



Staff Report

PLANNING DIVISION

DEPARTMENT of COMMUNITY and NEIGHBORHOODS

To: Salt Lake City Planning Commission
From: Michael McNamee, Principal Planner
801-535-7226; michael.mcnamee@slcgov.com
Date: October 26, 2022
Re: PLNPCM2022-00301 and PLNPCM2022-00302, 865 S 500 E Zoning Map and Master Plan Amendment

Zoning Map and Master Plan Amendment

PROPERTY ADDRESS: 865 S 500 E
PARCEL ID: 16-07-276-024-0000
MASTER PLAN: Central Community
ZONING DISTRICT: RMF-30

REQUEST:

Rick Service, the property owner, is requesting to amend the zoning map and Central Community Master Plan for the property located at 865 S 500 E. The request includes the following:

- Rezone the property from RMF-30, Low Density Multi-Family Residential District to CN, Neighborhood Commercial District.
- Amend the Central Community Master Plan, specifically the future land use map. The future land use map shows this parcel as Low Density Residential, and the applicant is proposing to change that to Neighborhood Commercial.

RECOMMENDATION:

Based on the information and findings listed in the staff report, it is the Planning Staff's opinion that the request does not meet the applicable standards of approval and therefore recommends the Planning Commission forward a recommendation of denial to the City Council.

ATTACHMENTS:

- [Zoning and Future Land Use Maps](#)
- [Application Materials](#)
- [Property and Vicinity Photos](#)
- [Zoning Map and Master Plan Amendment Standards](#)
- [Analysis of Growing SLC Goals](#)
- [Public Process & Comments](#)
- [Department Review Comments](#)

H. [Housing Loss Mitigation Report](#)

PROJECT DESCRIPTION



Quick Facts

Property Address: 865 S 500 E

Existing Use: Single-Family Dwelling

Existing Zoning: RMF-30 (Low Density Multi-Family Residential District)

Overlay Districts: Central City Local & National Historic Districts

Existing Designation on Central Community Master Plan Future Land Use Map (FLUM): Low Density Residential

Proposed Use: Unspecified Commercial

Proposed Zoning: CN (Neighborhood Commercial)

Proposed Designation on FLUM: Neighborhood Commercial

Review Process & Standards: Zoning amendment, general zoning standards, master plans, and general City policy.

This application is for a zoning map and master plan amendment for the property located at 865 S 500 E, near the northwest corner of Liberty Park and northeast corner of the intersection at 500 E and 900 S. (see map below)

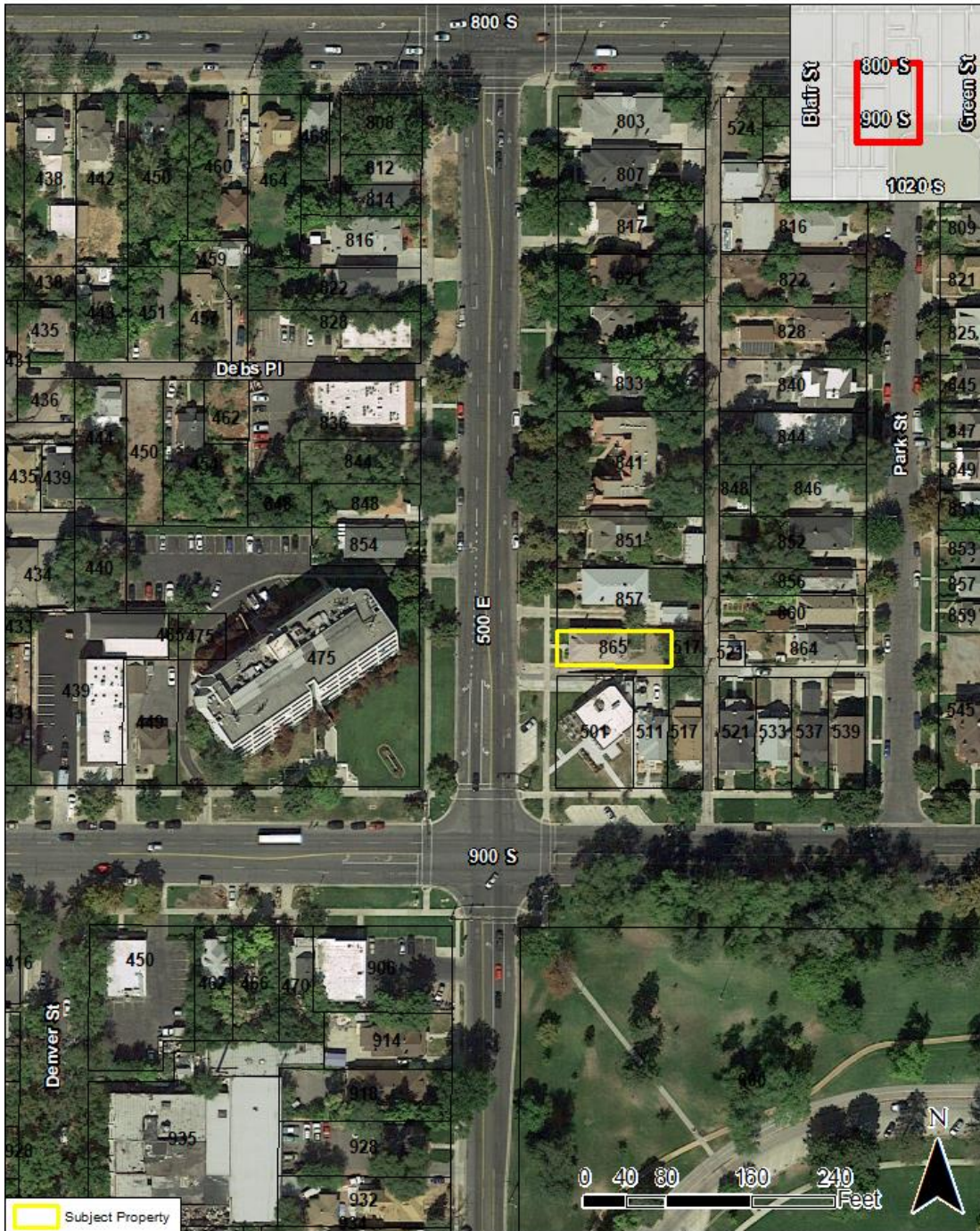
Existing Conditions

The property is currently zoned RMF-30, Low Density Multi-Family Residential District. The purpose of the RMF-30 district, as stated in the Salt Lake City Code, is to *provide an environment suitable for a variety of housing types of a low density nature, including single-family, two-family, and multi-family dwellings, with a maximum height of thirty feet (30')*. The property is currently being used as a single-family dwelling. Abutting property to the north, east, and northwest is also zoned RMF-30.

Proposed Zoning Amendment

The property owner and applicant, Rick Service, is proposing to change the zoning designation of this property to CN, Neighborhood Commercial District. The Salt Lake City Code states the CN district is *intended to provide for small scale, low intensity commercial uses that can be located within and serve residential neighborhoods*. The applicant is seeking the rezone to support a potential commercial reuse of the existing building, which is within and listed as a contributing structure to the Central City Local Historic District. Abutting property to the south is currently zoned CN. The Salt Lake City Zoning Ordinance provides a limit to the maximum area of a

continuously mapped CN district, which is not to exceed 90,000 square feet per 21A.26.020.E. The area contiguous to this parcel mapped as CN is about 25,895 square feet in area, and this parcel contains about 3,628 square feet. If the rezone were approved, the size of the contiguous area zoned for CN would be approximately 29,523 square feet, which would not exceed the maximum.



Map showing location of subject property

Proposed Master Plan Amendment

This property is located within the Central Community Master Plan area. The Central Community Master Plan includes a future land use map (FLUM), which designates this property as “Low Density Residential.” (p.2) Low Density Residential is described as a designation which allows moderate sized lots (i.e. 3,000-10,000 square feet) where single-family detached homes are the dominant land use, with a density of 1-15 dwelling units per acre. (p.8) This designation does not support the desired rezone to a district that would permit primarily commercial uses, such as the CN district. Therefore, the FLUM designation needs to be changed in such a manner that it would support the requested rezone.

The applicant is proposing to change the FLUM designation to “Neighborhood Commercial.” This designation would support the rezone to CN. The Central Community Master Plan describes the Neighborhood Commercial designation as:

The Neighborhood Commercial designation provides for small-scale commercial uses that can be located with residential neighborhoods without having significant impact upon residential uses. This land use pattern includes, but is not limited to, small businesses such as retail sales and services, small professional offices, and locally owned businesses. (p. 10)

Abutting property to the south is currently designated Neighborhood Commercial on the FLUM.



