
SALT LAKE CITY COUNCIL STAFF REPORT

DATE: December 13, 2005

SUBJECT: Petition No. 400-05-36 - A petition by Chabad Lubavitch of Utah requesting to amend the zoning designation of property located at 1435 South 1100 East from Single Family Residential (R-1 - 5,000) to Residential Business (RB).

STAFF REPORT BY: Jennifer Bruno, Policy Analyst

AFFECTED COUNCIL DISTRICTS: District 5

**ADMINISTRATIVE DEPT:
AND CONTACT PERSON:** Community and Economic Development
Joel Patterson, Planning Programs Supervisor

NOTICE REQUIREMENTS: Newspaper advertisement once a week for 4 weeks prior to the Public Hearing

POTENTIAL MOTIONS:

1. **["I move that the Council"]** Adopt an ordinance, as recommended by the Planning Commission, to rezone the property located at 1435 South 1100 East from Single Family Residential (R-1 - 5,000) to Residential Business (RB).
 2. **["I move that the Council"]** Not adopt an ordinance, as recommended by the Planning Commission, to rezone the property located at 1435 South 1100 East from Single Family Residential (R-1 - 5,000) to Residential Business (RB).
 2. **["I further move that the Council"]** Clarify that the re-zoning will apply to both 1433 and 1435 South 1100 East, once the Planning Commission-approved subdivision of the property is fully processed and the plat is recorded with the County. (note: This motion can be made in conjunction with motion #1)
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The following information was provided previously for the Council Work Session on December 8, 2005. It is provided again for your reference.

KEY ELEMENTS:

- A. An ordinance has been prepared for Council consideration to amend the zoning designation of the property located at 1435 South 1100 East from Single Family Residential (R-1 - 5,000) to Residential Business (RB).
- B. The Administration's Transmittal notes the following:
 1. The origins of this issue:
 - In 2003, Chabad Lubavitch of Utah planned to demolish two existing buildings on this property to allow the construction of a new synagogue. To accomplish this, the Planning Division communicated that they would need a conditional

use approval (Planning Commission granted in August 2003) and that the two lots that the proposed synagogue would occupy (1433 and 1435 South) would have to be combined into a single lot (Planning Commission granted in August 2003).

- Chabad Lubavitch of Utah then requested the consolidated lot be rezoned from RB to R-1-5,000 because the new lot was 12,500 square feet and the RB zoning district has a maximum size of 10,000 square feet. The R-1 – 5,000 zone has no maximum lot size. The City Council approved this rezone in August of 2003.
 - Chabad Lubavitch of Utah is no longer planning to construct a synagogue on these two properties (they will instead use an existing commercial building at 1760 South 1100 East). The Planning Commission approved the conditional use of this existing commercial building as a place of worship in October 2005.
 - Because they no longer need the property at 1435 South, Chabad Lubavitch of Utah wants to restore the RB zoning so that the property owner can sell the two buildings separately on the two original, separate properties. At their October 26, 2005 meeting, the Planning Commission voted to approve the subdivision request, restoring the original lot line separating the properties. This subdivision has not been officially recorded yet, which is why the rezoning request is for one address. The legal description in the rezoning ordinance encompasses both 1433 and 1435 South 1100 East.
2. The surrounding zoning classifications are all Residential Business (RB), with the exception of properties to the East, which are zoned Single-Family Residential (R-1 – 5,000). Currently the subject property is the only break in RB zoning along the East side of 1100 East from 1355 to 1620 South. It is the only single-family zoning between approximately 1229 South and 1800 South, making it an unlikely development opportunity for a single family residence. (See **Attachment A**).
 3. The surrounding land uses are all commercial, with the exception of properties to the East, which are single-family residential.
 4. The property has allowed both residential and commercial land uses since the inception of zoning in Salt Lake City in 1927.
 5. The Administration found that the proposed zoning map amendment was consistent with the purposes and goals of the adopted general plan of Salt Lake City, is harmonious with the overall character of existing development in the immediate vicinity, will not adversely affect adjacent properties, is consistent with applicable overlay districts, and is serviceable through existing public utilities. Based on these findings the Planning Division recommended the Planning Commission forward a positive recommendation to the City Council to approve the petition.
- C. The purpose of the Residential Business (RB) zoning district is to provide for limited commercial use opportunities within existing residential areas located along higher volume streets while preserving the attractiveness of the area for single-family residential use.
- D. The purpose of the Single-Family Residential (R-1 – 5,000) zoning district is to provide for conventional single-family residential neighborhoods on lots not less than 5,000 square feet in size.
- E. The East Central Community Council reviewed this request on July 20, 2005 and supported the petition as proposed.
- F. The Planning Commission held a public hearing on October 26, 2005 and voted unanimously to forward a positive recommendation to the City Council to rezone the properties back to Residential Business (RB) from Single Family Residential (R-1 – 5,000), based on Planning staff's findings.

1. At the Planning Commission meeting, two other petitions were considered and approved relating this petitioner, one to subdivide the property at 1435 South 1100 East by re-establishing a prior lot line, and one to obtain conditional use approval for a place of worship in an existing commercial building at 1760 South 1100 East. The subdivision approval (not a function of the City Council) has not yet been recorded. This is why the petition is only for one address which refers to the entire property. This property will eventually have two addresses.
 2. No public comment was received at the public hearing for any of the petitions by Chabad Lubavitch of Utah.
- G. The Public Utilities, Engineering, Fire, and Transportation Departments and Divisions reviewed the petition and did not object to the rezoning request.

MATTERS AT ISSUE:

- A. Council staff has noted that the rezoning petition only advertises one address (1435 South 1100 East) to be rezoned. The legal description in the rezoning ordinance covers the properties that were previously combined in 2003 (1433 and 1435 South). Because the Planning Commission approved the subdivision in October to re-create the two original lots, there could be some confusion as to whether the rezoning request applies to two addresses. Staff has discussed this issue with the Planning Division, and because the subdivision process is not legally complete as of yet (it has not been processed through the County Recorder), one address applies to the entire lot. Therefore, noticing for the rezoning request has been technically correct. When the subdivision process is complete, the rezoning, if approved, will apply to both addresses.
1. Staff recommends that the Council read the other address (1433 South) into the public record in their motion to approve or deny the rezoning request, to further clarify the issue for the record.

MASTER PLAN AND POLICY CONSIDERATIONS:

- A. The Central Community Development Plan (1974) recommends very low density residential development (3.3 dwellings per acre) on the east side of 1100 East and low density residential (5.5 dwellings per acre) on the west side of 1100 East. Rezoning the properties from Single-Family Residential (R-1 - 5,000) to Residential Business (RB) would be a move in the opposite direction of these goals, but would not completely abandon the opportunity for residential development.
- B. The draft Central Community Master Plan (not yet adopted) recognizes the unique opportunity for residential and business to mix along 1100 East. In this area (1100 East between 1300 and 1700 South), the master plan encourages the type of business activity that owners can either operate out of their residences, or in a residential structure. However, it also encourages a small area plan for this specific area, to address the concerns of area residents who do not believe that the residential component is being sufficiently preserved. A small area plan could determine appropriate land use and design considerations along the corridor to protect both residential and small business interests. The draft master plan recommends this small area plan be completed within the next 10 years.

CHRONOLOGY:

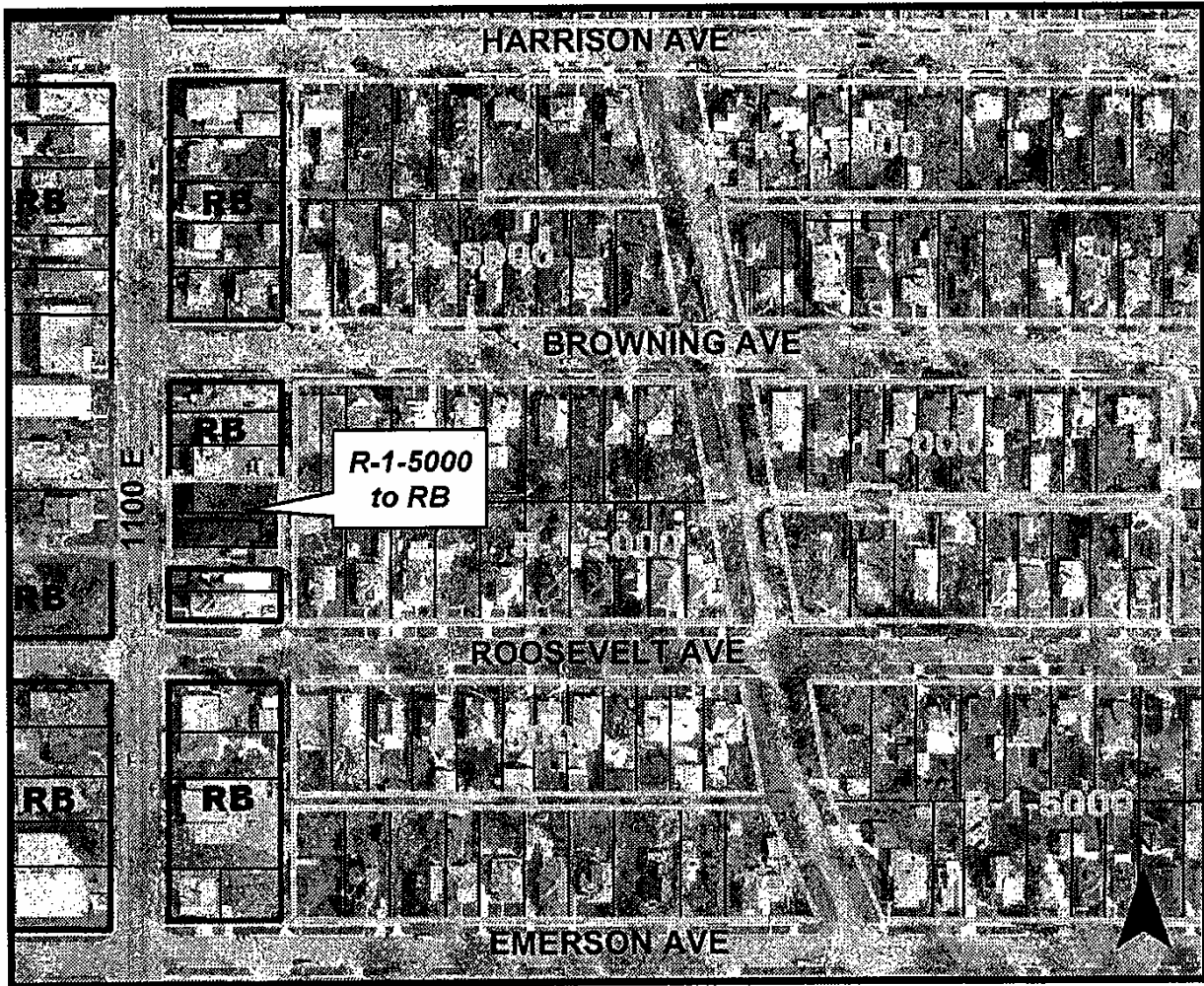
Please refer to the Administration's transmittal for a complete chronology of events relating to the proposed text amendment.

- July 11, 2005 Petition assigned to Planning
- July 20, 2005 Petition presented to East Central Community Council
- August 26, 2005 Petitioner submitted the preliminary subdivision plat.
- October 26, 2005 Planning Commission Public Hearing
- October 27, 2005 Ordinance requested from the City Attorney's Office.
- November 29, 2005 Transmittal received in City Council Office

cc: Rocky Fluhart, Sam Guevara, DJ Baxter, Ed Rutan, Lynn Pace, Melanie Reif, Louis Zunguze, Brent Wilde, Alex Ikefuna, Doug Wheelwright, Cheri Coffey, Joel Patterson, Marge Harvey, Jan Aramaki, Lehua Weaver, Sylvia Jones, Janice Jardine, Annette Daley, Barry Esham, Gwen Springmeyer

File Location: Community Development Dept., Planning Division, Rezoning, 1435 South 1100 East (Chabad Lubavitch of Utah Request)

ATTACHMENT A




A. LOUIS ZUNGUZE
DIRECTOR

BRENT B. WILDE
DEPUTY DIRECTOR

SALT LAKE CITY CORPORATION
DEPT. OF COMMUNITY DEVELOPMENT
OFFICE OF THE DIRECTOR

ROSS C. "ROCKY" ANDERSON
MAYOR

CITY COUNCIL TRANSMITTAL

TO: Rocky Fluhart, Chief Administrative Officer  **Date:** November 22, 2005
FROM: Louis Zunguze, Community Development Director
RE: Petition 400-05-36, a Petition by Chabad Lubavitch of Utah requesting to amend the zoning designation of property located at 1435 South 1100 East from Single Family Residential (R-1-5000) to Residential Business (RB).
STAFF CONTACTS: Joel Paterson, Planning Programs Supervisor, at 535-6141 or joel.paterson@slcgov.com

DOCUMENT TYPE: Ordinance

BUDGET IMPACT: None

DISCUSSION:

Petition 400-05-36 is a request by Chabad Lubavitch of Utah to amend the Salt Lake City Zoning Map by changing the zoning designation of property at 1435 South 1100 East from R-1-5000 Single Family Residential to RB Residential Business. The Zoning Map amendment process requires the Planning Commission to hold a public hearing and forward a recommendation to the City Council, the final approval authority.

ISSUE ORIGIN: In 2003, Chabad Lubavitch of Utah planned to demolish the two existing buildings on this property to allow the construction of a new synagogue. To accomplish this, Chabad Lubavitch of Utah was told by the Planning Division that the new synagogue would require conditional use approval (which was granted in August 2003) and that the two lots (1433 and 1435 South) would have to be combined into a single lot.

Because the RB District includes a maximum lot size of 10,000 square feet and the new lot would be approximately 12,500 square feet, the property was rezoned to R-1-5,000 to accommodate the consolidation of the two lots. Both the RB and R-1-5000 districts allow places of worship as conditional uses. The City Council approved the Zoning Map amendment in August 2003.

Chabad Lubavitch of Utah is no longer planning to construct a new synagogue at 1435 South 1100 East. Chabad Lubavitch recently purchased a commercial building at 1760 South 1100 East and requested conditional use approval to use a portion of this building as a place of worship. The Planning Commission approved this request on October 26,

2005. As a result, Chabad Lubavitch of Utah is selling the property at 1435 South 1100 East and wants to restore the RB zoning and re-establish the two lots that existed prior to the consolidation of these lots in August 2003. Restoring the original conditions for this property will allow the property owner to sell the two existing buildings on this property separately.

ANALYSIS: The proposed zoning map amendment will allow the subject property to be used for limited commercial uses consistent with other properties in this vicinity. This segment of 1100 East has allowed limited commercial activity since 1927. Any new uses that occupy this site would be subject to the provisions of the RB Zoning District, as is the case with the abutting property. The subject property represents the only break in the otherwise continuous stretch of RB zoning on the east side of the street from 1355 South to approximately Logan Avenue at 1620 South and the only single-family zoning designation on 1100 East between approximately 1229 South and nearly 1800 South.

The 1995 Zoning Rewrite project updated the future land use maps for each community Master Plan to be consistent with the new Zoning Map. At that time, the zoning designation of the subject property was changed from B-3 Business District to RB. The proposed Zoning Map amendment will restore the RB designation to this site.

PUBLIC PROCESS: The proposed Zoning Map amendment was reviewed by the East Central Community Council on July 20, 2005. The Community Council expressed support for the proposed zoning amendment.

The Planning Commission held a public hearing on this petition on October 26, 2005. No comments were presented during the public hearing and the Planning Commission voted unanimously to forward a positive recommendation to the City Council to change the zoning of 1435 South 1100 East from R-1-5000 to RB.

CITY COUNCIL POLICY AND MASTER PLAN CONSIDERATIONS: The ordinance adopting the 1995 Zoning Rewrite project included specific language that formally amended the future land use maps for each community master plan in order to be consistent with the new Salt Lake City Zoning Map. At that time, the zoning designation of the subject property was changed from B-3 Business District to RB. The proposed Zoning Map amendment will restore the RB designation to this site.

RELEVANT ORDINANCES: Salt Lake City Code Chapter 21A.50.050 Standards for General Amendments.

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 making its decision concerning 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.
- B. Whether 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.
- D. Whether the proposed amendment is consistent with the provisions of any applicable overlay zoning districts which may impose additional standards.
- 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.

These standards were evaluated in the Planning Commission staff report and considered by the Planning Commission. Discussion and findings for these standards are found on pages 4 and 5 of the Staff report in Exhibit 5B (attached).

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Exhibit 1
CHRONOLOGY

CHRONOLOGY

**PETITION 400-05-36
By Chabad Lubavitch of Utah**

July 8, 2005	Petition Submitted to Salt Lake City Planning Division.
July 11, 2005	Petition assigned to Joel Paterson, Planning Programs Supervisor.
July 13, 2005	A letter was sent to Rabbi Zippel, Chabad Lubavitch of Utah, requesting that additional information be submitted to the Planning Division.
July 20, 2005	Petition presented to the East Central Community Council.
August 15, 2005	Petitioner submitted additional information and noted that the preliminary subdivision plat would be submitted at a later date.
August 26, 2005	Petitioner submitted the preliminary subdivision plat.
October 11, 2005	Notice of the Planning Commission public hearing mailed.
October 13, 2005	Property posted with notification of the Planning Commission public hearing.
October 26, 2005	Planning Commission public hearing. The Planning Commission voted unanimously to forward a positive recommendation to the City Council to change the zoning designation of 1435 South 1100 East from R-1-5000 to RB.
October 27, 2005	Requested that the City Attorney's Office prepare an ordinance.
November 9, 2005	Planning Commission ratified the minutes of the October 26, 2005 Planning Commission meeting.

