SALT LAKE CITY COUNCIL STAFF REPORT

DATE:	**August 9, 2005**
SUBJECT:	**Petition No. 400-04-37 – A request by Mr. Victor Kimball to amend the zoning from Special Development Pattern Residential District (SR-3) to Downtown Support District (D-2) for the rear portion of the properties located at 850, 854, and 858 Edison Street, and to amend the Central Community Master Plan (1974).**
AFFECTED COUNCIL DISTRICTS:	District 4
STAFF REPORT BY:	Jennifer Bruno, Policy Analyst
ADMINISTRATIVE DEPT. AND CONTACT PERSON:	Planning Division, Elizabeth Giraud, Senior Planner
NOTICE REQUIREMENTS:	Newspaper advertisement and written notification to surrounding property owners 14 days prior to the Public Hearing

POTENTIAL MOTIONS:

1. **["I move that the Council"]** Adopt an ordinance rezoning the rear portions of the properties located at 850, 854, and 858 Edison Street, from Special Development Pattern Residential (SR-3), to Downtown Support District (D-2).

2. **["I move that the Council"]** Not adopt an ordinance rezoning the rear portions of the properties located at 850, 854, and 858 Edison Street, from Special Development Pattern Residential (SR-3), to Downtown Support District (D-2).

UPDATE

Mr. Kimball has provided the Council with a memo with updated information and letters of support for his petition (see attached). Included is a letter of support from the Baron's Motorcycle Club, as well as a statement of support from Salt Lake City Police Detective Michelle Ross. (note: Council Staff has requested a clarification of the formal position of the Police Department.) Also included is a letter from appraiser Paul Thurston of First Interstate Financial, indicating that in his opinion the value of the properties on Edison Street would not be adversely affected should the rear portions of those properties be rezoned.

MATTERS AT ISSUE

The following issues have been raised at the work session briefing and since:

A. *Commercial vs. Residential Priority* – The City has put CDBG money towards reconstructing Edison Street in an effort to help stabilize a still-struggling residential neighborhood. Typically the City encourages commercial uses to remain in commercial zones. The Council may wish to consider weighing commercial development pressures with the residential neighborhood preservation efforts the City has already undertaken.
B. *Parking Spaces* – One of the major reasons the petitioner is requesting to expand the commercial zoning is to fit the 57 parking spaces that Family Dollar is requiring. Mr. Kimball has indicated that he has spoken with Family Dollar about reducing the parking required, and has not received a favorable response. The Council may wish to ask the petitioner to enter into more serious negotiations with Family Dollar to reduce the required parking, particularly because a similar store of a similar size to the proposed store located at 800 East 200 South has only 23 parking spaces.
C. *Residential Impact* – The current proposal would bring the rear wall of the Family Dollar store building to just under 20 feet from the rear of the homes on the Edison Street properties. The petitioner indicated in the July 7 briefing that this building would likely be 18.5 feet high. The Council may wish to consider asking the petitioner to plan for a buffering treatment to minimize the impact on the rear yards of the homes on Edison Street.(trees, plantings, vines).
D. *Other D-2 Businesses* – Should the petitioner not follow through with the Family Dollar store plan, or should the property change owners at some point in the future, the following businesses are also permitted uses in the D-2 district: medical offices, gas stations, retail, pawn shops, drive through restaurants, private clubs, taverns, automobile repair shops, dry cleaners. The maximum allowable building height is 65 feet and there is no minimum rear yard requirement. The Council may wish to consider the impact that future commercial businesses could have on the existing residential properties.

The following information was provided previously for the Council Work Session on July 7, 2005. It is provided again for your reference.

KEY ELEMENTS:

E. An ordinance has been prepared for Council consideration to:
    1. Rezone the rear portions (approximately 69 feet of the total 157' parcel length) of the properties located at 850, 854, and 858 Edison Street, from Special Development Pattern Residential (SR-3), to Downtown Support District (D-2). The size of the land to be rezoned is 7,677 square feet (.18 acres).
    2. Amend the Salt Lake City Zoning Map to be consistent with the rezoned portion of the property.
    3. Amend the Central Community Development Plan to be consistent with the rezoned property.

B. This action would facilitate development of a single-level 8,000 square foot Family Dollar store to be located at 845-851 South State Street. The store would have 57 off-street parking spaces.
    1. The Family Dollar Store could not fit on the existing State Street properties because of the amount of parking required by the corporation.
    2. Expanding the D-2 zoning area would provide enough room for the required parking. Access to this parking would be solely from State Street.
    3. In addition to re-zoning the property, subdivision approval is required through a separate petition to the Planning Commission, in order to combine the current five parcels into four (enlarging the parcel located along State Street and reducing the size of the parcels located along Edison Street), before the Family Dollar store could be built.

C. The Planning Commission voted 4-2, to forward a negative recommendation to the City Council regarding the rezoning request despite Planning staff's recommended approval of the request.

D. Key points from the administration's transmittal and Planning staff report are summarized below:

1. The initial proposal called for demolition of the two homes located at 850 and 854 South Edison Street, to provide access *through* the site from State Street to Edison Street. Planning staff did not support this proposal based on the loss of the two housing units and the adverse impact it would have on Edison Street. The applicant subsequently submitted the current proposal – to rezone only the rear portions of the Edison Street properties, and not to create access through the site between State Street and Edison Street.

2. Under the current proposal sole access to the proposed Family Dollar store would be from State Street, through a shared drive with the property to the north (835-841 S. State Street), which the applicant also owns. This access satisfies a UDOT requirement made during conditional use approval for the car rental agency on that property (January 12, 2005).

3. The proposed Family Dollar store would be located at the eastern portion of the property, what would be the new property line between the State and Edison Street properties, as there are no yard requirements in the D-2 zoning district. The proposed commercial building would be just under 19 feet from the rear wall of the existing house at 854 Edison Street. (**See Attachment A**).

4. Surrounding zoning districts and land uses are as follows:

   i. North: D-2 Downtown Support District/Commercial (Proposed Enterprise Rent-A-Car)

   ii. South: D-2 Downtown Support District/Commercial (Artic Circle, Chevron, Emissions and Inspections)

   iii. East: SR-3 Special Development Pattern Residential District/Single-Family Low Density Residential

   iv. West: D-2 Downtown Support District/Commercial (Audio Specialists, Taco Time)

5. In 1995, the zoning for the Edison Street properties was changed from High Density Residential R-6 (as set forth in the Central Community Development Plan – 1974), to Special Development Pattern Residential SR-3.

   i. The proposed rezoning and subsequent subdivision action would reduce the size of the residential lots from an average of 5,953 square feet to an average of 3,931 square feet.

   ii. Overall, the average size of the residential lots on the west side of Edison Street is 5,911, and 4,269 on the east side.

   iii. The minimum lot size required in the SR-3 zone is 2,000 square feet.

6. The Planning staff report listed the following factors in support of the petition (the Planning Commission disagreed with factors i, ii, and iii – see item **G** below).

   i. The proposed amendment is consistent with the purposes, goals, objectives, and policies of the adopted general plan of Salt Lake City, as the development will allow for Downtown Support types of development while simultaneously maintaining the existing residential development pattern of Edison Street.

   ii. The proposed amendment is harmonious with the overall character of existing development in the immediate vicinity of the subject property, as the new retail establishment will be visually consistent with surrounding retail establishments along

State Street (with improved landscaping), while preserving the housing on Edison Street.

iii. The proposed amendment minimizes the adverse impact on adjacent properties, particularly those residential land uses to the east. The commercial establishment will be oriented toward State Street.

iv. Public facilities and services exist and are adequate to serve the proposed development.

7. A subsequent subdivision approval from the Planning Commission would be necessary to facilitate the development as proposed, should the Council approve the rezoning and map amendment.

E. The purpose of the Special Development Pattern Residential (SR-3) is to provide lot, bulk and use regulations in scale with the character of development located within the interior of city blocks. The development pattern of Edison street between 800 and 900 South is characterized by small, single-family homes, set on long, narrow lots (approximately 150 feet long by 41 feet wide).

F. The purpose of the Downtown Support District (D-2) is to accommodate commercial uses and associated activities that relate to and support the Central Business District but do not require a location within the Central Business District. Development within the D-2 Downtown Support Commercial District is less intensive than that of the Central Business District. The proposed development is a permitted use in the D-2 district.

G. On April 13, 2005, the Planning Commission held a public hearing regarding the proposed development, a preliminary subdivision application, and the rezoning request. The Planning Commission voted 4-2 to deny the preliminary subdivision application, and 4-2 to forward a *negative* recommendation to the City Council regarding the rezoning request.

1. Issues discussed included the development future for the area as well as community reaction to the proposal.

2. Other major issues discussed included the Planning staff report's findings with regard to the impact this proposed development would have on the surrounding neighborhood.

i. The Commissioners voting to deny the preliminary subdivision application stated that the proposed development did *not* appear to conform to the "well-defined character of the area."

ii. Commissioners also raised the concern for the potential decrease in value and desirability of existing affordable housing (due to smaller lot sizes than neighboring lots as well as the proposed store being located directly on the rear property line). It was stated that the size of the lots, though still above the minimum lot required by the SR-3 zoning district, would not provide as much of a buffer to commercial businesses fronting State Street.

iii. The Commissioners voting to deny the proposed rezoning stated disagreement with Planning staff's findings regarding standards for approval:

A. "The proposed amendment is consistent with the purposes, goals, objectives, and policies of the adopted general plan of Salt Lake City"

B. "The proposed amendment is harmonious with the overall character of existing development in the immediate vicinity of the subject property"

C. "The extent to which the proposed amendment will adversely affect adjacent properties"

iv. The Commissioners voting to deny the petition agreed that the rezoning would diminish the desirability of the existing affordable homes on Edison Street, adversely

affect these properties by reducing the buffer to commercial activity, and would result in a development pattern not harmonious with the rest of the development on Edison Street.

H. Transportation, Engineering, Police and Fire all recommended approval of the rezoning request, provided that all final plans conform to city codes and regulations. The Engineering Division noted that UDOT must approve the proposed drive approach on State Street, to ensure compliance with UDOT regulations.

I. The public process included presentations of the proposal to three Community Councils:

1. *Central City Neighborhood Council*: The initial proposal was presented on November 11, 2004, and the Council voted 5-4 against the petition. Planning Staff notified the Central City Neighborhood Council of the new proposal, and the Community Council failed to respond.

2. *Liberty Wells Community Council*: The initial proposal was presented to the Liberty Wells Community Council on October 13, 2004. Some members expressed concern that the Edison Street properties remain residential; others supported the proposal because it would mean the elimination of what they deemed "blighted buildings." No official vote was taken. The Liberty Wells Community Council Executive Committee did not consider it necessary for the petitioner to present the current proposal (March 15, 2005).

3. *People's Freeway Community Council*: The initial proposal was presented to the People's Freeway Community Council on March 3, 2005. The People's Freeway Community Council voted 5-0 in favor of the petition in the initial format and did not request that the developer return to present the current proposal.

MATTERS AT ISSUE/POTENTIAL QUESTIONS FOR ADMINISTRATION:

A. The Council may wish to discuss further with the Administration the standards for general zoning map amendments listed below, and the Planning Commission's voiced disagreement with the Planning staff's findings (detailed in Key Element **D.6.**):

1. "The proposed amendment is consistent with the purposes, goals, objectives, and policies of the adopted general plan of Salt Lake City."
2. "The proposed amendment is harmonious with the overall character of existing development in the immediate vicinity of the subject property."
3. "The extent to which the proposed amendment will adversely affect adjacent properties."

MASTER PLAN & POLICY CONSIDERATIONS :

A. The Central Community Development Plan (1974), as updated through the 1995 zoning rewrite project, identifies the property to be rezoned as Interior Block Special Residential, with the adjacent property fronting State Street identified as Downtown Support.

B. The State Street Plan (1990)

a. Neighborhood buffers: Preservation of the adjacent neighborhood is vital. It is essential that commercial and institutional intrusions be curtailed…Neighborhood transitional design features should also be installed to indicate clearly the boundaries between commercial and residential areas. Landscaped buffers of ten to fifteen feet between commercial and neighborhood areas should be a high priority.

b. Neighborhood Interface: One of the root causes of many problems along State Street is that most development almost totally ignores adjacent neighborhoods. Consequently,

some of State Street's greatest potentials lie in businesses that serve neighborhood and community needs.

C. The City's Comprehensive Housing Plan policy statements address a variety of housing issues including quality design, public and neighborhood participation and interaction, transit-oriented development, encouraging mixed-use developments, housing preservation, rehabilitation and replacement, zoning policies and programs that preserve housing opportunities as well as business opportunities.

D. The Council's growth policy notes that growth in Salt Lake City will be deemed the most desirable if it meets the following criteria:

   a. Is aesthetically pleasing;
   b. Contributes to a livable community environment;
   c. Yields no negative net fiscal impact unless an overriding public purpose is served; and
   d. Forestalls negative impacts associated with inactivity.

E. The City's 1990 Urban Design Element includes statements that emphasize preserving the City's image, neighborhood character and maintaining livability while being sensitive to social and economic realities.

CHRONOLOGY:

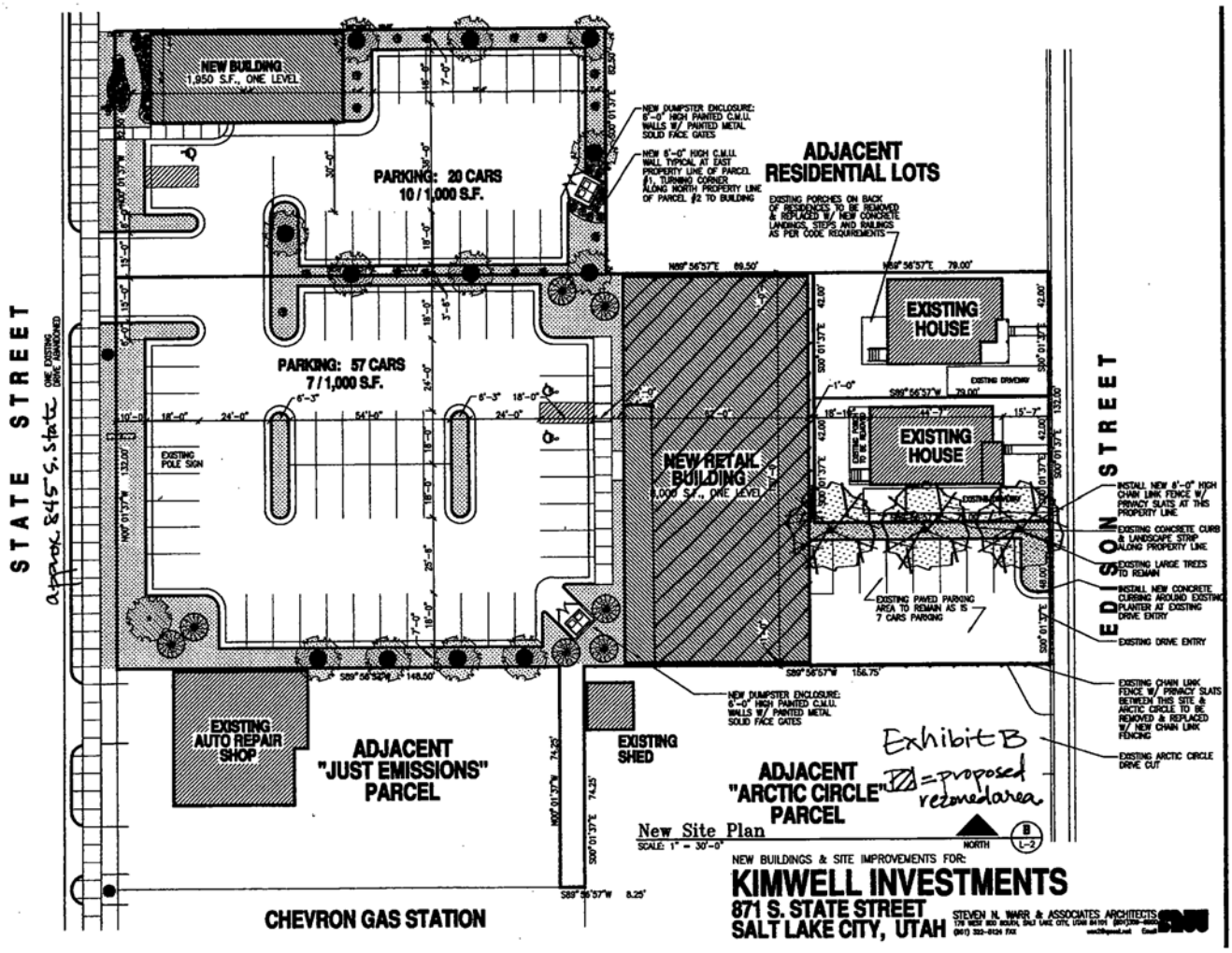
The following is a chronology of events relating to the proposed rezoning and master plan amendment. Please refer to the Administration's chronology for details.

• June 13, 2004	Petition received.
• Sept-Nov, 2004	Presentation of the petition to Liberty Wells, People's Freeway, and Central City Community Councils.
• March 3, 2005	Ordinance requested from the City Attorney.
• April 13, 2005	Planning Commission Hearing.

cc: Sam Guevara, Rocky Fluhart, DJ Baxter, Ed Rutan, Lynn Pace, Louis Zunguze, Brent Wilde, Doug Wheelwright, Janice Jardine, Elizabeth Giraud, Marge Harvey, Sylvia Jones, Jan Aramaki, Lehua Weaver, Gwen Springmeyer

File Location: Community Development Dept., Planning Division, Rezoning and Master Plan Amendment, Victor Kimball, 850, 854, and 858 Edison Street

Attachment A



DATE: August 1, 2005

TO: City Council

FROM: Victor Kimball
Southern Investment, LLC.
8 East Broadway, Suite 400
Salt Lake City, Utah 84111
(801) 355-4300
Kimball@itower.net

RE: Rezone the back lots of 850, 854, and 858 South Edison Street to a Commercial zone.

CASE NUMBER: 400-04-37

As owners of residential property on Edison Street, we desire that this property be partially re-zoned. As you can see from Attachment 1, a map of the proposed site, the re-zoning of the back portion of the lots on State Street will not diminish the value of homes in the area. (see also Attachment 2, letter from Paul Thurston – Banker/Appraiser) We believe that new construction would actually stimulate activity in the area, which would create a safer environment, and actually increase the value of these homes. It should also be noted that the remainder of the lots on Edison Street would be twice the size required for the existing residential zone.

Enclosed please find the following documentation *in favor* of re-zoning the properties located at approximately 845 S. State Street, and 850, 854 and 858 Edison Street.

- MAP OF PROPOSED SITE PLAN

  This site plan shows where the new buildings would be placed on the subject property. On this site plan, we have included a shared entry from State Street to each business. This is required by UDOT because State Street is a State road. Due to this joint access, the building needs to be set back to allow ingress and egress for truck deliveries.

- LETTERS FROM PROPERTY OWNERS IN THE AREA

We sent certified letters to all property owners on Edison Street and those abutting Edison Street. All were in favor of their properties being re-zoned commercial, or selling their property.

  - Edison Street consists of 17 lot owners, of which only 3 are owner occupied, 3 are vacant lots and 2 are boarded homes.

  - The Baron Motorcycle Club occupy the home across the street from the subject property. (see Attachment 3, letter of support for this zone change)

- OTHER APPROVALS

The Planning and Zoning Staff and Economical Development have recommended approval of this project.

- LETTER FROM THE SALT LAKE CITY POLICE DEPARTMENT

Detective Michelle Ross from the Salt Lake City Police Department states "There are many businesses surrounding this neighborhood. It is difficult to rehabilitate older residences for rent or sale in a heavily commercialized area. If there is an opportunity for new businesses to locate in this area, it appears that it would be an advantage to the neighborhood and the city. Some of the benefits new commercial construction brings to an area, other than new buildings, are improvements to lighting, landscaping, roadways, signage and legitimate traffic. Due to the current condition of the homes in this area, it does not appear to be economically viable to rehabilitate these homes. The cost of the rehabilitation would out weigh any future income or community benefits." (dated July 27, 2005)

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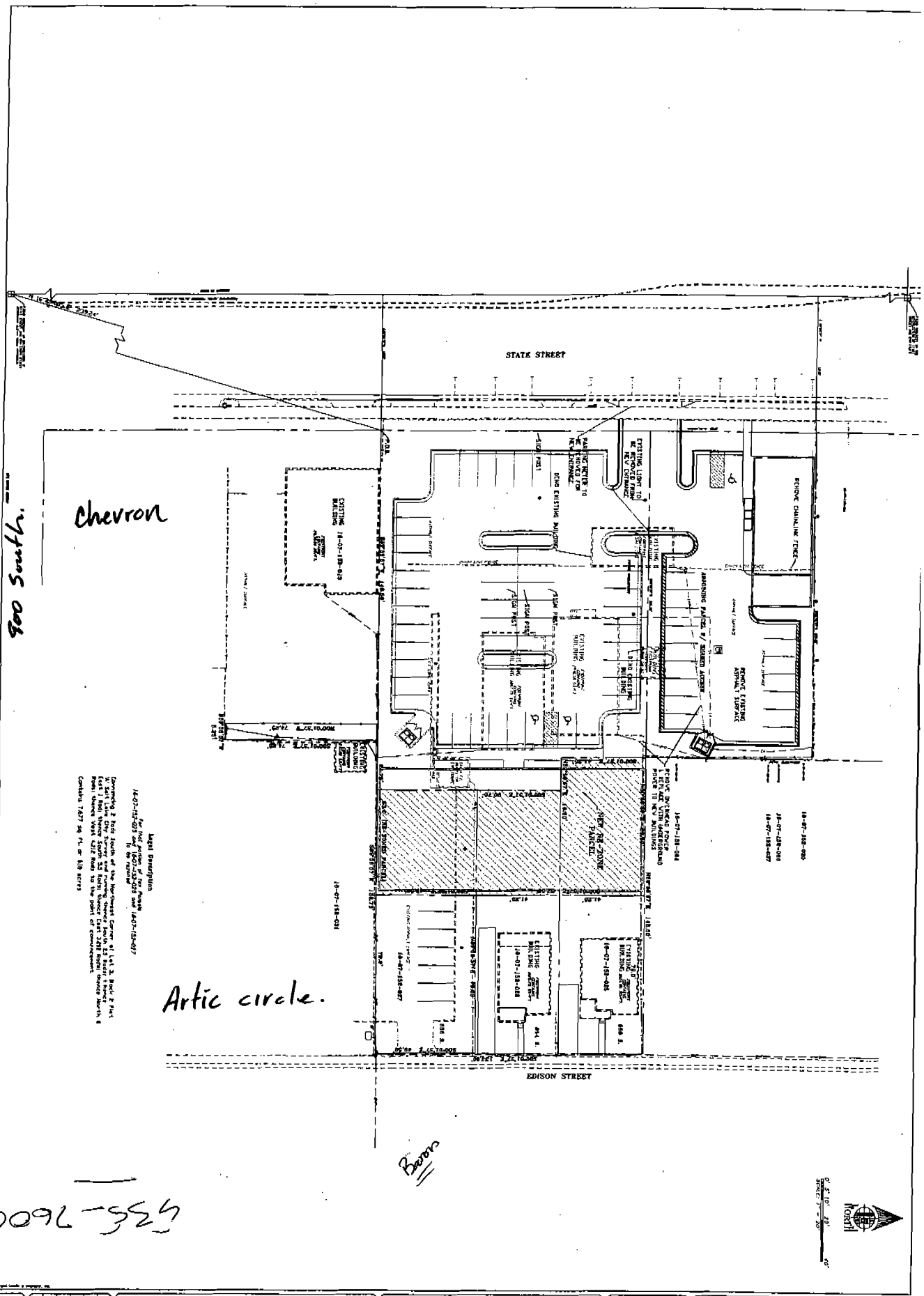


0091-555

SHEET S1 OF 1	JOB NO:	05449-04E	
	DATE:	11/11/04	
	SCALE:	1"=20'	
	DESIGNED:	CGL	
	DRAWN:	CGL	
	CHECKED:	CAM/CGL	

SUBDIVISION REZONING

ARGUILE/KIMWELL SUBDIVISION – 865 S. STATE STREET, SLC.