*Extract of Central Community Master Plan Future Land Use Map showing subject property.
Complete map with legend on the following page of this document.*

Central Community Future Land Use

* NOTE: The Low-Medium and Medium Density Land Use designations may include multiple zoning designations (e.g.; a single land use designation and map color may represent RMF-35 or SR-3 classifications)

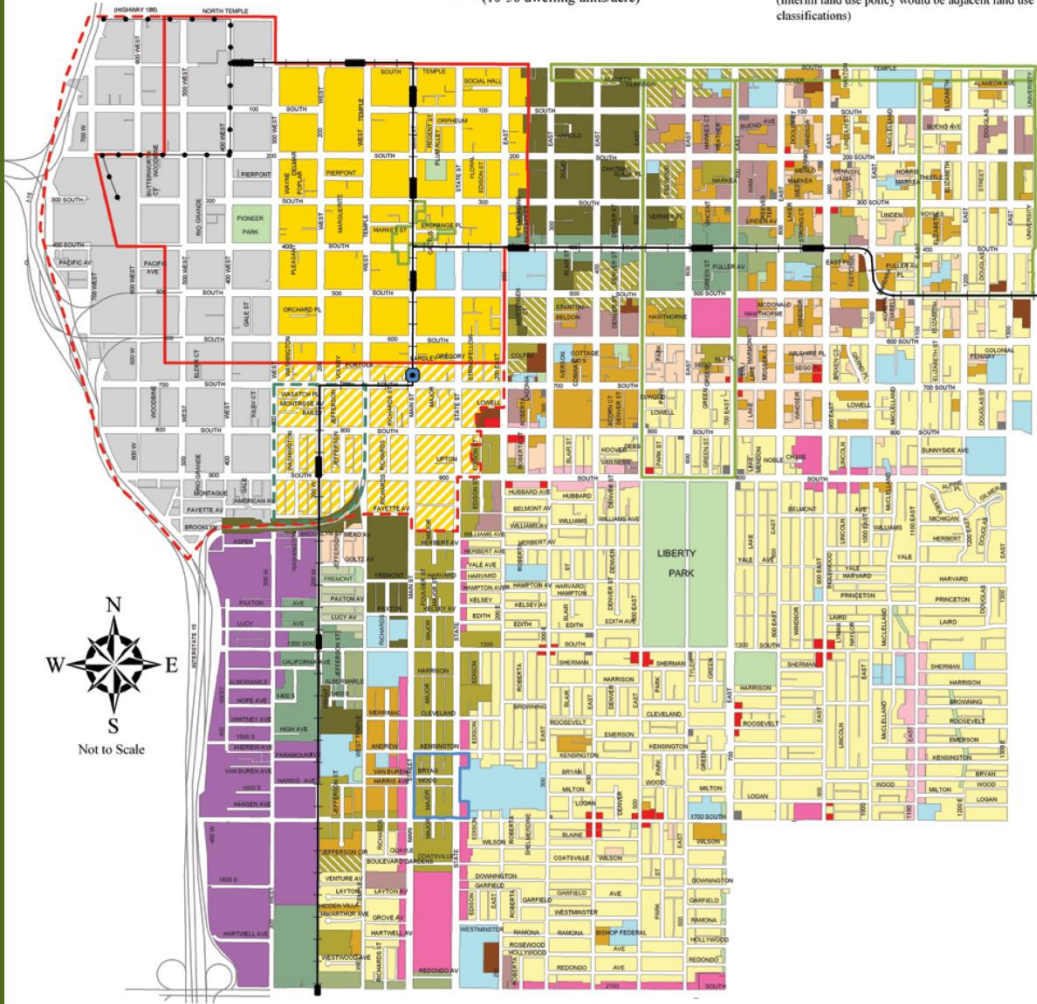
Map Legend

- Light Rail Stations
- Proposed Lightrail Stations
- Historic Preservation
- Light Rail
- Later Phase of Light Rail
- CBD Boundary
- CBD Support Boundary
- Salt Lake Community College/Future Expansion Area
- West Temple Gateway Plan

Future Land Use

- Low Density Residential (1-15 dwelling units/acre)
- Low Medium Density Residential (10-20 dwelling units/acre) *
- Medium Density Residential (15-30 dwelling units/acre) *
- Medium High Density Residential (30-50 dwelling units/acre)
- High Density Residential (50 or more dwelling units/acre)
- Low Residential/Mixed Use (5-10 dwelling units/acre)
- Medium Residential/Mixed Use (10-50 dwelling units/acre)

- Residential/Office Mixed Use (10-50 dwelling units/acre)
- High Mixed Use (50 or more dwelling units/acre)
- Neighborhood Commercial
- Community Commercial
- Central Business District
- Central Business District Support
- Regional Commercial/Industrial
- Low Density Transit Oriented Development (1-20 dwelling units/acre)
- Medium Density Transit Oriented Development (10-50 dwelling units/acre)
- High Density Transit Oriented Development (50 or more dwelling units/acre)
- Open Space
- Institutional
- Gateway Master Plan (Note: Future Land Use Shown in the Gateway Master Plan)
- Non-conforming properties to be evaluated for appropriate land use designation. (Interim land use policy would be adjacent land use classifications)



Housing Loss Mitigation

As discussed in the Key Considerations section below, this proposal involves replacing a housing unit with a commercial use, making it at odds with the City's housing goals and with policy RLU-1.1 in the Central Community Master Plan. Because of this, it is Staff's opinion that the proposal does not comply with the standards for a zoning map amendment outlined in Salt Lake City Code Section 21A.50.050. Therefore, Staff is recommending that the Planning Commission forward a negative recommendation to the City Council.

When a property includes residential dwelling units within its boundaries, a petition for a zoning change that would permit a nonresidential use of land cannot be approved until a housing mitigation plan is approved by the City. A housing impact statement will need to be prepared and approved by the City's Zoning Administrator. An option for mitigating residential loss must be selected. The following options are available by ordinance:

1. Replacement Housing
2. Fee Based On Difference Between Housing Value And Replacement Cost
3. Fee, Where Deteriorated Housing Exists, Not Caused By Deliberate Indifference Of Landowner

Please see Attachment H for the complete Housing Loss Mitigation Report for this proposal.

APPROVAL PROCESS AND COMMISSION AUTHORITY

Review Processes: Master Plan Amendment and Zoning Map Amendment

The Planning Commission can provide a positive or negative recommendation for the proposed master plan and zoning map amendments. The recommendation will be sent to the City Council, who will hold a briefing and an additional public hearing on the proposed amendments. The City Council may approve, deny or make modifications to the proposed amendment requests as they see fit and are not limited by any one standard.

KEY CONSIDERATIONS

The key considerations listed below were identified through the analysis of the project:

1. Adjacent land uses and zoning
2. Contributing status of existing building
3. How the proposal helps implements city goals and policies identified in adopted plans.
4. Comparison of RMF-30 and CN Zoning

Consideration 1: Adjacent land uses and zoning

This property is located near the northeast corner of the intersection at 500 East and 900 South. Liberty Park is located nearby, on the opposite side of 900 South. Directly to the south of this property are a restaurant and butcher shop. Both of these properties are zoned CN, Neighborhood Commercial District. There is also a single-family dwelling to the south of this property that is zoned CN.

Directly west from the subject property is a 70-unit apartment building that is zoned RMF-45, Moderate/High Density Multi-Family Residential District. This building was constructed in 1982 and is one the largest structures in the immediate area.

To the north, east, and northwest all properties are zoned RMF-30, Low Density Multi-Family Residential District. This includes the rest of the block of 500 E between 800 S and 900 S, as well as

the entire block of Park Street immediately to the east. The existing structures are generally a mix of single-family, two-family, and small multi-family dwellings.



Along the 900 South corridor, the properties are zoned CN, RB (Residential/Business), and RMF-30. Land uses are generally low-scale commercial and residential development. Notably, commercial zoning does not extend to the interior of blocks that intersect with 900 South.

This property would be the first in the immediate area on the interior of a block intersecting 900 South to be zoned as a non-residential district. It would expand the borders of a semi-contiguous area of commercial zoning, while encroaching on an existing contiguous area of residential zoning.

Consideration 2: Contributing status of existing building

The existing home on the subject property is a bungalow built in 1905 in the Victorian Eclectic style. It is listed as a contributing structure to the Central City Local Historic District. Because of that status, it is unlikely demolition of the structure would be approved. Any exterior modifications or building additions would need to be reviewed against the Historic Preservation Overlay regulations and approved by the Historic Landmark Commission or Planning Staff. The applicant has indicated that the building would be adaptively re-used for a non-specified commercial use.

The Historic Landmark Commission was briefed about this proposal during a work session on October 6, 2022. During the work session, they stated that an adaptive reuse for commercial purposes could be acceptable for this building, depending on the exact modifications requested by the applicant. However, they also mentioned that the proposed change could set a precedent for converting residential uses to commercial in the Central City Local Historic District and suggested that should warrant caution.

Consideration 3: How the proposal helps implements city goals and policies identified in adopted plans.

The city's adopted plans and policies provide a basis for examining this proposal. This includes the citywide plan, Plan Salt Lake (2015) and the neighborhood plan for this area, the Central Community Master Plan (2005). These plans were both adopted by the City Council after extensive review by the public and city boards and commissions. The proposal would support some initiatives in Plan Salt Lake (2015) and the Salt Lake City Community Preservation Plan (2012), but would also run counter to several. While this could be an appropriate zoning designation for the scale of the neighborhood, expanding commercial zoning into low density residential areas would be counter to objectives in the Central Community Master Plan (2005) and goals in the City's five-year housing plan, Growing SLC (2017).

See below for the specific items and analysis.

Plan Salt Lake

Plan Salt Lake is the City's overall master plan. It was adopted in 2015 and intends to provide a vision for Salt Lake City for the following 25 years. The guiding principles and initiatives in Plan Salt Lake cover a broad range of topics, some of which support the proposed zoning map and master plan amendment. However, there are also principles and initiatives in the plan that do not support the proposal.

Guiding Principles and Initiatives Consistent with the Proposal:

- The **Neighborhoods Chapter** Guiding Principle, "neighborhoods that provide a safe environment, opportunity for social interaction, and services needed for the wellbeing of the community therein."
 - Initiative: Encourage and support local businesses and neighborhood business districts.
- The **Transportation & Mobility Chapter** Guiding Principle, "A transportation and mobility network that is safe, accessible, reliable, affordable, and sustainable, providing real choices and connecting people with places."

- Initiative: Reduce automobile dependency and single occupancy vehicle trips.
- The **Economy Chapter** Guiding Principle, “A balanced economy that produces quality jobs and fosters an environment for commerce, local business, and industry to thrive.”
 - Initiative: Support the growth of small businesses, entrepreneurship and neighborhood business nodes.

This zoning map amendment would seek to expand the number of small commercial spaces in the neighborhood, providing additional services and, depending on the type of business, opportunities for social interaction. Given the small size of the subject property and structure, it is likely to attract a small-scale business that is more likely to be locally owned. If the property were remapped to CN, it would also join an existing neighborhood business district. The proposed rezone would create an opportunity for an additional business venture to open, helping to foster an environment for commerce and local business.

If the subject property were to be used for a commercial business, it would provide an additional choice for those who live in the neighborhood, allowing them to walk, bike, or take transit more easily to an additional business.