Exhibit 2
PROPOSED ORDINANCE

SALT LAKE CITY ORDINANCE
No. _____ of 2005
(Rezoning property generally located at 1435 South 1100 East)

AN ORDINANCE REZONING PROPERTY GENERALLY LOCATED AT 1435
SOUTH 1100 EAST FROM SINGLE FAMILY RESIDENTIAL (R-1-5000) TO RESIDENTIAL
BUSINESS (RB), PURSUANT TO PETITION NO. 400-05-36.

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 property generally located at 1435 South 1100 East 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 PROPERTY. The property generally located at 1435 South 1100 East, which is more particularly described on Exhibit "A" attached hereto, shall be and hereby are rezoned from single family residential (R-1-5000) to residential business (RB).

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 property identified above.

SECTION 3. 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

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

CHIEF DEPUTY CITY RECORDER

(SEAL)

Bill No. _____ of 2005.

Published: _____.

I:\Ordinance 05\Rezoning 1435 South 1100 East -- 11-01-05 clean.doc

APPROVED AS TO FORM
Salt Lake City Attorney's Office
Date November 1, 2005
By Melanie Pfeif

*Planning OK
Adopt 11/1/05*

EXHIBIT A

Legal Description
1435 South 1100 East
16-17-208-028

Legal Description:

All of Lots 23, 24, 25 and 26, Block 3 Lincoln Park, according to the official plat thereof,
as recorded in the office of the Salt Lake County Recorder.

*Planning OK
AM
11/1/05*

Exhibit 3

**CITY COUNCIL
HEARING NOTICE**

Petition 400-05-36: Zoning Map Amendment for 1435 S. 1100 E.

NOTICE OF PUBLIC HEARING

The Salt Lake City Council will hold a public hearing and consider adopting an ordinance to amend the Salt Lake City Zoning Map for property located at 1435 South 1100 East from R-1-5000 Single Family Residential to RB Residential Business.

The City Council will hold a public hearing:

Date:

Time: 7:00 p.m.

Place: Room 315 (City Council Chambers)
Salt Lake City and County Building
451 S. State Street
Salt Lake City, UT

Please enter the building from the east side

You are invited to attend this hearing, ask questions or provide input concerning the topic listed above. If you have any questions, contact Joel Paterson at 535-6141 between the hours of 8:00 a.m. and 5:00 p.m., or send e-mail to joel.paterson@slcgov.com

We comply with all ADA guidelines. Accessible parking and entrance are located on the east side of the building. Hearing impaired who wish to attend the above meeting should contact Salt Lake City's TDD service number at 535-6021, a minimum of four days in advance so that an interpreter can be provided.

Exhibit 4

MAILING LABELS



WARING, JACQUELINE D &
Sidwell No. 1617207011
1154 E HARRISON AVE
SALT LAKE CITY UT 84105

TOMKAT ENTERPRISES, LTD
Sidwell No. 1617205015
2451 E MAYWOOD DR
SALT LAKE CITY UT 84109

TEEL, RODNEY W &
Sidwell No. 1617209017
1111 E EMERSON AVE
SALT LAKE CITY UT 84105

STICE, JAMES L; TR
Sidwell No. 1617205011
PO BOX 526432
SALT LAKE CITY UT 84152

STAMP, MELISSA L
Sidwell No. 1617205002
1052 E ROOSEVELT AVE
SALT LAKE CITY UT 84105

SMELSER, RUTH E; TR
Sidwell No. 1617209018
1747 E BROWNING AVE
SALT LAKE CITY UT 84108

SHELLEY, BRIAN G & SOLHEE
Sidwell No. 1617209011
1152 E ROOSEVELT AVE
SALT LAKE CITY UT 84105

SHELLEY, BRIAN G &
Sidwell No. 1617209010
1148 E ROOSEVELT AVE
SALT LAKE CITY UT 84105

SEFTEL, STEVEN
Sidwell No. 1617209022
2500 S 600 E
SALT LAKE CITY UT 84106

SEALS, RAMONA A J; TR
Sidwell No. 1617208026
1167 E ROOSEVELT AVE
SALT LAKE CITY UT 84105

ZEBRACK, JAMES S &
Sidwell No. 1617209013
1160 E ROOSEVELT AVE
SALT LAKE CITY UT 84105

WRIGHT, HERBERT A; TR
Sidwell No. 1617208011
1140 E BROWNING AVE
SALT LAKE CITY UT 84105

WRIGHT, CHRIS L & RACHEL
Sidwell No. 1617204010
1425 S MCCLELLAND ST
SALT LAKE CITY UT 84105

WOOD, JEFFREY &
Sidwell No. 1617207021
1157 E BROWNING AVE
SALT LAKE CITY UT 84105

WILLIAMSON, ANDREW A &
Sidwell No. 1617207019
1145 E BROWNING AVE
SALT LAKE CITY UT 84105

WILDE, NELDON & ROMA
Sidwell No. 1617208012
1146 E BROWNING AVE
SALT LAKE CITY UT 84105

WELLS, SCOTT D &
Sidwell No. 1617209009
1142 E ROOSEVELT AVE
SALT LAKE CITY UT 84105

Rabbi Zippel
Chabad Lubavitch
1433 South 1100 East
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Joel Paterson
451 S. State St. Rm 406
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Joel G. Paterson
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SLC, UT 84109

Dennis Guy-Sell
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PARRISH APARTMENTS LLC, T
Sidwell No. 1617207001
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BOUNTIFUL UT 84011

RIKER, DELLA RAE
Sidwell No. 1617204024
1398 S 1100 E
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SEAICH, EDNA; TR
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O'MARA, TIMOTHY
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1391 S MCCLELLAND ST
SALT LAKE CITY UT 84105

RICHARDSON, GLADYS; TR
Sidwell No. 1617208008
111 CENTER ST #10-A
CLEARFIELD UT 84015

SCOFIELD, R DOUGLAS
Sidwell No. 1617209006
1126 E ROOSEVELT AVE
SALT LAKE CITY UT 84105

NOEL, SCOTT J & EILEEN V;
Sidwell No. 1617205007
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SALT LAKE CITY UT 84105

RICHARDS, DAVID F
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1126 E BROWNING AVE
SALT LAKE CITY UT 84105

SCHREINER, YASUE
Sidwell No. 1617207005
1407 S 1100 E
SALT LAKE CITY UT 84105

NOEL, SCOTT J & EILEEN V;
Sidwell No. 1617205006
1068 E ROOSEVELT AVE
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REED, LAURIE M
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1134 E HARRISON AVE
SALT LAKE CITY UT 84105

SCHAAF, V PAUL &
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1140 E HARRISON AVE
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NIELSEN, GALEN P &
Sidwell No. 1617209014
1168 E ROOSEVELT AVE
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RAY, LORNA F &
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1129 E EMERSON AVE
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2001 S STATE ST # N4500
SALT LAKE CITY UT 84190

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ROSEBURG OR 97470

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PERRY, LESLIE I
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1131 E EMERSON AVE
SALT LAKE CITY UT 84105

SAKAEDA, KARL K &
Sidwell No. 1617208010
1134 E BROWNING AVE
SALT LAKE CITY UT 84105

MOYAR, ANNA G; TR
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1129 E ROOSEVELT AVE
SALT LAKE CITY UT 84105

PAULSON, DONNA T
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1439 S MCCLELLAND ST
SALT LAKE CITY UT 84105

RUNNING, GEORGE W &
Sidwell No. 1617207018
1143 E BROWNING AVE
SALT LAKE CITY UT 84105

MONSON, LISA
Sidwell No. 1617207004
1527 S 1600 E
SALT LAKE CITY UT 84105

PAUL-HUS, FRANCOIS E
Sidwell No. 1617207020
1149 E BROWNING AVE
SALT LAKE CITY UT 84105

ROGERS, ELIZABETH D &
Sidwell No. 1617205014
315 W HUENEME RD
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1738 S 1900 E
SALT LAKE CITY UT 84108

PARRISH PROPERTIES I, LLC
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1123 E ROOSEVELT AVE
SALT LAKE CITY UT 84105

MICHAEL, STEVEN L &
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1158 E BROWNING AVE
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HEINEMAN, D SCOTT &
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1403 S MCCLELLAND ST
SALT LAKE CITY UT 84105

KJOLSETH, FRANCISCO &
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1154 E BROWNING AVE
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1419 S MCCLELLAND ST
SALT LAKE CITY UT 84105

HANSEN, KATHLEEN M
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1487 S 1100 E
SALT LAKE CITY UT 84105

KEENEY, MARK W &
Sidwell No. 1617209008
1136 E ROOSEVELT AVE
SALT LAKE CITY UT 84105

MCKEE, SABRINA N
Sidwell No. 1617208001
1417 S 1100 E
SALT LAKE CITY UT 84105

HAMILTON, CATHERINE
Sidwell No. 1617204008
1413 S MCCLELLAND ST
SALT LAKE CITY UT 84105

JOHNSTON, MAEVE
Sidwell No. 1617205010
1069 E EMERSON AVE
SALT LAKE CITY UT 84105

MCCAUGHEY, STEPHEN &
Sidwell No. 1617205003
1054 E ROOSEVELT AVE
SALT LAKE CITY UT 84105

GRAVES, TIM &
Sidwell No. 1617207014
1119 E BROWNING AVE
SALT LAKE CITY UT 84105

JOHNSON, KARL &
Sidwell No. 1617205005
1062 E ROOSEVELT AVE
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MARASCO, DAVID T &
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Sidwell No. 1617204021
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JENSEN, ED C & DAWN M (JT)
Sidwell No. 1617208016
1160 E BROWNING AVE
SALT LAKE CITY UT 84105