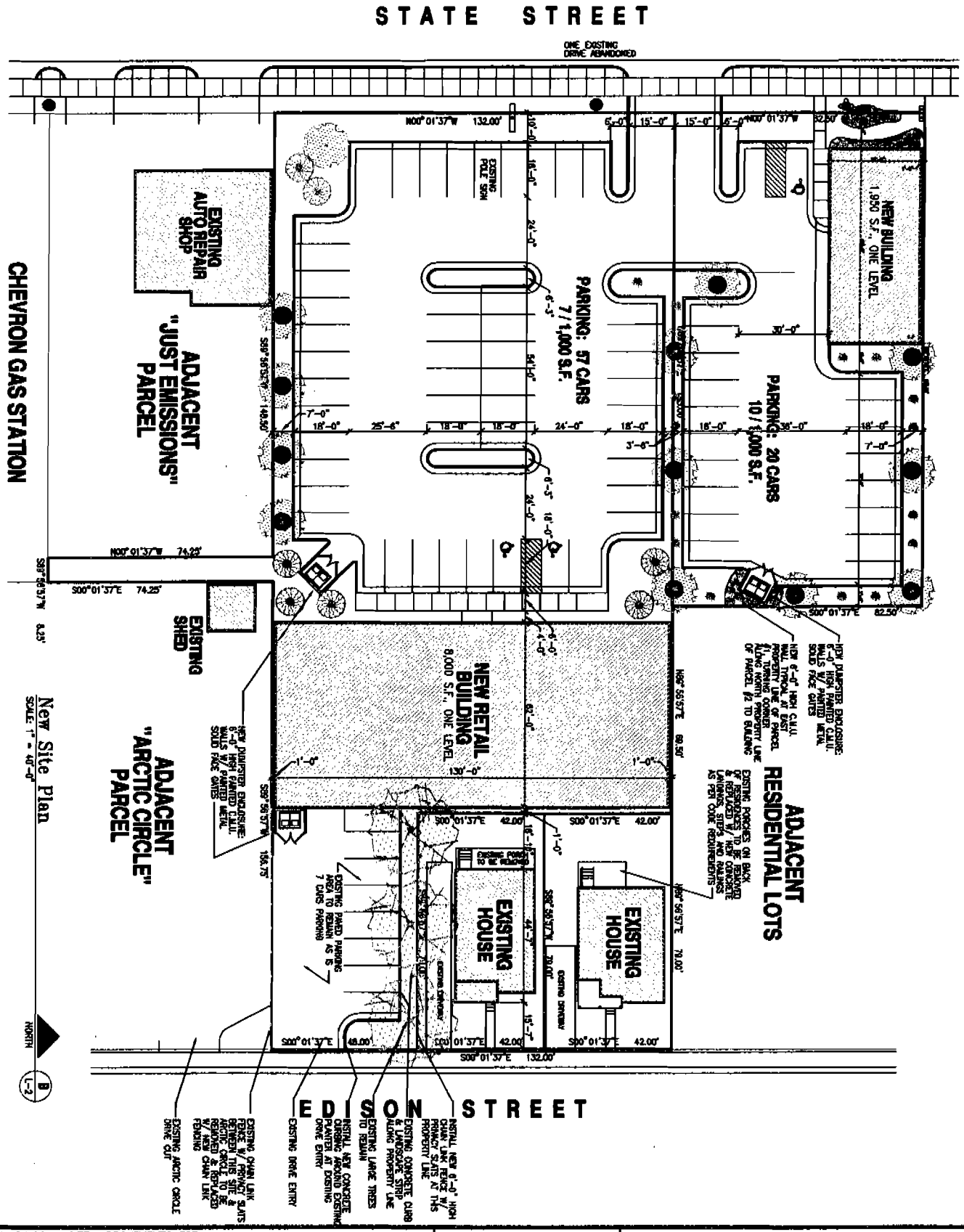
PREPARED FOR: KIMWELL CORPORATION
ATTN: VIC KIMBALL
8 EAST 300 SOUTH
SALT LAKE CITY, UTAH 84111

LOCATION: SECTION 7, TOWNSHIP 1 SOUTH, RANGE 1 EAST, SLB&M

1574 WEST 1700 South, STE 2D
SALT LAKE CITY, UTAH 84104
PHONE: (801) 972-9444
FAX: (801) 972-9454

LARSEN & MALMQUIST INC.
CIVIL ENGINEERS & LAND SURVEYORS

REV	DATE	DESCRIPTION
1	1-31-05	REZONE REVISIONS OF SLCPU AND UDOT
2	3-23-05	REZONE COMMENTS FROM REVIEW LETTER DATED 3-23-05



NEW BUILDINGS & SITE IMPROVEMENTS FOR:

KIMWELL INVESTMENTS

871 S. STATE STREET
SALT LAKE CITY, UTAH

NEW SITE PLAN

STEVEN N. WARR & ASSOCIATES ARCHITECTS
178 WEST 800 SOUTH, SALT LAKE CITY, UTAH 84101 (801)359-6900
(801) 322-5124 FAX wsn2@qwest.net Email

July 28, 2005

Victor Kimball
Kimball Investment Company
8 East 300 South, Suite 400
Salt Lake City, Utah 84111

Re: 850, 854, and 858 Edison Street

Dear Mr. Kimball:

You have asked me to give you my opinion as to the valuation of the properties on Edison Street if you were to remove the back portion of the lots as shown on the attachment.

First let me assure you of my qualifications. I have been in banking since 1977. I have worked with many financial institutions such as Valley Bank, Bank One, First Interstate Bank, Wells Fargo Bank and I currently own First Interstate Financial. I have been an Appraiser, certified by the State of Utah. My experience has primarily been in lending and appraising real estate.

With that being said, it is my opinion that the value of the remainder, being the homes and lot on Edison Street will not diminish in value as to what they could be sold for. It is also my opinion that doing a development on State Street using these rear lot portions would help increase the value of the properties on Edison Street.

Hopefully this will help you in your evaluation of the use of the property.

Sincerely,

Paul Thurston

encl: attachment

Victor Kimball
8 East Broadway, Suite 400
Salt Lake City, Utah 84111

Re: Zoning Change 850, 854, 858 South Edison Street

Dear Mr. Kimball,

This letter is in regards to a zoning change request for the above referenced parcels. As the owner of the adjacent property, we are in favor of the zoning change of the back portion of the lots located at 850, 854, and 858 South Edison Street as per the attached site plan, with the front portion to remain the same along Edison Street.

Regards,

James Parker
President, The Barons

View of back yards from commercial property

View of houses along the west side of Edison Street

A. LOUIS ZUNGUZE
PLANNING DIRECTOR

BRENT B. WILDE
DEPUTY PLANNING DIRECTOR

DOUGLAS L. WHEELWRIGHT, AICP
DEPUTY PLANNING DIRECTOR

SALT LAKE CITY CORPORATION
COMMUNITY DEVELOPMENT
PLANNING AND ZONING DIVISION

ROSS C. ANDERSON
MAYOR

CITY COUNCIL TRANSMITTAL

TO: Rocky Fluhart, Chief Administrative Officer **DATE:** May 27, 2005

FROM: Louis Zunguze, Community Development Director

RE: Petition 400-04-37: A Petition by Mr. Victor Kimball requesting to amend the zoning from Special Development Pattern Residential SR-3 District to Downtown Support D-2 District for the rear portion of the properties located at 850, 854, and 858 Edison Street and to amend the Future Land Use Map of the Central Community Master Plan (1974) to identify the properties subject to the rezoning as Downtown Support Commercial.

STAFF CONTACTS: Elizabeth Giraud, Senior Planner (535-7128)
e-mail: elizabeth.giraud@slcgov.com

RECOMMENDATION: The City Council should hold a briefing and schedule a public hearing regarding amendments to the Central City Community Zoning Map and the Central Community Master Plan (1974).

DOCUMENT TYPE: Ordinance

BUDGET IMPACT: None

DISCUSSION: ***Issue Origin:*** The applicant submitted a request to rezone three properties (850, 854 and 858 Edison Street) from SR-3 to D-2 for the construction of a Family Dollar Store. Initially, the applicant's proposal included providing access from State Street through the property to Edison Street and demolishing two single-family residences on Edison Street. The Planning Division staff did not support the application to rezone the entire subject properties on Edison Street based on the impacts it would have on the low-density residential development along Edison Street and the loss of two housing units. The applicant subsequently submitted the existing proposal to rezone the rear portion of the lots on Edison Street, moving the D-2 zone further east but maintaining the SR-3 yard area requirements of the Edison Street properties. The applicant stated that the building for the Family Dollar Store would not fit on the existing State Street property because of the amount of parking that the corporation requires, and thus it was necessary to enlarge the property and rezone it D-2. The Planning Division

supported the revised plan because no access would be allowed on Edison Street from State Street or the proposed business, the proposal did not require demolition of the housing units on Edison Street, and the Edison Street parcels could maintain the required minimum lot sizes in the SR-3 zone (2,000 square feet).

The revised request necessitated a subdivision amendment in order to accurately insure the land-use pattern and ownership and to avoid splitting the zoning on the Edison Street lots. The subdivision amendment was processed as a separate petition to the Planning Commission.

The area of land proposed for rezoning is 7,677 square feet or .18 acres. The area of the entire five properties (850, 854, and 858 Edison Street and 845 and 851 S. State Street) is 41,382 square feet or .95 Acres.

Analysis: The proposed rezoning would move the D-2 zone farther east to accommodate the construction of a Family Dollar Store. The rezoning would accommodate a retail establishment that is consistent with the commercial character of State Street in this block, and the required landscaping associated with the new development would improve this block of State Street. The proposed rezoning would also accommodate the continued residential uses on Edison Street, whose character is interior-court residential. The applicant intends to retain the existing dwellings on Edison Street, and thus the existing land uses of Edison Street would not change with the proposed rezoning.

Master Plan: The Future Land Use Map from the Central Community Development Plan of 1974, as amended in 1995 (Ordinance No 26, of 1995), identifies the properties subject to rezoning as Special Residential-Interior Court.

The draft Central Community Master Plan (2002) Future Land Use Map identifies the subject properties as Medium Density Residential/ Mixed Use with the State Street frontage properties identified as Central Business District Support development.

The additional property to be zoned D-2 will better accommodate a retail establishment along State Street. The proposed rezoning would allow for Downtown Support (current), Central Business District Support (draft) types of development while still maintaining the existing residential development along Edison Street, consistent with the intent of the master plan.

Public Process: The applicant solicited comment from three community councils: Central City, Liberty Wells, and People's Freeway. Regarding the initial proposal to allow access from State to Edison Street and rezone the entire area of the subject properties residential, the Liberty Wells Community Council stated that some members expressed concern that the Edison properties should be maintained as residential; other members supported the proposal because it meant the elimination of what they deemed "blighted buildings" in the middle of the block (October 13, 2004).

The Liberty Wells Community Council Executive Committee did not consider it necessary for the developer to return to their full council meeting to present the current proposal (March 15, 2005).

The People's Freeway Community Council voted in favor of the rezoning in the initial format and did not request that the developer return to present the current proposal (March 3, 2005).

The Central City Neighborhood Council voted 5-4 against the rezoning in the initial proposal on November 11, 2004. Staff notified the Central City Neighborhood Council via email of the new proposal. The Community Council failed to respond as to whether the applicant should present the current proposal to them.

The Planning Commission heard the petition on April 13, 2005. The Planning Commission voted 4-2 to deny the applicant's request to approve the minor subdivision, and voted 4-2 to forward a negative recommendation to the City Council to amend the zoning map as requested by the applicant. Those voting against forwarding a positive recommendation to the City Council for the rezoning request stated that reducing the size of the residential lots and building a retail store at the east property line of the reconfigured State Street property would compromise the desirability and value of the affordable housing found on Edison Street in the city. A Planning Commission member asserted the following opinion: "The symmetry of the lot sizes in this SR-3 area would be eliminated by the proposed rezoning, changing the complexion of the two homes across the street from the Club [the Barons' Motorcycle Club at 357 S. Edison Street] as they would no longer have yards the same size as their neighbors to the north." (The average size of the residential lots on the west side of Edison Street is 5,911 square feet. The average size of the residential lots on the east side of Edison Street is 4,269 square feet. The Edison Street subject properties would be reduced from an average of 5,953 square feet to an average of 3,931 square feet if the City Council approves the rezoning request and the lots are reconfigured through a minor subdivision process. The minimum lot size in the SR-3 zone is 2,000 square feet). Additionally, Planning Commission members stated that they found that the proposed rezoning amendment would not be harmonious with the overall character of existing development and will have an adverse impact on adjacent properties.

Relevant Ordinances: Amendments to the Zoning Maps are authorized under Section 21A.50 of the Salt Lake City Zoning Ordinance, as detailed in Section 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." It does, however, list five factors, which should be analyzed prior to rezoning property (Section 21A.50.050 A-E).

Based on these five factors, staff analyzed master plan considerations, existing and potential future development in the immediate vicinity, impacts to adjacent properties, applicable overlay zones, and the adequacy of existing services and facilities. The Planning Commission, however, overturned three of the staff's findings (Section 21A.50.050 A-C), to forward a negative recommendation to the City Council.

Nevertheless, the applicant has chosen to proceed with the process to the City Council for its final decision.

Section 21A.02.040 of the Salt Lake City Zoning Ordinance states that amendments to the zoning map should be consistent with the purposes, goals, objectives, and policies of the applicable adopted master plan of Salt Lake City. Therefore a master plan amendment is required via Utah State Code Annotated Section 10-9A-404 (Amendment of plan). The notification as required by State Law was met for the Master Plan Amendment.

CITY COUNCIL TRANSMITTAL

TO: Rocky Fluhart, Chief Administrative Officer **Date:**

FROM: Louis Zunguze, Community Development Director

RE: Petition 400-04-37: A Petition by Mr. Victor Kimball requesting to amend the zoning from Special Development Pattern Residential SR-3 District to Downtown Support D-2 District for the rear portion of the properties located at 850, 854 and 858 Edison Street and to amend the Future Land Use Map of the Central Community Master Plan (1974) to identify the properties subject to the rezoning as Downtown Support Commercial.

STAFF CONTACTS: Elizabeth Giraud, Senior Planner (535-7128)
e-mail: elizabeth.giraud@slcgov.com

RECOMMENDATION: The City Council should hold a briefing and schedule a public hearing regarding amendments to the Central City Community Zoning Map and the Central Community Master Plan (1974).

DOCUMENT TYPE: Ordinance

BUDGET IMPACT: None

DISCUSSION:

Issue Origin: The applicant submitted a request to rezone three properties (850, 854 and 858 Edison Street) from SR-3 to D-2 for the construction of a Family Dollar Store. Initially, the applicant's proposal included providing access from State Street through the property to Edison Street and demolishing two single-family residences on Edison Street. The Planning Division staff did not support the application to rezone the entire subject properties on Edison Street based on the impacts it would have on the low-density residential development along Edison Street and the loss of two housing units. The applicant subsequently submitted the existing proposal to rezone the rear portion of the lots on Edison Street, moving the D-2 zone further east but maintaining the SR-3 yard area requirements of the Edison Street properties. The applicant stated that the building for the Family Dollar Store would not fit on the existing State Street property because of

the amount of parking that the corporation requires, and thus it was necessary to enlarge the property and rezone it D-2. The Planning Division supported the revised plan because no access would be allowed on Edison Street from State Street or the proposed business, the proposal did not indicate demolition of the housing units on Edison Street, and the Edison Street parcels could maintain the required minimum lot sizes in the SR-3 zone (2,000 square feet).

The request necessitated a subdivision amendment in order to accurately insure the land-use pattern and ownership and to avoid splitting the zoning on the Edison Street lots. The subdivision amendment was processed as a separate petition to the Planning Commission.

The area of land proposed for rezoning is 7,677 square feet, or .18 acres. The area of the entire five properties (850, 854 and 858 Edison Street and 845 and 851 S. State Street) is 41,382 Square Feet, or .95 Acres.

Analysis: The proposed rezoning would move the D-2 zone farther east to accommodate the construction of a Family Dollar Store. The rezoning would accommodate a retail establishment that is consistent with the commercial character of State Street in this block, and the required landscaping associated with the new development would improve this block of State Street. The proposed rezoning would also accommodate the continued residential uses on Edison Street, whose character is interior-court residential. The applicant intends to retain the existing dwellings on Edison Street, and thus the existing land uses of Edison Street would not change with the proposed rezoning.

Master Plan: The Future Land Use Map from the Central Community Development Plan of 1974, as amended in 1995 (Ordinance No 26, of 1995), identifies the properties subject to rezoning as Special Residential- Interior Court.

The draft Central Community Master Plan (2002) Future Land Use Map, identifies the subject properties as Medium Density Residential/ Mixed Use with the State Street frontage properties identified as Central Business District Support development .

The additional property to be zoned D-2 will better accommodate a retail establishment along State Street. The proposed rezoning would allow for Downtown Support (current), Central Business District Support (draft) types of development while still maintaining the existing residential development along Edison Street, consistent with the intent of the master plan.

Public Process: The applicant solicited comment from three community councils: Central City, Liberty Wells, and People's Freeway. Regarding the initial proposal to allow access from State to Edison Street and rezone the entire area of the subject properties residential, the Liberty Wells Community Council stated that some members expressed concern that the Edison properties should be maintained as residential; other members supported the proposal because it meant the elimination of what they deemed "blighted buildings" in the middle of the block (October 13, 2004).

The Liberty Wells Community Council Executive Committee did not consider it necessary for the developer to return to their full council meeting to present the current proposal (March 15, 2005).

The People's Freeway Community Council voted in favor of the rezoning in the initial format, and did not request that the developer return to present the current proposal (March 3, 2005).

The Central City Neighborhood Council voted 5-4 against the rezoning in the initial proposal on November 11, 2004. Staff notified the Central City Neighborhood Council via email of the new proposal. The Community Council failed to respond as to whether the applicant should present the current proposal to them.

The Planning Commission heard the petition on April 13, 2005. The Planning Commission voted 4-2 to deny the applicant's request to approve the minor subdivision, and voted 4-2 to forward a negative recommendation to the City Council to amend the zoning map as requested by the applicant. Those voting against forwarding a positive recommendation to the City Council for the rezoning request stated that reducing the size of the residential lots and building a retail store at the east property line of the reconfigured State Street property would compromise the desirability and value of the affordable housing found on Edison Street in the city. A Planning Commission member asserted the following opinion: "The symmetry of the lot sizes in this SR-3 area would be eliminated by the proposed rezoning, changing the complexion of the two homes across the street from the Club [the Barons' Motorcycle Club at 357 S. Edison Street] as they would no longer have yards the same size as their neighbors to the north." [The average size of the residential lots on the west side of Edison Street is 5,911 square feet. The average size of the residential lots on the east side of Edison Street is 4,269 square feet. The Edison Street subject properties would be reduced from an average of 5,953 square feet to an average of 3,931 square feet if the City Council approves the rezoning request and the lots are reconfigured through a minor subdivision process. The minimum lot size in the SR-3 zone is 2,000 square feet]. Additionally, Planning Commission members stated that they found that the proposed rezoning amendment would not be harmonious with the overall character of existing development and will have an adverse impact on adjacent properties.

***Relevant Ordinances*:** Amendments to the Zoning Maps are authorized under Section 21A.50 of the Salt Lake City Zoning Ordinance, as detailed in Section 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." It does, however, list five factors, which should be analyzed prior to rezoning property (Section 21A.50.050 A-E).

Based on these five factors, staff analyzed master plan considerations, existing and potential future development in the immediate vicinity, impacts to adjacent properties, applicable overlay zones, and the adequacy of existing services and facilities. The Planning Commission; however, overturned three of the staff's findings (Section 21A.50.050 A-C), to forward a negative recommendation to the City Council. However,

the applicant has chosen to proceed with the process to the City Council for its final decision.

Section 21A.02.040 of the Salt Lake City Zoning Ordinance states that amendments to the zoning map should be consistent with the purposes, goals, objectives and policies of the applicable adopted master plan of Salt Lake City. Therefore a master plan amendment is required via Utah State Code Annotated Section 10-9A-404 (Amendment of plan). The notification as required by State Law was met for the Master Plan Amendment.

TABLE OF CONTENTS

Exhibit 1

CHRONOLOGY

Petition 400-04-37
Transmittal of Edison Street Rezoning Petition

CHRONOLOGY

PETITION 400-04-37
BY APPLICANT VICTOR KIMBALL OF SOUTHERN INVESTMENT, LLC

June 13, 2004	Planning Division receives application for rezoning and master plan amendment. Application includes a request to rezone the entire lots of the subject properties on Edison Street.
June – September, 2004	Planning Division works with applicant to find proposal that the Planning Division would support.
September 8, 2004	Liberty Wells Community Council discusses petition, but requests that proposal be discussed at October, 2004 meeting in order to advertise proposal on community council agenda.
October 6, 2004	Applicant presents petition to People's Freeway Community Council.
October 13, 2004	Liberty Wells Community Council discusses petition after including petition on agenda.
November 3, 2004	Central City Neighborhood Council discusses petition.
February 25, 2005	Planning Division staff notifies Liberty Wells, Central City, and People's Freeway community councils to inform the chairs of proposed changes to rezoning petition. Liberty Wells and People's Freeway informed staff they determined that having the applicant present to the full community council was unnecessary. Central City did not respond to staff's inquiry.
March 3, 2005	Planning Division requests ordinance from Attorney's Office.
March 14, 2005	Planning Division receives ordinance from Attorney's Office.
March 23, 2005	Petition placed on Planning Commission agenda; pulled due to failure to include reference to amend the future Land Use Map of the Central Community Development Plan from Medium Density Residential to Central Business District Support.
April 13, 2005	Planning Commission hears petition, and passed a motion to forward a negative recommendation to the City Council to deny the petition.
April 27, 2005	Planning Commission ratifies the minutes from the April 13, 2005 meeting.

Exhibit 2

PROPOSED ORDINANCE

SALT LAKE CITY ORDINANCE
No. _____ of 2005
(Rezoning properties generally located at 850, 854 and 858 South Edison Street)

AN ORDINANCE REZONING PROPERTIES GENERALLY LOCATED AT 850, 854 and 858 SOUTH EDISION STREET FROM SPECIAL DEVELOPMENT PATTERN RESIDENTIAL (SR-3) TO DOWNTOWN SUPPORT (D-2), AND AMENDING THE CENTRAL COMMUNITY DEVELOPMENT PLAN, PURSUANT TO PETITION NO. 400-04-37.

WHEREAS, the Planning Commission and the City Council of Salt Lake City, Utah, have held public hearings and have taken into consideration citizen testimony, filing, and demographic details of the area, the long range general plans of the City, and any local master plan as part of their deliberations. Pursuant to these deliberations, the City Council has concluded that the proposed change of zoning for the properties generally located at 850, 854 and 858 South Edison Street is appropriate for the development of the community in that area.

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. REZONING OF PROPERTIES. The properties generally located at 850, 854 and 858 South Edison Street, which are more particularly described on Exhibit A attached hereto, shall be and hereby are rezoned from special development pattern residential (SR-3) to downtown support (D-2).

SECTION 2. AMENDMENT TO ZONING MAP. The Salt Lake City Zoning Map, adopted by the Salt Lake City Code, relating to the fixing of boundaries and zoning districts, shall be, and hereby is amended consistent with the rezoning of properties identified above.

SECTION 3. AMENDMENT OF MASTER PLAN. The Central Community Development Plan, as previously adopted by the Salt Lake City Council, shall be, and hereby is amended consistent with the rezoning set forth herein.

SECTION 4. EFFECTIVE DATE. This Ordinance shall become effective on the date of its first publication.

Passed by the City Council of Salt Lake City, Utah this _____ day of _____, 2005.

_____
CHAIRPERSON

ATTEST:

_____
CHIEF DEPUTY CITY RECORDER

APPROVED AS TO FORM
Salt Lake City Attorney's Office
Date June 29, 2005
By Melanie Reif

Transmitted to Mayor on _____.

Mayor's Action: _____Approved. _____Vetoed.

_____
MAYOR

_____
CHIEF DEPUTY CITY RECORDER

(SEAL)

Bill No. _____ of 2005.

Published: _____.

I:\Ordinance 05\Rezoning 850, 854 and 858 South Edison Street - 06-29-05 clean.doc

EXHIBIT "A"

Legal description for that portion of tax Parcels 16-07-152-025 and 16-07-152-026 and 16-07-152-027 to be rezoned:

Commencing 2 rods South of the Northwest Corner of Lot 3, Block 2 Plat 'A' Salt Lake City Survey and running thence South 2.5 rods; thence East 1 rod; thence South 5.5 rods; thence East 3.212 rods; thence North 8 rods; thence West 4.212 rods to the point of commencement.

EM 5/10/05

Contains 7,677 sq. ft. or 0.18 acres.

Exhibit 3

CITY COUNCIL HEARING NOTICE

NOTICE OF PUBLIC HEARING

The Salt Lake City Council is considering Petition 400-04-37, to amend the text of the Zoning Ordinance to rezone approximately 69 feet of the rear portion of the property located at 850 S. Edison Street, and approximately 53 feet of the rear portion of the properties located at 854 and 858 S. Edison Street from SR-3 to D-2. The petition requires the amendment of the future Land Use Map of the Central Community Development Plan from Medium Density Residential to Central Business District Support, consistent with the portion of the property to be rezoned. The purpose of the request is to support a new retail establishment.

The area of land proposed for rezoning is 7,677 square feet, or .18 acres.

As part of their study, the City Council is holding an advertised public hearing to receive comments regarding the petition. During this hearing, the Planning staff may present information on the petition and anyone desiring to address the City Council concerning this issue will be given an opportunity to speak. The hearing will be held:

DATE:

TIME:

PLACE: Room 315
City and County Building
451 South State Street
Salt Lake City, Utah

Salt Lake City complies with all ADA guidelines. Assistive listening devices and interpretive services will be provided upon with 24 hours advance request.

If you have any questions relating to this proposal, please attend the meeting or call Elizabeth Giraud or Elizabeth.giraud@slcgov.com between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.

