

COUNCIL TRANSMITTAL

TO: Rocky Fluhart, Chief Administrative Officer **DATE:** December 20, 2004

FROM: David Dobbins *DD*

RE: Petition 400-04-38: A request by Capitol Park Penthouses and Karen S. Wright for a zoning map amendment to reclassify the property located at approximately 635 North F Street, consisting of the 5.1-acre site of the old Veteran's Administration (V.A.) Hospital, from FR-3/12,000 (Foothills Residential District) to RMF-35 (Moderate Density Multi-Family Residential District) in order to convert the V.A. Hospital buildings into two condominium projects. The main V.A. Hospital building is proposed as a 29-unit residential condominium and the annex building is proposed as a 7-unit residential condominium. The requested rezone also requires that the future land use map in the Avenues Community Master Plan be amended to reflect a higher density residential use rather than a "very-low density" residential land use category.

STAFF CONTACT: Wayne Mills, Principal Planner

RECOMMENDATION: That the City Council schedule a briefing and a public hearing regarding the proposed Zoning Map and Master Plan amendments.

DOCUMENT TYPE: Ordinance

BUDGET IMPACT: None

DISCUSSION: The V.A. Hospital building and annex were constructed separately in the 1930's. Between 1931 and the 1990's the site was used as the V.A. Hospital, BYU extension campus, and Intermountain Health Care offices. In the 1990's, ownership of the V.A. Hospital was split, with one owner possessing the main V.A. Hospital building and another owner possessing the annex building to the west. The V.A. Hospital site is registered on the National Register of Historic Places, but is neither located in a City historic preservation district nor included on the Salt Lake City register of cultural resources.

Currently, the old V.A. Hospital consists of two buildings connected by a three-story enclosed corridor. Future plans for the project area include demolishing the connecting corridor and applying for subdivision approval to legalize the north-south property line that separates the two buildings. The properties would then be developed under separate ownership as separate condominium projects.

The east building is proposed as a 28-unit condominium with an additional dwelling unit that would be utilized as a caretaker's home. The existing structure ranges in height from approximately 51 feet to 76 feet. In order to achieve the desired 29 dwelling units, the applicant is proposing to increase the height of the north, east and west wings. The requested zoning designation of RMF-35 has a height limitation of 35 feet for principal structures. The existing building exceeds this height limitation; therefore, the building would be considered legal noncomplying as to the RMF-35 height regulations. If the requested rezone is approved by the City Council, the applicant will apply to the Board of Adjustment for a special exception to extend the height of the lower portions of the existing building. This type of special exception is called an in-line addition, which would permit the lower portions of the V.A. Hospital to be raised, in-line with the higher portions of the building. The additions cannot exceed the maximum height of the existing building. Required parking for this site (58 stalls) would be satisfied by a new underground parking facility and a new surface parking lot located to the north of the existing building.

The west building (annex) is proposed as a seven-unit condominium. Parking for this project (14 stalls) would be satisfied by an underground parking structure and new surface parking to the north of the existing building. Plans have not been submitted at this time that would indicate possible additions to the annex building structure.

The following are the City processes required for the proposed conversion of the old V.A. Hospital and annex into residential condominiums:

- **Rezone of the property from single-family to multi-family (*current request*)**
- **Amendment to the Future Land Use Map of the Avenues Community Master Plan (*current request*)**
- **Subdivision approval to legalize the north-south property line separating the main building from the Annex (*future request*)**
- **Special exception approval by the Board of Adjustment for an in-line addition to the existing main building (*future request*)**
- **Condominium approval (*future request*).**

Analysis: In order to facilitate the conversion of the V.A. Hospital into condominiums, the applicant is requesting a zone change from FR-3/12,000 to RMF-35. The current zoning of FR-3 permits single-family development on 12,000 square foot lots only. Multi-family development is not permitted in this zone. The RMF-35 zoning district allows multi-family development at one dwelling unit per 1,500 square feet of lot area for developments greater than one acre. The following is a table showing the density potential of the subject rezone area based upon the proposed RMF-35 zoning designation:

RMF-35 Minimum Lot Area per dwelling unit	Subject Rezone Area Size	Potential Number of Units	Overall Density Potential
1 dwelling unit/1,500 square feet	5.1 acres or 222,156 square feet	148 units	29 dwelling units/acre

The following is the density of the proposed rezone area as per the requested number of dwelling units (this includes both the main V.A. Hospital building and the Annex building condominium projects):

Subject Rezone Area Size	Number of Dwelling Units Requested	Density
5.1 acres or 222,156 square feet	36	7 dwelling units/acre

Master Plan: The following City Council policies regarding housing are outlined in the Salt Lake City Housing Plan and are particularly relevant to the proposed development:

1. The City Council supports a citywide variety of residential housing units, including affordable housing and supports accommodating different types of developments and intensities of residential development.
2. The City Council encourages architectural designs compatible with neighborhoods that:
 - A. Make good use of and incorporate open space, even minimal amounts;
 - B. Interface well with public spaces;
 - C. Address parking needs in the least obtrusive manner possible, and;
 - D. Are creative, aesthetically pleasing and provide attractive public spaces, such as designated common areas, community centers, childcare, resident gathering places, residential gardens, etc.

The request complies with the Salt Lake City Housing Plan Policies in that it is a creative approach in the reuse of an old building to provide housing and it addresses parking needs in the least obtrusive manner possible by placing much of the required parking underground.

The *City Vision and Strategic Plan*, adopted in 1993, states that it is an objective of Salt Lake City to be recognized for its efforts to restore and adaptively reuse its historic resources. The plan further states that vacant and derelict commercial buildings in residential areas should be acquired and demolished or rehabilitated into housing units. The proposed conversion of the old V.A. Hospital Building to residential condominiums is compatible with these objectives in that it is an adaptive reuse of a historic building that has been vacant for many years.

The *Avenues Community Master Plan* states that the BYU Education Center (a.k.a. V.A. Hospital) should be replaced with some type of residential use; however, the plan further states, “*as a general policy, additional zoning changes to accommodate higher density multiple family dwellings in the Avenues are not desirable.*” The Master Plan’s Future Land Use Map targets the subject rezone area as “very low-density” residential, which equals 1-4 dwelling units per gross acre. The Future Land Use Map references the density only, which is the total number of dwelling units in a specified area. The Zoning Ordinance regulates both density and building type. For example, the FR-3 zone allows single-family dwellings but does not permit apartment buildings, whereas the RMF-35 zone allows both single-family and multi-family building type development.

