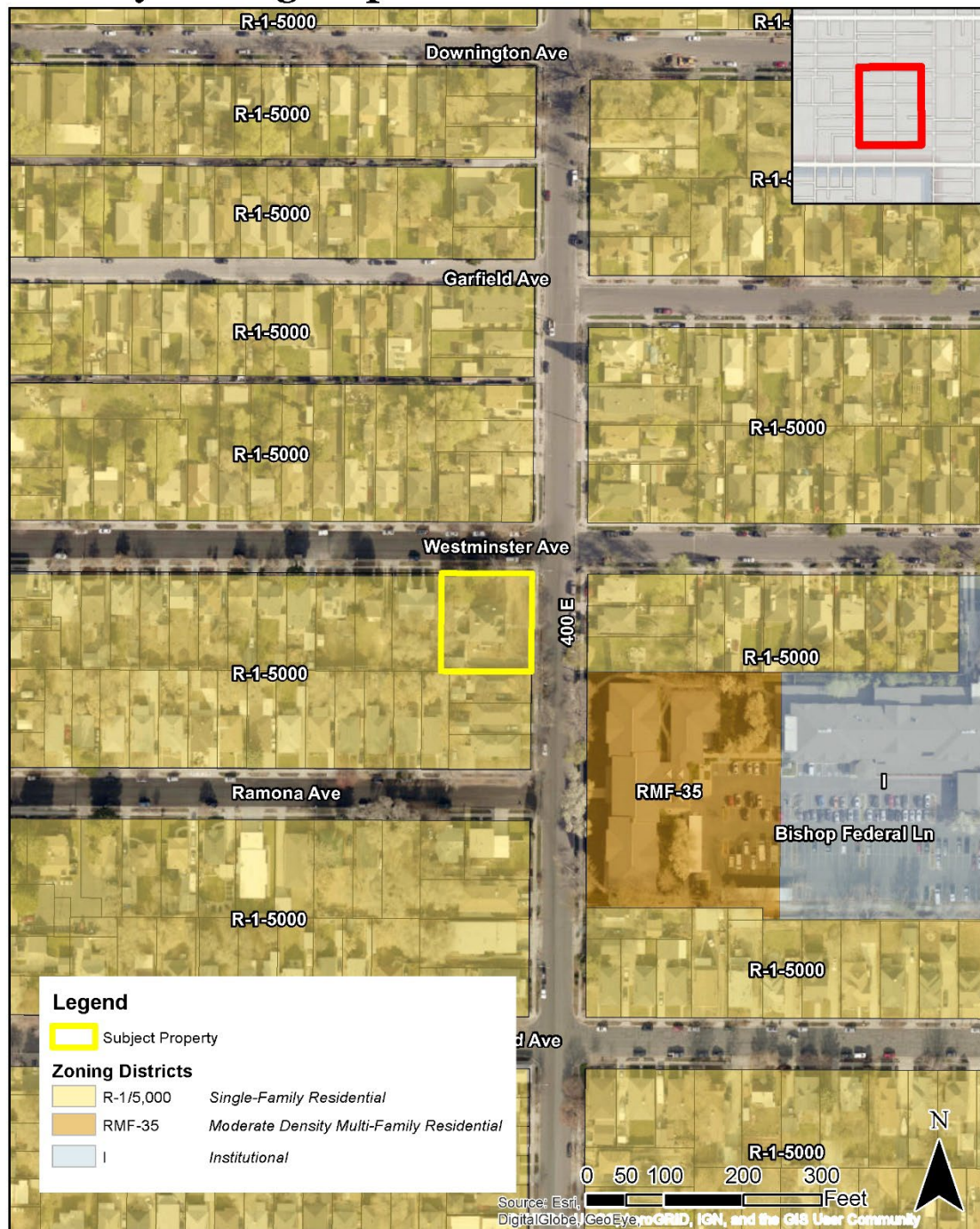
## Vicinity Map



Salt Lake City Planning Division 8/5/2021



# Vicinity Zoning Map



**ATTACHMENT B: Minutes from November 10,  
2021 Planning  
Commisison meeting**

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## MOTION

Commissioner Adrienne Bell 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 the Design Review for the Alta Terra Sugar House South building at approximately 1132 East Ashton Avenue(petition PLNPCM2021-00691)with the following condition of approval: 1. That final approval of the signage, lighting, and landscaping of the development be delegated to staff to review in accordance with the adopted standards and ordinances.