Exhibit 4

MAILING LABELS

Petition 400-04-37
Transmittal of Edison Street Rezoning Petition

Jeono + Ruth Orlando
2191 E. S340 S.
Holladay, UT
84117

Joe Coccimiglio
2126 E. Walker Lane
Holladay, UT
84117

Tony Vina
3751 S. Wasatch Blvd.
Salt Lake City, UT
84109

Amenti
918 S. Edison St.
Salt Lake City, Utah
84111

Amenti, Inc.
922 S. Edison St.
Salt Lake City, Utah
84111

Roman Catholic Bishop
of SLC
27 'C' Street
Salt Lake City, UT
84103

Millstream Properties LLC
380 E. Main St. #B-2nd fl.
Midway, Utah
84049

Elizabeth Girard
2561 E. Elm Ave.
Salt Lake City, UT
84109

Oscar + Josefina Rivera
9822 S. Darin Drive
Sandy, Utah
84070

Paill Plastow
1625 S. West Temple
Salt Lake City, Utah
84115

Brian Watkins
1744 S. 600 E.
Salt Lake City, UT
84105

Thomas Mutter
P.O. Box 2073
Salt Lake City, UT
84101

Southland Corp.
P.O. Box 711
Dallas, Texas
75221

Victor Kimball
8 E. 300 South #400
Salt Lake City, UT
84111

Downtown Alliance
Bob Farrington, Director
175 East 400 South #600
Salt Lake City, Utah 84111

Salt Lake Chamber of Commerce
175 East 400 South, Suite #600
Salt Lake City, Utah 84111

Attn: Carol Dibble
Downtown Merchants Association
238 South Main Street
Salt Lake City, UT 84101

Hispanic Chamber of Commerce
PO Box 1805
Salt Lake City, UT 84110

Vest Pocket Business Coalition
PO Box 521357
Salt Lake City, Utah 84152-1357

Sugar House Merchants Association
C/O Barbara Green
Smith-Crown
2000 South 1100 East
Salt Lake City, Utah 84106

Westside Alliance
C/O Neighborhood Housing Services
Maria Garcia
622 West 500 North
Salt Lake City, Utah 84116

Updated 10/05/04
KDC

AMENTI INC
2676 W 10TH PL
Suite
YUMA, AZ 85364-3335

CRAIG, E D & KRIS; JT
PO BOX 429
Suite
CENTERVILLE, UT 84014-0429

KETCHAM, JEFFREY J;
1165 E GENTILE
Suite
LAYTON, UT 84040-

KADDERLY, JENNIFER E
PO BOX 339
Suite
MIDVALE, UT 84047-0339

MILLSTREAM PROPERTIE
380 E MAIN STREET
Suite
MIDWAY, UT 84049-

SIU, GRACE
404 E 4500 S
Suite B10
MURRAY, UT 84107-2739

NINTH STREET DEVELOP LLC
404 E 4500 S
Suite B10
MURRAY, UT 84107-2739

SHAW HOMES INC
2504 W 14400 S
Suite
RIVERTON, UT 84065-5004

SNOWCAPPED REALTY HO LLC
844 S 200 E
Suite 100
SALT LAKE CITY, UT 84111-4225

142 EAST ASSOCIATES
244 W 400 S
Suite
SALT LAKE CITY, UT 84101-1823

VINA, TONY & SHERRY;
351 W 400 S
Suite
SALT LAKE CITY, UT 84101-1707

NINTH SOUTH PROPERTI
2055 E 6200 S
Suite
SALT LAKE CITY, UT 84121-2267

PETERSON, LAURIN A & LORETTA M; TR
128 E 800 S
Suite
SALT LAKE CITY, UT 84111-3810

ROUNDY, JASON
138 E 800 S
Suite
SALT LAKE CITY, UT 84111-3810

DARGER/NOLF LIMITED
174 E 800 S
Suite
SALT LAKE CITY, UT 84111-3898

GARFF ENTERPRISES IN
64 E 900 S
Suite
SALT LAKE CITY, UT 84111-4415

GREENER, PHIL C & BEVERLY A; JT
1088 S ALTON WY
Suite
SALT LAKE CITY, UT 84108-2069

ARGYLE LLC & SOUTHERN INVESTMENT LL
8 E BROADWAY ST
Suite 400
SALT LAKE CITY, UT 84111-2256

CRAIG C ARGYLE & STEVE C ARGYLE LL
8 E BROADWAY ST
Suite 400
SALT LAKE CITY, UT 84111-2256

ST GEORGE INN II, LL
8 E BROADWAY ST
Suite 400
SALT LAKE CITY, UT 84111-2256

BARONS MOTORCYCLE CL
508 N CENTER ST
Suite
SALT LAKE CITY, UT 84103-1719

HENSCHEL, WARREN E & MUFFI C; JT
829 S EDISON ST
Suite
SALT LAKE CITY, UT 84111-4204

PETERSON, ALLEN J & SHERRY J; JT
842 S EDISON ST
Suite
SALT LAKE CITY, UT 84111-4205

PARSHINGTSANG, TSERI
843 S EDISON ST
Suite
SALT LAKE CITY, UT 84111-4204

WHITTAKER, RICH J
1244 E KENSINGTON AVE
Suite
SALT LAKE CITY, UT 84105-2538

RESTORATION PARTNERS
48 W MARKET ST
Suite 200
SALT LAKE CITY, UT 84101-2143

CUNNINGHAM, ALMA K & (JT)
1257 S MONTGOMERY ST
Suite
SALT LAKE CITY, UT 84104-3340

KELLER, JEFFREY R & JAMES D; TC
2974 E MORNINGSIDE DR
Suite
SALT LAKE CITY, UT 84124-2102

GERSHMAN PROPERTIES
PO BOX 5333 MAPLI
Suite
BEVERLY HILLS, CA 90210-

WESTVIEW ASSOCIATES
756 S 200 E
Suite A
SALT LAKE CITY, UT 84111-3849

W MEEKS INVESTMENT C
560 S 300 E
Suite
SALT LAKE CITY, UT 84111-3570

S ROUNDY, JASON
138 E 800 S
Suite
SALT LAKE CITY, UT 84111-3810

ACCOUNTABLE CUSTOM R MGMT & MAINT
PO BOX 711904
Suite
SALT LAKE CITY, UT 84171-1904

AUTONOMY INC
PO BOX 711906
Suite
SALT LAKE CITY, UT 84171-1906

WAGNER BIOMEDICAL IN
PO BOX 711984
Suite
SALT LAKE CITY, UT 84171-1984

CASSITY, GEORGE S
801 S STATE ST
Suite
SALT LAKE CITY, UT 84111-4207

SMGA HOLDINGS, LC
801 S STATE ST
Suite
SALT LAKE CITY, UT 84111-4207

CRAIG, E D & KRIS; J
810 S STATE ST
Suite
SALT LAKE CITY, UT 84111-4208

NGUYEN, PHU V & TRAN, JENNIFER T; JT
825 S STATE ST
Suite
SALT LAKE CITY, UT 84111-4207

A W PROPERTIES, LTD;
3424 S STATE ST
Suite F
SALT LAKE CITY, UT 84115-4906

STANCHER, STEVE
8506 S 520 E
Suite
SANDY, UT 84070-0559

BONNIE F MILLER INVE LTD
40 W 9400 S
Suite
SANDY, UT 84070-2635

P&M LEASING, LLC
PO BOX 900013
Suite
SANDY, UT 84090-0013

BGY ASSOCIATES LC
PO BOX 900580
Suite
SANDY, UT 84090-0580

SIAL, ALTAF H
777 S STATE ST
Suite
SALT LAKE CITY, UT 84111-3821

MILLER, EDWARD; ET A
1068 S REMBRANDT LN
Suite
SANDY, UT 84070-5224

PETERSEN, RON B
3750 S 200 E
Suite
SOUTH SALT LAKE, UT 84115-48(

Exhibit 5

PLANNING COMMISSION

Petition 400-04-37
Transmittal of Edison Street Rezoning Petition

Exhibit 5a

PLANNING COMMISSION HEARING NOTICE AND POSTMARK

Petition 400-04-37
Transmittal of Edison Street Rezoning Petition

Newspaper Agency Corporation

143 SOUTH MAIN ST.
P.O.BOX 45838
SALT LAKE CITY, UTAH 84145
FED.TAX I.D.# 87-0217663

The Salt Lake Tribune — DESERET Morning News

CUSTOMER'S COPY

PROOF OF PUBLICATION

CUSTOMER NAME AND ADDRESS	ACCOUNT NUMBER	DATE
PLANNING DIVISION 451 SOUTH STATE STREET, ROOM 4 SALT LAKE CITY UT 84111	P5356184L-07	03/29/05

ACCOUNT NAME	
PLANNING DIVISION	
TELEPHONE	INVOICE NUMBER
801-535-6184	TL8202QL6N1
SCHEDULE	
START 03/29/05 END 03/29/05	
CUST. REF. NO.	
-	
CAPTION	
SALT LAKE CITY PLANNING COMMIS	
SIZE	
52 LINES 1.00 COLUMN	
TIMES	RATE
1	1.68
MISC. CHARGES	AD CHARGES
.00	92.36
	TOTAL COST
	92.36

SALT LAKE CITY
PLANNING COMMISSION
REZONE AND MASTER
PLAN AMENDMENT
PUBLIC HEARING

On Wednesday, April 13, 2005 at 5:45 P.M., the Salt Lake City Planning Commission will hold a hearing to take comment on Petition 400-04-37, requesting a zoning map amendment to rezone 69 feet of the rear portion of the property located at 850 South Edison, and 53 feet of the rear portion of the properties located at 854 South Edison and 858 South Edison Street, from Special Development Pattern (SR-3) Residential District to a Downtown Support (D-2) District, and to amend the future Land Use Map of the Central Community Development Plan from Medium Density Residential to Central Business District Support. All persons interested and present will be given an opportunity to be heard.

The hearing will be held in Room 326 of the Salt Lake City and County Building, 451 South State Street. Accessible parking and entrance is located on the east side of the building. Hearing impaired individuals who wish to attend this meeting should contact our TOD service number, 535-6021, four days in advance. For further information regarding this hearing, call Elizabeth Giraud at 535-7128.
8202QL6N

AFFIDAVIT OF PUBLICATION

AS NEWSPAPER AGENCY CORPORATION LEGAL BOOKKEEPER, I CERTIFY THAT THE A ADVERTISEMENT OF SALT LAKE CITY PLANNING COMMIS PLANNING DIVISION WAS PUBLISHED BY THE NEWSPAPER AGENCY CORPORATION, AGENT FOR THE SALT LAKE TRIBUNE AND DESERET NEWS, DAILY NEWSPAPERS PRINTED IN THE ENGLISH LANGUAGE WITH GENERAL CIRCULATION IN UTAH, AND PUBLISHED IN SALT LAKE CITY, SALT LAKE COUNTY IN THE STATE OF UTAH.

PUBLISHED ON START 03/29/05 END 03/29/05

SIGNATURE Sjanie Best

DATE 03/29/05

THE GREAT SEAL OF THE STATE OF UTAH 1896

Notary Public
SJANIE BEST
824 West Big Mountain Drive
Taylorsville, Utah 84123
My Commission Expires
November 19, 2006
State of Utah

THIS IS NOT A STATEMENT BUT A "PROOF OF PUBLICATION"
PLEASE PAY FROM BILLING STATEMENT.

NOTE: The field trip is scheduled to leave at 4:00 p.m.

AGENDA FOR THE
SALT LAKE CITY PLANNING COMMISSION MEETING
In Room 326 of the City & County Building at 451 South State Street
Wednesday, April 13, 2005, at 5:45 p.m.

The Planning Commission will be having dinner at 5:00 p.m., in Room 126. During the dinner, Staff may share general planning information with the Planning Commission. This portion of the meeting will be open to the public.

1. **APPROVAL OF MINUTES** from Wednesday, March 23, 2005

2. **REPORT OF THE CHAIR AND VICE CHAIR**

3. **REPORT OF THE DIRECTOR**

4. **PUBLIC NOTICE AGENDA** – NONE

5. **PUBLIC HEARINGS**

   a. **Petition No. 400-04-09 – Lowe's Home Improvement and Warehouse**, represented by Jim Manion, requesting that the City close California Avenue between 300 West and the UTA/Trax right-of-way at 200 West, Washington Street between California Avenue and 1400 South, and the alley located between 1300 South and California Avenue (adjacent to the west of the UTA/Trax right-of-way [200 West]), and that the City declare the closed portions of these streets as surplus property and sell these properties to Lowe's as the abutting property owner. The purpose of this request is to consolidate ownership of a site prior to construction of a new retail establishment. All properties are zoned General Commercial (CG). (Staff – Kevin LoPiccolo at 535-6003)

   b. **Petition No. 490-05-07 – Victor Kimball** requesting preliminary subdivision approval to combine the rear portion of the properties at 850, 854, and 858 Edison Street with the lots at 845 and 851 South State Street to create a larger commercial lot in the Downtown Support District (D-2) fronting State Street while maintaining three residential lots in the Special Development Pattern Residential District (SR-3) fronting Edison Street. (Staff – Elizabeth Giraud at 535-7128)

   c. **Petition No. 400-04-37 – Victor Kimball** requesting a zoning map amendment to rezone approximately 69 feet of the rear portion of the property located at 850 South Edison Street and approximately 53 feet of the rear portion of the properties located at 854 and 858 South Edison Street from Special Development Pattern Residential District (SR-3) to a Downtown Support District (D-2), and to amend the future Land Use Map of the Central Community Development Plan from Medium Density Residential to Central Business District Support, consistent with the portions of the property to be rezoned. The purpose of this request is to accommodate the construction of a new retail establishment. (Staff – Elizabeth Giraud at 535-7128)

   d. **Petition No. 410-718 – William Mantas** requesting conditional use approval to expand an automobile recycling business at 652 South Redwood Road in Commercial Corridor (CC) and Light Manufacturing (M-1) zoning districts. (Staff - Janice Lew at 535-7625)

6. **UNFINISHED BUSINESS**

For information on public or written comments and ADA accommodations, please see the reverse side of the agenda.

**PLEASE TURN OFF CELL PHONES AND PAGERS BEFORE THE MEETING BEGINS.
AT YOUR REQUEST A SECURITY ESCORT WILL BE PROVIDED TO ACCOMPANY YOU TO YOUR CAR AFTER THE MEETING. THANK YOU.**

Elizabeth Giraud

NOTICE OF HEARING

Salt Lake City Planning Division
451 South State Street
Salt Lake City, UT 84111

1. Fill out registration card and indicate if you wish to speak and which agenda item you will address.
2. After the staff and petitioner presentations, hearings will be opened for public comment. Community Councils will present their comments at the beginning of the hearing.
3. In order to be considerate of everyone attending the meeting, public comments are limited to 3 minutes per person per item. A spokesperson who has been asked by a group to summarize their concerns will be allowed 5 minutes to speak. Written comments are welcome and will be provided to the Planning Commission in advance of the meeting if they are submitted to the Planning Division prior to noon the day before the meeting. Written comments should be sent to:

   Salt Lake City Planning Director
   451 South State Street, Room 406
   Salt Lake City, UT 84111
4. Speakers will be called by the Chair.
5. Please state your name and your affiliation to the petition or whom you represent at the beginning of your comments.
6. Speakers should address their comments to the Chair. Planning Commission members may have questions for the speaker. Speakers may not debate with other meeting attendees.
7. Speakers should focus their comments on the agenda item. Extraneous and repetitive comments should be avoided.
8. After those registered have spoken, the Chair will invite other comments. Prior speakers may be allowed to supplement their previous comments at this time.
9. After the hearing is closed, the discussion will be limited among Planning Commissioners and Staff. Under unique circumstances, the Planning Commission may choose to reopen the hearing to obtain additional information.
10. Salt Lake City Corporation complies with all ADA guidelines. If you are planning to attend the public meeting and, due to a disability, need assistance in understanding or participating in the meeting, please notify the City 48 hours in advance of the meeting and we will try to provide whatever assistance may be required. Please call 535-7757 for assistance.

NOTE: The field trip is scheduled to leave at 4:00 p.m.

AGENDA FOR THE
SALT LAKE CITY PLANNING COMMISSION MEETING
In Room 326 of the City & County Building at 451 South State Street
Wednesday, March 23, 2005, at 5:45 p.m.

The Planning Commission will be having dinner at 5:00 p.m., in Room 126. During the dinner, Staff may share general planning information with the Planning Commission. This portion of the meeting will be open to the public.

1. **APPROVAL OF MINUTES** from Wednesday, March 9, 2005

2. **REPORT OF THE CHAIR AND VICE CHAIR**

3. **REPORT OF THE DIRECTOR**

4. **PUBLIC NOTICE AGENDA** – Salt Lake City Property Conveyance Matters (Staff: Karryn Greenleaf at 483-6769, Matt Williams at 535-6447 or Doug Wheelwright at 535-6178):
   a. UTOPIA DBA Murray City and Salt Lake City Public Utilities Department – UTOPIA is requesting that Public Utilities approve a standard utility permit to allow a communications conduit to be installed under a portion of the Jordan and Salt Lake City Canal property, located at approximately 668 E. Larchwood Drive (6070 South). Public Utilities staff intends to approve the utility permit.
   b. UTOPIA DBA Murray City and Salt Lake City Public Utilities Department – UTOPIA is requesting that Public Utilities approve a standard utility permit to allow a communications conduit to be installed within a portion of the Jordan and Salt Lake City Canal property, located at approximately 6931 South 500 East. Public Utilities staff intends to approve the utility permit.
   c. TK Enterprises/Mike Keim and Salt Lake City Public Utilities Department – TK Enterprises is requesting that Public Utilities approve a standard utility permit to allow water and sewer lines to be installed under a portion of the Jordan and Salt Lake City Canal property, located at approximately 13100 South 250 West in Draper City, just west of I-15. Public Utilities staff intends to approve the utility permit.
   d. Quest Communications and Salt Lake City Public Utilities Department – Qwest is requesting that Public Utilities approve a standard utility permit to allow a communication conduit to be installed under a portion of the Big Cottonwood Conduit, located within a City owned easement within a UDOT (I-215 East) right of way at approximately 3393 East Upland Drive (3772 South) in the un-incorporated Salt Lake County near Skyline High School. Public Utilities staff intends to approve the utility permit.
   e. PacifiCorp and Salt Lake City Property Management Division – PacifiCorp is requesting that Property Management grant a utility easement for a pre-existing power pole guy wire, which extends north into the Forest Dale Golf Course property 30 feet from the stub-ended McClelland Street (1045 East). The proposed easement would be 10 feet wide, centered on the existing guy wire location. The address location is 2588 South McClelland Street. The City owned golf course property is zoned Open Space (OS). Property Management and City Parks Division staff intends to approve the easement request.

5. **PUBLIC HEARINGS**
   a. **Petition No. 400-04-37 – Victor Kimball** requesting a zoning map amendment to rezone approximately 59' of the rear portion of the properties located at 850 S. Edison, 854 S. Edison, and 858 S. Edison Street from an SR-3 zoning classification to a D-2 classification. The purpose of this request is to accommodate the construction of a new retail establishment. (Staff – Elizabeth Giraud at 535-7128)
   ★ b. **Petition No. 490-05-07 – Victor Kimball** requesting preliminary subdivision approval to reconfigure the properties at 850 S. Edison, 854 S. Edison, 858 S. Edison Street, and 845 S. State Street to create a larger commercial lot (D-2) fronting State Street and three remnant residential lots (SR-3) fronting Edison Street. (Staff – Elizabeth Giraud at 535-7128)
   c. **Petition No. 410-713 – The Church of Jesus Christ of Latter Day Saints**, represented by Tracy Stocking & Associates, is requesting conditional use approval to expand the existing parking lot of a Place of Worship (the Belvedere Ward) onto an adjacent 0.14 acre residential parcel, located at 1803 S. 600 East Street in an R-1/5,000 zoning district. This expansion would require the demolition of an existing residential duplex structure and must also meet the requirements of the Housing Mitigation Ordinance. (Staff – Marilynn Lewis at 535-6409)
   d. **Petition No. 410-709 – Sinclair Oil Corporation** requesting planned development approval for the demolition and reconstruction of a gasoline station/convenience store in the Sugar House Business District (CSHBD) at approximately 1974 South 1100 East & 1068 E. Hollywood Avenue (1970 South). (Staff – Ray McCandless at 536-7282)
   e. **Petition No. 410-717 – Eric Saxey** requesting an 11 unit residential planned development, located at approximately 625 East 200 South, to build multiple buildings on a single site and to modify some of the required coverage and setbacks in an RMF-45 zoning district. The site is located within an Historic Preservation Overlay Zoning District. (Staff – Doug Dansie at 535-6182)

6. **UNFINISHED BUSINESS**

For information on public or written comments and ADA accommodations, please see the reverse side of the agenda.

**PLEASE TURN OFF CELL PHONES AND PAGERS BEFORE THE MEETING BEGINS.
AT YOUR REQUEST A SECURITY ESCORT WILL BE PROVIDED TO ACCOMPANY YOU TO YOUR CAR AFTER THE MEETING. THANK YOU.**

NOTICE OF HEARING

ROUNDY, JASON
138 E 800 S
Suite
SALT LAKE CITY UT 84111-3810

Salt Lake City Planning Division
451 South State Street
Salt Lake City, UT 84111

RETURN TO SENDER

NO SUCH NUMBER
INSUFFICIENT ADDRESS
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

Route #1101

1. Fill out registration card and indicate if you wish to speak and which agenda item you will address.
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   Salt Lake City Planning Director
   451 South State Street, Room 406
   Salt Lake City, UT 84111

4. Speakers will be called by the Chair.
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10. Salt Lake City Corporation complies with all ADA guidelines. If you are planning to attend the public meeting and, due to a disability, need assistance in understanding or participating in the meeting, please notify the City 48 hours in advance of the meeting and we will try to provide whatever assistance may be required. Please call 535-7757 for assistance.

NOTE: The field trip is scheduled to leave at 4:00 p.m.

AMENDED AGENDA FOR THE SALT LAKE CITY PLANNING COMMISSION MEETING
In Room 326 of the City & County Building at 451 South State Street
Wednesday, March 23, 2005, at 5:45 p.m.

The Planning Commission will be having dinner at 5:00 p.m., in Room 126. During the dinner, Staff may share general planning information with the Planning Commission. This portion of the meeting will be open to the public.

1. **APPROVAL OF MINUTES** from Wednesday, March 9, 2005

2. **REPORT OF THE CHAIR AND VICE CHAIR**

3. **REPORT OF THE DIRECTOR**

4. **PUBLIC NOTICE AGENDA** – Salt Lake City Property Conveyance Matters (Staff: Karryn Greenleaf at 483-6769, Matt Williams at 535-6447 or Doug Wheelwright at 535-6178):
   a. UTOPIA DBA Murray City and Salt Lake City Public Utilities Department – UTOPIA is requesting that Public Utilities approve a standard utility permit to allow a communications conduit to be installed under a portion of the Jordan and Salt Lake City Canal property, located at approximately 668 E. Larchwood Drive (6070 South). Public Utilities staff intends to approve the utility permit.
   b. UTOPIA DBA Murray City and Salt Lake City Public Utilities Department – UTOPIA is requesting that Public Utilities approve a standard utility permit to allow a communications conduit to be installed within a portion of the Jordan and Salt Lake City Canal property, located at approximately 6931 South 500 East. Public Utilities staff intends to approve the utility permit.
   c. TK Enterprises/Mike Keim and Salt Lake City Public Utilities Department – TK Enterprises is requesting that Public Utilities approve a standard utility permit to allow water and sewer lines to be installed under a portion of the Jordan and Salt Lake City Canal property, located at approximately 13100 South 250 West in Draper City, just west of I-15. Public Utilities staff intends to approve the utility permit.
   d. Quest Communications and Salt Lake City Public Utilities Department – Qwest is requesting that Public Utilities approve a standard utility permit to allow a communication conduit to be installed under a portion of the Big Cottonwood Conduit, located within a City owned easement within a UDOT (I-215 East) right of way at approximately 3393 East Upland Drive (3772 South) in the un-incorporated Salt Lake County near Skyline High School. Public Utilities staff intends to approve the utility permit.
   e. PacifiCorp and Salt Lake City Property Management Division – PacifiCorp is requesting that Property Management grant a utility easement for a pre-existing power pole guy wire, which extends north into the Forest Dale Golf Course property 30 feet from the stub-ended McClelland Street (1045 East). The proposed easement would be 10 feet wide, centered on the existing guy wire location. The address location is 2588 South McClelland Street. The City owned golf course property is zoned Open Space (OS). Property Management and City Parks Division staff intends to approve the easement request.

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   b. **Petition No. 490-05-07 – Victor Kimball** requesting preliminary subdivision approval to reconfigure the properties at 850 S. Edison, 854 S. Edison, 858 S. Edison Street and 846 S. State Street to create a larger commercial lot (D-2) fronting State Street and three remnant residential lots (SR-3) fronting Edison Street. (Staff – Elizabeth Giraud at 535-7128)
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ROUNDY, JASON
138 E 800 S
Suite
SALT LAKE CITY UT 84111-3810

NOTICE OF HEARING

Salt Lake City Planning Division
451 South State Street
Salt Lake City, UT 84111

NO SUCH NUMBER
ATTEMPTED – NOT KNOWN
INSUFFICIENT ADDRESS
REFUSED
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

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SALT LAKE CITY UT
MAY 2005

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   Salt Lake City Planning Director
   451 South State Street, Room 406
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Newspaper Agency Corporation

143 SOUTH MAIN ST.
P.O.BOX 45838
SALT LAKE CITY, UTAH 84145
FED.TAX I.D.# 87-0217663

The Salt Lake Tribune — DESERET Morning News

CUSTOMER'S COPY

PROOF OF PUBLICATION

CUSTOMER NAME AND ADDRESS	ACCOUNT NUMBER	DATE
PLANNING DIVISION 451 SOUTH STATE STREET, ROOM 4 SALT LAKE CITY UT 84111	P5356184L-07	03/29/05

ACCOUNT NAME	
PLANNING DIVISION	
TELEPHONE	INVOICE NUMBER
801-535-6184	TL8202QL6N1
SCHEDULE	
START 03/29/05 END 03/29/05	
CUST. REF. NO.	
-	
CAPTION	
SALT LAKE CITY PLANNING COMMIS	
SIZE	
52 LINES 1.00 COLUMN	
TIMES	RATE
1	1.68
MISC. CHARGES	AD CHARGES
.00	92.36
	TOTAL COST
	92.36

SALT LAKE CITY PLANNING COMMISSION REZONE AND MASTER PLAN AMENDMENT PUBLIC HEARING

On Wednesday, April 13, 2005 at 5:45 P.M., the Salt Lake City Planning Commission will hold a hearing to take comment on Petition 400-04-37 requesting a zoning map amendment to rezone 69 feet of the rear portion of the property located at 850 South Edison, and 53 feet of the rear portion of the properties located at 854 South Edison and 858 South Edison Street, from Special Development Pattern (SR-3) Residential District to a Downtown Support (D-2) District, and to amend the future Land Use Map of the Central Community Development Plan from Medium Density Residential to Central Business District Support. All persons interested and present will be given an opportunity to be heard.

The hearing will be held in Room 326 of the Salt Lake City and County Building, 451 South State Street. Accessible parking and entrance is located on the east side of the building. Hearing impaired individuals who wish to attend this meeting should contact our TOD service number, 535-6021, four days in advance. For further information regarding this hearing, call Elizabeth Giraud at 535-7128.
8202QL6N

AFFIDAVIT OF PUBLICATION

AS NEWSPAPER AGENCY CORPORATION LEGAL BOOKKEEPER, I CERTIFY THAT THE ADVERTISEMENT OF SALT LAKE CITY PLANNING COMMIS PLANNING DIVISION WAS PUBLISHED BY THE NEWSPAP CORPORATION, AGENT FOR THE SALT LAKE TRIBUNE AND DESERET NEWS, DAILY NEWSPAPERS PRINTED IN THE ENGLISH LANGUAGE WITH GENERAL CIRCULATION IN UTAH, AND PUBLISHED IN SALT LAKE CITY, SALT LAKE COUNTY IN THE STATE OF UTAH.

PUBLISHED ON START 03/29/05 END 03/29/05

SIGNATURE Sjanie Best

DATE 03/29/05

Notary Public
SJANIE BEST
824 West Big Mountain Drive
Taylorsville, Utah 84123
My Commission Expires
November 19, 2006
State of Utah

THIS IS NOT A STATEMENT BUT A "PROOF OF PUBLICATION"
PLEASE PAY FROM BILLING STATEMENT.