Guiding Principles and Initiatives Not Consistent with the Proposal:

- The **Housing Chapter** Guiding Principle, “access to a wide variety of housing types for all income levels through the city, providing the basic human need for safety and responding to changing demographics.”
 - Initiative: Ensure access to affordable housing citywide (including rental and very low income)
- The **Parks & Recreation Chapter** Initiative, to “provide accessible parks and recreation spaces within 1/2 mile of all residents.”

This proposal would make the existing single-family dwelling legal conforming per 21A.38.070. If the property were converted to commercial use after it was rezoned, it could not be converted back to a single-family dwelling unless another rezone was adopted. This would result in the permanent loss of a housing unit in a centrally located area of the city.

Given the age and size of the home, it is likely a “naturally occurring” affordable unit of housing, or a housing unit that is affordable because of its characteristics rather than being restricted by covenant as affordable to households of a certain income level. Therefore, the loss of this home would also represent a loss in the city’s stock of affordable housing, which is already very limited.

This property is roughly 200 feet (1/25 mile) away from Liberty Park. If it were converted to commercial use, that would mean one fewer household would have close access to the park, running counter to the above-referenced initiative in the Parks & Recreation Chapter.

Central Community Master Plan

The subject property is located within the Central Community Master Plan area (see Future Land Use Map – Attachment A). The associated Central Community Future Land Use Map currently designates the property as “Low Density Residential.” The petitioner is requesting to amend the future land use map so that the property is designated as “Neighborhood Commercial.” This would be a change from Residential to Commercial Land Use designation. The Neighborhood Commercial designation *provides for small-scale commercial uses that can be located within residential neighborhoods without having significant impact upon residential uses. This land use pattern includes, but is not limited to, small businesses such as retail sales and services, small*

professional offices, and locally owned businesses. (p. 10) Properties fronting 900 S to the south of and abutting the subject property are currently included in this designation on the Future Land Use Map.

There is a specific land use policy identified in the Central Community Master Plan that relates to this type of proposal. It is listed as policy RLU-1.1, on page 9 of the Plan:

Preserve low-density residential areas and keep them from being replaced by higher density residential and commercial uses.

The proposed rezone and master plan amendment are in exact opposition to this land use policy. There are no specific policies that support the proposal. Rezoning the property and amending the master plan would therefore not be consistent with the Central Community Master Plan.

Salt Lake City Community Preservation Plan

The proposed rezone would support a reuse of the existing single-family dwelling at 865 S 500 E. In general, the Community Preservation Plan is supportive of adaptive reuse where it creates more housing units, but is not in outright support of converting housing to a non-residential use. Policies related to reuse of existing structures can be found in the Housing and Develop a Comprehensive Preservation Toolbox chapters of the plan. These policies would largely support an adaptive reuse for more housing units. Some listed policies may offer somewhat ambiguous support for a project that converted a housing unit to non-residential, if the structure were not significantly altered and negative impacts were mitigated.

Select policies from the Develop a Comprehensive Preservation Toolbox Chapter:

- 3.3k: Support modification of existing historic resources to allow for changes in use that will encourage the use of the structure for housing or other appropriate uses in historic districts in an effort to ensure preservation of the structure. (p. III-27)
- 3.4d: Adaptive Reuse of Historic Structures should be allowed for a variety of uses in appropriate locations where it is found that the negative impacts can be mitigated and where the uses do not require significant alterations to the historic integrity of the interior of the structure. (p. III-37)

Select policies from the Housing Chapter:

- 6.5b: Support the renovation and use of historic apartment buildings and the adaptive reuse of historic non-residential buildings for residential units. (p. VI-21)
- 6.5c: Support appropriate changes to existing historic homes to accommodate the changing needs of various household types within the City. (p. VI-22)

Policies 3.3k and 3.4d could be interpreted as supportive of the proposed project. Policy 3.3k makes a reference to encouraging “other appropriate uses,” which could include a commercial use on this property. Policy 3.4d says that historic structures should be allowed to be reused for a “variety of uses,” as long as negative impacts are mitigated and the uses do not require significant alterations to the historic integrity of the interior of the structure.

Policies 6.5b and 6.5c are policies that specifically support preservation and reuse of existing historic structures for residential purposes. These are the only policies in the preservation plan that support a specific kind of reuse for historic structures. There are no policies that specifically support a reuse of a residential structure for commercial purposes.

Growing SLC

Growing SLC is the City's five-year housing plan. It was adopted in 2017 and intended to provide a framework for the City's housing policy for the years 2018-2022. In general, the goals outlined in Growing SLC support zoning changes which support additional housing opportunities, particularly policies to accommodate additional growth and ensure that housing remains affordable for a wide spectrum of income levels.

Because this proposal involves rezoning a property from a zone that primarily permits residential units to a zone that primarily permits commercial uses and disallows most residential units, the goals in Growing SLC are not supportive. The following specific goals and objectives are out of alignment with the proposed zoning and master plan amendment:

- GOAL 1: Increase housing options: Reform city practices to promote a responsive, affordable, high-opportunity housing market.
 - Objective 1: Review and modify land-use and zoning regulations to reflect the affordability needs of a growing, pioneering city.
 - 1.1.2 Develop in-fill ordinances that promote a diverse housing stock, increase housing options, create redevelopment opportunities, and allow additional units within existing structures, while minimizing neighborhood impacts.
 - Objective 3: Lead in the construction of innovative housing solutions.
- GOAL 3: Equitable and Fair housing: Build a more equitable city.
 - Objective 3: Implement Life cycle Housing principles in neighborhoods throughout the city.
 - 3.3.1 Support diverse and vibrant neighborhoods by aligning land use policies that promote a housing market capable of accommodating residents throughout all stages of life.

The proposed zoning map and master plan amendment would result in a zoning map that was less aligned with policies promoting a housing market capable of accommodating residents throughout all stages of life. The existing RMF-30 zoning allows for a mix of housing types, even if the subject property is too small to support many of those types of housing per the density requirements of the district. The proposed zoning map and master plan amendment would result in a zoning that outlawed many housing types, made the existing single-family dwelling a legal non-conforming use, and permit a commercial conversion of the property.

Consideration 4: Comparison of RMF-30 and CN Zoning

The applicant is proposing to change the zoning of this property from RMF-30 (Low Density Multi-Family Residential District) to CN (Neighborhood Commercial District).

The CN Neighborhood Commercial District is intended to provide for small scale, low intensity commercial uses that can be located within and serve residential neighborhoods. This district is appropriate in areas where supported by applicable master plans and along local streets that are served by multiple transportation modes, such as pedestrian, bicycle, transit and automobiles. The standards for the district are intended to reinforce the historic scale and ambiance of traditional neighborhood retail that is oriented toward the pedestrian while ensuring adequate transit and automobile access. Uses are restricted in size to promote local orientation and to limit adverse

impacts on nearby residential areas. (Purpose Statement for CN District, Salt Lake City Code Section 21A.26.020)

The two districts differ from each other primarily in the types of uses they allow. RMF-30 permits single-family, two-family, and multi-family, among other types of dwellings, and uses that are generally associated with residential neighborhoods, such as gardens, parks, and places of worship. By contrast, the CN district disallows most types of dwellings, except that “mixed use development,” a type of use that combines residential and another allowed use, is permitted. Permitted uses are by and large those of a commercial nature.

Maximum building height in the RMF-30 district is 30 feet, compared to 25 feet in CN. Setback requirements are more permissive in CN, and CN has a maximum setback of 25 feet for the building façade. There is no similar requirement in RMF-30. CN also does not have a lot coverage maximum, while RMF-30 has a maximum lot coverage of 40-50% depending on the type of use. For a single-family detached dwelling, the maximum lot coverage is 45%. In general, the CN development standards would allow for a more intense use of a lot than in RMF-30, but not remarkably so.

	<i>RMF-30 (existing)</i>	<i>CN (proposed)</i>
<i>Building Height</i>	30 ft	25 ft
<i>Front Setback</i>	20 ft	15 ft
<i>Side Setback</i>	<u>Corner side yard:</u> 10 ft <u>Interior:</u> a. Single-family and two-family dwellings: Interior lots: 4 ft on one side and 10 ft on the other Corner lots: 4 ft b. Single-family attached: No yard is required, however if one is provided it shall not be less than 4 ft. c. Twin home dwelling: No yard required along one side lot line. A 10 ft yard is required on the other. d. Multi-family dwelling: 10 ft on each side. e. All other permitted and conditional uses: 10 ft	<u>Corner side yard:</u> 15 ft <u>Interior:</u> None
<i>Rear Setback</i>	25 percent of the lot depth, but not less than 20 ft and need not exceed 25 ft	10 ft
<i>Lot Size</i>	<u>Single-family detached:</u> 5,000 SF <u>Twin home:</u> 4,000 SF per unit <u>Two-family dwelling:</u> 8,000 SF <u>Multi-family dwelling:</u> 9,000 SF (additional lot area required for buildings with more than three units) <u>Other permitted or conditional uses:</u> 5,000 SF	No minimum required. Maximum lot size of 16,500 SF.
<i>Permitted Uses</i>	Single-, two-, and multi-family dwellings; uses associated with residential neighborhoods.	Retail, offices, restaurants, other commercial uses, mixed use development.