The request is to rezone the subject area from FR-3 (a very low density zoning district) to RMF-35 (considered a high-density district in the Avenues area). In considering the proposed residential re-use of the old V.A. Hospital buildings, staff determined that rezoning to a multiple-family zone was necessary to avoid the authorization of a use variance, which is prohibited by City code and State law (Salt Lake City Zoning Ordinance, Section 21A.18.050 and Utah State Code, 10-9-707(5)). This requires an amendment to the Future Land Use Map from “very low-density” residential to “high-density” residential, which may be considered contrary to the master plan in that the requested zone change would “*accommodate higher density multiple- family dwellings in the Avenues.*”

One way to achieve the goal of reusing the V.A. Hospital as a multi-family residential use, while still maintaining a lower residential density is to rezone the property to the requested multiple-family zoning district, but limit the number of dwelling units on the property through a development agreement. The applicant is requesting 29 dwelling units within the main building and seven dwelling units within the annex, totaling 36 units. At 5.1 acres, this would create an overall density of approximately 7 dwelling units per acre, which classifies as “low-density” in the Avenues community (the Avenues Master Plan classifies 4-8 dwelling units per acre as low density) .

To summarize, although the request requires an amendment to the Future Land Use Map, rezoning the V.A. Hospital property to RMF-35 is compatible with the text of the Avenues Master Plan in that it would legally permit the conversion of the V.A. Hospital and annex buildings into residential condominiums. In addition, limiting the total number of dwelling units to 36 would maintain the low-density residential development pattern in the Avenues community.

Public Process: The proposal was presented to the Greater Avenues Community Council on two separate occasions; the first was on July 7, 2004 and the second on October 6, 2004. During the October 6th meeting a motion was made in support of the project. The motion passed with a unanimous vote.

The Planning Commission held a public hearing on November 17, 2004. The Planning Commission voted unanimously to forward a positive recommendation to the City Council in support of the proposed rezone with four conditions:

1. The property owners' sign a development agreement to be recorded on the property stating that the total number of dwelling units within the rezone area may not exceed thirty-six.
2. The V.A. Hospital building and annex must be reused for residential development. The three-story corridor connecting the V.A. Hospital building to the annex may be demolished if required under the subdivision process.
3. If the V.A. Hospital building and annex are developed under separate ownership, subdivision approval shall be obtained in conformance with Salt Lake City and State of Utah laws, ordinances, and policies.
4. Condominium approval must be obtained in conformance with Salt Lake City and State of Utah laws, ordinances, and policies.

The proposed ordinance prepared by the City Attorney's Office reflects the Planning Commission's recommendations.

Relevant Ordinances: Amendments to the Zoning Map are authorized under Section 21A.50 of the Salt Lake City Zoning Ordinance.

PETITION CHECKLIST

<u>Date</u>	<u>Initials</u>	<u>Action Required</u>
<u>9/13/04</u>	<u>WMA</u>	Petition delivered to Planning
<u>9/14/2004</u>	<u>DJW</u>	Petition assigned to: <u>Wayne Mills</u>
<u>10/17/04</u>	<u>WMA</u>	Planning Staff or Planning Commission Action Date
<u>12/13/04</u>	<u>WMA</u>	Return Original Letter and Yellow Petition Cover
<u>12/13/04</u>	<u>WMA</u>	Chronology
<u>12/30/04</u>	<u>WMA</u> WMA	Property Description (marked with a post it note)
<u>12/30/04</u>	<u>WMA</u> WMA	Affected Sidwell Numbers Included
<u>12/13/04</u>	<u>WMA</u>	Mailing List for Petition, include appropriate Community Councils
<u>12/13/04</u>	<u>WMA</u>	Mailing Postmark Date Verification
<u>12/13/04</u>	<u>WMA</u>	Planning Commission Minutes
<u>12/13/04</u>	<u>WMA</u>	Planning Staff Report
<u>12/13/04</u>	<u>WMA</u>	Cover letter outlining what the request is and a brief description of what action the Planning Commission or Staff is recommending.
<u>12/30/04</u>	<u>WMA</u> WMA	Ordinance Prepared by the Attorney's Office
<u>12/30/04</u>	<u>WMA</u>	Ordinance property description is checked, dated and initialed by the Planner. Ordinance is stamped by Attorney.
<u>WAYNE MILLS</u>		Planner responsible for taking calls on the Petition
_____	_____	Date Set for City Council Action _____
_____	_____	Petition filed with City Recorder's Office

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1 Chronology

CHRONOLOGY

- September 14, 2004 Petition assigned to Wayne Mills.
- September 28, 2004 Meeting with applicants to discuss specifics of project.
- September 29, 2004 Forwarded plans to Peter Corroon, Chair of the Greater Avenues Community Council. Requested comments on plan and minutes from previous Community Council meetings regarding the project.
- October 1, 2004 Routed application to applicable City departments and e-mailed Department Directors notifying them of the request.
- October 6, 2004 Presentation of current plan to Greater Avenues Community Council. The Community Council voted unanimously to support the project.
- October 18, 2004 Forwarded department comments to project architect.
- November 2, 2004 Mailed and emailed notice of Planning Commission public hearing.
- November 3, 2004 Master plan amendment hearing advertised in Salt Lake Tribune and Deseret News.
- November 17, 2004 Planning Commission public hearing. The Planning Commission voted unanimously to transmit a recommendation of approval to the City Council.
- November 18, 2004 Requested ordinance from the City Attorney.
- December 8, 2004 Planning Commission ratified the minutes of the November 17 Planning Commission hearing.
- December 20, 2004 Forwarded City Council transmittal to the Community Development Director.
- December 30, 2004 Received ordinance from the City Attorney.

2 Proposed Ordinance

SALT LAKE CITY ORDINANCE
No. _____ of 2005

AN ORDINANCE AMENDING THE ZONING FOR THE PROPERTY
LOCATED AT APPROXIMATELY 635 NORTH F STREET, AND AMENDING THE
AVENUES COMMUNITY MASTER PLAN, PURSUANT TO PETITION NO. 400-04-
38.

WHEREAS, the City has held public hearings before the Planning Commission and the City Council and has taken into consideration citizen testimony, filing, and demographic details of the area, long-range general plans of the City, and any local master plan as part of its deliberations. Pursuant to these deliberations, the City Council has concluded that the proposed change of zoning for the property located at approximately 635 North F 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. The property located at approximately 635 North F Street, which is more particularly described on Exhibit A attached hereto, shall be and hereby is rezoned from Foothill Residential (FR-3) to Moderate Density Multi-Family Residential (RMF-35).