Exhibit 5b

PLANNING COMMISSION STAFF REPORT

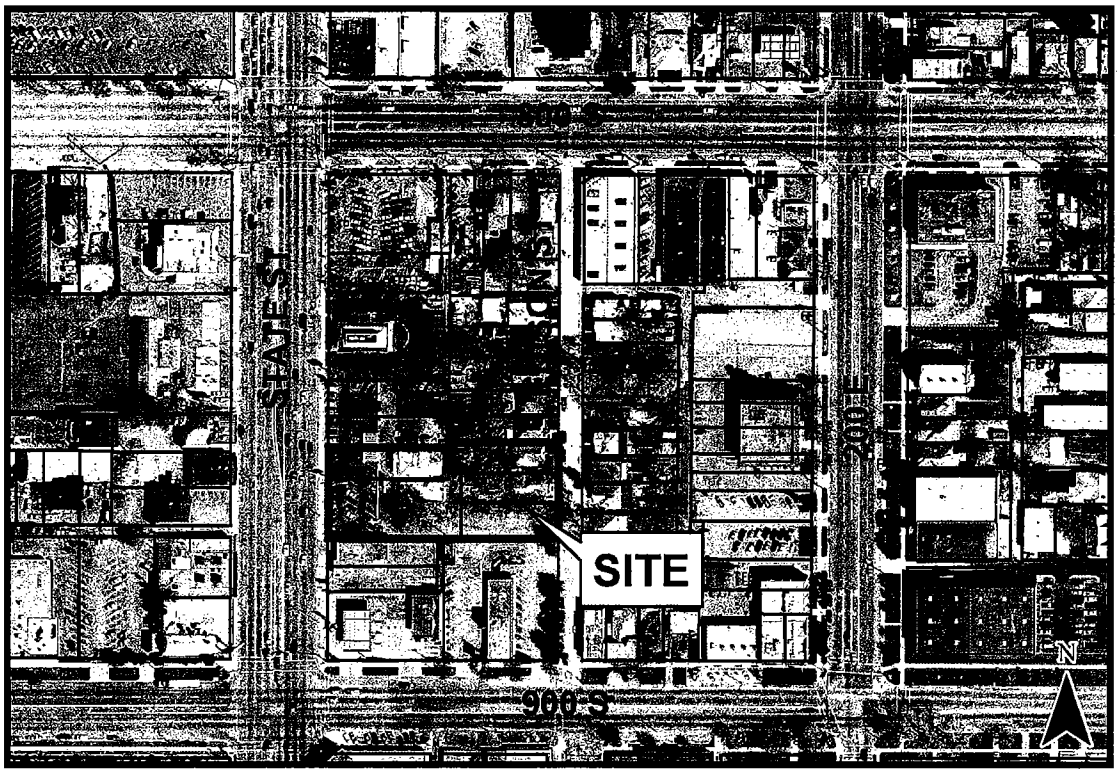
Petition 400-04-37
Transmittal of Edison Street Rezoning Petition

DATE: April 13, 2005

TO: Salt Lake City Planning Commission

FROM: Elizabeth Giraud, AICP
Senior Planner
Telephone: 535-7128
E-mail: Elizabeth.giraud@slcgov.com

RE: A request to amend the zoning from Special Development Pattern Residential SR-3 District to Downtown Support D-2 District for the properties located at approximately 845 S. State Street, and 850, 854 and 858 S. Edison Street and to amend the Future Land Use Map of the Central Community Master Plan (1974) to identify the properties subject to the rezoning as Downtown Support Commercial.



CASE NUMBER: 400-04-37

APPLICANT: Victor Kimball – Southern Investment, LLC

STATUS OF APPLICANT: Property Owner

PROJECT LOCATION: Approximately 845 S. State Street; 850, 854 and 858 S. Edison Street

PROJECT/PROPERTY SIZE: The area of land proposed for rezoning is 7,677 square feet, or .18 acres.

COUNCIL DISTRICT: District 4, Nancy Saxton

REQUESTED ACTION: The applicant is requesting to amend the zoning map by changing the zoning designation for the rear portion of the properties at 850, 854 and 858 South Edison from SR-3 to D-2 Downtown Support. Under a separate petition (No. 490-05-07), the applicant is requesting preliminary subdivision approval to reconfigure the existing five parcels into four new lots. Three of the new parcels will front Edison Street. The remaining parcel will front State Street and include the rezone area. As part of this petition, the request includes an amendment to the future Land Use Map of the Central Community Development Plan from Medium Density Residential to Central Business District Support.

The application also includes amending the Future Land Use Map to identify the portions of the property subject to the rezoning as Downtown Support.

PROPOSED ZONING MAP AMENDMENT: The applicant is proposing to increase the lot area at the proposed 845 S. State Street parcel to provide additional space for a proposed retail establishment, a Family Dollar Store.

APPLICABLE LAND USE REGULATIONS:

Section 21A.24.
D-2 Downtown Support District

Purpose: The purpose of the D-2 Downtown Support Commercial District is to accommodate commercial uses and associated activities that relate to and support the Central Business District but do not require a location within the Central Business District. Development within the D-2 Downtown Support Commercial District is less intensive than that of the Central Business District.

Section 21A.24.080

SR-3 Special Development Pattern Residential District

Purpose: The purpose of the SR-3 special development pattern residential district is to provide lot, bulk and use regulations in scale with the character of development located within the interior portions of city blocks.

SURROUNDING ZONING DISTRICTS:

North	D-2 Downtown Support District
South	D-2 Downtown Support District
East	SR-3 Special Development Pattern Residential District
West	D-2 Downtown Support District

SURROUNDING LAND USES:

North	Commercial: Proposed Enterprise Rent-a-Car (835-841 S. State)
South	Commercial: Just Emissions and Inspections (865 S. State) Chevron (877 S. State) Arctic Circle (135 E. 900 S.)
West	Commercial: Audio Specialists (854 S. State) Taco Time (810 S. State)
East	Single family - and low-density residential

MASTER PLAN SPECIFICATIONS: Central Community Development Plan (1974), as updated in 1995 (Ord 26, 1995) identifies the property as Downtown Support and Interior Block Special Residential.

SUBJECT PROPERTY HISTORY: In 1995, the zoning for the Edison Street properties was changed from High Density Residential R-6 to SR-3. The zoning for the State Street properties was changed from C-3 to D-2.

ACCESS: The access to the State Street property would be from a shared drive approach off State Street. When the applicant received conditional use approval on January 12, 2005, for a conditional use for a car-rental agency on the adjacent parcel at 835-841 S. State Street, UDOT required that the access straddle the property of the car rental agency and the Family Dollar Store.

COMMENTS, ANALYSIS AND FINDINGS:

1. **COMMENTS:** Staff requested comments from applicable agencies. Staff received comments from the following:

   a) **Transportation:** The Transportation Division has the following comments: The proposed subdivision indicates no changes to the public right of way corridor easements as shown and the rezoning defines the use impacts to be a consistent separation between the roadway types with Edison Street limited to a SR-3 use and State Street supporting the D-2 function. The final site development plans for the retail use will have to conform to all zoning and other City standard site development requirements for setbacks, buffers, parking and services, etc. The plat needs to be revised to indicate the shared access easement required along the north property line of lot 1 with the development of the property to the north [a car-rental agency, approved through the conditional use process on January 12, 2005], per the UDOT access restriction requiring a shared driveway approach from State Street. The Transportation Division supports the following Planning Division positions:

      - Not to support access from State to Edison streets.
      - To support continued residential use of the two existing residential lots on Edison Street;

   b) **Public Utilities:** The Public Utilities Department did not respond to the request for comments. A utility plan shall be reviewed by the Public Utilities Department prior to issuance of a building permit.

   c) **Engineering:** The Engineering Division has the following comments:
      - **State Street:** UDOT must approve the proposed drive approach on State Street. Curb, gutter, sidewalk and two drive approaches exist in State Street along the frontage of the project. The existing drive approaches must be replaced with curb and gutter under a UDOT permit. The existing concrete in the 3' wide park strip must be replaced with material meeting Chapter 21A.48 of the City Code for *Landscaping and Buffers.* If this work involves any heavy equipment , a Permit to Work in the Public Way must be obtained from SLC Engineering prior to performing the work.

- **Edison Street**: Edison Street is a concrete street adjoining concrete sidewalk at the same elevation as the street. Both the street and sidewalk are in good condition and no changes are required as part of this project.

d) **Police:** The Police Department does not have any CPTED concerns regarding the shared access between the proposed retail establishment of the subject property and the previously approved car-rental agency at the adjoining property to the north. The reviewer stated that the proposal (no access to Edison Street) presents a safer environment than the applicant's previous proposal (access to Edison Street).

e) **Fire:** The Fire Department voiced no objections.

f) **Community Council:** The applicant solicited comment from three community councils: Central City, Liberty Wells, and People's Freeway. Regarding the initial proposal to allow access from State to Edison Street and rezone the entire area of the subject properties residential, the Liberty Wells Community Council stated that some members expressed concern that the Edison properties should be maintained as residential; other members supported the proposal because it meant the elimination of what they deemed "blighted buildings" in the middle of the block (October 13, 2004).

The Liberty Wells Community Council Executive Committee did not consider it necessary for the developer to return to their full council meeting to present the current proposal (March 15, 2005).

The People's Freeway Community Council voted in favor of the rezoning in the initial format, and did not request that the developer return to present the current proposal (March 3, 2005).

The Central City Neighborhood Council voted 5-4 against the rezoning in the initial proposal on November 11, 2004. Staff notified the Central City Neighborhood Council via email of the new proposal. The Community Council failed to respond as to whether the applicant should present the current proposal to them.

g) **Planning Division:** The Planning Division requires the applicant to obtain preliminary subdivision approval to combine the rear portion of the Edison Street properties with the State Street properties from the Planning Commission (Petition 490-05-07), should the rezoning request be approved.

2. ANALYSIS AND FINDINGS

A decision to amend the text of the zoning ordinance or the zoning map is a matter committed to the legislative discretion of the City Council and is not controlled by

any one standard. However, in reviewing a proposed amendment, the Planning Commission and the City Council must consider the following factors:

21A.50.050 Standards for General Amendments

A. Whether the proposed amendment is consistent with the purposes, goals, objectives, and policies of the adopted general plan of Salt Lake City.

Discussion: **Central Community Development Plan (1974):** The Future Land Use Map from the Central Community Development Plan of 1974, as amended in 1995 (Ordinance No 26, of 1995), identifies the properties subject to rezoning as Special Residential- Interior Court.

The draft Central Community Master Plan (2002) Future Land Use Map, identifies the subject properties as Medium Density Residential/ Mixed Use with the State Street frontage properties identified as Central Business District Support development .

The additional property to be zoned D-2 will better accommodate a retail establishment along State Street. The proposed rezoning would allow for Downtown Support (current) / Central Business District Support (draft) types of development while still maintaining the existing residential development along Edison Street, consistent with the intent of the master plan.

Findings: The proposed development meets the intent of the adopted and proposed future land use maps for the subject properties. Staff recommends the Planning Commission transmit a favorable recommendation to amend the future land use map of the Central Community Development plan to be consistent with the proposed rezoning.

B. Whether the proposed amendment is harmonious with the overall character of existing development in the immediate vicinity of the subject property.

Discussion: The existing surrounding businesses have minimal landscaping and are of no architectural distinction. The proposed development will add greenery and improved park strip material to this side of this block of State Street. Access from State Street through the proposed Family Dollar Store site to Edison Street will not be permitted, and thus the residential core of this block will not be affected by increased traffic and noise.

Findings: The proposal will allow a new retail establishment, which will meet current requirements for landscaping and improve the visual appearance of the property along State while retaining the existing housing on Edison Street. The applicant meets this standard.

C. The extent to which the proposed amendment will adversely affect adjacent properties.

Discussion: The adjacent land uses to the north and south are parking lots for service and restaurant businesses, and have no landscaping. Because of required landscaping setback, buffer and park strip requirements, the proposed rezoning for a new retail establishment will positively affect these properties and minimize impacts to the residential land uses to the east. Landscaping buffers will also be required for the small parking lot at 858 S. Edison Street. This required landscaping will have a positive effect on Edison Street, which currently consists of dwellings. The elimination of access to Edison Street via the State Street properties will help ensure adverse impacts are minimized.

Findings: The proposed development configuration minimizes adverse impacts on adjacent properties, especially those residential land uses to the east.

D. Whether the proposed amendment is consistent with the provisions of any applicable overlay zoning districts which may impose additional standards.

Discussion: No overlay zoning districts are associated with the subject properties.

Findings: The applicant meets this standard.

E. The adequacy of public facilities and services intended to serve the subject property, including but not limited to roadways, parks and recreational facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.

Discussion: The appropriate City Departments were notified of the proposal. Those that responded did not object to the proposal but the applicant must meet all department requirements, prior to the issuance of a building permit for the project.

Findings: The subject property is within an existing developed neighborhood and public facilities and services exist. The applicant will be required to meet all department requirements prior to the issuance of a building permit.

MASTER PLAN AMENDMENT

Discussion: The Utah Code Annotated (10-9-302) identifies the procedures for adopting and amending general plans. The Code identifies an adoption process that mandates a fourteen day notification requirement including a notice in a newspaper of general circulation. Property owners were notified and a notice in a newspaper of general circulation was published at least fourteen days in advance of the public hearing.

Finding: The mandated notification procedures, as outlined in the State Code for amending a master plan, have been followed.

RECOMMENDATION: Based on the analysis and the findings presented in this report, Staff recommends that the Planning Commission forward a positive recommendation to the City Council to approve Petition 400-04-37 to amend the zoning map by changing the zoning designation of the rear portions of 850, 854 and 858 S. Edison Street from to SR-3 to D-2 .

Staff further recommends that the Planning Commission transmit a favorable recommendation to the City Council to amend the Central Community Development Plan Future Land Use Map to identify the portions of the property subject to rezoning as Downtown Support.

Attachments:

1. Application
2. Site plan
3. Minutes and correspondence from Community Councils
    a. Central City
    b. People's Freeway
    c. Liberty Wells
4. Departmental Comments

ATTACHMENT 1
APPLICATION

Zoning Amendment

MP Amendment.

Petition No. _____
Receipt No. _____ Amount $ _____
Date Received _____
Reviewed by _____

SALT LAKE CITY PLANNING

Address of Subject Property 850 So, 854 So 858-60 So Edison

Name of Applicant Craig Arquile Phone 232-7778

Address of Applicant 8 East 300 So # 400 S.L.C. Ut. 84111

E-mail address of Applicant _____ Cell / Fax 355-4308

Applicant's Interest in Subject Property owner

Name of Property Owner Arquile LLC & Southern Investment LLC Phone 355 4300 Kimball cell 541-992

County Tax Parcel # (Sidwell #) 16-07-152-025-0000 16-07-152-026-0000 16-07-151-027-0000 Zoning of Property SR-3

Existing Use of Property Residential

☐ **Amend the text of the Zoning Ordinance** by amending Section: (attach map or legal description).

☒ **Amend the Zoning Map** by reclassifying the following property: subject property

From a SR-3 classification to a D-2 classification.

Please include with the application:

1. A statement of the text amendment or map amendment describing the purpose for the amendment and the exact language, boundaries and zoning district.
2. A complete description of the proposed use of the property where appropriate.
3. Reasons why the present zoning may not be appropriate for the area.
4. The names and addresses of all property owners within four-hundred fifty (450) feet of the subject parcel. The name, address and Sidwell number of each property owner must be typed or clearly printed on gummed mailing labels. Please include yourself and the appropriate Community Council Chair. **The cost of first class postage for each address is due at time of application. Please do not provide postage stamps.**
5. Legal description of the property.
6. Ten (10) copies of site plans drawn to scale.
7. A signed statement that the petitioner has met with and explained the proposal to the appropriate Community Council. Attached.
8. Related materials or data supporting the application as may be determined by the Zoning Administrator.

Filing fee of $500.00 plus $100 for each acre over one acre is due at the time of application.

If you have any questions regarding the requirements of this petition, please contact a member of the Salt Lake City Planning staff (535-7757) prior to submitting the petition.

Sidwell maps and names of property owners are available at:

Salt Lake County Recorder
2001 South State Street, Room N1600
Salt Lake City, UT 84190-1051
Telephone: (801) 468-3391

File the complete application at:

Salt Lake City Planning
451 South State Street, Room 406
Salt Lake City, UT 84111
Telephone: (801) 535-7757

Signature of Applicant _____ Managing Member
or authorized agent *Title of agent*

05/30/2003

ZONING AMENDMENT PROCESS

WHAT IS A ZONING AMENDMENT?

Amendments to the text of the Salt Lake City Zoning Ordinance and to the Salt Lake City Zoning map (property rezone) may be made by the adoption of an ordinance by the City Council. The amendment process is not intended to relieve particular hardships or confer special privileges or rights upon any person. The process is intended to allow adjustments necessary in light of changed conditions or changes in public policy.

WHO CAN INITIATE THE PROCESS:

Applications for amendments may be initiated by the Mayor, a City Council member, a Planning Commissioner, the owner of the property included in the application, or the property owners' authorized agent.

STANDARDS FOR ZONING AMENDMENTS

- Is the proposed amendment is consistent with the purposes, goals, objectives, and policies of the adopted general plan of Salt Lake City
- Is the proposed amendment in harmony with the overall character of existing development in the immediate vicinity of the subject property
- To what extent will the proposed amendment adversely affect adjacent properties
- Is the proposed amendment consistent with the provisions of any applicable overlay zoning districts which may impose additional standards
- Are public facilities and services adequate to serve the subject property, including but not limited to roadways, parks and recreational facilities, police fire protection, schools, storm water drainage systems, water supplies, and wastewater and refuse collection.

PROCESS

- Application. To begin the procedure to amend the zoning ordinance or to rezone a property an application must be submitted to Room 406 of the City & County Building, 451 S. State St. A filing fee (see the fee schedule in the zoning ordinance) is due at the time of application. The application must include a statement describing the purpose for the text amendment or property rezone and the exact language, boundaries, and zoning district requested. The applicant should also provide written confirmation that any organization which is entitled to receive notice pursuant to Title 2, Chapter 2.62 of the Salt Lake City Code has been notified of the proposed amendment.
- Staff Report: A member of the planning staff will be assigned to analyze and write a report on the proposed text amendment or rezone. As part of the analysis, the petition is routed to various City divisions, such as transportation, public utilities, police, fire, engineering, etc., for any comments or concerns.
- Planning Commission Public Hearing: The Planning Commission will schedule a hearing to consider the planning staff's recommendations and to hear public comment on the proposal. The Planning Commission will then either recommend approval, approval with some modifications, or denial of the text amendment or rezone and submit that recommendation to the City Council.
- City Council Public Hearing. The City Council will hold an additional public hearing and will vote to either deny the proposal or adopt an ordinance to amend the text or rezone a property. The City Council may also modify the proposal.

For additional information on rezoning a property or amending the text of the Salt Lake City Zoning Ordinance please refer to Chapter 21.A.50 of the Zoning Ordinance. You may also call the Planning Division at 535-7757.

Southern Investment, L.L.C.

June 13, 2004

Salt Lake City Planning
451 South State Street, Room 406
Salt Lake City, Utah 84111

Re: Edison Street Zone Change Request

To Whom It May Concern:

1. The enclosed information is submitted for consideration of a zone change to accommodate construction of a retail outlet, and necessary parking, for Family Dollar.

2. There are two homes on Edison Street, which will be removed to create a parking field. All applicable landscape and setback areas will be constructed to beautify the area. Without being able to use this area for parking, it would be unacceptable for Family Dollar. All buildings will be new and will help to rejuvenate this area.

3. This zone change is appropriate for the area. Every person we have talked to on Edison Street and the Community Council have expressed a positive position on this development. Please see attached letters.

If you need any additional information please call me at (801) 541-9924 or (801) 355-4300.

We appreciate your consideration of this application for zone change.

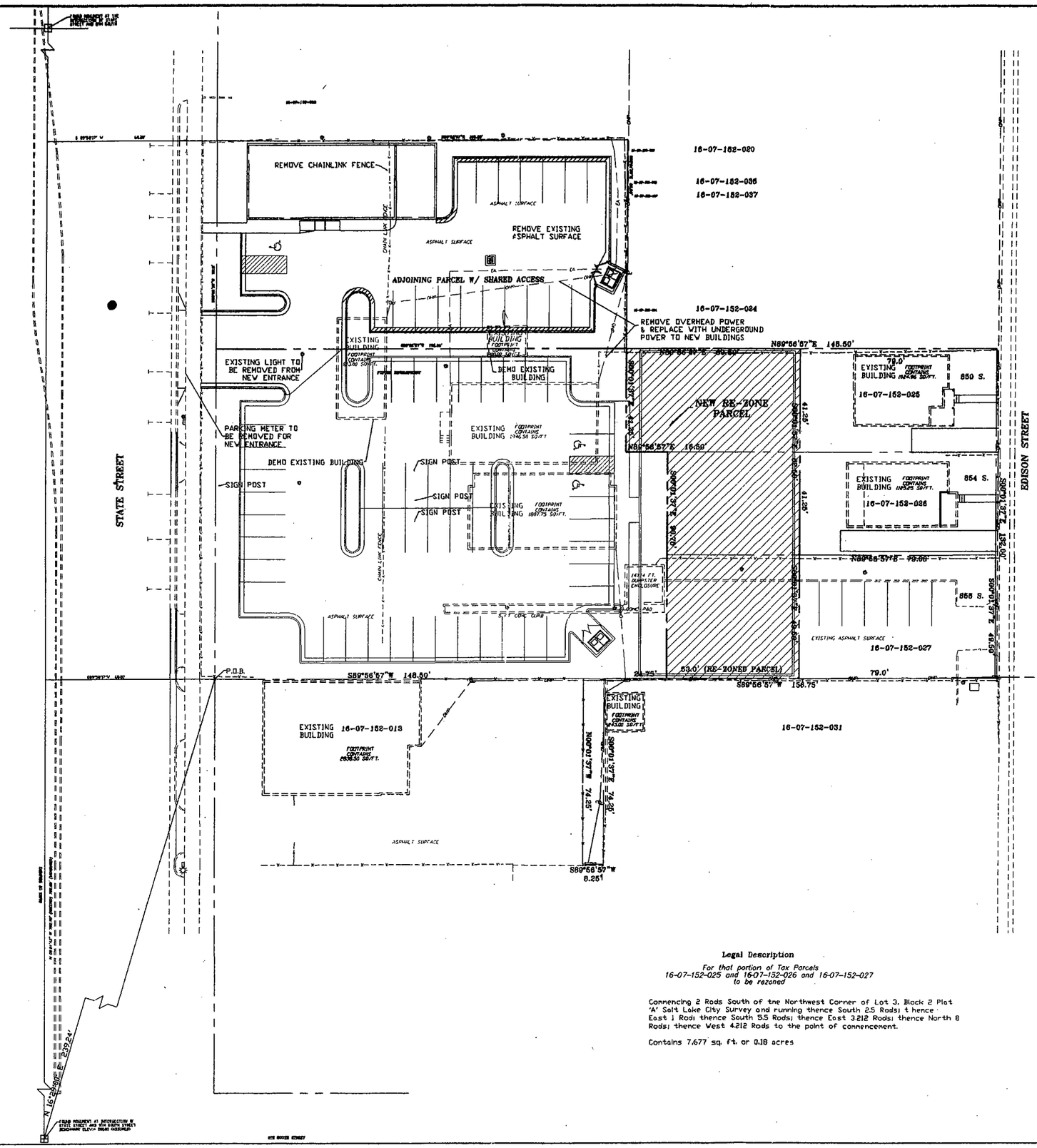
Sincerely,

Victor Kimball

8 East Broadway, Suite 400 * Salt Lake City, UT 84111 * (801) 355-4300 * Fax (801) 355-4308

ATTACHMENT 2
SITE PLAN OF PROPOSED REZONING

C:\Land Projects 3\5449-VICKIMBALL-FLIPPED\dwg\5449-VICKIMBALL_enterprise_newsite1-21-05_rev2.dwg, 3/23/2005 3:58:20 PM



Legal Description

For that portion of Tax Parcels 16-07-152-025 and 16-07-152-026 and 16-07-152-027 to be rezoned

Commencing 2 Rods South of the Northwest Corner of Lot 3, Block 2 Plat 'A' Salt Lake City Survey and running thence South 2.5 Rods; thence East 1 Rod; thence South 5.5 Rods; thence East 3.212 Rods; thence North 8 Rods; thence West 4.212 Rods to the point of commencement.

Contains 7,677 sq. ft. or 0.18 acres

REV	DATE	DESCRIPTION
1	1-31-05	REDLINE REVISIONS OF SLCPU AND UDOT
2	3-23-05	REDLINE COMMENTS FROM REVIEW LETTER DATED 3-23-05

PROFESSIONAL ENGINEER 275905 KEVIN L. TAYLOR STATE OF UTAH

LARSEN & MALMQUIST INC.
CIVIL ENGINEERS & LAND SURVEYORS
1574 West 1700 South, 2D
Salt Lake City, Utah 84104
Phone: (801) 972-2634
Fax: (801) 972-2698

SUBDIVISION REZONING

ARGUILE/KIMWELL SUBDIVISION - 865 S. STATE STREET, SLC.

PREPARED FOR: KIMWELL CORPORATION
ATTN: VIC KIMBALL
8 EAST 300 SOUTH
SALT LAKE CITY, UTAH 84111

LOCATION: SECTION 7, TOWNSHIP 1 SOUTH, RANGE 1 EAST, SLB&M

JOB NO:	05449-04E
DATE:	11/11/04
SCALE:	1"=20'
DESIGNED:	GLL
DRAWN:	GLL
CHECKED:	CAK/KLT

SHEET S1 OF 1

rec'd 3/24/05

ATTACHMENT 3
CORRESPONDENCE WITH THE CENTRAL CITY, PEOPLE'S FREEWAY, AND LIBERTY WELLS COMMUNITY COUNCILS

Giraud, Elizabeth

From: Giraud, Elizabeth
Sent: Friday, February 25, 2005 10:47 AM
To: 'ccnc@rock.com'
Subject: proposed rezoning at approx. 845 S. State
Categories: Program/Policy
Attachments: Shirley Jensen - 02-24-05 - 9HBEGMP.pdf

Greetings, Thomas:

On October 6 and November 3, 2004, the Central City Neighborhood Council reviewed a proposed rezoning of property located at approximately 845 S. State Street. The proposed rezoning would have moved the D-2 zone further east, toward Edison Street, so that the applicant, Vic Kimball, could construct a Family All-a-Dollar Store on the State Street site. At your November meeting, Mr. Kimball proposed to demolish the buildings on Edison Street, construct new residential structures on Edison Street, and provide access from State Street to Edison Street. The proposal included expanding the D-2 zone further east, but maintaining SR-3 zoning on Edison Street.

The comments that you forwarded to me on November 11, 2004 expressed the following concerns and comments:

- Once this property is rezoned from residential to commercial everything else non-commercial will get re-zoned. I'ts harder to make something backinto residential use once it has been turned into commercial. It is our residential component being taken from us that concerns all residents of Central City Neighborhood Council.
- CCNC already has enough asphalt parking lots.
- Improvement in this area would be good because this area is rundown looking.
- We (CCNC) do not want cross through traffic from State St. to Edison St.

Your memorandum also noted a concern that the new townhouses the applicant proposed at that time on Edison Street would create a shortage of parking for the residents. You also stated that "CCNC does not endorse demolishing livable residential for newer more expensive residential."