<p>NEW PERMITTED USES IN CN <i>Uses that are not permitted in RMF-30 but would be newly permitted under the proposed change to CN</i></p>	<p>NEW CONDITIONAL USES IN CN <i>Uses are not allowed in RMF-30 but would be newly allowed as a conditional use under the proposed change to CN</i></p>
<ul style="list-style-type: none"> • Adaptive reuse of landmark site • Art gallery • Artisan food production (2,500 square feet or less in floor area) • Bed and breakfast • Bed and breakfast inn • Clinic (medical, dental) • Commercial food preparation • Daycare center, adult • Daycare center, child • Dwelling, living quarter for caretaker or security guard • Financial institution • Governmental facility requiring special design features for security purposes • Library • Mixed use development • Mobile food business (operation on private property) • Museum • Office • Place of worship on lot less than 4 acres in size • Recreation (indoor) • Recycling collection station • Restaurant • Retail goods establishment • Plant and garden shop with outdoor sales area • Retail services establishment • Reverse vending machine • Sales and display (outdoor) • Seasonal farm stand • Studio, art 	<ul style="list-style-type: none"> • Alcohol, bar establishment (2,500 square feet or less in floor area) • Animal, veterinary office • Bed and breakfast manor • Parking, off site • Furniture repair shop • Vehicle, automobile repair (minor)
<p>PERMITTED USES IN RMF- 30 NO LONGER ALLOWED IN CN <i>Uses that are currently permitted in RMF-30 but would no longer be allowed under the proposed change to CN</i></p>	<p>CONDITIONAL USES IN RMF-30 NO LONGER ALLOWED IN CN <i>Uses that are currently allowed in RMF-30 as a conditional use but would no longer be allowed under the proposed change to CN</i></p>
<ul style="list-style-type: none"> • Dwelling, accessory unit • Dwelling, manufactured home • Dwelling, multi-family • Dwelling, single-family (attached) • Dwelling, single-family (detached) • Dwelling, twin home and two-family • Parking, park and ride lot shared with existing use 	<ul style="list-style-type: none"> • Dwelling, assisted living facility (limited capacity) • Dwelling, congregate care facility (small) • Dwelling, group home (large) • Municipal service use, including City utility use and police and fire station • School, seminary and religious institute • Temporary use of closed schools and churches

<p>PERMITTED USES IN BOTH RMF-30 AND CN <i>Uses that are currently permitted in RMF-30 and would continue to be allowed under the proposed change to CN</i></p>	<p>CONDITIONAL USES IN RMF-30 ALSO ALLOWED IN CN <i>Uses that are currently allowed in RMF-30 as a conditional use and would continue to be allowed as a permitted or conditional use under the proposed change to CN</i></p>
<ul style="list-style-type: none"> • Accessory use, except those otherwise regulated in the zoning ordinance • Community garden • Daycare, nonregistered home daycare • Daycare, registered home daycare or preschool • Dwelling, group home (small) • Home occupation • Open space • Park • Urban farm • Utility, building or structure • Utility, transmission wire, line, pipe, or pole 	<ul style="list-style-type: none"> • Adaptive reuse of landmark site – <i>Becomes permitted</i> • Daycare center, child – <i>Becomes permitted</i> • Governmental facility – <i>Becomes permitted</i> • Place of worship on lots less than 4 acres in size – <i>Becomes permitted</i>

STAFF RECOMMENDATION

The proposal aligns with some goals listed in Plan Salt Lake, but runs counter to specific policy statements in the Central Community Master Plan and goals in Growing SLC. On balance, Staff’s opinion is that the proposal does not comply with the first factor that City Council should consider in making a decision to amend the zoning map, per Salt Lake City Code 21A.050.050.B.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.

Therefore, it is recommended that the Planning Commission forward a negative recommendation to the City Council.

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.

ATTACHMENT A: Zoning and Future Land Use Maps

Vicinity Map



Salt Lake City Planning Division 4/28/2022

Central Community Future Land Use

* NOTE: The Low-Medium and Medium Density Land Use designations may include multiple zoning designations (e.g.: a single land use designation and map color may represent RMF-35 or SR-3 classifications)

Map Legend

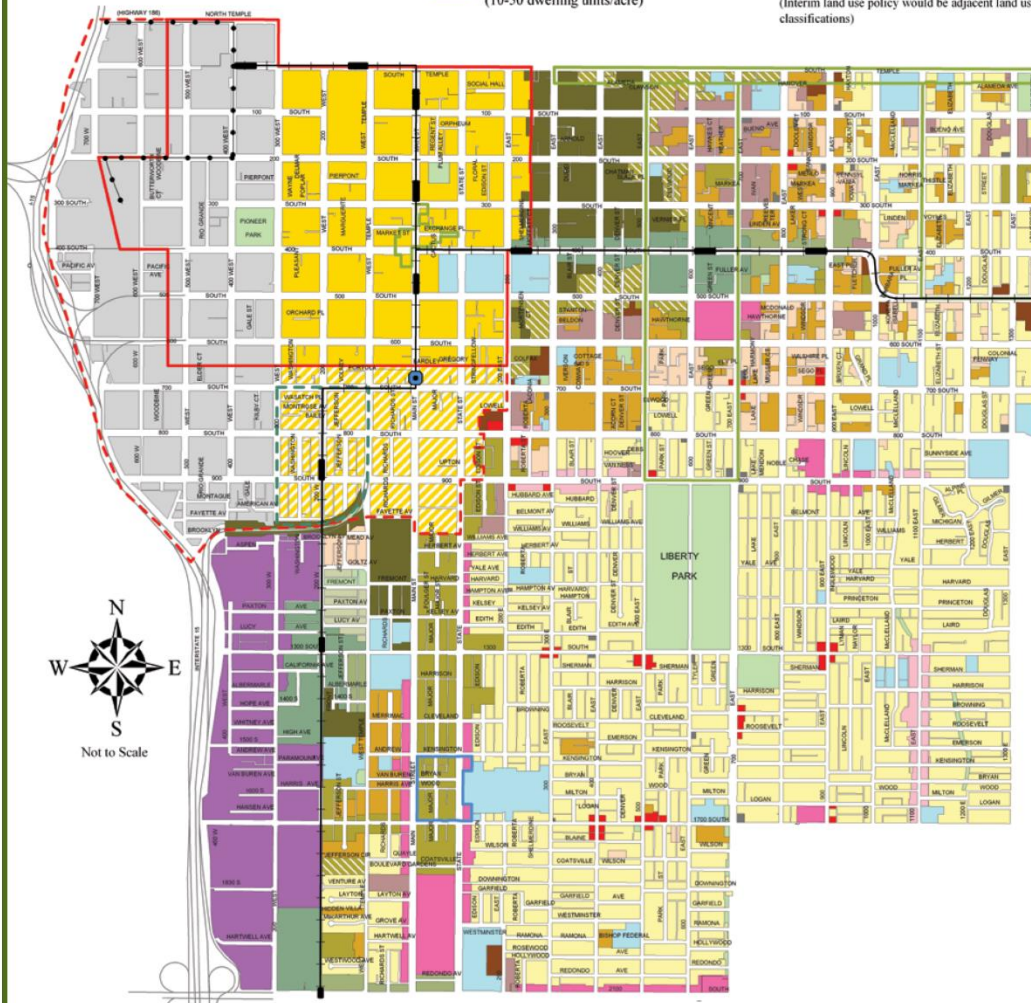
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- Proposed Light Rail Stations
- Historic Preservation
- Light Rail
- Later Phase of Light Rail
- CBD Boundary
- CBD Support Boundary
- Salt Lake Community College/Future Expansion Area
- West Temple Gateway Plan

- Residential/Office Mixed Use (10-50 dwelling units/acre)
- High Mixed Use (50 or more dwelling units/acre)
- Neighborhood Commercial
- Community Commercial
- Central Business District
- Central Business District Support
- Regional Commercial/Industrial

Future Land Use

- Low Density Residential (1-15 dwelling units/acre)
- Low Medium Density Residential (10-20 dwelling units/acre) *
- Medium Density Residential (15-30 dwelling units/acre) *
- Medium High Density Residential (30-50 dwelling units/acre)
- High Density Residential (50 or more dwelling units/acre)
- Low Residential/Mixed Use (5-10 dwelling units/acre)
- Medium Residential/Mixed Use (10-50 dwelling units/acre)

- Low Density Transit Oriented Development (1-20 dwelling units/acre)
- Medium Density Transit Oriented Development (10-50 dwelling units/acre)
- High Density Transit Oriented Development (50 or more dwelling units/acre)
- Open Space
- Institutional
- Gateway Master Plan (Note: Future Land Use Shown in the Gateway Master Plan)
- Non-conforming properties to be evaluated for appropriate land use designation. (Interim land use policy would be adjacent land use classifications)



ATTACHMENT B: Application Materials



Zoning Amendment

SALT LAKE CITY PLANNING

Amend the text of the Zoning Ordinance Amend the Zoning Map

OFFICE USE ONLY

Received By:	Date Received:	Project #:
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Name or Section/s of Zoning Amendment:

PLEASE PROVIDE THE FOLLOWING INFORMATION

Address of Subject Property (or Area):
865 South 500 East

Name of Applicant: Rick Service	Phone: 801-680-6735
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Address of Applicant:
P.O. Box 71899, Salt Lake City, UT 84171

E-mail of Applicant: rickservice67@yahoo.com	Cell/Fax: 801-680-6735
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Applicant's Interest in Subject Property:
 Owner Contractor Architect Other:

Name of Property Owner (if different from applicant):
5 & 9 LLC

E-mail of Property Owner: rickservice67@yahoo.com	Phone: 801-680-6735
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Please note that additional information may be required by the project planner to ensure adequate information is provided for staff analysis. All information required for staff analysis will be copied and made public, including professional architectural or engineering drawings, for the purposes of public review by any interested party.

AVAILABLE CONSULTATION

If you have any questions regarding the requirements of this application, please contact Salt Lake City Planning Counter at zoning@slcgov.com prior to submitting the application.

REQUIRED FEE

Map Amendment: filing fee of **\$1,075** plus **\$121** per acre in excess of one acre
Text Amendment: filing fee of **\$1,075**, plus fees for newspaper notice.
Plus, additional fee for mailed public notices. Noticing fees will be assessed after the application is submitted.

SIGNATURE

➔ If applicable, a notarized statement of consent authorizing applicant to act as an agent will be required.

Signature of Owner or Agent: Rick Service	Date: 3/24/22
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SUBMITTAL REQUIREMENTS

Staff Review

1. **Project Description** (please electronically attach additional sheets. See [Section 21A.50](#) for the Amendments ordinance.)

A statement declaring the purpose for the amendment.

A description of the proposed use of the property being rezoned.

List the reasons why the present zoning may not be appropriate for the area.