SECTION 2. Amendment of Zoning Map. The Salt Lake City Zoning Map, as 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 identified above.

SECTION 3. Amendment of Master Plan. The Avenues Community Master 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. Conditions. The rezoning approved herein is conditioned upon the following:

A. The property owners' execution of a development agreement to be recorded against the properties stating that the total number of dwelling units within the rezoned area may not exceed 36 dwelling units.

B. The development agreement shall require that the existing Veteran's Hospital Building and annex must be reused for residential development. The three story corridor connecting the hospital building to the annex may be demolished if required as part of the subdivision process.

C. If the hospital building and annex are developed under separate ownership, the owners of the property shall obtain appropriate subdivision approval in conformance with City and State laws, ordinances and policies.

D. Condominium approval must be obtained as required under City and State laws, ordinances and policies.

SECTION 5. Effective Date. This ordinance shall become effective on the date of its first publication. The City Recorder is instructed not to publish or record this ordinance until the conditions identified above have been met, as certified by the Salt Lake City Planning Director.

SECTION 6. Time. If the conditions identified above have not been met within one year from the date that this ordinance is signed, this ordinance shall become null and

void. The City Council may, for good cause shown, extend the time period for satisfying the condition identified above.

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

CHAIRPERSON

ATTEST AND COUNTERSIGN:

CHIEF DEPUTY CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

CHIEF DEPUTY CITY RECORDER

(SEAL)

Bill No. _____ of 2005.
Published: _____.

APPROVED AS TO FORM
Salt Lake City Attorney's Office
Date 12-30-04
By [Signature]

EXHIBIT A

Beginning at a point North 00 deg. 00'24" West 250.00 feet along the West line of "F" Street from the Southeast corner of Lot 1, Block 177, Plat "D", Salt Lake City Survey; and running thence South 89°56'38" West 125.01 feet; thence South 127.99 feet; thence West 565.00 feet; thence North 32 deg. 00'00" West 122.06 feet to a non-tangent point on a curve (radius bears North 57 deg. 40' West 130.00 feet); thence Northeasterly 73.36 feet along this curve to the left (chord bears North 16 deg. East 72.36 feet); thence North 126.54 feet to a point of curve; thence Northeasterly 133.52 feet along an 85.00 foot radius curve to the right (chord bears North 45 deg. 00'00" East 120.21 feet); thence East 258.00 feet to a point of curve; thence Southeasterly 135.61 feet along a 222.00 foot radius curve to the right (chord bears South 72 deg. 30'00" East 133.51 feet); thence South 35 deg. 00'00" East 180.63 feet to a point of curve; thence Southeasterly 86.74 feet along a 142.00 foot radius curve to the left (chord bears South 72 deg. 30'00" East 85.40 feet); thence East 34.78 feet; thence South 00 deg. 00'24" East 87.15 feet along said West line to the point of beginning.

Legal Description Includes:

Parcel No. 09-31-208-010 (358 E. Capitol Park Avenue or 401 E. 12th Avenue)

Parcel No. 09-31-208-011 (364 E. Capitol Park Avenue)

Parcel No. 09-31-208-012 (635 North F Street)

Parcel No. 09-31-209-001 (633 North F Street or 627 North F Street)

**3 City Council Public Hearing
Notice
Mailing List**

Notice

NOTICE OF PUBLIC HEARING

The Salt Lake City Council is currently reviewing Petition No. 400-04-38 by Capitol Park Penthouses, LLC and Karen S. Wright requesting a zoning map amendment to reclassify the property located at approximately 635 North F Street, consisting of the 5.1 acre site of the old Veteran's Administration (V.A.) Hospital, from FR-3/12000, Foothills Residential District to RMF-35, Moderate Density Multi-Family Residential District in order to convert the V.A. Hospital Buildings into two condominium projects. The main V.A. Hospital building is proposed as a 29-unit residential condominium and the Annex building is proposed as a 7-unit residential condominium. The requested rezone also requires that the future land use map in the Avenues Community Master Plan be amended to reflect a higher density residential use rather than a "very-low density" residential land use category.

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

If you have any questions relating to this proposal, please attend the meeting or call Wayne Mills at 535-6173 between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.

Mailing List



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FEHR, JOHN W &
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BEDELL, EDWARD W &
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4 Planning Commission Hearing
Original Notice and Postmark
Staff report
Agenda and Minutes

Original Notice and Postmark

**AGENDA FOR THE
SALT LAKE CITY PLANNING COMMISSION MEETING
In Room 326 of the City & County Building at 451 South State Street
Wednesday, November 17, 2004, 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. REPORT OF THE CHAIR AND VICE CHAIR

2. REPORT OF THE DIRECTOR

3. CONSENT AGENDA – Salt Lake City Property Conveyance Matters:

- a. Smith-Scott Properties, Inc. and Salt Lake City Property Management – Request by Smith-Scott Properties to be allowed to continue to encroach upon the City street right-of-way along 1100 East street with a non-complying on-premise pole sign which overhangs the public sidewalk by 6 feet. The property is located at 2005 South 1100 East, in the Sugar House Planning Community, and is zoned Sugar House Business “C-SHBD”. A lease agreement is being required by property management Staff, who recommended that the encroachment lease be approved.
- b. Armand Johansen, representing McClelland Retail Partners and Salt Lake City Property Management – McClelland Retail Partners is requesting that property management issue a lease to allow aerial encroachments for four canopies/awnings, which are architectural features of the new building, to overhang the street right-of-way and public sidewalk by 2.5 feet. The property is located at 1006 East 2100 South Street, in the Sugar House Planning Community, and is zoned Sugar House Business District “C-SHBD”. Property Management Staff recommend that the encroachment lease be approved.
- c. Questar Gas Company and Salt Lake City Property Management – Questar Gas is requesting a utility easement to allow a natural gas service line to be extended within Liberty Park, to provide gas service for new heaters in the new tennis court bubble structure, which is being erected to allow winter tennis court use. The proposed utility easement is located at approximately 1050 South 650 East and will extend from an existing gas line easement within the park. The park is zoned Open Space and is located in the Central City Planning Community. Property Management and Public Services Staff recommend approval of the utility easement.
- d. Big-D Construction and Salt Lake City Property Management – Big-D Construction is requesting an encroachment lease agreement to allow the construction of a wheelchair access ramp for the new headquarters building located at 404 West 400 South, which would encroach into the public street right-of-way on 400 South Street by 3.5 feet. The subject building is located in the Central City Planning Community and is zoned Downtown Warehouse/Residential “D-3”. Property Management and the City DRT Staff recommend the approval of the encroachment lease.
- e. Doerken Properties and Salt Lake City Property Management – Doerken Properties is constructing a new parking structure to support the existing office building at 324 South State Street. The City is requiring the construction of a sand/grease trap interceptor on the storm water drain prior to entering the City storm water drain system. Doerken Properties is requesting a public way encroachment lease to allow the sand/grease trap interceptor to be constructed under the City sidewalk on Exchange Place. The subject building property is zoned Central Business District “D-1”, within the Central City Planning Community. Property Management and the City DRT Staffs recommend approval of the encroachment lease.