Since the November 3, 2004 CCNC meeting, the Planning Division staff has been working with Mr. Kimball on revisions to his proposal. The Planning Division did not support the access from State Street to Edison Street, and Mr. Kimball altered his site plan accordingly. He has decided to retain the existing buildings on Edison Street. In order to meet the rear yard setback requirements for a SR-3 zone (15' or 20 percent of the length of the lot, whichever is less), he needed to reduce the area proposed for rezoning 5.' Thus, the area proposed for rezoning from SR-3 to D-2 is less than what the CCNC reviewed in November, 2004. Because the applicant has alleviated three of the issues that was of concern to your community council (access from State to Edison Streets, and demolition of the existing homes on Edison Street and subsequent lack of parking for Edison Street residents), and because the proposed rezoned area has changed very slightly and was larger than what is currently under review, I am hoping that the CCNC will not request that the applicant return to the community council to review the final rezone boundary.

I am attaching a site plan (Exhibit A) indicating the proposed zoning your community council reviewed on November 3, 2004. The proposed zoning for the current proposal is indicated on Exhibit B.

I would like to place this item for the Planning Commission's consideration on their March 23, 2005 meeting. Because of noticing requirements, I need to know as soon as possible if the Central City Neighborhood Council would like the applicant or myself to attend one of your meetings prior to scheduling with the Planning Commission.

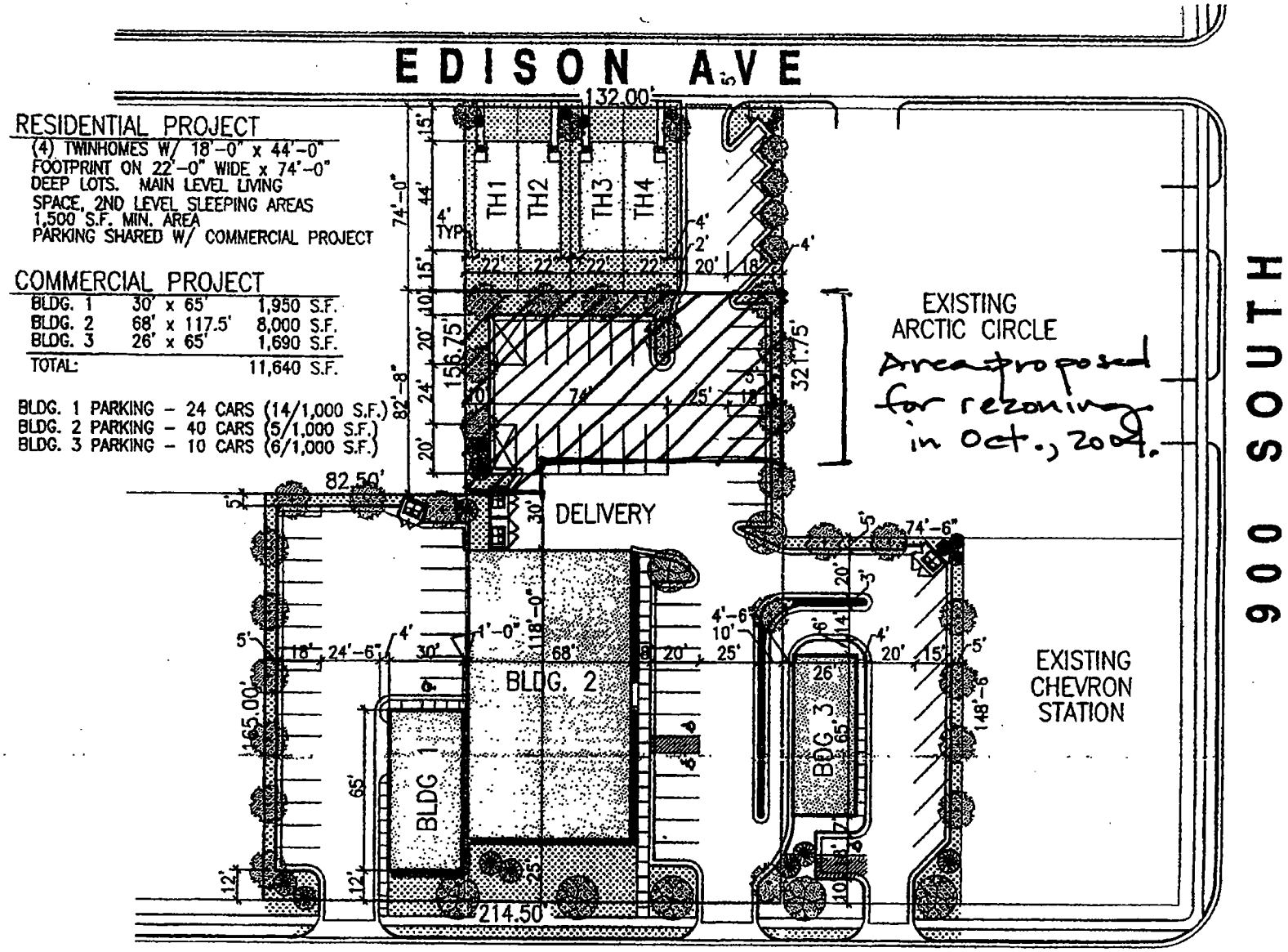


Exhibit A

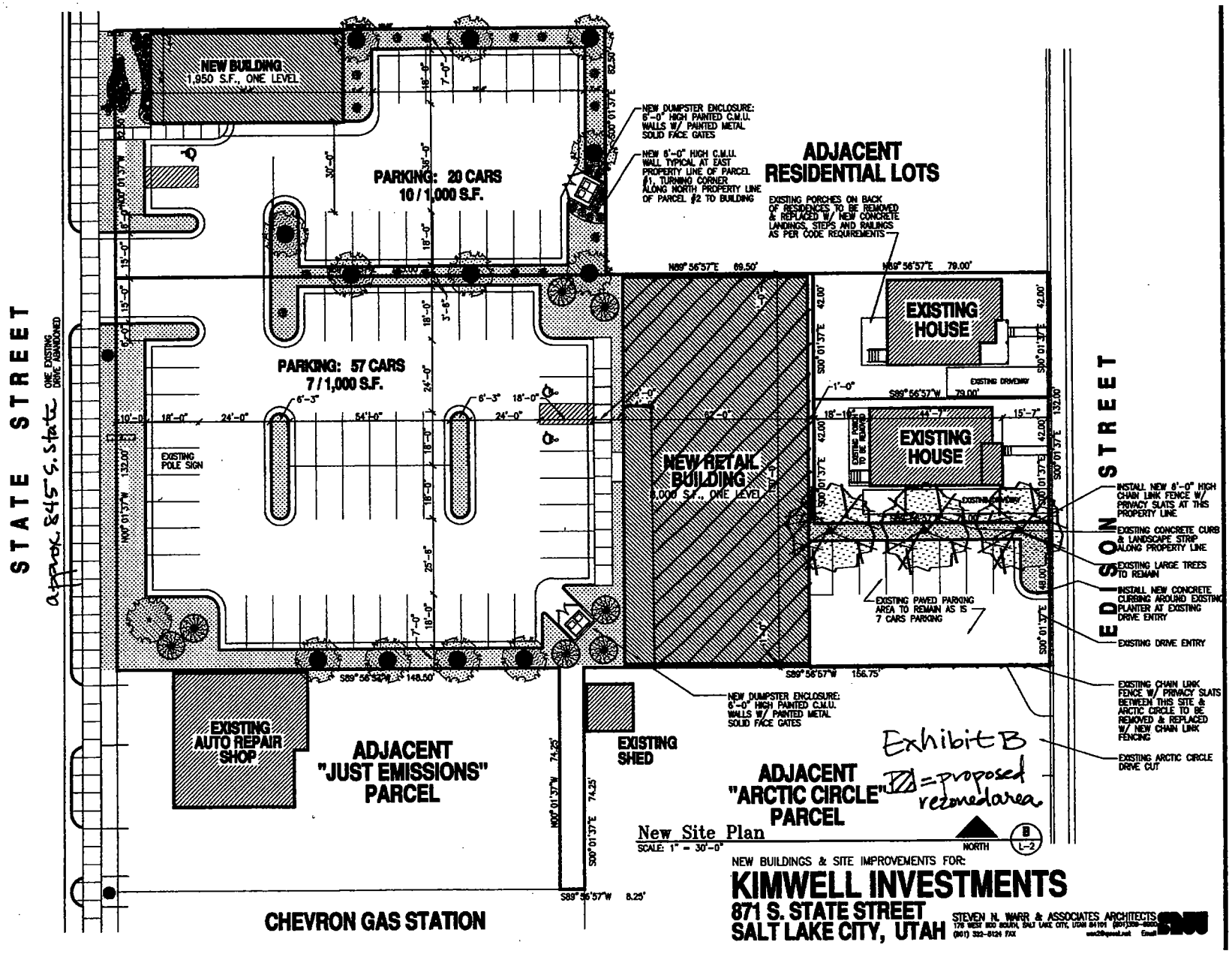
STEVEN N. WARR & ASSOCIATES ARCHITECTS
178 WEST 800 SOUTH, SALT LAKE CITY, UTAH 84101 (801)359-6900
(801) 322-5124 FAX andybythelake@msn.com Email

PROPOSED SITE PLAN

SCALE: 1" = 60'-0"

09/02/04

NORTH



New Site Plan
SCALE: 1" = 30'-0"

NEW BUILDINGS & SITE IMPROVEMENTS FOR:

KIMWELL INVESTMENTS

871 S. STATE STREET
SALT LAKE CITY, UTAH

STEVEN N. WARR & ASSOCIATES ARCHITECTS
170 WEST 800 SOUTH, SALT LAKE CITY, UTAH 84101
(801) 322-8124 FAX

Giraud, Elizabeth

From: Sara Hsu [sara_hsu@yahoo.com]
Sent: Thursday, March 03, 2005 3:50 PM
To: Giraud, Elizabeth
Subject: Re: Re-zoning petition at approx. 845 S. State

Dear Elizabeth,

This is just a note to let you know that the People's Freeway Community Council has approved Vic Kimball's new proposal as described below.

Thank you very much.

Sara

Sara Hsu-Moore
First Chair, People's Freeway Community Council
(801) 755-0725

"Giraud, Elizabeth" <Elizabeth.Giraud@slcgov.com> wrote:

> Ms. Hsu:
>
> As we discussed today on the telephone, I am emailing you a copy of a site plan illustrating the proposed zone change at approximately 845 S. State Street. The applicant is Vic Kimball. The proposed use is a Family All-a-Dollar Store. The zone in which the Family All-a-Dollar Store will be located is D-2. The buildings on Edison Street is Residential SR-3.
>
> Mr. Kimball attended the People's Freeway Community Council on October 6, 2004. At that time, Mr. Kimball proposed to demolish the buildings on Edison Street, construct new residential structures on Edison Street, and provide access from State Street to Edison Street. The proposal included expanding the D-2 zone further east, but maintaining SR-3 zoning on Edison Street.
>
> The Planning Division did not support the access from State Street to Edison Street, and Mr. Kimball altered his site plan accordingly. He has decided to retain the existing buildings on Edison Street. In order to meet the rear yard setback requirements for a SR-3 zone (15' or 20 percent of the length of the lot, whichever is less), he needed to reduce the area proposed for rezoning 5.' Thus, the area proposed for rezoning from SR-3 to D-2 is less than what the People's Freeway Community Council reviewed in October, when the Community Council voted 5-0 in favor of the rezoning. Because your community council previously voted in favor of the rezoning when the proposed rezoned area was larger than what is currently under review, I am hoping that People's Freeway will not request that the applicant return to the community council to review the final rezone boundary.
>
> I am attaching a site plan (Exhibit A) indicating the proposed zoning your community council reviewed on October 6, 2004. The proposed zoning for the current proposal is indicated on Exhibit B.
>
> I would like to place this item for the Planning Commission's consideration on their March 23, 2005 meeting. Because of noticing requirements, I need to know as soon as possible if the People's Freeway Community Council would like the applicant or myself to attend one of your meetings prior to scheduling with the Planning Commission.
>
> I appreciate your attention to this request.

Sincerely,

Elizabeth Giraud, AICP
Senior Planner

Giraud, Elizabeth

From: Brian Earl Watkins [brian@57wild.com]
Sent: Tuesday, March 15, 2005 9:12 AM
To: Giraud, Elizabeth
Subject: Re: proposed rezoning at approx. 845 S. State

Thanks for your inquiries on this property.

As I expected, When I passed this around to community council members, there was no one who needed to have the applicant come back. The substantive comments we had, you have already answered.

Thanks Again

-Brian Watkins
LWCC Chair

Giraud, Elizabeth wrote:

> Brian:
>
> The case has already been scheduled for the March 23 Planning
> Commission meeting. My staff report is due for completion next Tuesday, March 15.
> I need any comments you would like to submit by Monday, March 14. When
> I didn't hear from you earlier, the Acting Planning Director
> instructed me to put the item on the agenda, given the fact that your
> community council reviewed the rezoning request in October.
>
> I will email you the Community Council form for the rezoning. If you
> can get that to your community council prior to the 14th, please fax
> it to me at 535-6174 asap.
>
> Housing is not the issue in this case. The applicant is not proposing
> townhomes. Because the Planning Division will not allow access from
> State to Edison streets, the parking situation on Edison will remain
> the same.
>
> If the rezoning goes through, the applicant can take out a building
> permit as an over-the-counter permit. It will not be a conditional
> use, as retail establishments are allowed in the D-2 zone. Thus, the
> Planning Division will have no purview over what kind of fence is
> allowed, other than what the zoning ordinance requires.
>
> I will be out for the rest of the day, as I have a cold and am going
> home to rest. Please let me know if your community council has
> additional comments.
>
> Thanks,
>
> Elizabeth
>
> -----Original Message-----
> From: Brian Earl Watkins [mailto:brian@57wild.com]
> Sent: Wednesday, March 09, 2005 4:52 PM
> To: Giraud, Elizabeth
> Subject: Re: proposed rezoning at approx. 845 S. State
>
> My housing and zoning chair sent me some comments which I attach here.
> He doesn't say that we need to see the applicant again, but I'll give
> you a solid answer tomorrow.
>
> I'll present the plan you sent at my regular meeting tonight so that I
> can let members know to contact you if they want to comment on the new

> plan.
>
> -Brian Watkins
>
> --
> From James Fisher, Housing and Zoning Chair:
>
> Concerning the plans. I like the set where there are four town homes.
> I I believe that they would attract a better clientele. With a
> remodel, the homes will be dilapidated again within four or five years.
>
> The only problem is with the parking on the town homes, there are only
> 4 parking spaces. They are to have 1.5 spaces by code, if I remember
> right. I know they say that they will share with the commercial, but
> if they can "share" then they should be able to set aside enough parking.
> Parking on Edison would create a mess, as it is a very narrow street.
>
> Also, from an aesthetic position, I would recommend a different type
> of fence rather than a chain link fence with slats for privacy. They
> look like junk within a couple of years. A brick wall (not a concrete
> block
> wall) would look good, then a solid wood fence or a vinyl fence. Also
> as security may be an issue, you might want to recommend an 8 foot
> fence rather than 6.
>
> Those ore nickel and dime suggestions, but I think they would finish
> off the project.
> ---
>
> Giraud, Elizabeth wrote:
>
>
>>Brian:
>>
>>In answer to your question: ideally, the city and the Planning
>>Division would like to see buildings closer to the street and
>>eliminate parking in the front yard setback. In this case, the
>>subject property is in a
>>D-2 zone. Unlike the D-1 zone (downtown core), which requires a
>>zero-line setback, minimum of 40 percent glass on the ground floor,
>>and disallows surface parking lots (except as a conditional use), the
>>D-2 zone does not have such restraints. The D-2 zone is a support
>>zone for downtown, and allows businesses like car dealerships, which
>>are necessary to our economy but would not be desired in the central
>>business district.
>>
>>We do have a South State Street Corridor Overlay Zone, which is
>>intended to "reinforce the historical land development patterns" along
>
>
>>South State Street from 900 S. to 2100 S. It's not very restrictive,
>>but it allows a developer to not have to meet the required front-yard
>>setback, and thus push a building closer to the street and alleviate
>>the effects of parking on the streetscape. This property, however, is
>
>
>>sort of a "hole in the donut," and does not have to conform to either
>>the D-1 zoning requirements or have the flexibility afforded by the
>>South State Street Corridor Overlay Zone. It is also not located in a
>
>
>>"walkable community" overlay district, which the City Council recently
>
> passed.
>
>>This overlay district pertains to the small, commercial zones, and the
>

>
>>R-MU zone, and is intended to require siting that is more
>>pedestrian-friendly than we have required in our commercial zones in
>>the past.
>>
>>
>>I hope this answers your questions. Could you please let me know if
>>the applicant will need to go to the Liberty Wells Community Council?
>>
>>Thank you.
>>
>>Elizabeth
>>
>>-----Original Message-----
>>From: Brian Earl Watkins [mailto:brian@57wild.com]
>>Sent: Friday, February 25, 2005 1:27 PM
>>To: Giraud, Elizabeth
>>Subject: Re: proposed rezoning at approx. 845 S. State
>>
>>Elizabeth,
>>
>>Thanks for your update on 845 S. State.
>>
>>I will pass on your letter to our Housing and Zoning chair for quick
>>consideration. I do have a question, though.
>>
>>Is the placement of the larger retail building consistent with recent
>>and current policy on the relationship of parking and buildings in
>>this corridor? It is my understanding that the city strongly prefers
>>buildings that have some sort of relationship to the street and viable
>
>
>>pedestrian access rather than sitting behind a car-access-only sea of
>>parking, especially in the Central Community. This design looks like
>>a big step backward from the livable community work the city and
>>community have been doing.
>>
>>-Brian Watkins
>>
>>Giraud, Elizabeth wrote:
>>
>>
>>>Brian:
>>>
>>>On October 13, 2004, the Liberty Wells Community Council (LWCC)
>>>reviewed a proposed rezoning of property located at approximately 845
>>>S. State Street.
>>
>>...
>>
>>
>>>I appreciate your attention to this request.
>>>
>>>Elizabeth Giraud, AICP
>>>Senior Planner
>>
>

CENTRAL CITY NEIGHBORHOOD COUNCIL

Liberty Senior Center
251 East 700 South
Salt Lake City, Utah 84111

Date: November 11th, 2004

To: Salt Lake City Planning Dept. - Elizabeth Giraud

Re: Re-zone request - 850, 854, and 858 S. Edison St.

Central City Neighborhood Council(CCNC) has heard the Re-zone request proposed by Mr. Kimball and Mr. Kimball. This presentation by the developer is why it is necessary for CCNC to require the developer to come before us twice before we forward our recommendations to the SLC Planning Dept.. What was mailed to me from SLC Planning Dept. Was different than what was put forth to the Council. What was presented the first time is different than what was presented the second time. I will list some of the comments below.

- If this gets re-zoned eventually everything else non-commercial will get re-zoned. It's harder to make something back into residential use once it has been turned into commercial. It is our residential component being taken from us that concerns all residents of Central City Neihborhood Council.
- CCNC already has enough asphalt parking lots
- Improvement in this area would be good cause this area is rundown looking.
- We do not want cross through traffic from State St. to Edison St.
- Why is it that Developers always want to build what they can't

When asking the Applicant about the parking available for the townhouses along Edison St. we were told that that parking would be eliminated for another townhouse. This would create a shortage in parking for those residences. I have information from the Developer and the City that show different scenarios of residences along Edison St.. These look to be new townhouses. So, will the developer demolish existing homes and rebuild these townhouses? CCNC does not endorse demolishing livable residential for newer more expensive residential.

In general there was much misinformation given by the applicant at both meetings. I felt

there was more to this proposal than was discussed in public and perhaps that is why the Applicants came off as being deceptive. All but one or two comments were negative. A vote was taken. There were 20 or more people present. 5 voted against the re-zone and 4 voted for the re-zone

Thomas Mutter
Chair CCNC

Zoning Map Amendment
Community Council / Citizen Group Input

TO: Tom Mutter, Chair Central City Neighborhood ~~Community~~ Council

FROM: _____, Planning Division Staff

DATE: Nov. 3rd

RE: Re-zone Kimball Inv.

Applicant Vic Kimball, represented by Vic Kimball, is requesting the Salt Lake City Council approve a Zoning Map Amendment for the property at _____. The request includes rezoning the property from SR-3 to D-2 to allow the development of a _____.
As part of this process, the applicant is required to solicit comments from the Central City Neighborhood ~~Community~~ Council. The purpose of the Community Council review is to inform the community of the project and solicit comments / concerns they have with the project. The Community Council may also take a vote to determine whether there is support for the project, but this is not required. (Please note that the vote in favor or against is not that important to the Planning Commission. What is critical is to raise relevant issues for their review.) I have enclosed information submitted by the applicant relating to the project to facilitate your review. The applicant will also present information at the meeting.

If the Community Council chooses to have a project presented to them, the applicant will only be required to meet with the Community Council once before the Planning Staff will begin processing the application. The Community Council should submit its comments to me, as soon as possible, after the Community Council meeting to ensure there is time to incorporate the comments into the staff report to the Planning Commission. Comments submitted too late to be incorporated into the staff report, can be submitted directly to the Planning Commission, via the Planning Division, for their review prior to the Planning Commission Public Hearing.. I will also attend the meeting to answer any questions and listen to the comments made by the Community Council members.

Following are City adopted criteria that the Planning Commission will use to make their decision. The City's technical staff will review the project to ensure it complies with adopted policies and regulations. Input from the Community Council / citizen groups can be more general in nature and focus on issues of impacts to abutting properties and compatibility with the neighborhood. Staff is not looking for you to make comments on each of the below listed criteria, but general comments should pertain to the criteria listed below.

A. Consistency with the master plan policies of the Central Community Master Plan;
B. Harmony with the overall character of existing development in the immediate vicinity of the subject property;
C. Extent to which adjacent properties will be adversely affected;
D. Consistency with applicable overlay zoning districts (such as Historic Preservation, Ground Water Protection and Stream / River Corridors. The Project Planner can inform you of whether the property is within an overlay zoning district.); and
E. Adequacy of public facilities and services intended to serve the subject property (such as roads, parks, police and fire protection, schools etc.)

You may submit your written comments to the Planning Division by mail at Salt Lake City Planning Division, 451 South State Street, Room 406, SLC, UT 84111; by Fax at (801) 535-6174 or via e-mail to me at _____@slcgov.com.

If you have any questions, please call me at _____ or via e-mail.

COMMUNITY COUNCIL COMMENTS:

The above referenced applicant met with the
_____ Community / Neighborhood Council on
_____. Approximately _____ people
attended the meeting. Those in attendance made the following comments relating to the project.

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

In general, was the group supportive of the project?

_____

Signature of the Chair or Group Representative

_____

Oct 6, 2004

- PEOPLES FREEWAY COMMUNITY COUNCIL
JEFF DAVIS, CHAIR

Peoples Freeway Community Council voted 5 to 0 in approving the zoning change to put the 2 houses at 845 South State to parking & landscape.

Jeffery L. Davis, Chair

FAX KIMBALL 801 355 4308
FAX SLC 801 535 6174

Zoning Map Amendment
Community Council / Citizen Group Input

TO: Brian Watkins, Chair Liberty Wells Community Council

FROM: Elizabeth Giraud, Planning Division Staff

DATE: October 13, 2004

RE: 400-04-37

Applicant Vic Kimball, represented by _____, is requesting the Salt Lake City Council approve a Zoning Map Amendment for the property at 850, 854, 858 600 S. 600 E. The request includes rezoning the property from SR-3 to D-2 to allow the development of a commercial use. As part of this process, the applicant is required to solicit comments from the Liberty Wells Community Council. The purpose of the Community Council review is to inform the community of the project and solicit comments / concerns they have with the project. The Community Council may also take a vote to determine whether there is support for the project, but this is not required. (Please note that the vote in favor or against is not that important to the Planning Commission. What is critical is to raise relevant issues for their review.) I have enclosed information submitted by the applicant relating to the project to facilitate your review. The applicant will also present information at the meeting.

If the Community Council chooses to have a project presented to them, the applicant will only be required to meet with the Community Council once before the Planning Staff will begin processing the application. The Community Council should submit its comments to me, as soon as possible, after the Community Council meeting to ensure there is time to incorporate the comments into the staff report to the Planning Commission. Comments submitted too late to be incorporated into the staff report, can be submitted directly to the Planning Commission, via the Planning Division, for their review prior to the Planning Commission Public Hearing.. I will also attend the meeting to answer any questions and listen to the comments made by the Community Council members.

Following are City adopted criteria that the Planning Commission will use to make their decision. The City's technical staff will review the project to ensure it complies with adopted policies and regulations. Input from the Community Council / citizen groups can be more general in nature and focus on issues of impacts to abutting properties.

B. Harmony with the overall character of existing development in the immediate vicinity of the subject property;
C. Extent to which adjacent properties will be adversely affected;
D. Consistency with applicable overlay zoning districts (such as Historic Preservation, Ground Water Protection and Stream / River Corridors. The Project Planner can inform you of whether the property is within an overlay zoning district.); and
E. Adequacy of public facilities and services intended to serve the subject property (such as roads, parks, police and fire protection, schools etc.)

ou may submit your written comments to the Planning Division by mail at Salt Lake City lanning Division, 451 South State Street, Room 406, SLC, UT 84111; by Fax at (801) 535-174 or via e-mail to me at elizabeth.giraud@slcgov.com.

you have any questions, please call me at 535-7128 or via e-mail.

FAX KIMBALL 801
FAX SLC 801

Zoning Map Amendment
Community Council / Citizen Group Input

TO: Brian Watkins, Chair Liberty Wells Community Cour

FROM: Elizabeth Giraud, Planning Division Staff

DATE: October 13, 2004

RE: 400-04-37

Applicant Vic Kimball, represented by _____, is requesting the Salt Lake City Council approve a Zoning Map Amendment for the property at 850, 854, 858 600 S. 600 E. The request includes rezoning the property from SR-3 D-2 to allow the development of a commercial use. As part of this process, the applicant is required to solicit comments from the Liberty Wells Community Council. The purpose of the Community Cour review is to inform the community of the project and solicit comments / concerns they have w the project. The Community Council may also take a vote to determine whether there is supp for the project, but this is not required. (Please note that the vote in favor or against is not tha important to the Planning Commission. What is critical is to raise relevant issues for their review.) I have enclosed information submitted by the applicant relating to the project to facilitate your review. The applicant will also present information at the meeting.

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D. Consistency with applicable overlay zoning districts (such as Historic Preservation, Ground Water Protection and Stream / River Corridors. The Project Planner can inf you of whether the property is within an overlay zoning district.); and
E. Adequacy of public facilities and services intended to serve the subject property (suc roads, parks, police and fire protection, schools etc.)

You may submit your written comments to the Planning Division by mail at Salt Lake City Planning Division, 451 South State Street, Room 406, SLC, UT 84111; by Fax at (801) 535 6174 or via e-mail to me at elizabeth.giraud@slcgov.com.