Is the request amending the Zoning Map?
If so, please list the parcel numbers to be changed.

Is the request amending the text of the Zoning Ordinance?
If so, please include language and the reference to the Zoning Ordinance to be changed.

WHERE TO FILE THE COMPLETE APPLICATION

Apply online through the [Citizen Access Portal](#). There is a [step-by-step guide](#) to learn how to submit online.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

RS I acknowledge that Salt Lake City requires the items above to be submitted before my application can be processed. I understand that Planning will not accept my application unless all of the following items are included in the submittal package.

Zoning Amendment Requirements

The reason for changing the zoning from RMF-30 to CN Neighborhood Commercial are many. The existing residential building at 865 South 500 East is placed on the lot in such a way that it lends itself more to the two neighboring properties to the south zoned CN. The two neighboring properties to the south are 501 & 511 East 900 South. 511 East 900 South and 865 South 500 East share a driveway. 511 East 900 South has their Handicap Parking space at the rear of the property that is accessed from the shared driveway. Their deliveries are also received by use of the shared driveway. There is no alleyway access so all deliveries must back down the shared driveway. 865 South 500 East does not have covered parking, it just has two parking spaces at the rear of the building. There is no back yard to this house, which is why it is impossible to rent the house to a family.

UDOT, along with Salt Lake City, are in the process of improving bus travel along 500 East. They have put a large cement pad directly in front of the house along with a bench. A large lighted enclosure with a garbage can will be installed soon. That makes the property feel like a commercial property with no front yard. Last but not least I truly want the challenge of improving and transforming the residential building to a small commercial building. When I purchased the neighboring two properties to the south, one was an abandoned gas station for 32 years with graffiti on the walls and a make-shift homeless persons shelter. I turned 501 East 900 South into the restaurant "Tradition". It was quite a challenge but I feel it turned out well. The property at 511 East 900 South when I purchased it was a 100 year old house being used as a residential rental. I remodeled it and today it is a very thriving commercial building as Beltex Meats, a very successful butcher shop. Both properties employ local people bringing revenue into the area.

Knowing that this houses in the Historic District, as it was built in 1908, I will be able to work with the Historic District to improve the use of the building while staying within the parameters set by the Historic District.

The adjoining properties zoned CN have a total square footage of 14,808 square feet. The CN zoning allows for up to 90,000 square feet. With the addition of 865 South 500 East being only 3,484 square feet there will be a total of only 18,292 square feet for the entirety of the new proposed CN zone. This is much smaller than the allowed 90,000 square feet. Allowing this property to be added to the existing CN zoning will create a more balanced and useable commercial corner.

The CN zoning calls for "small scale low intensity commercial use". I believe that changing the zoning of this property too CN will to do just that.

Please give me the opportunity to improve the property.

At this time I do not have a specific use in mind for the property. I have spoken with several people who might be interested in the space. One such person wants to put a dog grooming and supply store, another person who runs a very successful sandwich shop wants to open a new location there. I anticipate remodeling the building and making it a shining example of what is possible in the CN zoning.



Master Plan Amendment

SALT LAKE CITY PLANNING

Amend the text of the Master Plan Amend the Land Use Map

OFFICE USE ONLY

Received By:	Date Received:	Project #:
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Name of Master Plan Amendment:

PLEASE PROVIDE THE FOLLOWING INFORMATION

Address of Subject Property (or Area):
865 South 500 East

Name of Applicant: Rick Service	Phone: 801-680-6735
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Address of Applicant:
P.O. Box 71899, Salt Lake City, UT 84171

E-mail of Applicant: rickservice67@yahoo.com	Cell/Fax: 801-680-6735
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Applicant's Interest in Subject Property:
 Owner Contractor Architect Other:

Name of Property Owner (if different from applicant):

E-mail of Property Owner: rickservice67@yahoo.com	Phone: 801-680-6735
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Please note that additional information may be required by the project planner to ensure adequate information is provided for staff analysis. All information required for staff analysis will be copied and made public, including professional architectural or engineering drawings, for the purposes of public review by any interested party.

AVAILABLE CONSULTATION

Planners are available for consultation prior to submitting this application. Please email zoning@slcgov.com if you have any questions regarding the requirements of this application.

REQUIRED FEE

Filing fee of **\$1008** plus **\$121** per acre in excess of one acre.
\$100 for newspaper notice.
Plus, additional fee for mailed public notices. Mailing fees will be assessed after application is submitted.

SIGNATURE

→ If applicable, a notarized statement of consent authorizing applicant to act as an agent will be required.

Signature of Owner or Agent: Rick Service	Date: 3/24/22
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SUBMITTAL REQUIREMENTS

Staff Review

1. Project Description (please attach additional sheets electronically.)

- | | | |
|--------------------------|-------------------------------------|---|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Describe the proposed master plan amendment. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | A statement declaring the purpose for the amendment. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Declare why the present master plan requires amending. |
| <input type="checkbox"/> | <input type="checkbox"/> | Is the request amending the Land Use Map?
If so, please list the parcel numbers to be changed. |
| <input type="checkbox"/> | <input type="checkbox"/> | Is the request amending the text of the master plan?
If so, please include exact language to be changed. |

WHERE TO FILE THE COMPLETE APPLICATION

Apply online through the [Citizen Access Portal](#). There is a [step-by-step guide](#) to learn how to submit online.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

RS I acknowledge that Salt Lake City requires the items above to be submitted before my application can be processed. I understand that Planning will not accept my application unless all of the following items are included in the submittal package.

Master Plan Amendment

I wish to change a small portion of the Central Community Master Plan. The plan change would be to amend the zoning of a single family residence zoned RMF-30 to a CN Neighborhood Commercial zone. The property is at 865 South 500 East. The property is bordered by two properties zoned CN. With a zoning change of this property, all three properties on the corner of 500 East and 900 South will have the same zoning. This will create a balance to the corner and will promote more commercial services to the ongoing vibrant Liberty Park Neighborhood. It will create a gathering place in such a walkable neighborhood. The infrastructure is already in place to support the change. Part of the Central Community Master Plan is to promote more Commercial Services in the area. The amendment change will allow me the flexibility to select a tenant that will add to the vibrant area.

Parcel Number. 16-07-276-024-0000

Housing Impact Statement

I propose not to demolish the single family residence but to improve it. I want to change the use of the building not demolish it. By changing the use I can improve the building structure and appearance. I will be able to take a run down old house and in keeping with the Historic Standards turn it into a vibrant and useful building that will be able to bring revenue, activity and employment to a what is now a small old house. Please give me the opportunity to improve this building and give it new life.

The address of the effected dwelling is 865 South 500 East, Salt Lake City, Utah 84102. The square feet of livable space is 1,053 and the land is 3,484 square feet.

Several years ago the residential lot was subdivided and sold to the neighboring property owner at 517 East 900 South. With the loss of the square footage of the lot there's no longer room to build any type of residential unit. So frankly I do not have a plan to add a residential component to the rezoned property just due to size of accessible space.

My application to Amend the Zoning I am not trying to say that the City got it wrong when the Zoning Map was designed. I am saying that the current land uses might be a little different than the original intent. More specifically, the property at 517 East 900 South was zoned CN however unknown to the City the residence of that property will not use it as a commercial property but use it as a single family residence as they have for now the third generation. The current generational user has expressed the desire to have the home stay a residential use. The prospects of that property being used as a commercial property in the near or distant future is next to none.

I might propose that the property at 517 East 900 South be put to a zoning of RMF-30 and my property at 865 South 500 East be changed from to CN. This way the city dose not lose a residential housing unit and the commercial designation can simply be moved to my property at 865 South 500 East.

Please help me to bring some life to this property.



Mitigation of Residential Housing Loss

SALT LAKE CITY PLANNING

OFFICE USE ONLY

Pre-demolition #:	Received By:	Date Received:	Zoning:
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Project Name:

PLEASE PROVIDE THE FOLLOWING INFORMATION

Address of Subject Property:
865 South 500 East

Name of Applicant: 5 & 9 LLC
Phone: (801) 680-6735

Address of Applicant:
P.O. Box 71899, Salt Lake City, Utah 84171

E-mail of Applicant: rickservice67@yahoo.com
Cell/Fax: (801) 680-6735

Applicant's Interest in Subject Property:
 Owner Contractor Architect Other:
Name of Property Owner (if different from applicant):

E-mail of Property Owner:
Phone: (801) 680-6735

Existing Property Use:

Proposed Property Use:

→ Please note that additional information may be required by the project planner to ensure adequate information is provided for staff analysis. All information required for staff analysis will be copied and made public, including professional architectural or engineering drawings, for the purposes of public review by any interested party.

SIGNATURE

→ If applicable, a notarized statement of consent authorizing applicant to act as an agent will be required.

Signature of Owner or Agent: 
Date: 6-22-22

SUBMITTAL REQUIREMENTS

ACKNOWLEDGEMENT OF RESPONSIBILITY

This is to certify that I am making an application for the described action by the City and that I am responsible for complying with all City requirements with regard to this request. This application will be processed under the name provided below. By signing the application, I am acknowledging that I have read and understood the instructions provided by Salt Lake City for processing this application. The documents and/or information I have submitted are true and correct to the best of my knowledge. I understand that the documents provided are considered public records and may be made available to the public. I understand that my application will not be processed until the application is deemed complete by the assigned planner from the Planning Division. I acknowledge that a complete application includes all of the required submittal requirements and provided documents comply with all applicable requirements for the specific applications. I understand that the Planning Division will provide, in writing, a list of deficiencies that must be satisfied for this application to be complete and it is the responsibility of the applicant to provide the missing or corrected information. I will keep myself informed of the deadlines for submission of material and the progress of this application. I understand that a staff report will be made available for my review prior to any public hearings or public meetings. This report will be on file and available at the Planning Division and posted on the Division website when it has been finalized.