Property Conveyance matters located outside of Salt Lake City:

- f. Highland Care Center/Daywest Properties and Salt Lake City Public Utilities Department – Highland/Daywest Properties is requesting approval of a proposed box culvert construction and a surface use lease for an approximate 300 foot portion of the Jordan and Salt Lake City Canal right-of-way, located at 4285 South Highland Drive. This portion of the canal right-of-way property is located in Holladay City. Public Utilities and Property Management Staff recommend approval of the surface use lease and box culvert construction request.
- g. Quest Communications and Salt Lake City Public Utilities – Quest is requesting a standard utility permit to allow the installation of 2 fiber optic cable conduits to cross a portion of the Jordan and Salt Lake City Canal right-of-way property, located at 35 West 9000 South in Sandy City. Public Utilities Staff recommends approval of the utility permit request. (Staff – Doug Wheelwright at 535-6178; John Spencer at 535-6398; Matt Williams at 535-6447; and Karryn Greenleaf at 483-6769)

4. PUBLIC HEARINGS

- a. **PUBLIC HEARING** – Petition No. 400-04-38, by Capitol Park Penthouses, L.L.C. and Karen S. Wright requesting a zoning map amendment to reclassify the property located at 635 North “F” Street, consisting of the 5.1 acre site of the old Veteran’s Administration (V.A.) Hospital, from “FR-3/12000” Foothills Residential District to “RMF-35” Moderate Density Multi-Family Residential District, in order to convert the V.A. Hospital Buildings into two condominium projects. The main V.A. Hospital building is proposed as a 29-unit residential condominium and the Annex building is proposed as a 7-unit residential condominium. *The requested rezone also requires that the future land use map in the Avenues Community Master Plan be amended to reflect a higher density residential use rather than a “very-low density” residential land use category.* (Staff – Wayne Mills at 535-6173).
- b. **PUBLIC HEARING** – Petition No. 400-03-26, by the Salt Lake City Administration requesting to amend the Salt Lake City Sign ordinance regarding portable signs, such as “A-frame” signs. The petition proposes to make the portable sign regulations permanent by removing reference to a November 30, 2004 sunset date. (Staff – Joel Paterson at 535-6141)

5. UNFINISHED BUSINESS

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.

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.

WAYNE MILLS
954 S. 800 EAST, APT. B



Salt Lake City Planning Division W Mills
451 South State Street
Salt Lake City, Utah 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. Speakers will be called by the Chair.
4. Please state your name and your affiliation to the petition or whom you represent at the beginning of your comments.
5. 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.
6. A time limit may be placed on speakers to ensure everyone has a chance to comment. The Chair will make that determination upon reviewing the number of people wishing to speak.
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. Meeting notices are made available 14 days in advance. If persons wish to submit written comments, they should be directed to the Planning Division at least 7 days in advance to enable Planning Commissioners to consider those written comments. Comments should be sent to:

Salt Lake City Planning Director
451 South State Street, Room 406
SLC, UT 84111

Note: We comply with all ADA guidelines. Assistive listening devices & interpreter services provided upon 24 hour advance request.

54105+1277 01
NOTICE OF HEARING

Public Hearing Notice
The Planning Commission will hold a public hearing on the following agenda item:
[Illegible text]

NOVEMBER 3, 2004

SALT LAKE TRIBUNE
AND

DESERET NEWS

ACTUAL NEWSPAPER
CLIPPINGS ARE IN
FILE



Announcements
237-2000

Accounting — CPA Audit and Tax	037
Adoptions	038
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Auction Sales	020
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Dating Services	039
Debt Counseling	036
Emergency Preparedness	012
Food Storage	011
Genealogy	022
Health Studios, Tanning	
Salons	049
Information Services	024
Insurance	033
Legal Services	035
Lessons	013
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Massage	050
Mining, Uranium	015
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Recreation, Resorts, Travel	060
Reunions	008
Self Help	045
Special Notices	010
Swap, Trade, Barter	056
Tickets — Buy and Sell	055
Burial Plots and Monuments	009

008 Reunions

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010 Special Notices

SALT LAKE CITY PLANNING COMMISSION MASTER PLAN HEARING

On Wednesday, November 17, 2004 at 5:45 P.M., the Salt Lake City Planning Commission will hold a public hearing to consider Petition 400-04-38 by Capital Park Penthouses, LLC and Karen S. Wright, requesting a zoning map amendment to reclassify the property located at 635 North F Street (old Veteran's Administration Hospital) from FR-3/12000, Foothills Residential District to RMF-35, Moderate Density Multi-Family Residential District. The purpose of the request is to convert the V.A. Hospital Buildings into residential condominiums. The requested rezoning also requires that the Avenues Community Master Plan be amended to reflect a higher density residential use rather than a "very-low density" residential land use category.

The hearing will be held in Room 326 of the Salt Lake City and County Building, 451 South State Street. Accessible parking and entrance are located on the east side of the building. Hearing impaired individuals who wish to attend this meeting should contact our TDD service number, 535-6021, 4 days in advance so that an interpreter can be provided. For further information regarding this hearing, call Wayne Mills at 535-6173.

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PUBLICIDAD CLASIFICADA HACE MAS COSAS PARA MAS PERSONAS QUE CUALQUIER OTRA FORMA DE PUBLICIDAD. LLAME AL CLASIFICADOS 237-2000

020 Auction Sales

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29+ units, including SUV's, Sedans, Van's, 4X4 and 4X2 Pickup's.