If you have any questions, please call me at 535-7128 or via e-ma

COMMUNITY COUNCIL COMMENTS:

The above referenced applicant met with the Liberty Wells Community / Neighborhood Council on October 13, 2004. Approximately 25 people attended the meeting. Those in attendance made the following comments relating to the proje

SOME RESIDENTS ARE CONCERNED ABOUT THE HOUSING ON EDISON STREET AND WANT A COMMITMENT FROM THE DEVELOPER TO MAINTAIN IT AND KEEP IT OCCUPIED BEFORE ~~AGREEING TO~~ SUPPORTING THE IDE OF ELIMINATING THE BACKYARDS (AS THIS CHANGE WIL SOME RESIDENTS SUPPORT THE DEVELOPMENT BECAUSE (I WILL ELIMINATE THE DUPLEX AND 4-PLEX JUST BEHIND EXISTING YARDS, WHICH THEY CONSIDER A HAZARD BECAUSE THEY ARE NEARLY VACANT BUILDINGS SOME RESIDENTS ARE DISAPPOINTED WITH THE CURRENT STATE OF MAINTENANCE OF THE PROPERTY RELUCTANT TO SUPPORT THE CONDITIONAL USE PERMITS FUTURE STAGES OF THIS PROJECT MAY REQ AND SOME WANT TO CONSIDER THE OTHER EXCEPT CHANGES THE PROJECT WILL REQUIRE BEFORE MAKING CHANGES,

SOME WANT ACCESS TO EDISON BY CAR CLOSED OFF S

In general, was the group supportive of the project? DONT GET ALL THE

SENTIMENT WAS MIXED WITH MORE POSITIVE THAN NEGATIVE SENTIM

Signature of the Chair or Group Representative

LIBERTY WELLS COMMUNITY COUNCIL
Minutes for Meeting Held September 8, 2004

Prior to the meeting, there was an Education and Discussion Session with Local School Board candidate Heather Bennett as our guest.

The meeting was called to order at 7:05 pm by Chairperson Brian Watkins. Chairperson Watkins called for a quorum roll call of the Board of Directors. A quorum was present.

The minutes of August, 2004 were approved.

The Committees then gave their "One Minute Update Reports".

1. Executive, no report.
2. Finance, $179.84 in the bank, need to update signature cards. Mtg. with Sec. and Chairman Tues, Sept. 14, 4:00PM to sign bank signature cards.
3. Legacy Committee: Robert Skraznas told us that Pamela Skraznas asked for suggestions for the placements of the rock benches.
4. Membership& Outreach, Marlene Hardy had canvassed the area businesses. Spoke with the Com. Director of the Development Corporation of Utah and suggested a visit by them to our committee. Met with "Cheap Meats" owner and the owners of the Park Café.
5. Public Safety- Chris Herrmann reported that the August meeting for "Night out against Crime" was well supported by the city, but there as a very low turnout from the neighborhood.
6. Housing and Zoning- Jim Fisher made a recommendation for the Community Council to support the 845 South State Street Project, submitted by Vic Kimball. Since it was not on the Community Council calendar, it was, after discussion, determined that the proper procedures would be to place the proposal on the agenda for October and to maintain the procedures of the Community Council. It was also discussed that the owners, if they could not be present, could have their project discussed in their absence.

The Ad Hoc Committee Reports

1. State Street, no report.

2. CDBG – Leslie Jo Abplanap reported that she met with Jill Remington Love and was told that the $60,000 the was approved for design work for the Chelsea district, would be spread over the 6 projects (at $10,000) each and that the Liberty Wells Community Council would make an additional grant application for $190,000 to bring a total amount of $250,000 for design for all of the streetlight projects. There was discussion as to what is really happening to the original $60,000 and concern was expressed that the monies be spent for the project that they were originally set aside for.

Police Report:

1. Officer Chris Parks gave an update concerning the 7-11 on 1700 South and Park Street, which as had numerous robberies and her conversations with representatives of the owners of the business. It was decided that at the October meeting, that it be on the agenda that Liberty Wells propose, through a motion, to ask Salt Lake City to deny the 7-11 a business license based on it being a nuisance. It was brought out that the store does not lock up the beer as required by law and that Budweiser may be culpable in that most of the robberies are people stealing the beer.

James V. Fisher

James V. Fisher, Secretary

ATTACHMENT 4
DEPARTMENTAL COMMENTS

Giraud, Elizabeth

From: Walsh, Barry
Sent: Friday, March 11, 2005 9:18 AM
To: Giraud, Elizabeth
Cc: Young, Kevin; Smith, Craig; Larson, Bradley; Stewart, Brad; Butcher, Larry
Subject: RE: vic kimball rezoning
Categories: Program/Policy

March 11, 2005

Elizabeth Giraud, Planning

Re: Vic Kimball rezoning and Prelim Subdivision at 845 South State Street and 850 South Edison Street.

The Salt lake City Transportation division comments and recommendations are for approval of the proposed rezone and subdivision revisions as follows:

The proposed subdivision indicates no changes to the public right of way corridor easements as shown and the rezoning defines the use impacts to be a consistence separation between the roadway types with Edison Street limited to a SR-3 use and State Street supporting the D-2 function.
The final site development plans (Family Dollar) will have to conform to all zoning and other City standard site development requirements for setbacks, buffers, parking & services, etc. The plat needs to be revised to indicate the shared access easement required along the north property line of lot 1 with the development of the property to the north (car rental dev), per the UDOT access restriction requiring a shared driveway approach from State Street.
The Transportation Division supports the Planning Division statement #1 not to support access from State Street to Edison Street; 2 continued residential use of the 2 existing residential lots on Edison Street; and 3 rezoning the residential lot 4 to commercial - subject to restricted truck use per our past review comments due to the narrow width and one way function of Edison Street.

Sincerely,

Barry D. Walsh

Cc Kevin Young, P.E.
Craig Smith, Engineering
Brad Larson, Fire
Brad Stewart, Utilities
Larry Butcher, Permits
File

From: Giraud, Elizabeth
Sent: Thursday, March 10, 2005 9:25 AM
To: Walsh, Barry
Subject: RE: vic kimball rezoning

Barry:

I will send you a packet. The proposal is only for the rezoning and prelim. sub; the new building will have to conform to all zoning and other City requirements. The service access will be off State.

Any comments you can get to me by Monday will be appreciated.

Elizabeth

From: Walsh, Barry
Sent: Wednesday, March 09, 2005 11:38 AM
To: Giraud, Elizabeth; Smith, Craig; Larson, Bradley; Stewart, Brad
Cc: Young, Kevin; Brown, Ken
Subject: RE: vic kimball rezoning

March 9, 2005

Elizabeth Giraud, Planning

Re: Subdivision for Vic Kimball's proposed Family Dollar Store at approx. 845 S. State Street.

Sorry I did not receive Your packet.

We reviewed the project at our DRT review meeting on 02/15/2005 with Ken Brown, Craig Smith and Myself The new plan presented for planning commission showed a 8,000 sf building with 57 stalls in front & 7 in the rear off Edison street. We questioned the service access and mentioned truck restriction etc. per past reviews for Edison Street as a narrow one way street. We also questioned the building having zero side yards and how fire access and circulation would be addressed and referred too Brad Larson. We also noted that a Pedestrian access walk was needed from the public sidewalk to the building and there were issues with the parking and required 7' landscaped buffer, Bike Rack, public way dead driveway removal, showing existing street light etc. Written approval from UDOT for street changes with the shared driveway with the Car rental? and cross easements.

Please send any revisions for final reviews to comply to city standards.

Sincerely,

Barry D. Walsh
SLC Transportation.

Cc Kevin J. Young, P.E.
Craig Smith, Engineering
Ken Brown, permits
Brad Stewart, Utilities
Brad Larson, Fire.
File

From: Giraud, Elizabeth
Sent: Wednesday, March 09, 2005 11:05 AM
To: Walsh, Barry; Smith, Craig; Larson, Bradley; Stewart, Brad
Subject: vic kimball rezoning

Hi.

On February 25 I routed plans for a proposed rezoning and preliminary subdivision for Vic Kimball's proposed Family Dollar Store at approx. 845 S. State. I have only heard from the Police and Building Permits. Could you please send me your comments as soon as possible, because my staff report is due on Tuesday, 3/15.

Thank you.

Elizabeth

RICHARD GRAHAM
PUBLIC SERVICES DIRECTOR

SALT LAKE CITY CORPORATION

DEPARTMENT OF PUBLIC SERVICES

ROSS C. "ROCKY" ANDERSON
MAYOR

TO: ELIZABETH GIRAUD, PLANNING

FROM: SCOTT WEILER, P.E., ENGINEERING SHW

DATE: MARCH 11, 2005

SUBJECT: **Kimwell Subdivision (Family Dollar Store)**
851 S. State Street

City Engineering review comments are as follows:

1. **State Street**

   UDOT must approve the proposed drive approach on State Street. Curb, gutter, sidewalk and two drive approaches exist in State Street along the frontage of the project. The existing drive approaches must be replaced with curb & gutter under a UDOT permit. The existing concrete in the 3' wide park strip must be replaced with material meeting Chapter 21A.48 of the City Code for Landscaping and Buffers. If this work involves heavy equipment, a Permit to Work in the Public Way must be obtained from SLC Engineering prior to performing the work.

2. **Edison Street**

   Edison Street is a concrete street adjoining concrete sidewalk at the same elevation as the street. Both the street and sidewalk are in good condition and no changes are required as part of this project.

3. The plat must conform to the attached plat checklist. Please forward it to the developer or his surveyor.

cc: Rick Johnston, SLC Engineering
Craig Smith, SLC Engineering
Ken Taylor, SLC Engineering
Brad Stewart, SLC Public Utilities
Barry Walsh, SLC Transportation
Vault

SALT LAKE CITY ENGINEERING
349 SOUTH 200 EAST, SUITE 100, SALT LAKE CITY, UTAH 84111
TELEPHONE: 801-535-7961 FAX: 801-535-6093

Giraud, Elizabeth

From: Smith, JR
Sent: Monday, March 07, 2005 9:20 AM
To: Giraud, Elizabeth
Subject: Proposed rezoning Family Dollar Store at approx 851 S. State

Categories: Program/Policy

Elizabeth,

I do not have any CPTED concerns re: Family Dollar and Car rental sharing access from State St.

I believe this proposal presents a safer environment than their previous proposal.

I did have concerns re: Family Dollar Stores access from State to Edison St.'s in their previous request.

Thanks,

J.R. Smith
CAT
Dist's 6/7

Giraud, Elizabeth

From: Leydsman, Wayne
Sent: Tuesday, March 15, 2005 10:44 AM
To: Giraud, Elizabeth
Subject: RE: vic kimball rezoning
Categories: Confidential

The Fire Department has no objections for the proposed rezone to allow this business. If rezoning is approved, a more thorough review will be completed by the building and fire department ot ensure appropriate code compliance.

Wayne Leydsman
Assistant Plans Examiner

From: Larson, Bradley
Sent: Monday, March 14, 2005 08:13
To: Leydsman, Wayne
Subject: FW: vic kimball rezoning

Wayne,

Please follow up on this and let me know of the result.

Thank you.

Bradley J. Larson
Deputy Fire Marshal
Salt Lake City Fire Department
801-799-4162 office
801-550-0147 cell
bradley.larson@slcgov.com

From: Giraud, Elizabeth
Sent: Wednesday, March 09, 2005 1:05 PM
To: Walsh, Barry; Smith, Craig; Larson, Bradley; Stewart, Brad
Subject: vic kimball rezoning

Hi.

On February 25 I routed plans for a proposed rezoning and preliminary subdivision for Vic Kimball's proposed Family Dollar Store at approx. 845 S. State. I have only heard from the Police and Building Permits. Could you please send me your comments as soon as possible, because my staff report is due on Tuesday, 3/15.

Thank you.

Elizabeth

Giraud, Elizabeth

From: Garcia, Peggy

Sent: Monday, February 28, 2005 3:20 PM

To: Giraud, Elizabeth

Cc: Snelling, Jeff; Niermeyer, Jeff

Subject: Proposed rezoning and preliminary subdivision plat for a Family Dollar Store at approximately 851 South State

Categories: Program/Policy

Elizabeth,

A twelve-inch water main and a ten-inch sanitary sewer main are located in State Street. A six-inch water and an eight-inch sanitary sewer main are located in Edison Street. All proposed storm water drainage connections in State Street must be approved by UDOT. We anticipate that these existing facilities are adequate to support this proposed subdivision. Please call Jeff Snelling at 6889 if you have any questions.

Peggy Garcia
Contracts Supervisor
Salt Lake City Public Utilities
(801) 483-6727

Exhibit 5c

PLANNING COMMISSION AGENDAS/MINUTES

Petition 400-04-37
Transmittal of Edison Street Rezoning Petition

NOTE: The field trip is scheduled to leave at 4:00 p.m.

AGENDA FOR THE
SALT LAKE CITY PLANNING COMMISSION MEETING
In Room 326 of the City & County Building at 451 South State Street
Wednesday, April 13, 2005, at 5:45 p.m.

The Planning Commission will be having dinner at 5:00 p.m., in Room 126. During the dinner, Staff may share general planning information with the Planning Commission. This portion of the meeting will be open to the public.

1. **APPROVAL OF MINUTES** from Wednesday, March 23, 2005

2. **REPORT OF THE CHAIR AND VICE CHAIR**

3. **REPORT OF THE DIRECTOR**

4. **PUBLIC NOTICE AGENDA** – NONE

5. **PUBLIC HEARINGS**

   a. **Petition No. 400-04-09 – Lowe's Home Improvement and Warehouse**, represented by Jim Manion, requesting that the City close California Avenue between 300 West and the UTA/Trax right-of-way at 200 West, Washington Street between California Avenue and 1400 South, and the alley located between 1300 South and California Avenue (adjacent to the west of the UTA/Trax right-of-way [200 West]), and that the City declare the closed portions of these streets as surplus property and sell these properties to Lowe's as the abutting property owner. The purpose of this request is to consolidate ownership of a site prior to construction of a new retail establishment. All properties are zoned General Commercial (CG). (Staff – Kevin LoPiccolo at 535-6003)

   b. **Petition No. 490-05-07 – Victor Kimball** requesting preliminary subdivision approval to combine the rear portion of the properties at 850, 854, and 858 Edison Street with the lots at 845 and 851 South State Street to create a larger commercial lot in the Downtown Support District (D-2) fronting State Street while maintaining three residential lots in the Special Development Pattern Residential District (SR-3) fronting Edison Street. (Staff – Elizabeth Giraud at 535-7128)

   c. **Petition No. 400-04-37 – Victor Kimball** requesting a zoning map amendment to rezone approximately 69 feet of the rear portion of the property located at 850 South Edison Street and approximately 53 feet of the rear portion of the properties located at 854 and 858 South Edison Street from Special Development Pattern Residential District (SR-3) to a Downtown Support District (D-2), and to amend the future Land Use Map of the Central Community Development Plan from Medium Density Residential to Central Business District Support, consistent with the portions of the property to be rezoned. The purpose of this request is to accommodate the construction of a new retail establishment. (Staff – Elizabeth Giraud at 535-7128)

   d. **Petition No. 410-718 – William Mantas** requesting conditional use approval to expand an automobile recycling business at 652 South Redwood Road in Commercial Corridor (CC) and Light Manufacturing (M-1) zoning districts. (Staff - Janice Lew at 535-7625)

6. **UNFINISHED BUSINESS**

For information on public or written comments and ADA accommodations, please see the reverse side of the agenda.

**PLEASE TURN OFF CELL PHONES AND PAGERS BEFORE THE MEETING BEGINS.
AT YOUR REQUEST A SECURITY ESCORT WILL BE PROVIDED TO ACCOMPANY YOU TO YOUR CAR AFTER THE MEETING. THANK YOU.**

NOTE: The field trip is scheduled to leave at 4:00 p.m.

AGENDA FOR THE
SALT LAKE CITY PLANNING COMMISSION MEETING
In Room 326 of the City & County Building at 451 South State Street
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The Planning Commission will be having dinner at 5:00 p.m., in Room 126. During the dinner, Staff may share general planning information with the Planning Commission. This portion of the meeting will be open to the public.

1. **APPROVAL OF MINUTES** from Wednesday, March 9, 2005

2. **REPORT OF THE CHAIR AND VICE CHAIR**

3. **REPORT OF THE DIRECTOR**

4. **PUBLIC NOTICE AGENDA** – Salt Lake City Property Conveyance Matters (Staff: Karryn Greenleaf at 483-6769, Matt Williams at 535-6447 or Doug Wheelwright at 535-6178):
   a. UTOPIA DBA Murray City and Salt Lake City Public Utilities Department – UTOPIA is requesting that Public Utilities approve a standard utility permit to allow a communications conduit to be installed under a portion of the Jordan and Salt Lake City Canal property, located at approximately 668 E. Larchwood Drive (6070 South). Public Utilities staff intends to approve the utility permit.
   b. UTOPIA DBA Murray City and Salt Lake City Public Utilities Department – UTOPIA is requesting that Public Utilities approve a standard utility permit to allow a communications conduit to be installed within a portion of the Jordan and Salt Lake City Canal property, located at approximately 6931 South 500 East. Public Utilities staff intends to approve the utility permit.
   c. TK Enterprises/Mike Keim and Salt Lake City Public Utilities Department – TK Enterprises is requesting that Public Utilities approve a standard utility permit to allow water and sewer lines to be installed under a portion of the Jordan and Salt Lake City Canal property, located at approximately 13100 South 250 West in Draper City, just west of I-15. Public Utilities staff intends to approve the utility permit.
   d. Quest Communications and Salt Lake City Public Utilities Department – Qwest is requesting that Public Utilities approve a standard utility permit to allow a communication conduit to be installed under a portion of the Big Cottonwood Conduit, located within a City owned easement within a UDOT (I-215 East) right of way at approximately 3393 East Upland Drive (3772 South) in the un-incorporated Salt Lake County near Skyline High School. Public Utilities staff intends to approve the utility permit.
   e. PacifiCorp and Salt Lake City Property Management Division – PacifiCorp is requesting that Property Management grant a utility easement for a pre-existing power pole guy wire, which extends north into the Forest Dale Golf Course property 30 feet from the stub-ended McClelland Street (1045 East). The proposed easement would be 10 feet wide, centered on the existing guy wire location. The address location is 2588 South McClelland Street. The City owned golf course property is zoned Open Space (OS). Property Management and City Parks Division staff intends to approve the easement request.

5. **PUBLIC HEARINGS**
   a. **Petition No. 400-04-37 – Victor Kimball** requesting a zoning map amendment to rezone approximately 59' of the rear portion of the properties located at 850 S. Edison, 854 S. Edison, and 858 S. Edison Street from an SR-3 zoning classification to a D-2 classification. The purpose of this request is to accommodate the construction of a new retail establishment. (Staff – Elizabeth Giraud at 535-7128)
   ★ b. **Petition No. 490-05-07 – Victor Kimball** requesting preliminary subdivision approval to reconfigure the properties at 850 S. Edison, 854 S. Edison, 858 S. Edison Street, and 845 S. State Street to create a larger commercial lot (D-2) fronting State Street and three remnant residential lots (SR-3) fronting Edison Street. (Staff – Elizabeth Giraud at 535-7128)
   c. **Petition No. 410-713 – The Church of Jesus Christ of Latter Day Saints**, represented by Tracy Stocking & Associates, is requesting conditional use approval to expand the existing parking lot of a Place of Worship (the Belvedere Ward) onto an adjacent 0.14 acre residential parcel, located at 1803 S. 600 East Street in an R-1/5,000 zoning district. This expansion would require the demolition of an existing residential duplex structure and must also meet the requirements of the Housing Mitigation Ordinance. (Staff – Marilynn Lewis at 535-6409)
   d. **Petition No. 410-709 – Sinclair Oil Corporation** requesting planned development approval for the demolition and reconstruction of a gasoline station/convenience store in the Sugar House Business District (CSHBD) at approximately 1974 South 1100 East & 1068 E. Hollywood Avenue (1970 South). (Staff – Ray McCandless at 536-7282)
   e. **Petition No. 410-717 – Eric Saxey** requesting an 11 unit residential planned development, located at approximately 625 East 200 South, to build multiple buildings on a single site and to modify some of the required coverage and setbacks in an RMF-45 zoning district. The site is located within an Historic Preservation Overlay Zoning District. (Staff – Doug Dansie at 535-6182)

6. **UNFINISHED BUSINESS**

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SALT LAKE CITY PLANNING COMMISSION MEETING
In Room 326 of the City & County Building
451 South State Street, Salt Lake City, Utah
Wednesday, April 13, 2005

Present from the Planning Commission were Chairperson Tim Chambless, Vice Chairperson Laurie Noda, and Commissioners Jennifer Seelig, Babs De Lay, John Diamond, Craig Galli, and Kathy Scott. Commissioners Prescott Muir and Peggy McDonough were not in attendance.

Present from the Planning Division Staff were Community Development Director Louis Zunguze, Deputy Community Development Director Brent Wilde, Deputy Planning Director Doug Wheelwright, Zoning Administrator Kevin LoPiccolo, Senior Planner Elizabeth Giraud, Principal Planner Doug Dansie, Associate Planner Janice Lew, and Planning Commission Secretary Andrea Curtis.

A roll is being kept of all who attended the Planning Commission Meeting. Chairperson Chambless called the meeting to order at 5:45 p.m. Minutes are presented in agenda order and not necessarily as cases were heard by the Planning Commission. Tapes of the meeting will be retained in the Planning Office for a period of one year, after which they will be erased.

Planning Commission Members voting during the meeting are as follows: Commissioner Noda, Commissioner De Lay, Commissioner Galli, Commissioner Scott, Commissioner Seelig, and Commissioner Diamond. Commissioner Chambless, as Chairperson, did not vote.

(This item was heard at 7:11 p.m.)

Petition No. 490-05-07 – Victor Kimball requesting preliminary subdivision approval to combine the rear portion of the properties at 850, 854, and 858 Edison Street with the lots at 845 and 851 South State Street to create a larger commercial lot in the Downtown Support District (D-2) fronting State Street while maintaining three residential lots in the Special Development Pattern Residential District (SR-3) fronting Edison Street. (Staff – Elizabeth Giraud at 535-7128)

Petition No. 400-04-37 – Victor Kimball requesting a zoning map amendment to rezone approximately 69 feet of the rear portion of the property located at 850 South Edison Street and approximately 53 feet of the rear portion of the properties located at 854 and 858 South Edison Street from Special Development Pattern Residential District (SR-3) to a Downtown Support District (D-2), and to amend the future Land Use Map of the Central Community Development Plan from Medium Density Residential to Central Business District Support, consistent with the portions of the property to be rezoned. The purpose of this request is to accommodate the construction of a new retail establishment. (Staff – Elizabeth Giraud at 535-7128)

It is noted that these two items, being interrelated, were presented and discussed together. However, in accordance with Planning Commission Policies and Procedures, the two petitions were addressed in separate motions.

Senior Planner Elizabeth Giraud specified that she would examine the standards for each petition separately. She concurred with the assessment Director Zunguze offered during the Planning Director's Report that a review of the previously approved Conditional Use on the adjacent property would be helpful in understanding the petitions at hand. She noted that

UDOT required changing the access to Enterprise Rent-a-Car from State Street. She referred the Commissioners to the memo in their packet which specifies site plan for the originally approved conditional use. In that plan, the access to Enterprise Rent-a-Car comes off State Street and is a dedicated entrance for that business. UDOT requires Enterprise to share the access with the proposed Family Dollar store, necessitating only one curb cut and slightly changing the originally approved site plan. Ms. Giraud noted that the change is so minor that action by the Planning Commission is not required.

Petition 490-05-07 involves recombining 5 lots, two of which front State Street and 3 of which front Edison Street, into a total of four lots. The rear portion of the lots along Edison Street would be combined with the lots fronting State Street and, per Petition 400-04-37, be rezoned from SR-3 to a D-2. Ms. Giraud acknowledged improvements in the petitioner's original proposal, which included a request to rezone the lots in their entirety, demolish the homes on Edison Street, and have access from State Street to Edison Street. Staff was unable to support that proposal, citing the proximity of housing and the City's past investment of Federal funds to resurface and rebuild the Edison Street block.

Staff recommends the Planning Commission approve the petition, finding that the request preserves the general character of the neighborhood, continues the SR-3 zoning along Edison Street, and maintains the character of the commercial highway corridor on State Street. This would accommodate the Family Dollar store.

Ms. Giraud verified that in terms of conforming to the zoning ordinance, there is no minimum lot size for the D-2 zone, so the reconfiguration isn't an issue in that area. The Edison Street property farthest north, 850 Edison, is currently 6,100 square feet; at 854 Edison, the lot is currently 5,227 square feet, and 858 Edison, adjacent to Arctic Circle, is 6,534 square feet. All of the Edison Street lots would be reduced to 3,259 square feet; the required square footage in the zone is 2,000 square feet. All lots would still be larger than required.

Ms. Giraud explained that Public Utilities did not inform Staff of any utility easements, a required part of the subdivision proposal, which exist on the properties. The applicant would have to conform to any utility easements once the Family Dollar store was underway as part of the building permit process. Public Utilities also anticipated that adequate facilities for water and sewage are in place to accommodate the proposal. Engineering Division has stated their support of Staff in not allowing through access from State Street to Edison.

Ms. Giraud emphasized that the rezoning affects only the rear portion of the Edison Street lots with the portion of the lots retaining SR-2 zoning more than meeting the required size. She stated that the proposal also meets the intent of the Master Plan.

Ms. Giraud noted that the proposal has gone before numerous Community Councils on several occasions, including the Central City Community Council, where the project is located. Adjacent Community Councils were notified, which includes both Peoples Freeway and Liberty Wells. None of the Community Councils asked to see the revised plan in its new configuration; they were satisfied with the original plans which showed the access going out onto Edison Street.

As with the subdivision, Staff finds that the proposed zoning amendment is harmonious with the overall character of the existing development and, in fact, is an improvement as the lots surrounding the area have minimal landscaping. Landscape buffering is required for the project, as well as new curb, gutter, and sidewalk where required. Staff finds that the proposed amendment will not adversely affect adjacent properties. There are no overlay zoning districts

involved and all involved City departments were notified of the proposal; no objections were received. The applicant will have to meet all City requirements to obtain the necessary building permits to construct the proposed retail establishment.

Ms. Giraud noted that the proposal includes an amendment to the Future Land Use Map of the Central Community Master Plan adopted in 1974. Appropriate noticing in the newspaper to surrounding property owners was completed.

Ms. Giraud stated that Staff requests approval for the preliminary subdivision and a positive recommendation to City Council on the proposed rezoning.