MANWILL, JIM S &
Sidwell No. 1617207017
3160 S 1810 E
SALT LAKE CITY UT 84106

GALLOW, SARAH &
Sidwell No. 1617209019
1125 E EMERSON AVE
SALT LAKE CITY UT 84105

INTERNATIONAL DOWN AND FE
Sidwell No. 1617209001
1455 S 1100 E
SALT LAKE CITY UT 84105

MAGER, BRAD
Sidwell No. 1617208014
1156 E BROWNING AVE
SALT LAKE CITY UT 84105

FJS DYNASTY LC
Sidwell No. 1617205001
1121 S DOUGLAS ST
SALT LAKE CITY UT 84105

HYVONEN, KELLY &
Sidwell No. 1617209007
1130 E ROOSEVELT AVE
SALT LAKE CITY UT 84105

LUBECK, PAUL T &
Sidwell No. 1617204011
2915 E BRIDGEWATER DR
COTTONWOOD HTS UT 84121

ENGEL, JERRED
Sidwell No. 1617207010
7506 E BIG COTTONWOODCYN
BRIGHTON UT 84121

HULL, CHRISTOPHER M
Sidwell No. 1617209024
1159 E EMERSON AVE
SALT LAKE CITY UT 84105

LEAVITT, ROBERT &
Sidwell No. 1617207022
PO BOX 526291
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ELLISON, JERRY &
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1445 S MCCLELLAND ST
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HOPE, STEVEN L &
Sidwell No. 1617207003
1393 S 1100 E
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LEARY, PATRICK W
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BRESIN, SHARON K
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DYKE, NORMAN W. H. & BARB
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BOVINE, TINA MARIE
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1159 E ROOSEVELT AVE
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DOYLE, JASON
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1062 E HARRISON AVE
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BOHMAN, WILDA H &
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DIXON, P LYNN
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BLAUDZUHN, MARGARETA & RO
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BUSH, BEULAH J; ET AL
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183 S 200 E
AMERICAN FORK UT 84003

DERBY, RYAN E & STEPHEN L
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BIGLER, CATHY B
Sidwell No. 1617209023
1153 E EMERSON AVE
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7445 S 700 E
MIDVALE UT 84047

DAVIS, LLOYD B & LURHEA W
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1471 S MCCLELLAND ST
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BASTIANI, PATRICIA &
Sidwell No. 1617208019
1133 E ROOSEVELT AVE
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BRYANT, STEVE G
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BARBER, BRAD T &
Sidwell No. 1617208022
1151 E ROOSEVELT AVE
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BRUNSVIK, FRED M &
Sidwell No. 1617205018
1059 E EMERSON AVE
SALT LAKE CITY UT 84105

CORDOVA, TOM &
Sidwell No. 1617205017
1055 E EMERSON AVE
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ANDERSON, GREGORY B
Sidwell No. 1617208021
1145 E ROOSEVELT AVE
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BROWNE, CHRIS L &
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1139 E ROOSEVELT AVE
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CORBETT, JACKIE L
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1126 E HARRISON AVE
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1411, LLC
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COMBES, DAVID E &
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2785 E RUSSELL RD #B
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BRIGGS, KERRY M &
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CHI, KAY H
Sidwell No. 1617204020
1378 S 1100 E
SALT LAKE CITY UT 84105



ORGANIZATIONS:
Updated: 4/1/2005 sj

DOWNTOWN ALLIANCE
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400-06-32/490.05
Chabad Lakewood 1435 S. 1100E

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Sidwell No. 1617205017
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Sidwell No. 1617208020
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1411, LLC
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HOFMAN, GRACE
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LANGBORG, ANNABELLE B
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MICHAEL, STEVEN L &
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SALT LAKE CITY UT 84105

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1403 S MCCLELLAND ST
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KJOLSETH, FRANCISCO &
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MCLENNAN, JOHN D
Sidwell No. 1617204009
1419 S MCCLELLAND ST
SALT LAKE CITY UT 84105

HANSEN, KATHLEEN M
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1487 S 1100 E
SALT LAKE CITY UT 84105

KEENEY, MARK W &
Sidwell No. 1617209008
1136 E ROOSEVELT AVE
SALT LAKE CITY UT 84105

MCKEE, SABRINA N
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1417 S 1100 E
SALT LAKE CITY UT 84105

HAMILTON, CATHERINE
Sidwell No. 1617204008
1413 S MCCLELLAND ST
SALT LAKE CITY UT 84105

JOHNSTON, MAEVE
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MCCAUGHEY, STEPHEN &
Sidwell No. 1617205003
1054 E ROOSEVELT AVE
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GRAVES, TIM &
Sidwell No. 1617207014
1119 E BROWNING AVE
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JOHNSON, KARL &
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1062 E ROOSEVELT AVE
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MANWILL, JIM S &
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3160 S 1810 E
SALT LAKE CITY UT 84106

GALLOW, SARAH &
Sidwell No. 1617209019
1125 E EMERSON AVE
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INTERNATIONAL DOWN AND FE
Sidwell No. 1617209001
1455 S 1100 E
SALT LAKE CITY UT 84105

MAGER, BRAD
Sidwell No. 1617208014
1156 E BROWNING AVE
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FJS DYNASTY LC
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1121 S DOUGLAS ST
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HYVONEN, KELLY &
Sidwell No. 1617209007
1130 E ROOSEVELT AVE
SALT LAKE CITY UT 84105

LUBECK, PAUL T &
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2915 E BRIDGEWATER DR
COTTONWOOD HTS UT 84121

ENGEL, JERRED
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7506 E BIG COTTONWOODCYN
BRIGHTON UT 84121

HULL, CHRISTOPHER M
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1393 S 1100 E
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PARRISH APARTMENTS LLC, T
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BOUNTIFUL UT 84011

RIKER, DELLA RAE
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1398 S 1100 E
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SEAICH, EDNA; TR
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1109 E BROWNING AVE
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O'MARA, TIMOTHY
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1391 S MCCLELLAND ST
SALT LAKE CITY UT 84105

RICHARDSON, GLADYS; TR
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111 CENTER ST #10-A
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1126 E ROOSEVELT AVE
SALT LAKE CITY UT 84105

NOEL, SCOTT J & EILEEN V;
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1068 E ROOSEVELT AVE
SALT LAKE CITY UT 84105

RICHARDS, DAVID F
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SALT LAKE CITY UT 84105

SCHREINER, YASUE
Sidwell No. 1617207005
1407 S 1100 E
SALT LAKE CITY UT 84105

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1068 E ROOSEVELT AVE
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REED, LAURIE M
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1134 E HARRISON AVE
SALT LAKE CITY UT 84105

SCHAAF, V PAUL &
Sidwell No. 1617207009
1140 E HARRISON AVE
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NIELSEN, GALEN P &
Sidwell No. 1617209014
1168 E ROOSEVELT AVE
SALT LAKE CITY UT 84105

RAY, LORNA F &
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1129 E EMERSON AVE
SALT LAKE CITY UT 84105

SALT LAKE COUNTY
Sidwell No. 1617208025
2001 S STATE ST # N4500
SALT LAKE CITY UT 84190

NELSON, TANYA C
Sidwell No. 1617204034
1432 S 1100 E
SALT LAKE CITY UT 84105

PUGMIRE, NADINE L
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1118 E ROOSEVELT AVE
SALT LAKE CITY UT 84105

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ROSEBURG OR 97470

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1125 E BROWNING AVE
SALT LAKE CITY UT 84105

PERRY, LESLIE I
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1131 E EMERSON AVE
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SAKAEDA, KARL K &
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MOYAR, ANNA G; TR
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1129 E ROOSEVELT AVE
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RUNNING, GEORGE W &
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1527 S 1600 E
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1149 E BROWNING AVE
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315 W HUENEME RD
CAMARILLO CA 93012

MONFROOY, TOM F JR
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1738 S 1900 E
SALT LAKE CITY UT 84108

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CAMARILLO CA 93012



WARING, JACQUELINE D &
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2451 E MAYWOOD DR
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SHELLEY, BRIAN G & SOLHEE
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1152 E ROOSEVELT AVE
SALT LAKE CITY UT 84105

SHELLEY, BRIAN G &
Sidwell No. 1617209010
1148 E ROOSEVELT AVE
SALT LAKE CITY UT 84105

SEFTEL, STEVEN
Sidwell No. 1617209022
2500 S 600 E
SALT LAKE CITY UT 84106

SEALS, RAMONA A J; TR
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1167 E ROOSEVELT AVE
SALT LAKE CITY UT 84105

ZEBRACK, JAMES S &
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SALT LAKE CITY UT 84105

WRIGHT, HERBERT A; TR
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1425 S MCCLELLAND ST
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WOOD, JEFFREY &
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WILLIAMSON, ANDREW A &
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SALT LAKE CITY UT 84105

WILDE, NELDON & ROMA
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1146 E BROWNING AVE
SALT LAKE CITY UT 84105

WELLS, SCOTT D &
Sidwell No. 1617209009
1142 E ROOSEVELT AVE
SALT LAKE CITY UT 84105

Rabbi Zippel
Chabad Lubavitch
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Joel Paterson
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Joel G. Paterson
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Dennis Guy-Sell
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SLC, UT 84152-0473



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Updated: 4/1/2005 sj

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Exhibit 5
PLANNING COMMISSION

Petition 400-05-36: Zoning Map Amendment for 1435 S. 1100 E.