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PREVIEW for the vehicles will be held •Fri. 1:00pm-5:00pm •Sat. 9:00am-Sale. Located: 5443 S. 320 W. in Murray. Info? 270-0900.

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030 Lost and Found
FOUND: Chihuahua Dog in Lehi on Sunday Oct. 31. Please call 318-5664 anytime

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It pays to read the fine print.

030—Lost and Found

LOST 10/24 Long-hair Burman cat. Siamese looking w/ white feet. 3300 So 3800 E REWARD. 243-1755 or 641-2614

LOST - BIRD Blue Parakeet. REWARD Please call 864-0799 with info. West Valley Area.

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LOST: Older black female dog, small Collie mix on 10/30, West Jordan area. Call 255-7971

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035 Legal Services

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038 Adoption

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039 Dating Service

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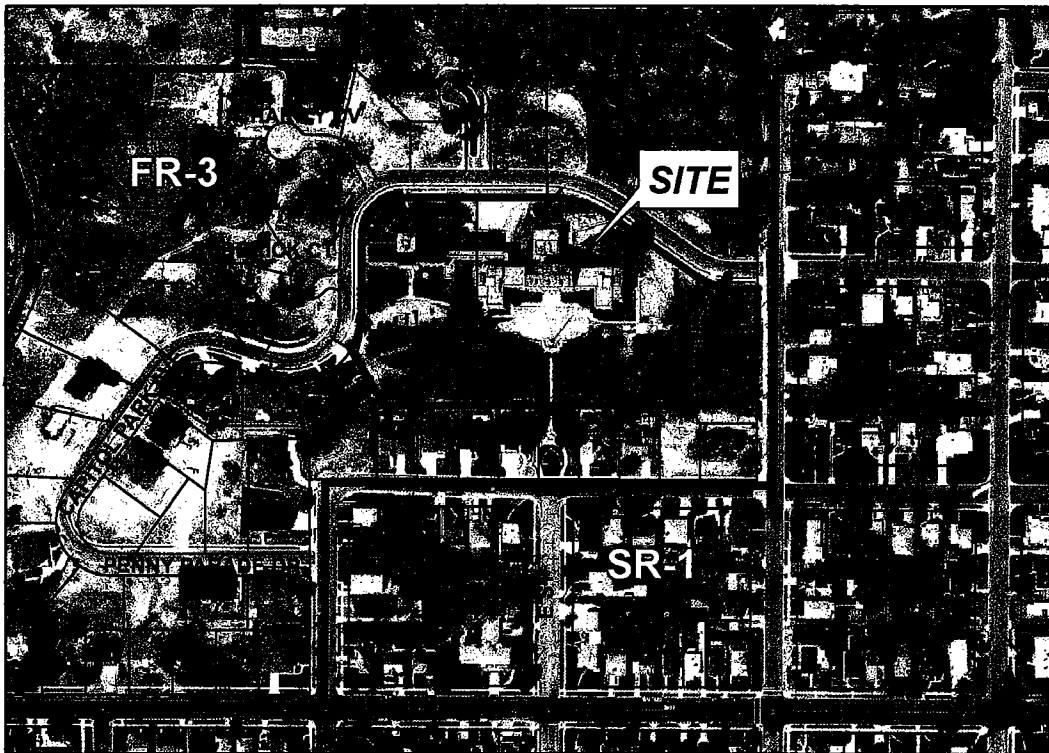
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4 Day Merchandise Package for items less than \$1,000. Starting at \$30.60
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Staff report

DATE: November 17, 2004
TO: Salt Lake City Planning Commission
FROM: Wayne Mills – Principal Planner
Telephone: (801) 535-6173
Email: wayne.mills@slcgov.com
RE: STAFF REPORT FOR THE NOVEMBER 17, 2004 MEETING

CASE NUMBER: 400-04-38
APPLICANT: Capitol Park Penthouses, LLC and Karen S. Wright
STATUS OF APPLICANT: Developer and Owner
PROJECT LOCATION: 358 E. Capitol Park Avenue, Parcel #09-31-208-010
364 E. Capitol Park Avenue, Parcel #09-31-208-011
635 North F Street, Parcel #09-31-208-012
633 North F Street, Parcel #09-31-209-001



PROJECT/PROPERTY SIZE: 5.1 acres

COUNCIL DISTRICT: District 3, Councilmember Eric Jergensen

SURROUNDING ZONING: North – FR-3/12,000, Foothills Residential
 South – FR-3/12,000, Foothills Residential
 East – SR-1, Special Development Pattern District
 West – FR-3/12,000, Foothills Residential

SURROUNDING LAND USE: North – Residential and vacant land
 South – Residential
 East – Residential
 West – Residential

FUTURE LAND USE: North – Residential
 South – Residential
 East – Residential
 West – Residential

REQUESTED ACTION: The applicant is requesting a zoning change on the subject parcels from FR-3, Foothills Residential to RMF-35, Moderate Density Multi-Family Residential. The Avenues Community Master Plan Future Land Use Map will also need to be amended from “Very Low Density Residential” to a land use category that permits a slightly greater density.

PROPOSED USE(S): The applicant intends to subdivide the area into two separate parcels and convert the existing old Veterans Administration (V.A.) Hospital building and the Annex building into two separate residential condominium projects. The V.A. Hospital (east building) is proposed to have 29 units and the Annex (west building) is proposed to have 7 units.

APPLICABLE LAND USE REGULATIONS: The proposed zone change is subject to the Salt Lake City Code, Chapter 21A.50 – Amendments and Special Approvals. The amendment to the Greater Avenues Community Master Plan is subject to the Utah Code Annotated (10-9-302) which identifies the procedures for adopting and amending general plans.

MASTER PLAN SPECIFICATIONS: The property is located in the area subject to the Avenues Community Master Plan. In addition, the

Salt Lake City Housing Plan and City Vision and Strategic Plan are addressed in this report.

SUBJECT PROPERTY HISTORY: The V.A. Hospital building and Annex were constructed separately in the 1930's. Between 1931 and the 1990's the site was used as the V.A. Hospital, BYU extension campus, and Intermountain Health Care offices. In the 1990's, ownership of the V.A. Hospital was split, with one owner possessing the main V.A. Hospital building and another owner possessing the Annex building to the west. The V.A. Hospital site is registered on the National Register of Historic Places, but is not located in a City Historic Preservation District or included on the Salt Lake City register of cultural resources.