Commissioner Diamond asked if the placement of the parking along State Street, which continues the parking of the surrounding used car lots, is the right approach for the area. Ms. Giraud noted that the proposed plans meet the zoning requirements of the D-2 area and that the property is outside of the State Street overlay zone, which has different aesthetic requirements. She acknowledged that most cities have sections of highway-oriented development such as this portion of State Street.

Commissioner Diamond noted that his concerns stem from the juxtaposition of the two types of zones, residential immediately next to commercial. He encouraged the petitioner to consider a site plan which would respond to the proximity of residences by relocating the building closer to State Street with more parking behind the buildings.

Commissioner Scott asked if 858 Edison Street, which the proposed plans identify as parking lot 4, would be an overflow lot for the Family Dollar store or accessible from the D-2 area. Ms. Giraud confirmed the lot will not be accessible from the D-2 area. She stated that all the plans she has reviewed place the Family Dollar store on the east end of the D-2 property, cutting off access through to Edision Street. Staff considers this placement a way to protect the homes and residents on Edison Street. She stated that parking on the specified lot would not be prohibited but logically would be avoided by patrons, who would have much closer access available. Commissioner Scott inquired why the site plans identify the lot as a parking lot. Ms. Giraud stated that the lot currently serves as a parking lot, although there is no store nearby. Commissioner Scott noted the area is currently unpaved and that the cars parked there could be those of residents or shoppers visiting other State Street retailers. She queried whether a parking lots between two residential parcels is a permitted use in the zone. Ms. Giraud noted the lot is currently considered a vacant lot. Mr. Wheelwright noted that the southern parcel on Edison Street is the right size for a residential use. The petitioner is not a residential developer, but he does own the property as well as the two houses to the north. Mr. Wheelwright recognized that the parking lot that exists may or may not have some non-conforming use rights; a more extensive investigation would be necessary to clarify that. In the short term, the lot's use will not change from its current function; long term, the lot could provide for a new residence to be constructed on the street. Commissioner Scott expressed the concern that if the lot has been used as a non-conforming parking lot, it could become an appendage lot to support the proposed retail store. Mr. Wheelwright responded that if the owner leased the space to Family Dollar, it could be used for employee parking or another similar use. Commissioner Scott asked if this would be an allowable use in the SR-3 zone. Mr. Wheelwright noted that no request for a parking lot has been forthcoming but suggested the Commission consider additional conditions of approval to address that issue. After consulting the zoning ordinance, Ms. Giraud confirmed that as a conditional use, "parking off-site facilities accessory to permitted use" are permitted in the SR-3 zone.

Commissioner De Lay asked how traffic from State Street heading into Edison Street is being avoided. Ms. Giraud noted that Edison Street is a one-way street; traffic making a large "U" through the block is already possible; the proposal will not change the access.

Chairperson Chambless invited the petitioner, Victor Kimball, to address the Commission.

Mr. Kimball indicated his desire to address the parking issue. He stated that the parking is currently paved; formerly it was part of Arctic Circle's parking under a previous lease agreement. After that agreement was dissolved, the lot was fenced. Arctic Circle customers formerly were able to enter from State Street and park there. Mr. Kimball noted that since the homes in the area have nominal parking, those to the north often use that lot to park.

Commissioner Diamond asked the motivation for the expansion of the D-2 zone. Mr. Kimball confirmed that parking for the proposed retail facility is the major impetus. Family Dollar requires a certain square footage to build a store, with an accompanying parking requirement. Mr. Kimball noted that with the required parking the building would not fit on the current lot. Commissioner Diamond asked if the petitioner had approached property owners to the north or south about leasing some of their parking to avoid the necessity of the proposed rezone. Mr. Kimball responded that he had attempted to purchase the property to the north without success. Early proposals included purchasing the entire block; however, Staff indicated that rezoning the entire block would be unlikely, especially as Federal funding had been used to improve Edison Street. Although several property owners along Edison Street have offered to sell their lots, it has not been a viable solution.

Commissioner De Lay confirmed with Mr. Kimball that the preliminary site map provided, which shows the building all the way to the east, is correct.

Chairperson Chambless asked for a representative from the Community Council. Hearing none, he invited community members to speak. Don Johnston, member of the Baron's Motorcycle Club, addressed the Commission. He noted the Club's 40-year history includes 30 years on Edison Street. He explained that the Club members, at the behest of the neighbors, have assisted with various problems in the area. He expressed that future plans for the parking lot area previously mentioned may include construction of a multi-residential facility that will increase traffic on Edison Street. He acknowledged that leaving the lot as a parking lot would be financially undesirable; since taxes must be paid on the land, some income derived from it is a logical desire. He requested the Commission provide assurances that such a development will not occur.

Commissioner De Lay confirmed that Mr. Johnston's concern is that the lot which formerly served as parking for Arctic Circle might become an egress into Edison Street or become a multi-family residence. Commissioner De Lay queried if Baron's had considered purchasing the lot to provide overflow parking for the current residences. Mr. Johnston explained that the Club had inquired about purchasing the lot next door but that the price of $80,000 was too expensive. He noted that construction of a single residence on that lot is not financially realistic for the area. Commissioner De Lay verified that Club's preference would be no exit onto Edison Street. Mr. Johnston concurred, noting that the lot used to provide parking for apartments that have subsequently been demolished.

Commissioner Scott asked if the area had changed since the improvements were implemented, specifically in the area of community relations between homeowners. Mr. Johnston noted that most homeowners, as well as several retailers, maintain contact with the Club.

Commissioner Scott noted that the symmetry of the lots size in this SR-3 area would be eliminated by the proposed rezoning, changing the complexion of the two homes across the street from the Club as they would no longer have yards the same size as their neighbors to the north. She identified a net increase in the interface of residential properties with D-2 and asked if Mr. Johnston felt this would adversely impact the neighborhood. Mr. Johnston assured the Commission it would. He spoke candidly about illicit activities occurring in the area and expressed concerns that an additional parking lot would foster such activities. He challenged the idea that the cinderblock wall shown in the plans would be effective in deterring such activity.

Commissioner De Lay asked Mr. Johnston what he felt would be the best use for the parking lot, considering the location of the two neighboring homes. Mr. Johnston suggested converting the lot into a green space. He stated there is sufficient parking with Arctic Circle, a travel agency, and other businesses in the area.

Chairperson Chambless asked Mr. Johnston about the lighting in the area. Mr. Johnston responded that the area is quite dark. He noted that many people attempt to drive the wrong way down Edison Street. He stated the street is very nice but significantly lacking adequate lighting. Chairperson Chambless confirmed that there is no public park in the immediate vicinity, with the nearest being several blocks distant.

Greg Putnam, representing Baron's Motorcycle Club, addressed the Commission concerning the public utilities. He noted Staff's report that a 6" water and 8" sanitary sewer main are located on Edison Street and queried the impact that the proposal would have to the residents. He also asked what type of construction traffic might be expected on Edison Street if the proposal goes forward. Chairperson Chambless deferred the question to the petitioner.

Chairperson Chambless asked if any other residents or community members wished to be heard on the matter. Hearing none, he invited Mr. Kimball to address the concerns raised by Mr. Putnam.

Mr. Kimball stated that he would raise a construction fence to eliminate any construction traffic to Edison Street, noting there would be no reason to access the property from Edison. He said the utilities would come from State Street rather than Edison Street, so impact to Edison would be minimal. He noted that the parking area, currently used by Edison Street residents, has not been nor would be shut off to them. Commissioner Chambless asked for Mr. Kimball's assessment of the lighting in the area. Mr. Kimball confirmed that Edison Street is considered a dangerous area where it would be uncomfortable to walk at night. In response to Commissioner Chambless' inquiry, he supposed a flashlight would be needed after dark. Ms. Giraud noted she was in the area at dusk and considered the area to be quite dark. She also noted that any future plans for the lot in question would be required to pass before the Planning Commission as a Conditional Use, with the exception of a single family home or duplex.

Commissioner De Lay asked if Mr. Kimball had considered using the lot for a green space. Mr. Kimball offered to sell the lot to the Baron's Club for half of the price Mr. Johnston quoted for the other lot. Mr. Kimball noted that constructing anything on the lot is not economically feasible. Commissioner De Lay concurred, stating that home prices on the street range up from $79,000; building on the lot would be unprofitable. Mr. Kimball noted that a rental unit in the area would also be unprofitable.

Commissioner Scott asked if water would come from Edison. Mr. Kimball stated that water, sewer, power, etc., would all come from State Street.

Commissioner De Lay asked Ms. Giraud for the history of the project's presentations to Community Councils. Ms. Giraud stated that Peoples Freeway voted in favor of the proposal under the old configuration which had traffic flowing down Edison Street. In October 2004, Liberty Wells Community Council response was mixed; some felt that demolishing the houses on Edison and rezoning it commercial would be beneficial to the area while others opposed the proposal as being too commercial and increasing traffic. In November 2004, Central City Community Council voted 5-4 against the original proposal, citing concerns about the amount of asphalt and the flow of traffic onto Edison Street.

Ms. Giraud stated that the updated plans were sent to all three Community Councils. Peoples Freeway and Liberty Wells Community Councils elected not to rehear the matter; Central City did not respond either for or against reviewing the project again.

Chairperson Chambless asked if there were any further questions for petitioner or Staff. Hearing none, he closed the public hearing and opened Commission discussion of Petition No. 490-05-07.

Commissioner Scott observed that changing the configuration of 3 Edison Street lots of the 12 total appears to contradict Staff's finding that "the proposed minor subdivision will conform to the well-defined character of the surrounding area". She referred to the history of the project and acknowledged that progress has been made in improving the proposal. She expressed discomfort at changing the configuration and well-defined character of the SR-3 area. She noted that SR-3 zones throughout the City usually offer affordable homes, recognizing that few homes in the City are available for $80,000. She stated that affordable housing would be compromised in value and desirability, as the parcels on the west side of Edison would abut a store placed right at the property line. Commissioner Scott continued that she disagreed with Staff's findings of Condition A of Petition 490-05-07 that the minor subdivision shall conform to the general character of the surrounding area, and with the findings of Conditions B and C of Petition 400-04-37, stating the proposed rezone is not harmonious with the overall character of existing development and will have an adverse impact on adjacent properties.

Motion for Petition No. 490-05-07

Commissioner Scott moved that the Planning Commission deny the request to combine the rear properties at 850, 854, and 85 Edison Street with the lots at 845 and 851 South State Street to create a larger commercial lot in the Downtown Support (D-2) zone.

Commissioner Diamond seconded. Commissioners Scott, Seelig, De Lay, and Diamond voted in favor; Commissioners Galli and Noda voted against. As Chair, Commissioner Chambless did not vote. Therefore the motion to deny the petition passed 4-2.

Chairperson Chambless opened final discussion of Petition 400-04-37, asking Ms. Giraud for additional comments.

Ms. Giraud addressed Commissioner Scott's concern about conformity with the area's Master Plan, noting that the 1995 Ordinance updated previously completed Master Plans. Under the proposal the SR-3 zoning does not change and still complies with the provisions and intents of the SR-3 zoning, which was the basis for Staff's finding. Ms. Giraud conceded that the lot size

of the properties in question are reduced in comparison to others on the street but noted they continue to exceed required size and maintain the interior court block street, with houses fronting Edison Street. She expressed positive surprise at the size of the lots in the neighborhood. Commissioner Scott speculated that the lot size likely contributes to the survival of the block, asserting that surviving SR-3 neighborhoods have larger lots. Ms. Giraud noted that she did not have the history of SR-3 districts available to support Commissioner Scott's suppositions. She emphasized that the SR-3 area would continue; no changes to the homes would be visible from the street, with no street widening, housing demolition, or rezoning of Edison Street itself.

Commissioner Seelig concurred with Commissioner Scott's supposition about the value of the lot size, asserting that the larger lot serves as an additional buffer to State Street.

Motion for Petition No. 400-04-37

Commissioner Scott moved that the Planning Commission forward a negative recommendation to the City Council to amend the zoning map to rezone approximately 69' feet of the rear portion of properties on Edison Street, stating that the proposal does not meet Standard A (page 6 of the Staff report), "the proposed amendment is consistent with the purposes, goals, objectives, and policies of the adopted general plan of Salt Lake City"; Standard B (page 6), that "the proposed amendment is harmonious with the overall character of existing development in the immediate vicinity of the subject property". She cited Standard C (page 7 of the report), "The extent to which the proposed amendment will adversely affect adjacent properties" as an additional grounds for denial.

Commissioner De Lay seconded the motion.

Commissioner Galli requested that findings be made as the basis for denying the petitions. He expressed concerns that the evidence standards of compliance are not being met is unclear.

Commissioner Scott clarified her reasons for denial, as noted in the motion above.

Commissioner Galli acknowledged that the Planning Commission has denied conditional use permits and then sent negative recommendations to the City Council previously but observed that those cases have typically been based on comments of neighborhood associations, adjacent landowners, and Community Councils who present compelling arguments and evidence that the standards for approval are not being met. He thanked the Baron's Motorcycle Club for their candor in expressing concerns about the issue but noted that neighborhood associations have been not against the proposal.

Commissioner Seelig clarified that the Central City Community Council didn't respond to the petitioner's revised proposal, stating it was unfair to consider that as approval of the project. Commissioner Galli expressed that since the Community Council did not respond to the opportunity to comment, it can logically be assumed that they are either neutral or do not feel strongly about the matter. When queried, Ms. Giraud clarified that Peoples Freeway Community Council approved the previous format of the proposal; Liberty Wells did not feel the need to revisit the revised plan. The comments of the Central City Community Council from their November 2004 review of the original plan are included in the Staff report. Ms. Giraud noted that the applicant responded to the feedback from the Community Council in redesigning his site plan.

Commissioner Galli emphasized that there has been response to concerns from the petitioner and acquiescence on the part of the Community Councils. Ms. Giraud noted that may be an assumption for Central City's Council because they didn't require Mr. Kimball to appear and explain his revised proposal prior to the Public Hearing. She reviewed the protocol when a project changes, stating that the Chair or Executive Committee makes a decision about whether the petition needs to be reviewed by the full Community Council. She stated she contacted the Central City Community Council via e-mail and a follow-up phone call, receiving no response. Commissioner Galli established that the Community Councils had obviously been given an opportunity to comment, so the Planning Commission is now presuming negative impacts on the community that they themselves have not voiced.

Commissioner De Lay noted that Commissioner Scott has noted several objections to the project's impact on the neighborhood. She expressed the hope that the Planning Commission is not reacting to the fact that other areas, such as Lowe's and Wal-mart, are outside their control. She noted that she works in the neighborhood often and admitted that while it may be shaky, it is populated. She expressed the belief that further consideration of the project's design by the petitioner, neighbors, and Staff could lead to something better for both State and Edison Streets, and acknowledged Commissioner Galli's concerns about concrete reasons to deny the petition.

Commissioner Scott asserted that the Planning Commission often does not vote with Community Councils, stating that the Commissions job is to evaluate the standards and assess them, rather than just pass along Community Council's views. She suggested that some residents may not have been vocal about the proposal because it may appear better than what currently exists, citing community comments from page 5 of the Staff report that some members "supported the proposal because it meant the elimination of what they deemed 'blighted buildings' in the middle of the block." She support Commissioner De Lay's suggestion that the proposal continue to evolve into something better for the D-2 State Street corridor and the neighborhood SR-3 zone.

Commissioner Seelig requested that this view be extended to the City as a whole, noting that changing the zoning on blighted buildings citywide would create a lot more problems.

Chairperson Chambless called for a vote on the motion. Commissioners Scott, Seelig, De Lay, and Diamond voted in favor; Commissioners Galli and Noda voted against. As Chair, Commissioner Chambless did not vote. Therefore the motion to forward a negative recommendation to the City Council passed 4-2.

Exhibit 6

CORRESPONDENCE WITH COMMUNITY COUNCILS

Petition 400-04-37
Transmittal of Edison Street Rezoning Petition

Giraud, Elizabeth

From: Giraud, Elizabeth
Sent: Friday, February 25, 2005 10:47 AM
To: 'ccnc@rock.com'
Subject: proposed rezoning at approx. 845 S. State
Categories: Program/Policy
Attachments: Shirley Jensen - 02-24-05 - 9HBEGMP.pdf

Greetings, Thomas:

On October 6 and November 3, 2004, the Central City Neighborhood Council reviewed a proposed rezoning of property located at approximately 845 S. State Street. The proposed rezoning would have moved the D-2 zone further east, toward Edison Street, so that the applicant, Vic Kimball, could construct a Family All-a-Dollar Store on the State Street site. At your November meeting, Mr. Kimball proposed to demolish the buildings on Edison Street, construct new residential structures on Edison Street, and provide access from State Street to Edison Street. The proposal included expanding the D-2 zone further east, but maintaining SR-3 zoning on Edison Street.

The comments that you forwarded to me on November 11, 2004 expressed the following concerns and comments:

- Once this property is rezoned from residential to commercial everything else non-commercial will get re-zoned. I'ts harder to make something backinto residential use once it has been turned into commercial. It is our residential component being taken from us that concerns all residents of Central City Neighborhood Council.
- CCNC already has enough asphalt parking lots.
- Improvement in this area would be good because this area is rundown looking.
- We (CCNC) do not want cross through traffic from State St. to Edison St.

Your memorandum also noted a concern that the new townhouses the applicant proposed at that time on Edison Street would create a shortage of parking for the residents. You also stated that "CCNC does not endorse demolishing livable residential for newer more expensive residential."

Since the November 3, 2004 CCNC meeting, the Planning Division staff has been working with Mr. Kimball on revisions to his proposal. The Planning Division did not support the access from State Street to Edison Street, and Mr. Kimball altered his site plan accordingly. He has decided to retain the existing buildings on Edison Street. In order to meet the rear yard setback requirements for a SR-3 zone (15' or 20 percent of the length of the lot, whichever is less), he needed to reduce the area proposed for rezoning 5.' Thus, the area proposed for rezoning from SR-3 to D-2 is less than what the CCNC reviewed in November, 2004. Because the applicant has alleviated three of the issues that was of concern to your community council (access from State to Edison Streets, and demolition of the existing homes on Edison Street and subsequent lack of parking for Edison Street residents), and because the proposed rezoned area has changed very slightly and was larger than what is currently under review, I am hoping that the CCNC will not request that the applicant return to the community council to review the final rezone boundary.

I am attaching a site plan (Exhibit A) indicating the proposed zoning your community council reviewed on November 3, 2004. The proposed zoning for the current proposal is indicated on Exhibit B.

I would like to place this item for the Planning Commission's consideration on their March 23, 2005 meeting. Because of noticing requirements, I need to know as soon as possible if the Central City Neighborhood Council would like the applicant or myself to attend one of your meetings prior to scheduling with the Planning Commission.

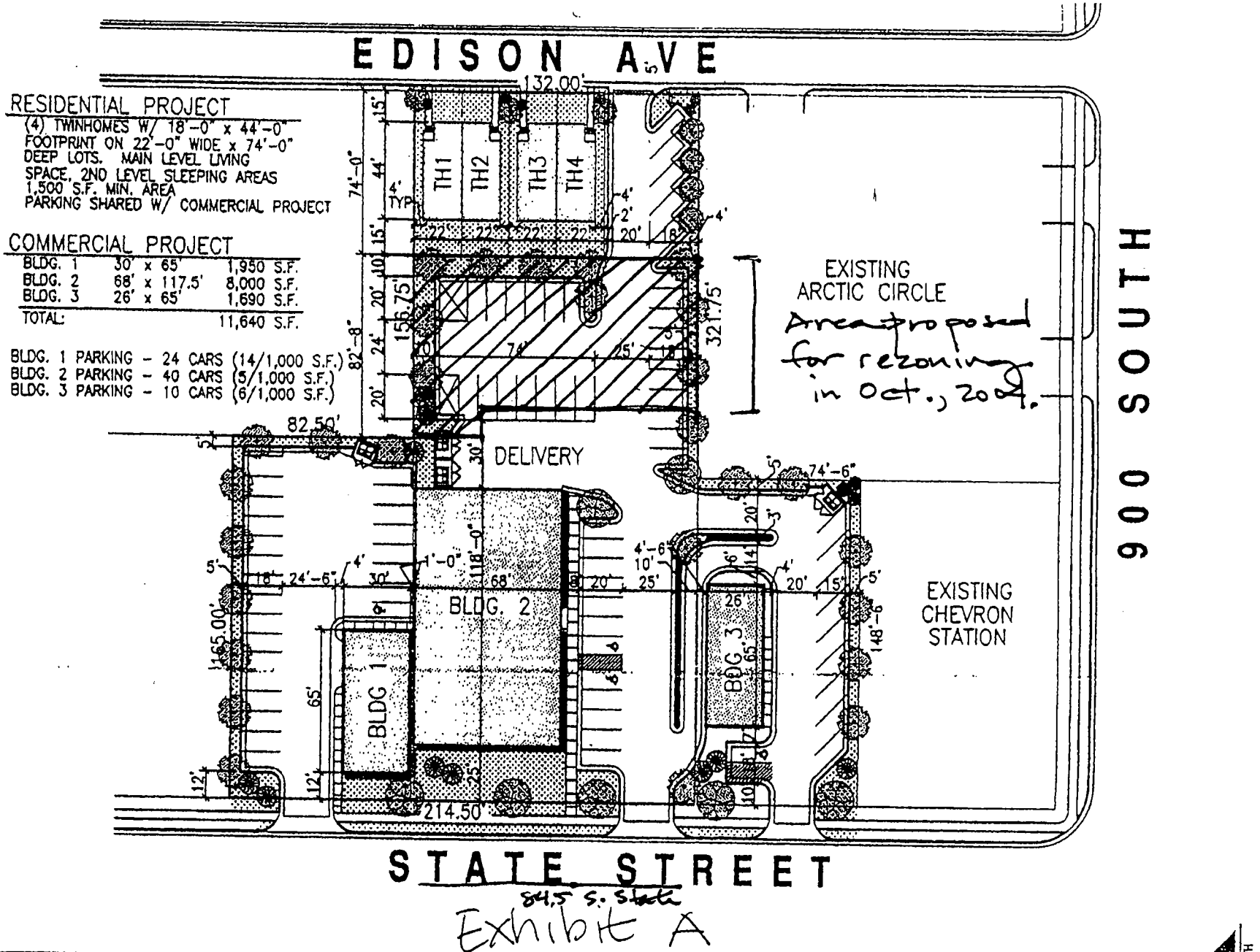


Exhibit A

STEVEN N. WARR & ASSOCIATES ARCHITECTS
178 WEST 800 SOUTH, SALT LAKE CITY, UTAH 84101 (801)359-6900
(801) 322-5124 FAX andybythelake@msn.com Email

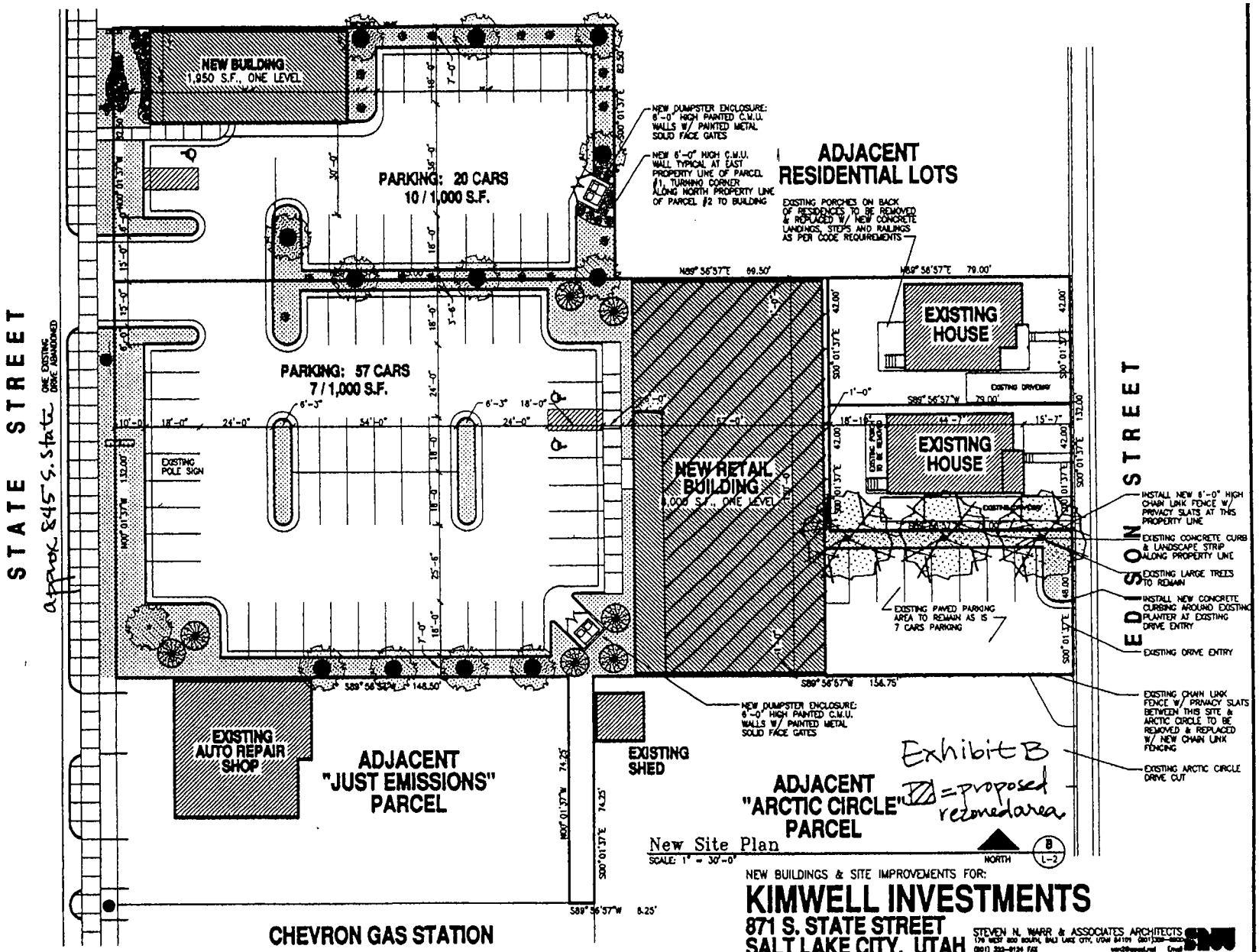
SNU

PROPOSED SITE PLAN

SCALE: 1" = 60'-0"

09/02/04

NORTH


STATE STREET
approx 845' S. State
ONE EXISTING DRIVE ABANDONED
NEW BUILDING
1,950 S.F., ONE LEVEL
PARKING: 20 CARS
10 / 1,000 S.F.
PARKING: 57 CARS
7 / 1,000 S.F.
EXISTING POLE SIGN
NEW DUMPSTER ENCLOSURE: 6'-0" HIGH PAINTED C.M.U. WALLS W/ PAINTED METAL SOLID FACE GATES
NEW 6'-0" HIGH C.M.U. WALL TYPICAL AT EAST PROPERTY LINE OF PARCEL #1, TURNING CORNER ALONG NORTH PROPERTY LINE OF PARCEL #2 TO BUILDING
ADJACENT RESIDENTIAL LOTS
EXISTING PORCHES ON BACK OF RESIDENCES TO BE REMOVED & REPLACED W/ NEW CONCRETE LANDINGS, STEPS AND RAILINGS AS PER CODE REQUIREMENTS
EXISTING HOUSE
EXISTING DRIVEWAY
EXISTING HOUSE
NEW RETAIL BUILDING
7,000 S.F., ONE LEVEL
EXISTING PAVED PARKING AREA TO REMAIN AS IS
7 CARS PARKING
EDISON STREET
INSTALL NEW 6'-0" HIGH CHAIN LINK FENCE W/ PRIVACY SLATS AT THIS PROPERTY LINE
EXISTING CONCRETE CURB & LANDSCAPE STRIP ALONG PROPERTY LINE
EXISTING LARGE TREES TO REMAIN
INSTALL NEW CONCRETE CURBING AROUND EXISTING PLANTER AT EXISTING DRIVE ENTRY
EXISTING DRIVE ENTRY
EXISTING CHAIN LINK FENCE W/ PRIVACY SLATS BETWEEN THIS SITE & ARCTIC CIRCLE TO BE REMOVED & REPLACED W/ NEW CHAIN LINK FENCING
EXISTING ARCTIC CIRCLE DRIVE CUT
EXISTING AUTO REPAIR SHOP
ADJACENT "JUST EMISSIONS" PARCEL
EXISTING SHED
ADJACENT "ARCTIC CIRCLE" PARCEL
Exhibit B
= proposed remodel area
CHEVRON GAS STATION
New Site Plan
SCALE: 1" = 30'-0"
NORTH
B
L-2
NEW BUILDINGS & SITE IMPROVEMENTS FOR:
KIMWELL INVESTMENTS
871 S. STATE STREET
SALT LAKE CITY, UTAH
STEVEN N. WARR & ASSOCIATES ARCHITECTS

Giraud, Elizabeth

From: Sara Hsu [sara_hsu@yahoo.com]
Sent: Thursday, March 03, 2005 3:50 PM
To: Giraud, Elizabeth
Subject: Re: Re-zoning petition at approx. 845 S. State

Dear Elizabeth,

This is just a note to let you know that the People's Freeway Community Council has approved Vic Kimball's new proposal as described below.