Commissioner Maurine Bachman seconded the motion. Commissioners Andres Paredes, Jon Lee, Sara Urquhart, Aimee Burrows, Adrienne Bell, Maurine Bachman, Mike Christensen, and Brenda Scheer voted “yes”. The motion passed.

**Dowland Townhomes General Plan & Zoning Map Amendment at Approximately 1902 South 400 East** - Paul Dowland, on behalf of the property owner, is requesting an amendment of the General Plan and Zoning Map for a property located at approximately 1902 South 400 East. The Applicant is requesting to change the General Plan Land Use Map from Low Density Residential to Medium Density Residential and to change the Zoning Map from R-1/5,000 (Single Family Residential District) to RMF-45 (Moderate/High Density Multifamily Residential District) The subject property is located within Council District 5 represented by Darin Mano. (Staff contact: Caitlyn Tubbs at 801-535-7706 or caitlyn.tubbs@slcgov.com) **Case numbers PLNPCM2021-00717 & PLNPCM2021-00718**

Principal Planner, Caitlyn Tubbs, reviewed the petition as outlined in the staff report. She shared that the majority of public comments were in opposition to the petition. She stated that Staff recommends the Planning Commission forward a negative recommendation to City Council.

The applicant representative, Tom Jolley, stated that they have no formal presentation. He said that the City’s Master Plan was made in response to the market at the time but that needs have changed. He feels the project could be tweaked to fit within the City’s goals.

Chairperson Barry asked for the reason they are asking RMF45 versus other options such as RMF-35. The applicant stated that they were looking to fit 8 units on the lot. He stated they are open to change the request to RMF35.

Commissioner Bell asked if the applicant had considered subdividing the lot and if so, how many lots they could get out of it. The applicant stated they had not considered subdividing, but they could possibly subdivide the lot into two and meet zoning.

Commissioner Burrows asked what the chances were the applicant would rebuild the mansion on the lot. He stated that they were not willing to do that.

## **PUBLIC HEARING**

Chairperson Barry opened the public hearing.

- Cindy Cromer – supports the staff report – in opposition of the petition.
- Darlene Kaufusi – in opposition of the petition
- Doyle Buchanan – in favor of the petition
- Jeff Bair – in opposition of the petition
- Mary Piele – in opposition of the petition
- Sharlene Kiuahara – in opposition of the petition
- Taylor Anderson – asked wanted to know why the applicant asked for RMF-45 and wanted to know what other kind of zoning could be put there
- Vincent Gryboski – read his previously emailed comment – in opposition of the petition
- William Nesse – in support of the petition
- Bailey Cooper – sees value in adding more properties to the area
- Amy Thompson read an email from Sara E. Adelman – Liberty Wells Community Council - we do not support the rezoning of this property to RMU-45 given the existing character of the surrounding neighborhood.

Seeing that no one else wished to speak, Chairperson Barry closed the public hearing.

Chairperson Barry addressed Taylor Anderson's question about zoning and asked Caitlyn if the RMF-45 was needed specifically for the project density. She stated that the requested zoning was needed for the proposed project. Chairperson Barry then asked what kind of density they could get in the RMF-35 zoning. Staff stated that the bulk requirements would be similar but there would be a major change with the height restrictions which would be 35ft for the RMF-35 zone verses 45ft in the RMF-45 zone.

Chairperson Barry asked about the appropriateness of form-based code in the proposed area. Director Nick Norris clarified that zoning is typically used in metro areas close to transit.

Chairperson Barry asked what the setback for the front yard is. Planner Tubbs reviewed the setbacks that are shown in the staff report.

Director Nick Norris reviewed the density for RMF-35 saying the lot is just over 14,000 square feet, and how density is calculated in the RMF-35 zone is that you get 3 unit for the first 9,000 square feet of lot area and then each additional unit up to 11 additional units requires 2,000 square feet per unit. He stated that the property in question could have 5 units under the RMF-35 zoning.

Commissioner Scheer stated that the applicant did not ask for the RMF35 zoning and the Commission is not able to negotiate that at a Planning Commission meeting. She said she agrees with almost all of the public comments, but this project has not been thought out enough and she will be opposing.

Commissioner Mike Christensen said he wants to see more density and housing available in the neighborhood but wants something that is more thought through.

Mr. Jolly feels they can build a project the community could be proud of. He asked if they could continue a conversation with staff to find a solution.