In 1995, the Salt Lake City Planning Commission approved the Capitol Park Planned Development, which is a 54-lot single-family subdivision located to the north, south, and west of the subject property. At that same time, the Planning Commission reviewed, in an issues only hearing, a concept plan for a 27-unit condominium project in the old V.A. Hospital building and Annex. The developer of the condominium project at that time did not proceed with the project further than the issues only hearing.

In 1998, the subject property containing both the V.A. Hospital building and the Annex building was split into two parcels by deed without Salt Lake City subdivision approval. In 2003, a preliminary subdivision plat was submitted to the Salt Lake City Planning Division requesting a legalization of the lot split. The subdivision action has been postponed until the subject rezone request has been acted on and development plans are finalized.

In September of this year (2004), the developer of the V.A. Hospital building presented a concept plan to the Planning Commission that included converting the V.A. Hospital building and Annex into a 32-unit residential condominium project. Questions were raised as to the process required to facilitate the conversion. After the Planning Commission presentation, it was determined that the zoning of the subject property would have to be changed to a district that permits multi-family residential structures prior to the conversion of the V.A. Hospital building and Annex building into residential condominiums.

ACCESS: Future development plans include legalizing the property line separating the main V.A. building and the Annex, demolishing the three-story corridor connection between the two buildings, and developing the parcels separately as two different condominium projects. The two separate projects would have different access driveways.

Primary ingress and egress to the main V.A. Hospital building (building to the east) would be from F street (local street status) and secondary access would be from Capitol Park Avenue (a private residential street developed as part of the Capitol Park Planned Development). Access to and from the Annex building (building to the west) would be solely from Capitol Park Avenue, which ties into F Street at the northeast corner of the subject rezone area and also connects to D Street to the southwest via Penny Parade Drive. F Street runs in a north-south direction and bisects 11th Avenue, a collector street running east-west. 11th Avenue bisects E Street and B Street, which are both collector streets that feed into South Temple, an arterial street. In

conclusion, ingress and egress to the proposed rezone area follows the existing hierarchical street classification system within the Avenues community.

PROJECT DESCRIPTION: Currently, the old Veterans Administration Hospital consists of two buildings connected by a three story enclosed corridor. Future plans for the project area include demolishing the connecting corridor and applying for subdivision approval to legalize the north-south property line that separates the two buildings. The properties would then be developed under separate ownership as separate condominium projects.

The east building is proposed as a 28-unit condominium with an additional dwelling unit that would be utilized as a caretaker's home. The existing structure ranges in height from approximately 51' to 76'. In order to achieve the desired 29 dwelling units, the applicant is proposing to add-on vertically to the north, east and west wings (see submitted elevation drawings). The requested zoning designation of RMF-35 has a height limitation of 35 feet for principal structures. The existing building exceeds this height limitation; therefore, the building would be considered legal noncomplying as to the RMF-35 height regulations. If the requested rezone is approved by the City Council, the applicant will apply to the Board of Adjustment for a Special Exception to extend the height of the lower portions of the existing building. This type of Special Exception is called an in-line addition, which would permit the lower portions of the V.A. Hospital to be raised, in-line with the higher portions of the building. The additions cannot exceed the maximum height of the existing building. Required parking for this site (58 stalls) would be satisfied by a new underground parking facility and a new surface parking lot located to the north of the existing building.

The west building (Annex) is proposed as a seven unit condominium. Parking for this condominium project (14 stalls) would be satisfied by an underground parking structure and new surface parking to the north of the existing building. Plans have not been submitted at this time that would indicate possible additions to the Annex building structure.

The following are the City processes required for the proposed conversion of the old V.A. Hospital and Annex into residential condominiums:

- **Rezone of the property from single-family to multi-family. (*current request*)**
- **Amendment to the Future Land Use Map of the Avenues Community Master Plan. (*current request*)**
- **Subdivision approval to legalize the north-south property line separating the main building from the Annex (*future request*).**
- **Special Exception approval by the Board of Adjustment for an in-line addition to the existing main building (*future request*).**
- **Condominium approval (*future request*).**

In order to facilitate the conversion of the V.A. Hospital into condominiums, the applicant is requesting a zone change from FR-3/12000, Foothills Residential District to RMF-35, Moderate Density Multi-Family Residential District. The current zoning of FR-3 permits single-family development on 12,000 square foot lots only. Multi-family development is not permitted in this zone. The RMF-35 zoning district allows multi-family development at one dwelling unit per

1,500 square feet of lot area for developments greater than one acre. The following is a table showing the density potential of the subject rezone area based upon the proposed RMF-35 zoning designation:

RMF-35 Minimum Lot Area per dwelling unit	Subject Rezone Area Size	Potential Number of Units	Overall Density Potential
1 dwelling unit/1,500 square feet	5.1 acres or 222,156 square feet	148 units	29 dwellings units/acre

The following is the density of the proposed rezone area as per the requested number of dwelling units (this includes both the main V.A. Hospital building and the Annex building condominium projects):

Subject Rezone Area Size	Number of Dwelling Units Requested	Density
5.1 acres or 222,156 square feet	36	7 dwelling units/acre

Changing the zoning of the area from FR-3 to RMF-35 also requires an amendment to the Future Land Use Map of the Avenues Community Master Plan. The subject rezone area is located in a neighborhood designated as “very low density” on the Future Land Use Map. This land use classification allows a density of 1-4 dwelling units per gross acre. The request to rezone the V.A. Hospital property to RMF-35 would require a future land use designation of “high-density” residential as per the full development potential of the 5.1 acre site (29 dwelling units/acre); however, the proposed 36 dwelling units (7 dwelling units/acre) requires a future land use classification of “low-density” residential. This land use category is compatible with the residential development pattern of the Avenues community. Further discussion of the requested master plan amendment is covered below under *Analysis and Findings, Item A*.

DEPARTMENT/DIVISION AND COMMUNITY COUNCIL COMMENTS:

The comments received from pertinent City Departments/Divisions and the Community Council are attached to this staff report for review. The following is a summary of the comments/concerns received:

- A. Engineering**
Has no objection to the proposed zone change.
- B. Public Utilities**
Public Utilities has no objection to the proposed rezone as long as all Public Utility requirements are met during the development review phase of the project.

C. Transportation

The proposed zone change is acceptable from a transportation aspect in that the proposed west building, a 7-unit building, and the east building, a 29-unit building, should not greatly impact the level of service in that area.

Final development will require compliance to current City design standards.