Exhibit 5a

**PLANNING COMMISSION
HEARING NOTICE
AND POSTMARK**

Petition 400-05-36: Zoning Map Amendment for 1435 S. 1100 E.

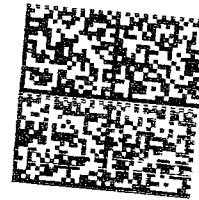
NOTICE OF A HEARING

J.P.
Salt Lake City, UT 84111
451 South State Street, Rm. 406
Salt Lake City Planning Division
Planning Commission Secretary

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 Planning Office 48 hours in advance of the meeting and we will try to provide whatever assistance may be required. Please call 535-7757 for assistance.

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Master

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10/11/2005

Mailed From 84111

US POSTAGE

**AGENDA FOR THE
SALT LAKE CITY PLANNING COMMISSION MEETING
In Room 326 of the City & County Building at 451 South State Street
Wednesday, October 26, 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, October 12, 2005.**
2. **REPORT OF THE CHAIR AND VICE CHAIR**
3. **REPORT OF THE DIRECTOR**
4. **PUBLIC NOTICE AGENDA** Salt Lake City Property Conveyance Matters
 - a) South Valley Sewer Improvement District and Salt Lake City Public Utilities Department - South Valley Sewer District are requesting that two standard utility crossing permits be granted by Public Utilities at two locations along the City owned Jordan and Salt Lake City Canal. One utility crossing permit is for a renewal of a prior crossing permit, located at approximately **50 East, 10000 South Street**. The second utility crossing permit is a new request, located at approximately **10100 South State Street**. Both utility crossing permits are for buried sewer lines and both locations are within Sandy City. Public Utilities Department staff intends to approve the requested permits. (Staff: *Karryn Greenleaf at 801-483-6769 or karryn.greenleaf@slcgov.com or Doug Wheelwright at 801-535-7757 or doug.wheelwright@slcgov.com*).
 - b) Pacificorp and Salt Lake City Property Management Division - Pacificorp, doing business as Utah Power and Light Company, is requesting the relocation of a buried power line easement, which is necessary due to the reconstruction of the Concession Building, located on City property within Liberty Park. The Concession Building is located near the center of the park at approximately **600 East and 1100 South**, within the Open Space (OS) zoning district. The new Concession Building is being constructed over a portion of the existing power line easement, and the easement is proposed to be relocated slightly to the south to avoid the new structure. The new easement will be granted in exchange for canceling the conflicting portion of the existing easement, without additional compensation due by either party. Property Management Division staff intends to approve the requested easement relocation request. (Staff: *Matt Williams at 801-535-6447 or matt.williams@slcgov.com or Doug Wheelwright at 801-535-6178 or doug.wheelwright@slcgov.com*).
5. **PUBLIC HEARINGS**
 - a) **Petition 400-03-08**, by the Salt Lake City Planning Commission, requesting approval to amend Chapter 21A.46 of the Salt Lake City Zoning Ordinance that will add standards to regulate the use and placement of street banners throughout the City. The purpose of this proposal is to designate the use of certain utility poles for the display of street banners to benefit local neighborhoods and the City as a whole by allowing street banners for the limited purpose of encouraging and promoting community identity, community organizations, community activities and events. (Staff: *Lex Traugher at 801-535-6184 or lex.traugher@slcgov.com*).
 - b) **Petitions No. 400-01-32 and Petition No. 400-02-08**, by the Salt Lake City Planning Commission to amend Chapter 21A.26.060 relating to the text of the C-SHBD (Sugar House Business District) zoning district and the corresponding Sugar House Community Zoning Map, as well as the text of the Sugar House Community Master Plan (2001) and corresponding Sugar House Future Land Use Map. In addition, several rezones are proposed for specific properties located adjacent to the area currently zoned C-SHBD (Sugar House Business District). The areas affected by these amendments are located between approximately **2100 South from 900 to 1300 East, and along 1100 East/Highland Drive from Hollywood Avenue to I-80, including the Granite Furniture block, the Sugar House Commons, and the Sugar House Center**. (Staff: *Lex Traugher at 801-535-6184 or lex.traugher@slcgov.com*).

Exhibit 5b

**PLANNING COMMISSION
STAFF REPORT**

DATE: October 20, 2005

TO: Salt Lake City Planning Commission

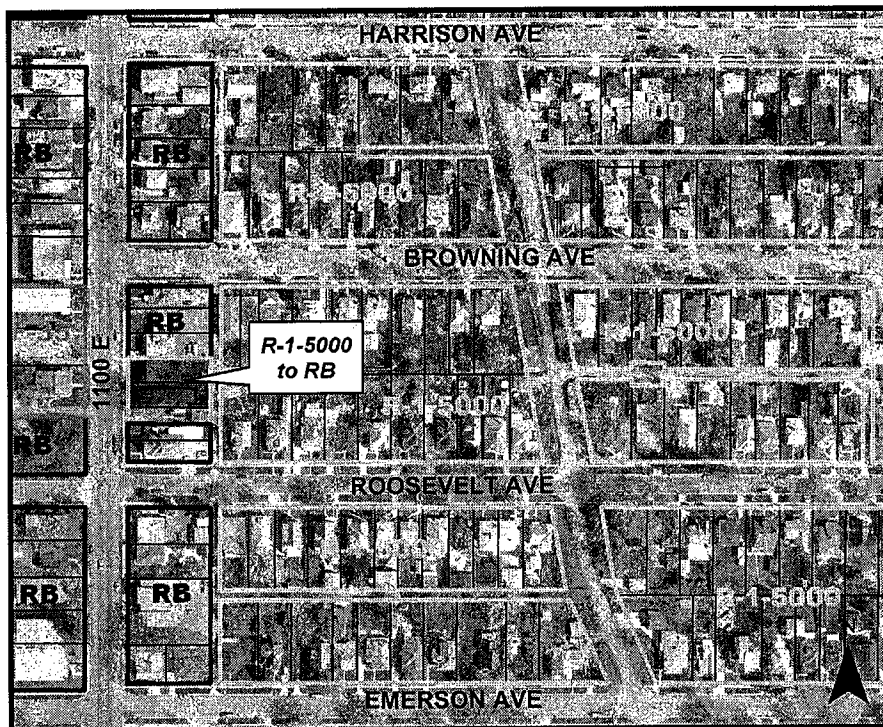
FROM: Joel G. Paterson, AICP
Planning Programs Supervisor
Telephone: 535-6141
E-mail: joel.paterson@slcgov.com

RE: Staff Report for the October 26, 2005 Planning Commission Meeting

CASE#: 400-05-36 – Zoning Map Amendment
490-05-53 – Preliminary Subdivision

APPLICANT: Chabad Lubavitch of Utah

STATUS OF APPLICANT: The applicant is the owner of the subject property



PROJECT LOCATION: 1435 South 1100 East

PROJECT/PROPERTY SIZE: 0.29 acres (approx. 12,500 s.f.)

COUNCIL DISTRICT: District 5, Council Member Jill Remington Love

REQUESTED ACTION: Petition 400-05-36 is a request for a Zoning Map amendment which requires the Planning Commission to hold a public hearing and forward a recommendation to the City Council, the final approval authority. Petition 490-05-53 is a request to subdivide the subject property into two lots.

This staff report includes two sections: the first section reviews the proposed Zoning Map amendment; and the second part reviews the proposed preliminary subdivision.

PROPOSED ZONING MAP AMENDMENT: The applicant is proposing to change the zoning designation of property located at 1435 South 1100 East from R-1-5000 Single Family Residential to RB Residential Business.

The Chabad Lubavitch of Utah is requesting the proposed Zoning Map amendment to restore the zoning that was in place prior to July 2003, when the zoning designation was changed from RB to R-1-5000 to accommodate Chabad Lubavitch's proposed construction of a new synagogue at this site. Chabad Lubavitch no longer plans to construct a new synagogue at this site and wishes to sell the property.

RATIONALE FOR THE PROPOSED ZONING MAP AMENDMENT: In 2003, Chabad Lubavitch of Utah planned to build a new synagogue on the subject property. To accomplish this goal, Chabad Lubavitch of Utah was told by the City that the new synagogue would require conditional use approval (granted in August 2003), and that the two lots (1433 and 1435 South) would have to be combined into a single lot.