## **MOTION**

**Commissioner Aimee Burrows 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 forward a Negative Recommendation to the City Council for the requested General Map Amendment from Low Density Residential (1-5 dwelling units per acre) to Medium Density Residential (15-30 dwelling units per acre) for 0.33 acres at approximately 1902 South 400 East with the following finding: 1. The requested map amendment is not consistent with the considerations within section 21A.50.050 of Salt Lake City's ordinances.**

**Commissioner Mike Christensen seconded the motion.**

Director Nick Norris review the options with the Commission other than denial since the applicant mentioned willingness to change their application.

Commissioner Scheer asked staff if they send a negative recommendation if it has to go before City Council or if the applicant could withdraw.

Commissioner Aimee Burrows stated that she would withdraw her motion. Commissioner Adrienne Bell stated that she would be in favor of tabling the petition in favor of finding an alternative. Commissioner Christensen stated he would be in favor of tabling as well.

**Commissioner Burrows withdrew her motion.**

**Commissioner Brenda Scheer stated. In the application PLNPCM2021-00717 & PLNPCM2021-00718 I move that we table this set of applications. Commissioner Sara Urquhart seconded the motion. Commissioners Maurine Bachman, Adrienne Bell, Aimee Burrows, Sara Urquhart, Andres Paredes, Mike Christensen, Brenda Scheer, and Jon Lee voted "yes". The motion passed.**



Commissioner Sara Urquhart left the meeting.

### **OTHER BUSINESS**

**Ethics: Conflict of Interest Training** – This training was covered by Hannah Vickery, City Attorney. Commissioners in attendance for the training were: Amy Barry, Brenda Scheer, Adrienne Bell, Andres Paredes, Aimee Burrows, Jon Lee, Maurine Bachman, and Mike Christensen.

The meeting adjourned at 7:57 PM.

# ATTACHMENT C: R-1-5,000 & RMF-35 Zoning Comparison

The following uses are not currently allowed in the R-1-5,000 zoning district but are listed as permitted or conditional uses under the proposed RMF-35 zoning district designation:

New Permitted	New Conditional
Assisted Living Facility (Small)	Community Recreation Center
Multi-Family Dwelling	Assisted Living Facility (Large)
Dwelling, Single-Family Attached	Congregate Care Facility (Large)
Dwelling, Twin Home and Two-Family	Group Home (Large)
	Dwelling, Residential Support (Small)

Changing from Permitted to Not Allowed	Changing from Conditional to Not Allowed
-None-	-None-
Changing from Permitted to Conditional	Changing from Conditional to Permitted
-None-	Community Garden
	Accessory Dwelling Units
	Assisted Living Facility (Limited Capacity)
	Congregate Care Facility (Small)

A comparison of zoning standards between the existing R-1-5,000 zoning district and the proposed RMF-35 zoning district are as follows below:

	Existing R-1-5,000	Proposed RMF-35
<b>Building Height</b>	28 Feet for pitched roofs and 20 Feet for flat roofs	35 Feet
<b>Front Setback</b>	Equal to average of the front yards of existing buildings on block face or minimum 20.	20 Feet
<b>Corner Side Yard Setback</b>	10 Feet	10 Feet
<b>Interior Side Yard Setback, corner lot</b>	4 Feet	Single Family Detached and Two Family Dwellings: 4 Feet
<b>Interior Side Yard Setback, interior lot</b>	4 Feet on one side and 10 Feet on the other side	Single Family Detached and Two Family Dwellings: 4 Feet on one side and 10 Feet on the other Single Family Attached: None required Twin Family: None on one side and 10 Feet on the other Multi-Family: 10 Feet All other: 10 Feet

<b>Rear Setback</b>	25% of lot depth of 20 Feet, whichever is less	25% of lot depth or 20 Feet, whichever is less and not to exceed 25 Feet
<b>Maximum Building Coverage</b>	40%	Single Family Detached: 45% Two Family Dwellings: 50% Single Family Attached: 60% Twin Family: 50% Multi-Family: 60% Non-Residential: 60%
<b>Maximum Lot Size</b>	7,500 square feet	None listed



# ATTACHMENT D: City Plan Considerations

## Adopted City Plan Policies and Guidance

Zoning map amendments are reviewed for compliance with City master plans and adopted policies. The below plans were adopted for the area:

- **Central City Master Plan (Current Community Plan)**
  - Density increases in single family type structures are encouraged in the Liberty Neighborhood. The proposed zoning amendment to RMF-35 would allow for moderate density increases within single family attached structures as encouraged in the Central City Master Plan.
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- **Growing Salt Lake**
  - Housing Initiative 2 suggests the City increase the number of medium density housing types and options. Allowing the zoning change would increase the medium density housing types in this area of the city in a location where the additional units would have access to amenities such as parks.
  - Housing Initiative 3 encourages housing options that accommodate aging in place. The development of multiple housing types in a neighborhood provides opportunities for residents to live in homes that serve their specific needs for their age while also keeping them in the same neighborhood and nearby the amenities they have grown accustomed to.
- **Plan Salt Lake**
  - Growth initiative 3 encourages the City to “promote infill and redevelopment of underutilized land.” The subject property is larger than other properties in the surrounding area. The property is currently vacant following the demolition of the damaged Sears Mansion. The subject property’s location in an already established neighborhood and the size of the land makes this parcel a good candidate for infill redevelopment.
  - Housing Initiative 2 promotes the increase of medium density housing types and options. The Plan also advocates for the city to enable moderate density increases within existing neighborhoods where appropriate. As seen in the Central City Master Plan the subject property is appropriate for a moderate density increase because it is in close proximity to multiple collector streets and local amenities.

# ATTACHMENT E: Analysis of Zoning Amendment Standards

## 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;	<b>Complies</b>	The proposed map amendments are consistent with the housing and growth initiatives of multiple citywide housing plans and the subject property is a good candidate for moderate density increase as allowed by the Central City Master Plan.
2. Whether a proposed map amendment furthers the specific purpose statements of the zoning ordinance.	<b>Complies</b>	The general purpose statement of the City's residential zoning districts includes: providing a range of housing choices, types, and densities and to ensure compatible development, among other goals. The proposed map amendments are consistent with the purpose statements.
3. The extent to which a proposed map amendment will affect adjacent properties;	<b>Complies</b>	The subject property is in an already established neighborhood and there is an existing land use across the street to the east that is also zoned RMF-35.
4. Whether a proposed map amendment is consistent with the purposes and provisions of any applicable overlay zoning districts which may impose additional standards	<b>Not Applicable</b>	There are no overlay zoning districts governing the subject property.
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	<b>Complies</b>	<p>The surrounding area is fully developed, and all public infrastructure and utilities are already in place.</p> <p>An increase in the number of dwelling units permitted under the proposed RMF-35 zone may require upgrading the utilities and drainage systems. However, such upgrades would be required for any new larger/intensification of use on the property through the building permits process.</p>

drainage systems, water supplies, and wastewater and refuse collection.		
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## ATTACHMENT F: Photographs

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*Figure 3: Photo of subject property as viewed from 400 East looking west.*



*Figure 4: View of neighboring property to the northeast.*





*Figure 5: View of neighboring property to the north.*





*Figure 6: View of neighboring property to the southeast.*





*Figure 7: View of neighboring property to the south.*

# ATTACHMENT G: Public Process And Comments

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The following attachment lists the public meetings that have been held, and other public input opportunities, related to the proposed project. All written comments that were received throughout this process are included within this attachment.

## Early Notification

A notice of application was sent to the chair of the Liberty Wells Community Council; the Community Council was given 45 days to respond with any concerns or comments. The Applicant team and Staff were invited to participate in an online meeting with the Liberty Wells Community Council on September 8, 2021.

Notice of the application was also sent to property owners and residents within 300 feet of the project. The purpose of this notice is to inform surrounding property owners and residents that an application has been submitted, provide details regarding the request, outline steps in the planning review and decision-making process, and to let them know how to obtain more information and submit comments early on in the review process.

## Public Hearing Notice

The Planning Division provided the following notices for the Planning Commission meeting:

- Mailed notice sent: October 29, 2021
- E-mailed notice to listserv sent: October 29, 2021
- Public hearing notice signs posted on the property: October 29, 2021

## Public Input Received

Staff has received a few comments from surrounding neighbors regarding the proposed general plan and zoning map amendments. The neighbors are not in favor of the change to RMF-45 and are concerned about the potential development of higher density housing on this site. The emails received by staff have been included on the following pages.

Staff has not received any comments from the public to date since the Applicant decided to amend their request to RMF-35.

# ATTACHMENT H: City Department Review Comments

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**Engineering:** SLC Engineering will review project specifics when plans for a building permit are submitted but encroachments for private purposes are not allowed in the public way. Where vehicles are anticipated to travel, pavers are not allowed, even in a crosswalk. Public way improvements must meet APWA Standards. – Cory Legge

**Transportation:** There are no issues from Transportation. Each residence has an adequate two-car garage. – Michael Barry

**Public Safety/Fire:** no comments received

**Public Utilities:** no comments received

**Building:** no comments received

**Zoning:** no comments received