APPLICANT SIGNATURE		
Name of Applicant: Rick Service	Application Type: Zoning Amendment	
Mailing Address: P.O. Box 71899, Salt Lake City, Utah 84171		
Email: rickservice67@yahoo.com	Phone: (801) 680-6735	Fax:
Signature: 	Date: 6-22-22	

AFFIRMATION OF SUFFICIENT INTEREST

I hereby affirm that I am the fee title owner of the below described property or that I have written authorization from the owner to pursue the described action.

FEE TITLE OWNER SIGNATURE	
Name of Owner: 5 & 9 LLC	Street Address: 865 South 500 East, Salt Lake City, Utah 84102
Mailing Address: P.O. Box 71899, Salt Lake City, Utah 84171	
Signature: 	Date: 6-22-22

Legal Description of Subject Property:

The following shall be provided if the name of the applicant is different than the name of the property owner:

1. If you are not the fee owner attach a copy of your authorization to pursue this action provided by the fee owner.
2. If a corporation is fee titleholder, attach copy of the resolution of the Board of Directors authorizing the action.
3. If a joint venture or partnership is the fee owner, attach a copy of agreement authorizing this action on behalf of the joint venture or partnership
4. If a Home Owner's Association is the applicant than the representative/president must attaché a notarized letter stating they have notified the owners of the proposed application. A vote should be taken prior to the submittal and a statement of the outcome provided to the City along with the statement that the vote meets the requirements set forth in the CC&Rs.

Be advised that knowingly making a false, written statement to a government entity is a crime under Utah Code Chapter 76-8, Part 5. Salt Lake City will refer for prosecution any knowingly false representations made pertaining to the applicant's interest in the property that is the subject of this application.

1. **Project Description** (please attach additional sheet)

Written description of the determination or modification of existing use that is being requested.

2. **Housing Impact Statement: The housing impact statement shall:**

1. Identify the essential adverse impacts on the residential character of the area subject of the petition;
2. Identify by address any dwelling units targeted for demolition, following the granting of the petition;
3. Separately for each dwelling unit targeted for demolition, state its current fair market value, if that unit were in a reasonable state of repair and met all applicable building, fire and health codes;
4. State the number of square feet of land zoned for residential use that would be rezoned or conditionally permitted to be used for purposes sought in the petition, other than residential housing and appurtenant uses; and
5. Specify a mitigation plan to address the loss of residential zoned land, residential units or residential character. (Ord. 94-12, 2012)

18.97.030: OPTIONS FOR MITIGATING RESIDENTIAL LOSS:

Petitioners subject to the requirements of this chapter may satisfy the need for mitigation of any residential housing unit losses by any one of the following methods:

A. **Replacement Housing:** The petitioner may agree, in a legal form satisfactory to the city attorney, to construct the same number of residential dwelling units proposed for demolition, within:

1. The city council district in which the land subject of the petition is located; or
2. An adjoining council district, if the mitigation site is within a one mile radius of the demolition site.
3. Any such agreement shall include adequate security to guarantee completion within two (2) years of the granting of a demolition permit.

B. **Fee Based On Difference Between Housing Value And Replacement Cost:** The petitioner may pay to the city housing trust fund the difference between the fair market value of the housing units planned to be eliminated or demolished and the replacement cost of building new units of similar square footage and meeting all existing building, fire and other applicable law, excluding land values.

C. **Fee, Where Deteriorated Housing Exists, Not Caused By Deliberate Indifference Of Landowner:**

1. **Request By Petitioner For Flat Fee Consideration:** In the event that a residential dwelling unit is targeted or proposed for demolition and is in a deteriorated state from natural causes, such as fire, earthquake or aged obsolescence that is not occasioned by the deliberate acts or omissions to act on the part of the petitioner or his predecessors in interest, which detrimental condition reduces a dwelling unit's fair market value or habitability as a residential dwelling unit, the petitioner may request an exemption from the above two (2) methods of mitigation from the director of the city's department of community and economic development as provided below. A judgment as to whether deterioration has occurred as the result of deliberate indifference shall be based on a preponderance of evidence.

2. **Required Facts Of Natural Deterioration/Increase Fair Market Value Of Units To Be Demolished:** The petitioner may submit to the director of the city's department of community and economic development every fact known to support the proposition that the residential dwelling units were not purposely allowed to deteriorate by lack of reasonable maintenance,

ordinary and prudent repairs, or other acts or omissions to act. The value of the unit(s) targeted or proposed for demolition may be increased to the fair market value that the units would have, if each unit was in a state of habitability and minimally meeting applicable building codes and other applicable law, excluding land value. This enhanced value will then be applied in thus computing any housing mitigation payment provided in subsection B of this section.

3. Flat Fee Mitigation Payment: In the event that the petitioner actually and reasonably demonstrates to the city's director of community and economic development that the costs of calculating and analyzing the various methods of mitigation are unreasonably excessive in relationship to the rough estimated costs of constitutionally permitted mitigation, the department director may recommend to the city council that a flat rate be paid by the petitioner to the city's housing trust fund. This flat rate shall be a sum not in excess of three thousand three hundred twenty two dollars twenty cents (\$3,322.20) per dwelling unit to be demolished. Such flat fee shall be adjusted for inflation as of January 1 of each calendar year following the initial adoption hereof, based on the consumer price index for the previous twelve (12) months, or three percent (3%), whichever result is less. (Ord. 94-12, 2012)

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED



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ATTACHMENT C: Property and Vicinity Photos



Subject Property – looking northeast



Subject Property – looking southeast



Looking south from in front of subject property



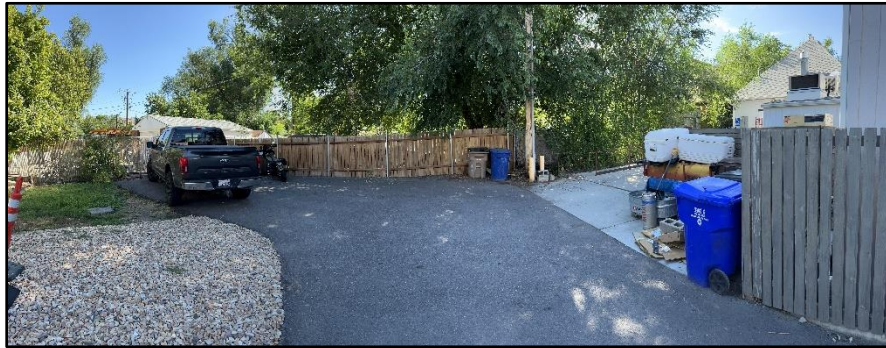
Looking north from in front of subject property



Rear of the subject property



Parking located on subject property



Rear yard of subject property – showing access to parking for business to south



ADA parking stall for adjacent business is accessed through shared right of way with subject property



Bus stop located in park strip in front of subject property



West side of 500 E as viewed from subject property



NE corner of 900 S & 500 E, looking north, showing restaurant in foreground and subject property behind



NE corner of 900 S & 500 E, looking east, showing commercial properties adjacent to street corner

ATTACHMENT D: Zoning Map and Master Plan Amendment 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 Central Community Master Plan and the proposed zoning designation of the subject 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.	Does Not Comply	Based on the adopted master plans and City policies, amending the zoning map for the subject parcels from RMF-30 (Low Density Multi-Family Residential District) to CN (Neighborhood Commercial) is not consistent with objectives and policies of the City. In particular, the proposed master plan amendment is at odds with land use policy RLU-1.1 from the Central Community Master Plan: <i>Preserve low-density residential areas and keep them from being replaced by higher density residential and commercial uses.</i> In addition, the proposed zoning map and master plan amendment are not consistent with several goals outlined in Growing SLC, the City's five-year housing plan, as discussed in Attachment E.
2. Whether a proposed map amendment furthers the specific purpose statements of the zoning ordinance.	Complies	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: A. Lessen congestion in the streets or roads; B. Secure safety from fire and other dangers;

		<p>C. Provide adequate light and air;</p> <p>D. Classify land uses and distribute land development and utilization;</p> <p>E. Protect the tax base;</p> <p>F. Secure economy in governmental expenditures;</p> <p>G. Foster the city's industrial, business and residential development; and</p> <p>H. Protect the environment. (Ord. 26-95 § 2(1-3), 1995)</p> <p>The proposed zone change from RMF-30 to CN would support the purposes of the zoning ordinance found in Chapter 21A.02.030: Purpose and Intent as outlined above. The change would help to distribute land and utilizations (D.), while helping to support the city's residential and business development (G.) It may also help to lessen congestion in the streets or roads (A.) by providing residents in the surrounding neighborhood with a new commercial destination that was walkable to their homes.</p>
<p>3. The extent to which a proposed map amendment will affect adjacent properties;</p>	Complies	<p>It is Planning Staff's opinion that the proposed zoning map amendment would not have a large impact on adjacent properties. Several of the adjacent properties are zoned and already being used for commercial purposes, and the amendment would simply make the contiguous area zoned for commercial use larger by a small amount – about 3,628 square feet. The contiguous area adjacent to this property that is already zoned CN is approximately 25,895 square feet in size (including property on the southwest corner of the intersection at 500 E and 900 S). This proposal would make that area about 14% larger, for a total size of 29,523 square feet. Off-street parking requirements for the CN district would apply to any proposed commercial use. Because the building is listed as a contributing structure to the Central City Local Historic District, it is unlikely that it would be demolished to build a new structure, so the impact of the building form itself to adjacent properties would not change. If the property owner proposed a building addition or exterior modifications to the structure, those would need to be approved by the Historic Landmark Commission based on standards for compatibility with the District.</p>
<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</p>	Complies	<p>The subject property is located within the Central City Local and National Historic overlay districts. The building is listed as a contributing structure to the Central City Local Historic District, and any exterior modifications or demolition/new construction would need to be approved by the Historic Landmark Commission.</p>
<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.</p>	Complies	<p>The proposal was reviewed by the various city departments tasked with administering public facilities and services (see comments – Attachment E). The city has the ability to provide services to the subject property. The infrastructure may need to be upgraded at the owner's expense in order to meet specific City requirements.</p> <p>If the rezone is approved, the proposal will need to comply with these requirements for future development or redevelopment of the site. Public Utilities, Engineering, Transportation, Fire, and Police and other departments will also be asked to review any specific development proposals submitted at that time.</p>

ATTACHMENT E: Analysis of Growing SLC Goals

The proposal is inconsistent with several goals, objectives, and policies in Growing SLC.