D. Fire

The Fire Department approves the rezoning request; however, final development plans must conform to the Fire Apparatus Access Code.

E. Police

The Police Department states that the proposed use would be an asset to the area and a good use of the space. They raise concerns over security during the construction phase and recommend a security fence be incorporated into the final project.

F. Others

Notification of the request was sent to all City Department heads and the Salt Lake City School District. Staff did not receive any comments on the proposal from these individuals.

I. Greater Avenues Community Council

The current proposal was presented to the Greater Avenues Community Council on two separate occasions; the first was on July 7, 2004 and the second on October 6, 2004. During the October 6th meeting a motion was made in support of the project. The motion passed with a unanimous vote. A letter from the Greater Avenues Community Council Chair-elect is attached.

ANALYSIS AND FINDINGS:

Chapter 21A.50 of the Salt Lake City Code

Chapter 21A.50 of the Salt Lake City Code, entitled "Amendments and Special Approvals" addresses changes to the text of the zoning code and the associated maps. Section 21A.50.050 outlines standards for general amendments that the City Council should consider when making a decision regarding a rezone. The Planning Commission needs to use these standards in formulating its recommendation to the City Council regarding this proposal. The five specific *criteria to evaluate* are as follows:

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

Salt Lake City Housing Plan

The following City Council policies regarding housing are outlined in this Plan and are particularly relevant to the proposed development:

1. The City Council supports a citywide variety of residential housing units, including affordable housing and supports accommodating different types of developments and intensities of residential development.
2. The City Council encourages architectural designs compatible with neighborhoods that:
 - A. Make good use of and incorporate open space, even minimal amounts;
 - B. Interface well with public spaces;
 - C. Address parking needs in the least obtrusive manner possible, and;
 - D. Are creative, aesthetically pleasing and provide attractive public spaces, such as designated common areas, community centers, childcare, resident gathering places, residential gardens, etc.

It is the opinion of Staff that the request complies with the Salt Lake City Housing Plan Policies in that it is a creative approach in the reuse of an old building to provide housing and it addresses parking needs in the least obtrusive manner possible by placing much of the required parking underground.

City Vision and Strategic Plan

The City Vision and Strategic Plan, adopted in 1993, states that it is an objective of Salt Lake City to be *recognized for its efforts to restore and adaptively reuse its historic resources*. The Plan further states that vacant and derelict commercial buildings in residential areas should be acquired and demolished or rehabilitated into housing units. The proposed conversion of the old V.A. Hospital Building to residential condominiums is compatible with these objectives in that it is an adaptive reuse of a historic building that has been vacant for many years.

Avenues Community Master Plan

The Avenues Community Master Plan states that the BYU Education Center (a.k.a. V.A. Hospital) should be replaced with some type of residential use; however, the plan further states, *“as a general policy, additional zoning changes to accommodate higher density multiple family dwellings in the Avenues are not desirable.”* The Master Plan’s Future Land Use Map targets the subject rezone area as “very low-density” residential, which equals 1-4 dwelling units per gross acre. The Future Land Use Map references the density only, which is the total number of dwelling units in a specified area. The Zoning Ordinance regulates both density and building type. For example, the FR-3 zone allows single-family dwellings but does not permit apartment buildings, whereas the RMF-35 zone allows both single-family and multi-family building type development.

The request is to rezone the subject area from FR-3 (a very low density zoning district) to RMF-35 (considered a high-density district in the Avenues area). In considering the proposed residential re-use of the old V.A. Hospital buildings, Staff determined that rezoning to a multiple-family zone was necessary to avoid the authorization of a use variance, which is prohibited by City code and State law (Salt Lake City Zoning Ordinance, Section 21A.18.050 and Utah State Code, 10-9-707(5)). This requires an amendment to the Future Land Use Map from “very low-density” residential to “high-density” residential, which may be considered contrary to the

master plan in that the requested zone change would “*accommodate higher density multiple family dwellings in the Avenues.*”

One way to achieve the goal of reusing the V.A. Hospital as a multi-family residential use, while still maintaining a lower residential density is to rezone the property to the requested multiple family zoning district, but limit the number of dwelling units on the property through a development agreement. The applicant is requesting 29 dwelling units within the main building and 7 dwelling units within the Annex, totaling 36 units. At 5.1 acres, this would create an overall density of approximately 7 dwelling units per acre, which classifies as “low-density” in the Avenues community (The Avenues Master Plan classifies 4-8 dwelling units per acre as “Low Density”).

To summarize, rezoning the V.A. Hospital property to RMF-35 is compatible with the Avenues Master Plan in that it would legally permit the conversion of the V.A. Hospital and Annex buildings into residential condominiums. In addition, limiting the total number of dwelling units to 36 would maintain the low density residential development pattern in the Avenues community.

Finding: The proposed map amendment is supported by several policy elements of the Salt Lake City Housing Plan and the City Vision and Strategic Plan. Furthermore, it is the opinion of Staff that if a development agreement is signed by the property owners limiting the future development of the subject rezone area to a total of 36 dwelling units, the request would be supported by the Avenues Community Master Plan.

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

Discussion: The V.A. Hospital Building and Annex have been a character-defining element in the upper Avenues community since their construction in the 1930’s. Through time the buildings have been left to deteriorate and, to some, have become an eyesore. Staff is of the opinion that the proposal to restore and reuse the existing buildings for residential use would enhance the character of the residential community in the vicinity of the subject property. In order to ensure the reuse of these characteristic buildings, Staff recommends that if the rezone request is granted, it should be conditioned upon the reuse of the existing structures with minimal additions.

Finding: The proposed amendment is harmonious with the existing development in the immediate vicinity if the existing buildings are restored and reused.

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

Discussion: Currently the main V.A. Hospital building is a dilapidated shell with broken windows. Restoring this building and creating a residential population base would be a significant improvement over current conditions. In addition, creating a condominium development would require improvement and continuous care of the open space areas surrounding the V.A. Hospital buildings, which may have a positive affect on the adjacent property values.

One particular concern that is associated with a new residential development is the increase of traffic that the particular development may bring. In 1995, as part of the Capitol Park Planned Development proposal, a traffic impact analysis was completed, which analyzed the impact that the previous planned development and 27-unit condominium project would have on the Avenues street system. The traffic impact analysis at that time indicated that the level of service would not be impacted by the proposals. The current proposal, at 36 units, is slightly higher in density than that original proposal; however, the Transportation Division has reviewed the request and has determined that there would be no significant traffic impact to the Avenues street system.