However, because the RB District includes a maximum lot size of 10,000 square feet, and the new lot would be approximately 12,500 square feet, the property was rezoned to accommodate the consolidation of the two lots of property. The Council approved the Zoning Map amendment in August 2003.

Chabad Lubavitch of Utah is no longer planning to construct a new synagogue and in fact is seeking conditional use approval for a place of worship at 1760 South 1100 East. As a result, Chabad Lubavitch of Utah is selling the property at 1435 South 1100 East and wishes to restore the RB zoning and re-establish the two lots that existed prior to the consolidation of these lots in August 2003. Restoring the original conditions for this property will allow the property owner to sell the property separately. The property is occupied by two principal buildings; a commercial

building on the north and a residential structure on the south. Chabad Lubavitch occupied both buildings for use as a synagogue for at least ten years. Since the inception of zoning in Salt Lake City in 1927 until 2003, the zoning of this property allowed both residential and commercial land uses.

APPLICABLE LAND USE REGULATIONS:

Section 21A.50.050: Standards for General Amendments

Section 21A.24.160: RB Residential/Business District

Section 21A.24.070: R-1-5,000 Single-Family Residential District

Title 20 Subdivision Ordinance

SURROUNDING ZONING

DISTRICTS:

North	RB
South	RB
East	R-1-5000
West	RB, RMF-35

SURROUNDING LAND USES:

North	Commercial
South	Commercial
West	Commercial, residential
East	Single-family residential

MASTER PLAN SPECIFICATIONS:

The ordinance adopting the 1995 Zoning Rewrite project included specific language that formally amended the future land use maps for each community master plan in order to be consistent with the new Salt Lake City Zoning Map. At that time, the zoning designation of the subject property was changed from B-3 Business District to RB. The proposed Zoning Map amendment will restore the RB designation to this site.

SUBJECT PROPERTY HISTORY:

- On August 13, 2003, the Planning Commission granted conditional use approval for a place of worship to allow Chabad Lubavitch to construct a new synagogue.
- On August 12, 2003, the City Council adopted an ordinance to change the zoning designation for this property from RB to R-1-5000.
- In July 1998, the Board of Adjustment approved a special exception (Case #2430-B) to allow an accessory building for use as a mikvah in the RB Zone.
- In 1995, the zoning for this property was changed from B-3 to RB as part of the city-wide zoning rewrite project.

- From 1927 to 2003, the zoning designation of this property allowed commercial and residential land uses.

COMMENTS, ANALYSIS AND FINDINGS:

1. COMMENTS:

- a) **Transportation:** The Transportation Division anticipates no impact to the 1100 East minor arterial roadway due to the proposed rezoning.
- b) **Public Utilities:** The Public Utilities Department does not anticipate any problems resulting from the rezoning.
- c) **Engineering:** The Engineering Division provided technical comments on the proposed preliminary subdivision plat and expressed no concern regarding the proposed subdivision
- d) **Fire:** The Fire Department did not respond to the request for comments.
- e) **Community Council:** The East Central Community Council (ECCC) reviewed this request on July 20, 2005 and supported the proposed project.

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 making its decision concerning 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: The 1995 Zoning Rewrite project updated the future land use maps for each community master plan to be consistent with the new Zoning Map. At that time, the zoning designation of the subject property was changed from B-3 Business District to RB. The proposed Zoning Map amendment will restore the RB designation to this site.

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

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

Discussion: The proposed Zoning Map amendment will restore the consistent nature of zoning along this segment of 1100 East. Long-term existing buildings on the site will remain in place and continue to contribute to the somewhat eclectic character of this area.

Findings: 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.

Discussion: The proposed zoning map amendment will allow the subject property to be used for limited commercial uses consistent with other properties in this vicinity. This segment of 1100 East has allowed limited commercial activity since 1927. Any new uses that occupy this site would be subject to the provisions of the RB District as is the case with the abutting property. The subject property represents the only break in the otherwise continuous stretch of RB zoning on the east side of the street from 1355 South to approximately Logan Avenue at 1620 South; and the only single-family zoning designation on 1100 East between approximately 1229 South and nearly 1800 South.

Findings: The proposed zoning map amendment will not adversely affect adjacent properties.

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

Discussion: The site of the proposed zoning map amendment is located in the Groundwater Source Protection Overlay (Secondary Recharge Area) and any new development of this site under any base zoning designation must comply with the requirements of the overlay. The proposed zoning map amendment will not affect the status of the overlay district.

Findings: The proposed amendment is consistent with the provisions of the Groundwater Source Protection Overlay zoning district.

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 proposed Zoning Map amendment will have no impact on the adequacy of public facilities or services in this area. It maintains the historical development pattern along this section of 1100 East.

Findings: Salt Lake City can provide adequate public services to the subject site.

RECOMMENDATION: Based on the analysis and the findings presented in this section of the staff report, Staff recommends that the Planning Commission forward a positive

recommendation to the City Council to approve Petition 400-05-36 to amend the Zoning Map by changing the zoning designation of 1435 South 1100 East from R-1-5000 Single Family Residential to RB Residential Business.

PRELIMINARY SUBDIVISION

OVERVIEW:

The property owner, Chabad Lubavitch of Utah, is requesting to subdivide the property at 1435 South 1100 East into two lots by restoring a lot line that was removed during a property consolidation in 2003. The original two lots were consolidated into a single lot in anticipation of the demolition of the existing structures on the property and the construction of a new synagogue. Chabad Lubavitch of Utah has since decided not to pursue the new construction project and is proposing to restore the prior lot line to lessen the non-conforming situation of having two principal buildings on a single lot and to allow the two buildings to be sold separately.

The subdivision request is being heard by the Planning Commission along with the proposed Zoning Map amendment, rather than scheduling a separate administrative hearing.

COMMENTS, ANALYSIS AND FINDINGS:

DEPARTMENTAL COMMENTS: Staff routed the proposed subdivision request with the proposed Zoning Map amendment. Comments are discussed on page 4 of this report.

SUBDIVISION STANDARDS FOR APPROVAL: A preliminary subdivision petition may be approved only if it meets the requirements specified in Section 20.31.090 of the Salt Lake City Code. The requirements are as follows:

A. The minor subdivision is in the best interest of the City.

Analysis: The proposed subdivision restores a long-standing lot line between two existing buildings that was removed in 2003 in anticipation of a new development. The anticipated development of a new synagogue did not occur and the property owner wishes to restore the property as it was prior to 2003. Currently, there are two principal buildings occupying a single lot. Restoring the lot line will lessen the non-conforming situation by allowing each building to exist on a separate lot. Furthermore, the subdivision will allow the two buildings to be sold separately.

B. All lots comply with all applicable zoning standards.

Analysis: The RB and R-1-5000 zoning districts have that same minimum lot size requirements for new lots.

Lot Size 5,000 square feet
Lot Width 50 feet.

The existing lot, as currently configured, has 100 feet of frontage on 1100 East and is 125 feet deep providing a lot area of 12,500 square feet. The proposed subdivision will create two lots with the following dimensions:

LOT 1		LOT 2	
Lot Size	4,692 square feet	Lot Size	7,820 square feet
Lot Width	37.51 feet	Lot Width	62.52 feet

Lot 1 is non-conforming to both lot width and lot size while Lot 2 exceeds both standards. However, together, the lots have sufficient size and width to satisfy the minimum requirement for two lots. The residential structure on Lot 2 will conform to the minimum required front side and rear yard setbacks. However, the commercial structure on Lot 1 will not conform to the minimum required side yard setbacks. However, as mentioned above, the proposed lot line is being restored to its historical location and the commercial building had existed in a non-conforming situation for many years prior to 2003.

The Board of Adjustment has delegated authority to the Zoning Administrator to approve the division of lots containing two or more separate existing principal structures into separate lots that do not meet lot size, frontage width and/or setback provisions if:

- a. The principal buildings for the proposed lot split already exist.
Comment: Two buildings currently exist on the site.
- b. The Planning Director agrees and is willing to perform minor subdivision procedures:
Comment: Because of the associated Zoning Map amendment, Staff forwarded this minor subdivision request to the Planning Commission for consideration.
- c. Parking arrangements become independent and as close as possible to present standards.
Comment: Parking exists behind both structures and is accessible from an alley running between Browning Avenue (1410 South) and Roosevelt Avenue (1460 South).

By restoring the prior lot line between the two buildings, each structure will be located on an individual lot and could be sold separately. The Zoning Administrator has indicated that he would approve the creation of a substandard lot (Lot 1) if the Planning Commission recommends approval.

As currently configured, the two principal structures are non-conforming to the following provision of the Zoning Ordinance

21A.36.010.B One Principal Building Per Lot: Not more than one principal building shall be located on any lot, except that lots in the SR-3, RMF-35, RMF-45, RMF-75, R-MU-35, R-MU-45, R-MU, RO, CB, CS, CC, CSHBD, CG, RP, BP, M-1, M-2, A, I, and UI districts may have more than one principal building on a lot, subject to all of the principal nonresidential buildings being occupied by one use, or all principal residential and nonresidential buildings having frontage on a public street and subject to Part V, Chapter 21.58 of this title.