In general, the goals outlined in Growing SLC support zoning changes which support additional housing opportunities, particularly policies to accommodate additional growth and ensure that housing remains affordable for a wide spectrum of income levels.

Issues/Goals/Objectives	Status in Relation to Proposal	Discussion
<p>Issue: Current Zoning: A third impediment to the creation of more affordable housing is City zoning ordinances. Zoning affects land values, and if unit density is not available then land costs are too high to make affordable housing cost effective.</p> <p>One of Salt Lake City’s main concerns in zoning is a lack of middle income housing options. The current residential multi-family zones (RMF) do not allow for the density to make townhomes, duplexes, and small multi-family developments affordable and financially feasible. Other unit types, such as Accessory Dwelling Units, are also currently prohibited from most areas of the city, in particular areas of high opportunity. Additionally, large sections of the city are zoned for a low-density residential land use pattern that requires lots of at least 10,000 square feet. Allowing for these lots to be subdivided into two buildable lots, could increase the density and housing options in a neighborhood without significantly impacting the scale of the buildings.</p>	<p>Not Consistent</p>	<p>This section of the plan identifies barriers to affordable and middle-income housing. This section speaks to density limits as impacting the availability of such housing, specifically in the RMF zoning districts, which this property is currently located in. This property has a lot area of approximately 3,628 square feet, making it too small to support duplex or multi-family development, even though both of those land uses are permitted in the district. However, the proposal is to remap the property to a commercial zoning district, which would facilitate removing an existing housing unit and replacing it with a commercial land use. The existing use as a single-family dwelling would also become a legal non-conforming use under the proposed CN zone.</p>
<p>Housing Crisis Section Summary: The city is in an affordable housing crisis and if growth projections are correct, it will not improve unless bold and strategic measures are developed and enacted. Solutions must include using zoning ordinance to provide a mix of housing types in an effort to relieve the pressure put upon existing housing, creating sustainable and significant funding sources, preventing and diverting low income families from entering homelessness, and creating</p>	<p>Not Consistent</p>	<p>The zoning change would support the conversion of this property from a residential use to a commercial use, potentially reducing the total number of housing units available in the City.</p>

innovative housing for all income types.		
GOAL 1: Increase housing options: Reform city practices to promote a responsive, affordable, high-opportunity housing market	Not Consistent	Proposal does not support broad goal of increasing housing options. The proposed zoning map and master plan amendment would support a decrease in the City's housing options by allowing the property to be converted to a commercial use.
Objective 1: Review and modify land-use and zoning regulations to reflect the affordability needs of a growing, pioneering city	Not Consistent	The proposed zoning change would potentially lead to the removal of a housing unit in order to introduce a commercial use to the property. This would decrease the supply of housing in the City and contribute to price pressure on other existing housing.
1.1.1 Develop flexible zoning tools and regulations, with a focus along significant transportation routes.	Neutral	The policy says that transportation routes should be a focus (or a priority), for infill zoning to support new housing but it does not specifically discuss whether it is also appropriate for primarily commercial zoning to be put in place.
1.1.2 Develop in-fill ordinances that promote a diverse housing stock, increase housing options, create redevelopment opportunities, and allow additional units within existing structures, while minimizing neighborhood impacts.	Not Consistent	The policy identifies in-fill ordinances as those that help increase the number of units on particular parcels throughout the City, and in particular “missing middle” types of housing – accessory dwelling units, duplexes, tri-plexes, and small apartment buildings. The proposed zoning map and master plan amendment would remap the property from a zoning district that supports the development of some of those “missing middle” types of housing (RMF-30) to one that would outlaw these types of housing and permit a conversion of the property to a commercial land use.
Objective 3: Lead in the construction of innovative housing solutions	Not Consistent/ Neutral	The proposed zoning map and master plan amendment would not necessarily support the construction of new housing. The building is listed as a contributing structure to the Central City Local Historic District, and seeking demolition approval by the Historic Landmark Commission would be difficult. The existing RMF-30 zoning permits the development of several different types of housing, while the proposed CN zoning would outlaw most types of housing. The rezone would also introduce several new commercial land uses as permitted uses, which would mean the property could be converted to solely commercial use. CN permits a land use called “mixed use development,” which would permit the property owner to have commercial and residential land uses on the same

		property, but only as it is defined under that land use classification.
<p>Goal 3: Equitable and Fair housing: Build a more equitable city</p> <p>Objective 3: Implement Life cycle Housing principles in neighborhoods throughout the city</p> <p>Plan Narrative: <i>Salt Lake City should be a place where residents are not stifled in their housing choice, because certain neighborhoods are not conducive to their stage of life.</i></p> <p><i>The goal with this objective is to enable a diversity of housing types that responds to housing needs, allowing individuals to stay in their communities as their housing needs evolve.</i></p> <p><i>The Kem C. Gardner Policy Institute’s demographic projections show a growing senior population statewide, and while we know from the housing market study that Salt Lake City’s percentage of seniors (10% of total population) is relatively low compared to other municipalities in the state, the City will begin anticipating the needs of a growing senior community. However, seniors are not the only population that is demanding a different type of housing. Across the country there are trends for micro housing, community style living, generational housing to accommodate aging parents, and intentional community and living space that co-exist (like a day care in a Senior Center). There is not one way to achieve life cycle housing, but infinite possibilities and it is the goal to engage the community in way that not only fosters the possibility, but creates policy that allows for the building.</i></p>	Not Consistent	<p>The existing RMF-30 zoning allows for a mix of housing types, even if the subject property is too small to support many of those types of housing per the density requirements of the district. The proposed zoning map and master plan amendment would result in a zoning that outlawed many housing types, made the existing single-family dwelling a legal non-conforming use, and permit a commercial conversion of the property.</p>
<p>3.3.1</p> <p>Support diverse and vibrant neighborhoods by aligning land use policies that promote a housing market capable of accommodating residents throughout all stages of life.</p> <p><i>Plan Narrative: In order to truly encourage new types of housing that considers cost, energy efficiency, and accessibility, a strong land use and</i></p>	Not Consistent	<p>The proposed zoning map and master plan amendment would result in a zoning map that was less aligned with policies promoting a housing market capable of accommodating residents throughout all stages of life, by rezoning from a residential zoning district that is designed to support multi-family housing to a commercial zoning district that does not permit most types of housing.</p>

<p><i>zoning foundation must be laid that supports new types of building. The City must also understand how the type of housing being produced and home prices align with changing household dynamics. An understanding of housing demand and gaps in the housing market will inform land use decisions and priorities, including the disposition of City owned property.</i></p> <p><i>As resources are aligned a program will be structured that encourages new ways of adaptive re-use or new build through the use of City-owned land and request for proposals. This shift in programming will also closely align with the Housing Innovation Lab as life cycle housing is not just applicable to low-income populations, but for every resident in the City.</i></p>		
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ATTACHMENT F: Public Process & 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 since the applications were submitted:

- April 28, 2022 – The Liberty Wells and Central City Community Councils were sent the 45 day required notice for recognized community organizations. Neither council provided comments.
- April 28, 2022 - Property owners and residents within 300 feet of the development were provided early notification of the proposal.
- April – October 2022 – The project was posted to the Online Open House webpage.

Notice of the public hearing for the proposal included:

- October 12, 2022
 - Public hearing notice sign posted on the property
- October 13, 2022
 - Public hearing notice mailed
 - Public notice posted on City and State websites and Planning Division list serve

Public Input:

Staff received three emailed comments regarding this proposal. They are attached below for review. Staff also discussed concerns and questions related to this proposal with several people over the phone.

From: [REDACTED]
To: [McNamee, Michael](#)
Subject: (EXTERNAL) 865 S 500 E
Date: Monday, June 13, 2022 1:26:52 PM

Michael

I'm emailing to voice my support for the rezone at 865 S 500 E.

I live in the Central City neighborhood and love the small-scale commercial buildings we have scattered throughout the neighborhood. It makes Central City the most walkable neighborhood in the state and adds to its vibrancy.

Since it's in the historic district and a contributing building, I also hope we will see the character of the building preserved as much as possible. Small homes that are repurposed into commercial buildings like Beltex Meats nearby add to the area's charm.

Thanks

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[REDACTED] [r](#)

From: [REDACTED]
To: [McNamee, Michael](#)
Subject: (EXTERNAL) Proposal for 865 S 500 E
Date: Wednesday, May 11, 2022 12:17:54 PM

Hello!

I live next door to the home being considered for zoning redistricting and would like to give my concerns. Although I can understand the property owners standpoint, there are many factors he has not considered and the way it would negatively impact us as neighbors. The primary issue is parking. There is little parking as it is for the two established businesses on the corner properties. That leaves parking on the curb in front of our house as the alternative, and it is often full, especially on weekends. There is zero parking for the 865 house because of the bus stop in front of it.

With a business in that home, the parking issue will only increase and I foresee congestion being a problem. We entertain and host quite a bit and our guests often have a hard time finding parking.

The property owner mentioned the bus stop in his proposal. I would like to point out that it was he who poured the concrete slab. We had hoped a tree would be planted on the parking strip behind the bus stop, or that some landscaping could be done to offer a barrier between the homes and stop. The city left space for that option. It is not correct to blame the city for making that space unattractive and unusable for residential purposes. The city also tried to erect that bus stop on the edge of the business on the corner, Tradition, instead of in front of the house and the property owner made quite a huge fuss about it and insisted it couldn't go there. He demanded the bus stop be put in front of the house instead. Work was already started on the stop when he came and insisted they start over. His reasoning was that it would be bad for business to have a bus stop in front of the restaurant.