Thank you very much.

Sara

Sara Hsu-Moore
First Chair, People's Freeway Community Council
(801) 755-0725

"Giraud, Elizabeth" <Elizabeth.Giraud@slcgov.com> wrote:

> Ms. Hsu:
>
> As we discussed today on the telephone, I am emailing you a copy of a site plan illustrating the proposed zone change at approximately 845 S. State Street. The applicant is Vic Kimball. The proposed use is a Family All-a-Dollar Store. The zone in which the Family All-a-Dollar Store will be located is D-2. The buildings on Edison Street is Residential SR-3.
>
> Mr. Kimball attended the People's Freeway Community Council on October 6, 2004. At that time, Mr. Kimball proposed to demolish the buildings on Edison Street, construct new residential structures on Edison Street, and provide access from State Street to Edison Street. The proposal included expanding the D-2 zone further east, but maintaining SR-3 zoning on Edison Street.
>
> The Planning Division did not support the access from State Street to Edison Street, and Mr. Kimball altered his site plan accordingly. He has decided to retain the existing buildings on Edison Street. In order to meet the rear yard setback requirements for a SR-3 zone (15' or 20 percent of the length of the lot, whichever is less), he needed to reduce the area proposed for rezoning 5.' Thus, the area proposed for rezoning from SR-3 to D-2 is less than what the People's Freeway Community Council reviewed in October, when the Community Council voted 5-0 in favor of the rezoning. Because your community council previously voted in favor of the rezoning when the proposed rezoned area was larger than what is currently under review, I am hoping that People's Freeway will not request that the applicant return to the community council to review the final rezone boundary.
>
> I am attaching a site plan (Exhibit A) indicating the proposed zoning your community council reviewed on October 6, 2004. The proposed zoning for the current proposal is indicated on Exhibit B.
>
> I would like to place this item for the Planning Commission's consideration on their March 23, 2005 meeting. Because of noticing requirements, I need to know as soon as possible if the People's Freeway Community Council would like the applicant or myself to attend one of your meetings prior to scheduling with the Planning Commission.
>
> I appreciate your attention to this request.

Sincerely,

Elizabeth Giraud, AICP
Senior Planner

Giraud, Elizabeth

From: Brian Earl Watkins [brian@57wild.com]
Sent: Tuesday, March 15, 2005 9:12 AM
To: Giraud, Elizabeth
Subject: Re: proposed rezoning at approx. 845 S. State

Thanks for your inquiries on this property.

As I expected, When I passed this around to community council members, there was no one who needed to have the applicant come back. The substantive comments we had, you have already answered.

Thanks Again

-Brian Watkins
LWCC Chair

Giraud, Elizabeth wrote:

> Brian:
>
> The case has already been scheduled for the March 23 Planning
> Commission meeting. My staff report is due for completion next Tuesday, March 15.
> I need any comments you would like to submit by Monday, March 14. When
> I didn't hear from you earlier, the Acting Planning Director
> instructed me to put the item on the agenda, given the fact that your
> community council reviewed the rezoning request in October.
>
> I will email you the Community Council form for the rezoning. If you
> can get that to your community council prior to the 14th, please fax
> it to me at 535-6174 asap.
>
> Housing is not the issue in this case. The applicant is not proposing
> townhomes. Because the Planning Division will not allow access from
> State to Edison streets, the parking situation on Edison will remain
> the same.
>
> If the rezoning goes through, the applicant can take out a building
> permit as an over-the-counter permit. It will not be a conditional
> use, as retail establishments are allowed in the D-2 zone. Thus, the
> Planning Division will have no purview over what kind of fence is
> allowed, other than what the zoning ordinance requires.
>
> I will be out for the rest of the day, as I have a cold and am going
> home to rest. Please let me know if your community council has
> additional comments.
>
> Thanks,
>
> Elizabeth
>
> -----Original Message-----
> From: Brian Earl Watkins [mailto:brian@57wild.com]
> Sent: Wednesday, March 09, 2005 4:52 PM
> To: Giraud, Elizabeth
> Subject: Re: proposed rezoning at approx. 845 S. State
>
> My housing and zoning chair sent me some comments which I attach here.
> He doesn't say that we need to see the applicant again, but I'll give
> you a solid answer tomorrow.
>
> I'll present the plan you sent at my regular meeting tonight so that I
> can let members know to contact you if they want to comment on the new

> plan.
>
> -Brian Watkins
>
> --
> From James Fisher, Housing and Zoning Chair:
>
> Concerning the plans. I like the set where there are four town homes.
> I I believe that they would attract a better clientele. With a
> remodel, the homes will be dilapidated again within four or five years.
>
> The only problem is with the parking on the town homes, there are only
> 4 parking spaces. They are to have 1.5 spaces by code, if I remember
> right. I know they say that they will share with the commercial, but
> if they can "share" then they should be able to set aside enough parking.
> Parking on Edison would create a mess, as it is a very narrow street.
>
> Also, from an aesthetic position, I would recommend a different type
> of fence rather than a chain link fence with slats for privacy. They
> look like junk within a couple of years. A brick wall (not a concrete
> block
> wall) would look good, then a solid wood fence or a vinyl fence. Also
> as security may be an issue, you might want to recommend an 8 foot
> fence rather than 6.
>
> Those ore nickel and dime suggestions, but I think they would finish
> off the project.
> ---
>
> Giraud, Elizabeth wrote:
>
>
>>Brian:
>>
>>In answer to your question: ideally, the city and the Planning
>>Division would like to see buildings closer to the street and
>>eliminate parking in the front yard setback. In this case, the
>>subject property is in a
>>D-2 zone. Unlike the D-1 zone (downtown core), which requires a
>>zero-line setback, minimum of 40 percent glass on the ground floor,
>>and disallows surface parking lots (except as a conditional use), the
>>D-2 zone does not have such restraints. The D-2 zone is a support
>>zone for downtown, and allows businesses like car dealerships, which
>>are necessary to our economy but would not be desired in the central
>>business district.
>>
>>We do have a South State Street Corridor Overlay Zone, which is
>>intended to "reinforce the historical land development patterns" along
>
>
>>South State Street from 900 S. to 2100 S. It's not very restrictive,
>>but it allows a developer to not have to meet the required front-yard
>>setback, and thus push a building closer to the street and alleviate
>>the effects of parking on the streetscape. This property, however, is
>
>
>>sort of a "hole in the donut," and does not have to conform to either
>>the D-1 zoning requirements or have the flexibility afforded by the
>>South State Street Corridor Overlay Zone. It is also not located in a
>
>
>>"walkable community" overlay district, which the City Council recently
>
> passed.
>
>>This overlay district pertains to the small, commercial zones, and the
>

>
>>R-MU zone, and is intended to require siting that is more
>>pedestrian-friendly than we have required in our commercial zones in
>>the past.
>>
>>
>>I hope this answers your questions. Could you please let me know if
>>the applicant will need to go to the Liberty Wells Community Council?
>>
>>Thank you.
>>
>>Elizabeth
>>
>>-----Original Message-----
>>From: Brian Earl Watkins [mailto:brian@57wild.com]
>>Sent: Friday, February 25, 2005 1:27 PM
>>To: Giraud, Elizabeth
>>Subject: Re: proposed rezoning at approx. 845 S. State
>>
>>Elizabeth,
>>
>>Thanks for your update on 845 S. State.
>>
>>I will pass on your letter to our Housing and Zoning chair for quick
>>consideration. I do have a question, though.
>>
>>Is the placement of the larger retail building consistent with recent
>>and current policy on the relationship of parking and buildings in
>>this corridor? It is my understanding that the city strongly prefers
>>buildings that have some sort of relationship to the street and viable
>
>
>>pedestrian access rather than sitting behind a car-access-only sea of
>>parking, especially in the Central Community. This design looks like
>>a big step backward from the livable community work the city and
>>community have been doing.
>>
>>-Brian Watkins
>>
>>Giraud, Elizabeth wrote:
>>
>>
>>>Brian:
>>>
>>>On October 13, 2004, the Liberty Wells Community Council (LWCC)
>>>reviewed a proposed rezoning of property located at approximately 845
>>>S. State Street.
>>
>>...
>>
>>
>>>I appreciate your attention to this request.
>>>
>>>Elizabeth Giraud, AICP
>>>Senior Planner
>>
>

CENTRAL CITY NEIGHBORHOOD COUNCIL

Liberty Senior Center
251 East 700 South
Salt Lake City, Utah 84111

Date: November 11th, 2004

To: Salt Lake City Planning Dept. - Elizabeth Giraud

Re: Re-zone request - 850, 854, and 858 S. Edison St.

Central City Neighborhood Council(CCNC) has heard the Re-zone request proposed by Mr. Kimball and Mr. Kimball. This presentation by the developer is why it is necessary for CCNC to require the developer to come before us twice before we forward our recommendations to the SLC Planning Dept.. What was mailed to me from SLC Planning Dept. Was different than what was put forth to the Council. What was presented the first time is different than what was presented the second time. I will list some of the comments below.

- If this gets re-zoned eventually everything else non-commercial will get re-zoned. It's harder to make something back into residential use once it has been turned into commercial. It is our residential component being taken from us that concerns all residents of Central City Neihborhood Council.
- CCNC already has enough asphalt parking lots
- Improvement in this area would be good cause this area is rundown looking.
- We do not want cross through traffic from State St. to Edison St.
- Why is it that Developers always want to build what they can't

When asking the Applicant about the parking available for the townhouses along Edison St. we were told that that parking would be eliminated for another townhouse. This would create a shortage in parking for those residences. I have information from the Developer and the City that show different scenarios of residences along Edison St.. These look to be new townhouses. So, will the developer demolish existing homes and rebuild these townhouses? CCNC does not endorse demolishing livable residential for newer more expensive residential.

In general there was much misinformation given by the applicant at both meetings. I felt

there was more to this proposal than was discussed in public and perhaps that is why the Applicants came off as being deceptive. All but one or two comments were negative. A vote was taken. There were 20 or more people present. 5 voted against the re-zone and 4 voted for the re-zone

Thomas Mutter
Chair CCNC

Zoning Map Amendment
Community Council / Citizen Group Input

TO: Tom Mutter, Chair Central City Neighborhood ~~Community~~ Council

FROM: _____, Planning Division Staff

DATE: Nov. 3rd

RE: Re-zone Kimball Inv.

Applicant Vic Kimball, represented by Vic Kimball, is requesting the Salt Lake City Council approve a Zoning Map Amendment for the property at _____. The request includes rezoning the property from SR-3 to D-2 to allow the development of a _____.
As part of this process, the applicant is required to solicit comments from the Central City Neighborhood ~~Community~~ Council. The purpose of the Community Council review is to inform the community of the project and solicit comments / concerns they have with the project. The Community Council may also take a vote to determine whether there is support for the project, but this is not required. (Please note that the vote in favor or against is not that important to the Planning Commission. What is critical is to raise relevant issues for their review.) I have enclosed information submitted by the applicant relating to the project to facilitate your review. The applicant will also present information at the meeting.

If the Community Council chooses to have a project presented to them, the applicant will only be required to meet with the Community Council once before the Planning Staff will begin processing the application. The Community Council should submit its comments to me, as soon as possible, after the Community Council meeting to ensure there is time to incorporate the comments into the staff report to the Planning Commission. Comments submitted too late to be incorporated into the staff report, can be submitted directly to the Planning Commission, via the Planning Division, for their review prior to the Planning Commission Public Hearing.. I will also attend the meeting to answer any questions and listen to the comments made by the Community Council members.

Following are City adopted criteria that the Planning Commission will use to make their decision. The City's technical staff will review the project to ensure it complies with adopted policies and regulations. Input from the Community Council / citizen groups can be more general in nature and focus on issues of impacts to abutting properties and compatibility with the neighborhood. Staff is not looking for you to make comments on each of the below listed criteria, but general comments should pertain to the criteria listed below.

A. Consistency with the master plan policies of the Central Community Master Plan;
B. Harmony with the overall character of existing development in the immediate vicinity of the subject property;
C. Extent to which adjacent properties will be adversely affected;
D. Consistency with applicable overlay zoning districts (such as Historic Preservation, Ground Water Protection and Stream / River Corridors. The Project Planner can inform you of whether the property is within an overlay zoning district.); and
E. Adequacy of public facilities and services intended to serve the subject property (such as roads, parks, police and fire protection, schools etc.)

You may submit your written comments to the Planning Division by mail at Salt Lake City Planning Division, 451 South State Street, Room 406, SLC, UT 84111; by Fax at (801) 535-6174 or via e-mail to me at _____@slcgov.com.

If you have any questions, please call me at _____ or via e-mail.

COMMUNITY COUNCIL COMMENTS:

The above referenced applicant met with the _____ Community / Neighborhood Council on _____. Approximately _____ people attended the meeting. Those in attendance made the following comments relating to the project.

_____

_____

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_____

_____

_____

In general, was the group supportive of the project?

_____

Signature of the Chair or Group Representative

_____

Oct 6 2001

PEOPLES FREEWAY COMMUNITY COUNCIL
JEFF DAVIS, CHAIR

Peoples Freeway Community Council voted 5 to 0 in approving the zoning change to put the 2 houses at 845 South State to parking & landscape.

Jeffery L. Davis, Chair

Zoning Map Amendment
Community Council / Citizen Group Input

FAX KIMBALL 801 355 4308
FAX SLC 801 535 6174

TO: Brian Watkins, Chair Liberty Wells Community Council

FROM: Elizabeth Giraud, Planning Division Staff

DATE: October 13, 2004

RE: 400-04-37

Applicant Vic Kimball, represented by _____, is requesting the Salt Lake City Council approve a Zoning Map Amendment for the property at 850, 854, 858 600 S. Edison. The request includes rezoning the property from SR-3 to D-2 to allow the development of a commercial use. As part of this process, the applicant is required to solicit comments from the Liberty Wells Community Council. The purpose of the Community Council review is to inform the community of the project and solicit comments / concerns they have with the project. The Community Council may also take a vote to determine whether there is support for the project, but this is not required. (Please note that the vote in favor or against is not that important to the Planning Commission. What is critical is to raise relevant issues for their review.) I have enclosed information submitted by the applicant relating to the project to facilitate your review. The applicant will also present information at the meeting.

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you have any questions, please call me at 535-7128 or via e-mail.

FAX KIMBALL 801
FAX SLC 801

Zoning Map Amendment
Community Council / Citizen Group Input

TO: Brian Watkins, Chair Liberty Wells Community Cour

FROM: Elizabeth Giraud, Planning Division Staff

DATE: October 13, 2004

RE: 400-04-37

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If you have any questions, please call me at 535-7128 or via e-ma

COMMUNITY COUNCIL COMMENTS:

The above referenced applicant met with the Liberty Wells Community / Neighborhood Council on October 13, 2004. Approximately 25 people attended the meeting. Those in attendance made the following comments relating to the proje

SOME RESIDENTS ARE CONCERNED ABOUT THE HOUSING ON EDISON STREET AND WANT A COMMITMENT FROM THE DEVELOPER TO MAINTAIN IT AND KEEP IT OCCUPIED BEFORE ~~AGREEING TO~~ SUPPORTING THE IDEA OF ELIMINATING THE BACKYARDS (AS THIS CHANGE WIL

SOME RESIDENTS SUPPORT THE DEVELOPMENT BECAUSE IT WILL ELIMINATE THE DUPLEX AND 4-PLEX JUST BEHIND EXISTING YARDS, WHICH THEY CONSIDER A HAZARD BECAUSE THEY ARE NEARLY VACANT BUILDINGS

SOME RESIDENTS ARE DISAPPOINTED WITH THE CURRENT STATE OF MAINTENANCE OF THE PROPERTY

RELUCTANT TO SUPPORT THE CONDITIONAL USE PERMITS FUTURE STAGES OF THIS PROJECT MAY REQ

AND SOME WANT TO CONSIDER THE OTHER EXCEPT CHANGES THE PROJECT WILL REQUIRE BEFORE MAKING CHANGES,

SOME WANT ACCESS TO EDISON BY CAR CLOSED OFF S DONT GET ALL THE

In general, was the group supportive of the project?

SENTIMENT WAS MIXED WITH MORE POSITIVE THAN NEGATIVE SENTIM

Signature of the Chair or Group Representative

LIBERTY WELLS COMMUNITY COUNCIL
Minutes for Meeting Held September 8, 2004

Prior to the meeting, there was an Education and Discussion Session with Local School Board candidate Heather Bennett as our guest.

The meeting was called to order at 7:05 pm by Chairperson Brian Watkins. Chairperson Watkins called for a quorum roll call of the Board of Directors. A quorum was present.

The minutes of August, 2004 were approved.

The Committees then gave their "One Minute Update Reports".

1. Executive, no report.
2. Finance, $179.84 in the bank, need to update signature cards. Mtg. with Sec. and Chairman Tues, Sept. 14, 4:00PM to sign bank signature cards.
3. Legacy Committee: Robert Skraznas told us that Pamela Skraznas asked for suggestions for the placements of the rock benches.
4. Membership& Outreach, Marlene Hardy had canvassed the area businesses. Spoke with the Com. Director of the Development Corporation of Utah and suggested a visit by them to our committee. Met with "Cheap Meats" owner and the owners of the Park Café.
5. Public Safety- Chris Herrmann reported that the August meeting for "Night out against Crime" was well supported by the city, but there as a very low turnout from the neighborhood.
6. Housing and Zoning- Jim Fisher made a recommendation for the Community Council to support the 845 South State Street Project, submitted by Vic Kimball. Since it was not on the Community Council calendar, it was, after discussion, determined that the proper procedures would be to place the proposal on the agenda for October and to maintain the procedures of the Community Council. It was also discussed that the owners, if they could not be present, could have their project discussed in their absence.

The Ad Hoc Committee Reports

1. State Street, no report.

2. CDBG – Leslie Jo Abplanap reported that she met with Jill Remington Love and was told that the $60,000 the was approved for design work for the Chelsea district, would be spread over the 6 projects (at $10,000) each and that the Liberty Wells Community Council would make an additional grant application for $190,000 to bring a total amount of $250,000 for design for all of the streetlight projects. There was discussion as to what is really happening to the original $60,000 and concern was expressed that the monies be spent for the project that they were originally set aside for.

Exhibit 7

ORIGINAL PETITION

Petition 400-04-37
Transmittal of Edison Street Rezoning Petition

PETITION NO. 400-04-37

PETITION CHECKLIST

Date	Initials	Action Required
9/14/04	DH	Petition delivered to Planning
9/14/04	DH	Petition assigned to: ~~Everett Joyce & Janice Lew~~ Elizabeth Giraud
4/13/05	EM	Planning Staff or Planning Commission Action Date
5/10/05	EM	Return Original Letter and Yellow Petition Cover
5/10/05	EM	Chronology
5/10/05	EM	Property Description (marked with a post it note)
5/10/05	EM	Affected Sidwell Numbers Included
5/10/05	EM	Mailing List for Petition, include appropriate Community Councils
5/10/05	EM	Mailing Postmark Date Verification
5/10/05	EM	Planning Commission Minutes
5/10/05	EM	Planning Staff Report
5/10/05	EM	Cover letter outlining what the request is and a brief description of what action the Planning Commission or Staff is recommending.
5/10/05	EM	Ordinance Prepared by the Attorney's Office
5/10/05	EM	Ordinance property description is checked, dated and initialed by the Planner. Ordinance is stamped by Attorney.
Elizabeth Giraud		Planner responsible for taking calls on the Petition
		Date Set for City Council Action
		Petition filed with City Recorder's Office

Zoning Amendment

+ MP Amendment.

Petition No. _____
Receipt No. _____ Amount $ _____
Date Received _____
Reviewed by _____

SALT LAKE CITY PLANNING

*Address of Subject Property 850 So, 854 So 858-60 So Edison

Name of Applicant Craig Arquile Phone 232-7778

Address of Applicant 8 East 300 So # 400 S.L.C. Ut. 84111

E-mail address of Applicant _____ Cell / Fax 355-4308

Applicant's Interest in Subject Property owner

Name of Property Owner Arquile LLC + Southern Investment LLC Phone 355 4300 Kimball cell 541-9924

County Tax Parcel # (Sidwell #) 16-07-152-025-0000 16-07-152-026-0000 16-07-152-027-0000 Zoning of Property SR-3

Existing Use of Property Residential

☐ **Amend the text of the Zoning Ordinance** by amending Section: (attach map or legal description).

☒ **Amend the Zoning Map** by reclassifying the following property: subject property *

From a SR-3 classification to a D-2 classification.

Please include with the application:

1. A statement of the text amendment or map amendment describing the purpose for the amendment and the exact language, boundaries and zoning district.
2. A complete description of the proposed use of the property where appropriate.
3. Reasons why the present zoning may not be appropriate for the area.
4. The names and addresses of all property owners within four-hundred fifty (450) feet of the subject parcel. The name, address and Sidwell number of each property owner must be typed or clearly printed on gummed mailing labels. Please include yourself and the appropriate Community Council Chair. **The cost of first class postage for each address is due at time of application. Please do not provide postage stamps.**
5. Legal description of the property.
6. Ten (10) copies of site plans drawn to scale.
7. A signed statement that the petitioner has met with and explained the proposal to the appropriate Community Council. Attached.
8. Related materials or data supporting the application as may be determined by the Zoning Administrator.

Filing fee of $500.00 plus $100 for each acre over one acre is due at the time of application.

If you have any questions regarding the requirements of this petition, please contact a member of the Salt Lake City Planning staff (535-7757) prior to submitting the petition.

Sidwell maps and names of property owners are available at:

Salt Lake County Recorder
2001 South State Street, Room N1600
Salt Lake City, UT 84190-1051
Telephone: (801) 468-3391

File the complete application at:

Salt Lake City Planning
451 South State Street, Room 406
Salt Lake City, UT 84111
Telephone: (801) 535-7757

Signature of Applicant _____ Manager/Member
or authorized agent *Title of agent*

05/30/2003

Southern Investment, L.L.C.

June 13, 2004

Salt Lake City Planning
451 South State Street, Room 406
Salt Lake City, Utah 84111

Re: Edison Street Zone Change Request

To Whom It May Concern:

1. The enclosed information is submitted for consideration of a zone change to accommodate construction of a retail outlet, and necessary parking, for Family Dollar.

2. There are two homes on Edison Street, which will be removed to create a parking field. All applicable landscape and setback areas will be constructed to beautify the area. Without being able to use this area for parking, it would be unacceptable for Family Dollar. All buildings will be new and will help to rejuvenate this area.

3. This zone change is appropriate for the area. Every person we have talked to on Edison Street and the Community Council have expressed a positive position on this development. Please see attached letters.

If you need any additional information please call me at (801) 541-9924 or (801) 355-4300.

We appreciate your consideration of this application for zone change.

Sincerely,

Victor Kimball

8 East Broadway, Suite 400 * Salt Lake City, UT 84111 * (801) 355-4300 * Fax (801) 355-4308

Salt Lake City Corporation

CED Planning Division
451 South State Rm 406
Salt Lake City UT 84111
801-535-7757

OPEN
Invoice#: 062005082
Date: 9/14/2004

Received From:
Southern Investment, LLC
8 E Broadway, Ste 400
Salt Lake City, Ut 84111

Prepared by:
Diana Hansen

Description	No	C. Center	Object	Project	Activity	Amount
Zoning Map Amendment to reclassify the property located at 850 South Edison St., 854 South Edison St., 858-60 South Edison St. from a SR-3 classification to a D-2 classification. Ck. 1186	1	0600100	125111	-	-	$500.00
Postage for Zoning Map Amendment. Ck. 1194	2	0600900	1890	-	-	$19.98
					TOTAL AMOUNT	**$519.98**
					PAYMENT TYPE	**CHECK**

REMARKS

Petition No. 400-04-37

By Craig Arguile

Is requesting a Zoning Map Amendment to reclassify the property located at 850 South Edison St., 854 South Edison St., & 858-60 South Edison St., from a SR-3 classification to a D-2 classification.

Date Filed

Address