This provision does not allow two principal buildings on a single lot in the RB district.

C. All necessary and required dedications are made.

Analysis: No dedications are required as the streets, curb, gutter and sidewalk already exist.

D. Provisions for the construction of any required public improvements are included.

Analysis: All public improvements are in place.

E. The subdivision otherwise complies with all applicable laws and regulations.

Analysis: The propose subdivision must comply with other applicable laws and regulations.

RECOMMENDATION

Based upon the analysis and findings in this report, the Planning Staff recommends approval of the requested preliminary minor subdivision (Petition 490-05-53); subject to the following condition:

1. That a notice of minor subdivision be recorded with the Salt Lake County Recorder

Attachment

1. Preliminary Subdivision Plat

ATTACHMENT 1

PRELIMINARY SUBDIVISION PLAT

BROWNING AVENUE (1420 SOUTH)

(N 89°56'37" E 1583.61') N 89°56'39" E 1584.58'

CHABAD SUBDIVISION

A SUBDIVISION LOCATED IN NORTHWEST CORNER OF BLOCK 50, PLAT D, SALT LAKE CITY SURVEY

SURVEYOR'S CERTIFICATE

I, RANDY D. SMITH do hereby certify that I am a Registered Land Surveyor and that I hold Certificate No. 5152708 as prescribed under the laws of the State of Utah. I further certify that by authority of the Owners, I have made a survey of the tract of land shown on this plat and described below, and have subdivided said tract of land into lots and streets, hereafter to be known as the

CHABAD SUBDIVISION

and that same has been correctly surveyed and staked on the ground as shown on this plat.

BOUNDARY DESCRIPTION

ALL OF LOTS 23, 24, 25, AND 26, BLOCK 3, LINCOLN PARK, ACCORDING TO THE OFFICIAL PLAT THEREOF, AS RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

PARCEL 1:

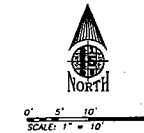
ALL OF LOT 26 AND THE NORTH HALF OF LOT 25, BLOCK 3, LINCOLN PARK, ACCORDING TO THE OFFICIAL PLAT THEREOF, RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF SALT LAKE COUNTY, UTAH.

PARCEL 2:

LOTS 23, 24 AND THE SOUTH HALF OF LOT 25, BLOCK 3, LINCOLN PARK, ACCORDING TO THE OFFICIAL PLAT THEREOF, AS RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

PARCEL 1 CONTAINS:
4,691.88 SQ. FT. OR 0.11 ACRES

PARCEL 2 CONTAINS:
7,819.88 SQ. FT. OR 0.18 ACRES



LEGEND

- Street Monument
- Center Line
- Property Line
- Easement Line

GENERAL NOTES

- THE BASIS OF BEARING FOR THIS SURVEY WAS ESTABLISHED BETWEEN FOUND BRASS CAP MONUMENTS AT THE INTERSECTIONS OF FOURTH(4TH) NORTH AND "G" STREET AND "H" STREET OF BLOCK 50, PLAT "D", SALT LAKE CITY SURVEY AS SHOWN ON THIS SURVEY PLAT.
- ALL COURSES SHOWN IN PARENTHESES ARE RECORD INFORMATION TAKEN FROM DEED DESCRIPTIONS OR OFFICIAL MAPS OR PLATS OF RECORD. ALL OTHER COURSES ARE THE RESULT OF ACTUAL FIELD MEASUREMENTS.

INDIVIDUAL ACKNOWLEDGMENT

STATE OF UTAH
County of Salt Lake } s.s.
On the day of 20 A.D. personally appeared before me, the undersigned Notary Public, in and for said County of Salt Lake in said State of Utah, the signor(s) of the above Owner's dedication, who duly acknowledged to me that they did sign it freely and voluntarily and for the uses and purposes therein mentioned.

MY COMMISSION EXPIRES _____ NOTARY PUBLIC RESIDING IN SALT LAKE COUNTY

CHABAD SUBDIVISION

LOTS 23, BLOCKS, PLAT "D"
SALT LAKE CITY SURVEY

1100 EAST STREET
BASIS OF BEARING
(N 00°01'00" W 343.46') 343.54'



LARSEN & MALMQUIST, INC.
CONSULTING ENGINEERING AND LAND SURVEYORS
1274 WEST 1700 SOUTH
SALT LAKE CITY, UTAH 84119
PHONE (801) 872-2684 FAX (801) 872-2688

CITY PLANNING COMMISSION
APPROVED THIS _____ DAY OF _____ 2005 BY THE SALT LAKE CITY PLANNING COMMISSION.

CITY ENGINEERING DEPARTMENT
I HEREBY CERTIFY THAT I HAVE HAD THIS PLAT EXAMINED BY THIS OFFICE AND IT IS CORRECT AND IN ACCORDANCE WITH INFORMATION ON FILE AND IS HEREBY APPROVED.

CITY PUBLIC UTILITIES DEPT.
APPROVED AS TO SANITARY SEWER AND WATER UTILITY DETAILS THIS DAY OF _____ 2005 A.D.

CITY ATTORNEY
APPROVED AS TO FORM THIS DAY OF _____ 2005 A.D.

SALT LAKE CITY MAYOR
PRESENTED TO SALT LAKE CITY THIS DAY OF _____ 2005 A.D. AND IS HEREBY APPROVED.
SALT LAKE CITY MAYOR _____

SALT LAKE COUNTY RECORDER
STATE OF UTAH, COUNTY OF SALT LAKE, RECORDED AND FILED AT THE REQUEST OF _____
DATE: _____ TIME: _____ BOOK: _____ PAGE: _____
FEE: _____

NUMBER _____
ACCOUNT _____
SHEET _____
of _____

Exhibit 5c

**PLANNING COMMISSION
AGENDA/MINUTES**

Petition 400-05-36: Zoning Map Amendment for 1435 S. 1100 E.

**AGENDA FOR THE
SALT LAKE CITY PLANNING COMMISSION MEETING
In Room 326 of the City & County Building at 451 South State Street
Wednesday, October 26, 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, October 12, 2005.
2. **REPORT OF THE CHAIR AND VICE CHAIR**
3. **REPORT OF THE DIRECTOR**
4. **PUBLIC NOTICE AGENDA** Salt Lake City Property Conveyance Matters
 - a) South Valley Sewer Improvement District and Salt Lake City Public Utilities Department - South Valley Sewer District are requesting that two standard utility crossing permits be granted by Public Utilities at two locations along the City owned Jordan and Salt Lake City Canal. One utility crossing permit is for a renewal of a prior crossing permit, located at approximately **50 East, 10000 South Street**. The second utility crossing permit is a new request, located at approximately **10100 South State Street**. Both utility crossing permits are for buried sewer lines and both locations are within Sandy City. Public Utilities Department staff intends to approve the requested permits. (Staff: *Karryn Greenleaf at 801-483-6769 or karryn.greenleaf@slcgov.com or Doug Wheelwright at 801-535-7757 or doug.wheelwright@slcgov.com*).
 - b) Pacificorp and Salt Lake City Property Management Division - Pacificorp, doing business as Utah Power and Light Company, is requesting the relocation of a buried power line easement, which is necessary due to the reconstruction of the Concession Building, located on City property within Liberty Park. The Concession Building is located near the center of the park at approximately **600 East and 1100 South**, within the Open Space (OS) zoning district. The new Concession Building is being constructed over a portion of the existing power line easement, and the easement is proposed to be relocated slightly to the south to avoid the new structure. The new easement will be granted in exchange for canceling the conflicting portion of the existing easement, without additional compensation due by either party. Property Management Division staff intends to approve the requested easement relocation request. (Staff: *Matt Williams at 801-535-6447 or matt.williams@slcgov.com or Doug Wheelwright at 801-535-6178 or doug.wheelwright@slcgov.com*).
5. **PUBLIC HEARINGS**
 - a) **Petition 400-03-08**, by the Salt Lake City Planning Commission, requesting approval to amend Chapter 21A.46 of the Salt Lake City Zoning Ordinance that will add standards to regulate the use and placement of street banners throughout the City. The purpose of this proposal is to designate the use of certain utility poles for the display of street banners to benefit local neighborhoods and the City as a whole by allowing street banners for the limited purpose of encouraging and promoting community identity, community organizations, community activities and events. (Staff: *Lex Traughber at 801-535-6184 or lex.traughber@slcgov.com*).
 - b) **Petitions No. 400-01-32 and Petition No. 400-02-08**, by the Salt Lake City Planning Commission to amend Chapter 21A.26.060 relating to the text of the C-SHBD (Sugar House Business District) zoning district and the corresponding Sugar House Community Zoning Map, as well as the text of the Sugar House Community Master Plan (2001) and corresponding Sugar House Future Land Use Map. In addition, several rezones are proposed for specific properties located adjacent to the area currently zoned C-SHBD (Sugar House Business District). The areas affected by these amendments are located between approximately **2100 South from 900 to 1300 East, and along 1100 East/Highland Drive from Hollywood Avenue to I-80, including the Granite Furniture block, the Sugar House Commons, and the Sugar House Center**. (Staff: *Lex Traughber at 801-535-6184 or lex.traughber@slcgov.com*).