The next issue, coinciding with the bus stop, is garbage. The businesses next door already use the driveway for the 865 home to bring their garbage to the curb, and since the bus stop is there, the cans must be place over in front of our property. With another business, there will be an increase in waste, and more debris potentially falling into our yard for me to clean up, as sometimes already happens. There isn't any more room for any more cans anyway.

The last consideration is our privacy. We have a young daughter, and we as a family are often outside in our yard, and on our front porch...everyday that the weather allows. Putting a business next door will decrease our privacy and make being outside much less enjoyable due to a steady influx of strangers coming and going, and possibly lingering.

We are grateful to live in this neighborhood, and our family would be delighted to have another family or single tenant as a neighbor, but dearly do not want a business. Please also consider the importance of housing, which is so hard to get in salt lake anyway right now, and long term community and keep the 865 home residential.

Thank you for your time and consideration.

Kindly,
Vanessa

From: [Casey McDonough](#)
To: [McNamee, Michael](#)
Subject: (EXTERNAL) Re: Planning Petition (PLNPCM2022-00301 and PLNPCM2022
Date: Wednesday, June 15, 2022 3:14:18 PM

Michael,

I wanted to ask a question and give comment for this proposed zoning change.

First, my questions. Did the applicant say why they wanted to make the zoning change? Is it because they want to put a business into the historic home? Is this home a contributing structure in the historic district?

My comment would be that I think having another business at that corner would be fine, but only if the building is a contributing structure in the historic district so it is protected from being remodeled or changed in a way that would destroy its historic character and context in the historic district.

Let me know on my questions and thanks.

Casey O'Brien McDonough

[REDACTED]
[REDACTED]

ATTACHMENT G: Department Review Comments

This proposal was reviewed by the following departments. Any requirement identified by a City Department is required to be complied with.

Engineering:

No objections.

Fire:

No comments at this stage; however, any change in use or application of a building permit may result in comments or corrective action items

Building Services:

No comments from Building Services for this stage of the proposal.

Police:

The Police Department has no issues or concern with the requested change.

Public Utilities:

No public utility objections to the zoning and master plan amendment. Increase density or change of use will likely require offsite improvements to provide adequate capacity for fire protection or increased demand.

Transportation:

All parking for whatever uses may occur on this property if a rezone/master plan amendment occurs must be contained on-site. There is no on-street parking available in front of this property.

Housing Stability:

Salt Lake City is committed to increasing the number of residential units, increasing the number of affordable units, and increasing equity in housing.

This rezone request would result in the loss of 1 current residential unit for the purpose of non-residential use of the property, and thus subject to the City's Housing Loss Mitigation Code, 18.97.

ATTACHMENT H: Housing Loss Mitigation Report



Housing Loss Mitigation Report

PLANNING DIVISION
DEPARTMENT of COMMUNITY and NEIGHBORHOODS

865 S 500 E - Zoning Map Amendment

Petition PLNPCM2022-00301

PROJECT DESCRIPTION

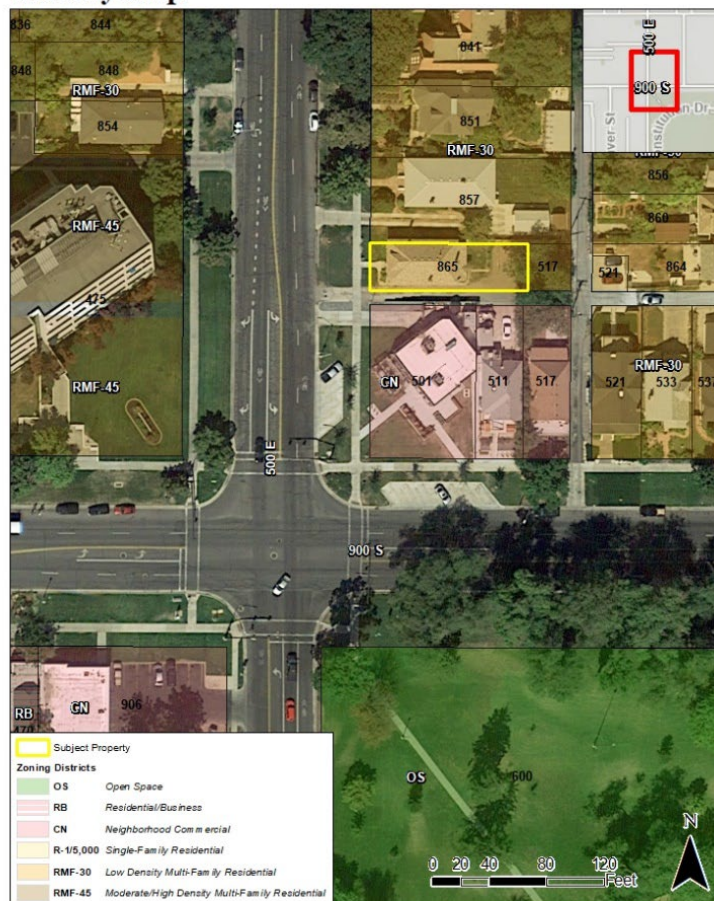
Existing Conditions

Salt Lake City has received a request for a zoning map amendment (Rezone) from Rick Service, the property owner, to rezone the property located at approximately 865 S 500 East as follows:

- Existing zoning – RMF-30 (Low Density Multi-Family Residential District)
- Proposed zoning – CN (Neighborhood Commercial District)

The applicant has indicated that he intends to convert the existing single-family dwelling, built in 1905 and listed as a contributing structure to the Central City Local Historic District, to a commercial use if the proposed map amendment is approved. The specific commercial use is to be determined and submitted to the City at a later date.

Vicinity Map



Proposed Zoning Map Amendment

There is not a requirement in the CN zone to include residential uses in new development so a development that includes no residential use would be allowed. Because this application is a “petition for a zoning change that would permit a nonresidential use of land,” a Housing Loss Mitigation Plan is required. Housing Loss Mitigation Plans are reviewed by the City’s Planning Director and the Director of Community & Neighborhoods. The plan includes a housing impact statement and a method for mitigating residential loss.

HOUSING IMPACT STATEMENT

Housing Mitigation Ordinance Compliance

The Housing Mitigation Ordinance requires a housing impact statement which includes the following:

1. Identify the essential adverse impacts on the residential character of the area subject of the petition;

The site of the proposed zoning map amendment is located mid-block, in an area that currently consists primarily of low-scale residential development. A commercial use, as proposed by the applicant, would be inconsistent with the Central Community Master Plan. The CN Zone does not allow standalone residential development. Residential would only be permitted as part of a “mixed use development.” If the rezone were approved and the property were converted to a commercial use, it could not be converted back under the current CN standards.

2. Identify by address any dwelling units targeted for demolition, following the granting of the petition;

865 S 500 East, which contains a single-family dwelling.

3. Separately for each dwelling unit targeted for demolition, state its current fair market value, if that unit were in a reasonable state of repair and met all applicable building, fire, and health codes;

According to Salt Lake County Assessor Records, the building value of the single-family dwelling is \$246,300.

4. State the number of square feet of land zoned for residential use that would be rezoned or conditionally permitted to be used for purposes sought in the petition, other than residential housing and appurtenant uses; and

The proposed rezone would see approximately 3,628 square feet of land converted from RMF-30 to CN.

5. Specify a mitigation plan to address the loss of residentially zoned land, residential units, or residential character.

Section 18.97.130 outlines three options for the mitigation of housing loss. These options are:

- A. Construction of replacement housing,*
- B. Payment of a fee based on difference between the existing housing market value and the cost of replacement, and*
- C. Payment of a flat mitigation fee if demonstrated that the costs of calculating and analyzing the various methods of mitigation are unreasonably excessive in relationship to the rough estimated costs of constitutionally permitted mitigation.*

Discussion:

Option A - The applicant proposes to eliminate the existing housing unit without replacing it. Staff has discussed the possibility of attaching a residential unit to the new commercial use, but the applicant feels that given the small size of the property it would not be feasible to do so. The applicant has expressed that it is unlikely he would be able to satisfy the requirements of the Housing Loss Mitigation Ordinance under Option A.

Option B - Under this option, the applicant would pay into the City’s Housing Trust Fund an amount calculated as the difference between the market value of the home, as determined by the Salt Lake

County Assessor's Office, and the replacement cost of building a new dwelling unit of similar size and meeting all existing building, fire, and other applicable law (excluding land value).

The Salt Lake County Assessor's Office shows the market value of the single-family dwelling as \$246,300.00, which does not include the market value of the land.

The replacement cost is calculated using the Building Valuation Data published by the International Code Council. The most recent data from the ICC was published in August 2022 and indicates that the construction cost per square foot for R-3 (One- and Two-family Dwellings) Type VB is \$166.08/SF of finished floor area and \$31.50/SF of unfinished floor area. This rate considers only the costs of construction and does not include the land costs. Type VB is the typical construction type for residential buildings due to the use of the building and the occupant load.

Market value of the property (based on County assessment) = \$246,300.00

Replacement cost (1,053 finished + 300 unfinished) = \$184,332.24

Difference = \$61,967.76

Because market value exceeds the replacement cost of the existing single-family home, a mitigation fee equal to the difference would be required.

FINDINGS

Planning Staff is recommending that the Planning Commission forward a negative recommendation regarding the rezone to the City Council because the proposal is not consistent with the City's master plans. However, consideration must be given to the following findings if the rezone is approved:

- The proposed rezone could result in a net loss of one dwelling unit.
- Options A & B of the Housing Loss Mitigation ordinance have been considered.
- The applicant is proposing to convert the one existing dwelling unit into a commercial use and does not intend to build a replacement unit on site or elsewhere in the city, which eliminates Option A.
- Option B shows that the replacement cost of the existing housing unit is less than the market value of the structure, and therefore a mitigation fee would be required.

DETERMINATION OF MITIGATION

Based on the findings outlined in this report, the Director of Community and Neighborhoods has determined the applicant should pay into the City's Housing Trust Fund the amount of \$61,967.76 before the proposed rezone is approved.



Blake Thomas
Director of Community and Neighborhoods

Date: October 18, 2022



The single-family dwelling located at 865 S 500 East