- c) **Petition No. 450-05-01** - Salt Lake City Corporation is making a formal application to the Utah State Department of Community and Economic Development for the establishment of a recycling and market program, to be known in the City as the Designated Recycling Market Program (DRMP). The DRMP is an economic development tool only and does not have any proposed changes to the City's existing land use policies, zoning ordinance, or zoning map. As part of Salt Lake City's application, the City must demonstrate approval of and commitment by the Planning Commission, City Council and the Mayor for the overall program. Only businesses west of I-215 could be considered for inclusion in the program. (Staff: Vicki Bennett at 801-535-654, Management Services, or vicki.bennett@slcgov.com).
- d) **Petition No. 400-04-20** - by the Salt Lake City Planning Commission, requesting approval to amend the text of the Salt Lake City Zoning Ordinance as it relates to regulations of fences, walls and hedges. Specifically, the request is to amend Sections 21A.40.120 Regulation of Fences, Walls and Hedges and Section 21A.62 Definitions. (Staff: Jackie Gasparik at 801-535-6354 or jackie.gasparik@slc.gov.com).
- ~~X~~ e) 1. **Petition 410-773**, a request by Chabad Lubavitch of Utah, for conditional use approval for a place of worship in an existing commercial building at approximately **1760 South 1100 East**. (Staff: Joel Paterson at 801-535-6141 or joel.paterson@slc.gov.com).
- ~~X~~ 2. **Petition 400-05-36**, a request by Chabad Lubavitch of Utah to amend the Salt Lake City Zoning Map for a property located at approximately **1435 South 1100 East** from Single Family Residential R-1-5000 to Residential Business RB. (Staff: Joel Paterson at 801-535-6141 or joel.paterson@slc.gov.com).
- ~~X~~ 3. **Petition 490-05-53**, a request by Chabad Lubavitch to subdivide property at approximately **1435 South 1100 East** by re-establishing a prior lot line for the purpose of reducing an existing non-complying element of a lot that has two principal buildings on a single parcel. (Staff: Joel Paterson at 801-535-6141 or joel.paterson@slc.gov.com).

6. UNFINISHED BUSINESS

**SALT LAKE CITY
PLANNING COMMISSION MEETING
In Room 326 of the City & County Building
451 South State Street, Salt Lake City, Utah
Wednesday, October 26, 2005**

Present from the Planning Commission were Chairperson Noda, Vice Chairperson McDonough, and Commissioners Tim Chambless, John Diamond, Prescott Muir, Kathy Scott and Jennifer Seelig. Commissioners Babs De Lay and Craig Galli were excused.

Present from the Planning Staff were Alexander Ikefuna, Planning Director, Cheri Coffey, Deputy Planning Director, Joel Paterson, Planning Program Supervisor, Lex Traughber, Principal Planner, Jackie Gasparik, Principal Planner, and Maggie Tow, Planning Commission Secretary.

Petition 400-05-36, a request by Chabad Lubavitch of Utah to amend the Salt Lake City Zoning Map for a property located at approximately 1435 South 1100 East from Single Family Residential R-1-5000 to Residential Business RB.

Petition 490-05-53, a request by Chabad Lubavitch to subdivide property at approximately 1435 South 1100 East by re-establishing a prior lot line for the purpose of reducing an existing non-complying element of a lot that has two principal buildings on a single parcel.
Motion for Petition No. 410-113:

At 9:01 p.m., Chairperson Noda introduced Petition No. 400-05-36, Petition No. 490-05-53, and Joel Paterson. Mr. Paterson stated that the applicant was proposing to change the zoning designation of property located at 1435 South 1100 East from R-1-5000 Single Family Residential to RB Residential Business.

Mr. Paterson stated that the Chabad Lubavitch of Utah was requesting the proposed Zoning Map amendment to restore the zoning that was in place prior to July 2003, when the zoning designation was changed from RB to R-1-5000 to accommodate Chabad Lubavitch's proposed construction of a new synagogue at this site. Chabad Lubavitch no longer plans to construct a new synagogue at this site and wishes to sell the property.

Furthermore, Mr. Paterson said that in 2003, Chabad Lubavitch of Utah planned to build a new synagogue on the subject property. To accomplish this goal, Chabad Lubavitch of Utah was told by the City that the new synagogue would require conditional use approval (granted in August 2003), and that the two lots (1433 and 1435 South) would have to be combined into a single lot.

However, because the RB District included a maximum lot size of 10,000 square feet, and the new lot would be approximately 12,500 square feet, the property was rezoned to R-1/5000 to accommodate the consolidation of the two lots of property. The Council approved the Zoning Map amendment in August 2003.

Mr. Paterson said that Chabad Lubavitch of Utah no longer planned to construct a new synagogue and in fact is seeking conditional use approval for a place of worship at 1760 South 1100 East. As a result, Chabad Lubavitch of Utah is selling the property at 1435 South 1100 East and wishes to restore the RB zoning and re-establish the two lots that existed prior to the consolidation of these lots in August 2003. Restoring the original conditions for this property would allow the property owner to sell the property separately.

The property is occupied by two principal buildings; a commercial building on the north and a residential structure on the south. Chabad Lubavitch occupied both buildings for use as a synagogue for at least ten years. Since the inception of zoning in Salt Lake City in 1927 until 2003, the zoning of this property allowed both residential and commercial land uses.

Mr. Paterson recommend that, based on the analysis and the findings presented in the staff report, the Planning Commission forward a positive recommendation to the City Council to approve Petition 400-05-36 to amend the Zoning Map by changing the zoning designation of 1435 South 1100 East from R-1-5000 Single Family Residential to RB Residential Business.

Mr. Paterson then spoke of the subdivision request. He stated that the property owner, Chabad Lubavitch of Utah, is requesting to subdivide the property at 1435 South 1100 East into two lots by restoring a lot line that was removed during a property consolidation in 2003. The original two lots were consolidated into a single lot in anticipation of the demolition of the existing structures on the property and the construction of a new synagogue. Chabad Lubavitch of Utah has since decided not to pursue the new construction project and is proposing to restore the prior lot line to lessen the non-conforming situation of having two principal buildings on a single lot and to allow the two buildings to be sold separately.

The subdivision request is being heard by the Planning Commission along with the proposed Zoning Map amendment, rather than scheduling a separate administrative hearing.

Based upon the analysis and findings in this report, the Planning Staff recommends approval of the requested preliminary minor subdivision (Petition 490-05-53); subject to the following condition:

1. That a notice of minor subdivision be recorded with the Salt Lake County Recorder.

Chairperson Noda asked if there were questions for Mr. Paterson. No response was heard. She opened the public hearing and asked if anyone from the Community Council or the public wished to speak. No response was heard. Chairperson Noda closed the public hearing and asked for discussion and/or a motion.

Motion for Petition No. 400-05-36 and Petition No. 490-05-53:

Commissioner Scott moved that based on the analysis and findings presented in the staff report, the Planning Commission forward a positive recommendation to the City Council to approve Petition No. 400-05-36 to amend the zoning map by changing the designation of 1435 South 1100 East from R1/5000 Single Family Residential to the RB Residential Business. Further, based on the analysis and findings of fact presented in the staff report, the Planning Commission recommends approval of Petition 490-05-53 for the preliminary minor subdivision approval subject to the condition that a notice of the minor subdivision be recorded with the Salt Lake County Recorder. It is stated that Lot One will be a non-complying lot. Commissioner Chambless seconded the motion. Commissioner Chambless, Commissioner Diamond, Commissioner McDonough, Commissioner Muir, Commissioner Seelig, and Commissioner Scott voted "Aye". Commissioner De Lay and Commissioner Galli were not present. There were none opposed. The motion passed.

Exhibit 6

ORIGINAL PETITION

Petition 400-05-36: Zoning Map Amendment for 1435 S. 1100 E.



Zoning Amendment

FOR OFFICE USE ONLY

Petition No.	400-05-36
Receipt No.	Amount \$ 800 =
Date Received	7/8/05 \$38.48 postage
Reviewed by	JMT

SALT LAKE CITY PLANNING

Address of Subject Property 1435 ~~1433~~ SOUTH 1100 EAST, SLC, UT 84105

Name of Applicant CHABAD LUBAVITCH OF UTAH Phone 801-467-7777

Address of Applicant 1433 SOUTH 1100 EAST, SLC, UT 84105

E-mail address of Applicant CHABAD.UTAH@AOL.COM Cell/Fax 801-918-1177

Applicant's Interest in Subject Property OWNER

Name of Property Owner SAME Phone _____

County Tax Parcel # (Sidwell #) _____ Zoning of Property R1-5000

Existing Use of Property SYNAGOGUE, MEETING SPACE

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

Amend the Zoning Map by reclassifying the following property: 1435 S. 1100 E (116-17-208-028)

From a R1-5000 classification to a RB 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.
- 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 _____
 or authorized agent

EXECUTIVE DIRECTOR

 Title of agent

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 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.