Finding: The proposed project will not adversely affect adjacent properties.

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

Finding: There are no applicable overlay zoning districts imposing additional standards at the subject location.

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 wastewater and refuse collection.

Finding: City Engineering, Public Utilities, Transportation, Fire and Police all responded with comments as noted in the *Department/Division Comments* section in this report. No comments were received indicating that public facilities and services are inadequate to serve the subject property and project. The applicant will be required to meet City standards prior to the issuance of a building permit.

Avenues Community Master Plan Amendment

In terms of the evaluation of the associated master plan amendment, the only criterion that needs to be met for a master plan amendment is the State Law requirement for notification (publication in a newspaper of general circulation 14 days prior to the public hearing for the Planning Commission and City Council). A notice for the proposal, specifically including the master plan amendment, appeared in both the Salt Lake City Tribune and the Deseret News on November 3, 2004. The rationale for amending the Avenues Community Master Plan was discussed *previously under item A above.*

RECOMMENDATION:

Based on the review, analysis, and findings in this report, Planning Staff recommends that the Planning Commission forward a favorable recommendation to the City Council to rezone the subject property from FR-3 to RMF-35 to allow the conversion of the V.A. Hospital and Annex buildings into multiple family residential uses. The Planning Staff also recommends an amendment to the Avenues Community Master Plan Map to show the subject property as “Low-Density” Residential to allow 36 residential dwelling units to be developed within the subject rezone area.

The Planning Staff’s recommendation is contingent upon the following conditions:

1. The property owners’ sign a Development Agreement to be recorded on the property stating that the total number of dwelling units within the rezone area may not exceed thirty-six.
2. The V.A. Hospital building and Annex must be reused for residential development. The three-story corridor connecting the V.A. Hospital Building to the Annex may be demolished if required under the subdivision process.
3. If the V.A. Hospital building and Annex are developed under separate ownership, subdivision approval shall be obtained in conformance with Salt Lake City and State of Utah laws, ordinances, and policies.
4. Condominium approval must be obtained in conformance with Salt Lake City and State of Utah laws, ordinances, and policies.

Attachments

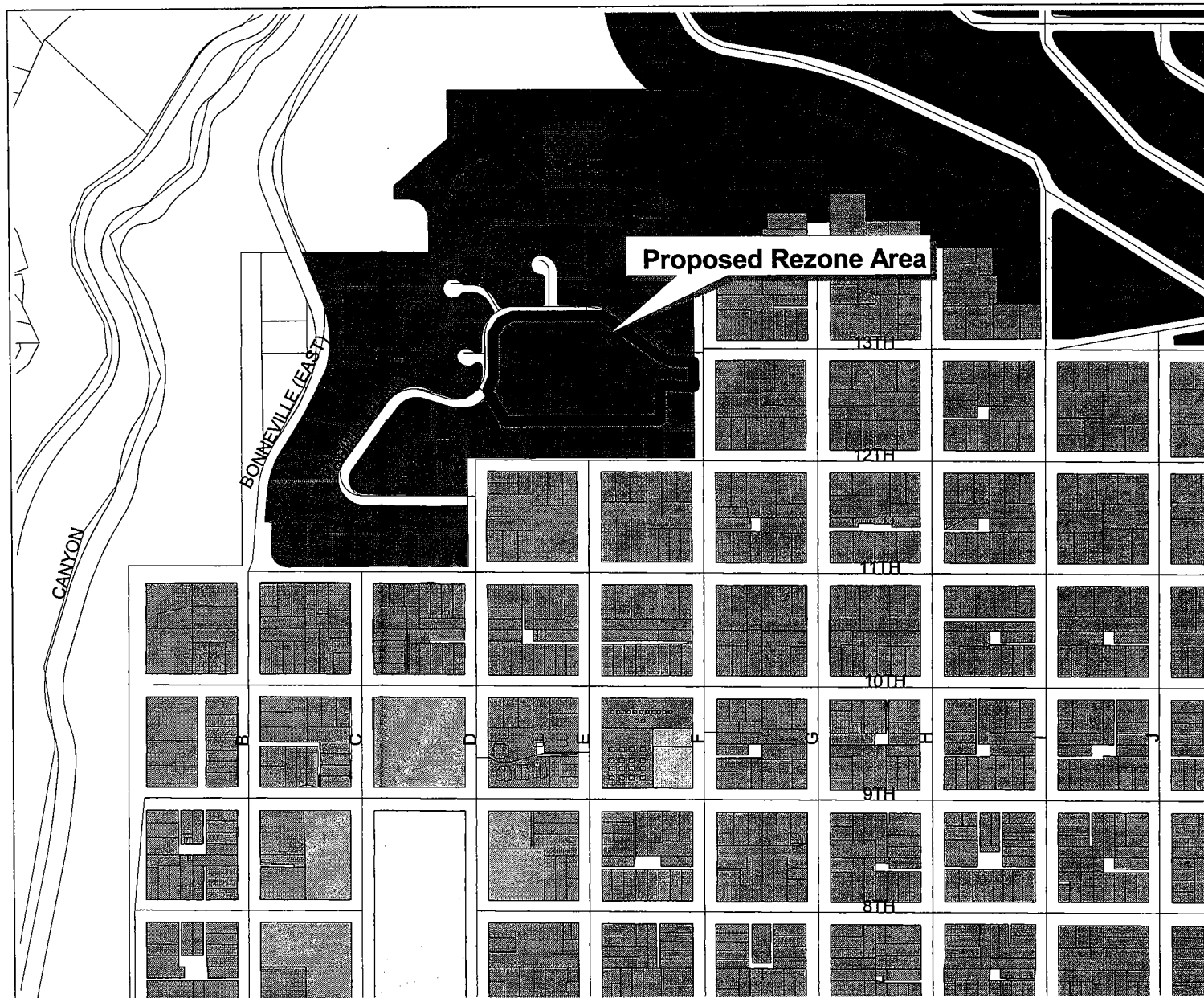
- Exhibit 1 – Maps
- Exhibit 2 – Site Plan and Elevation Drawings
- Exhibit 3 – Department Comments
- Exhibit 4 – Community Council Comments
- Exhibit 5 – Public Notification
- Exhibit 6 – Application Submittal







Exhibit 1

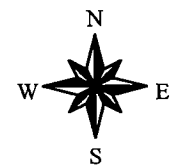
Maps

Petition 400-04-38

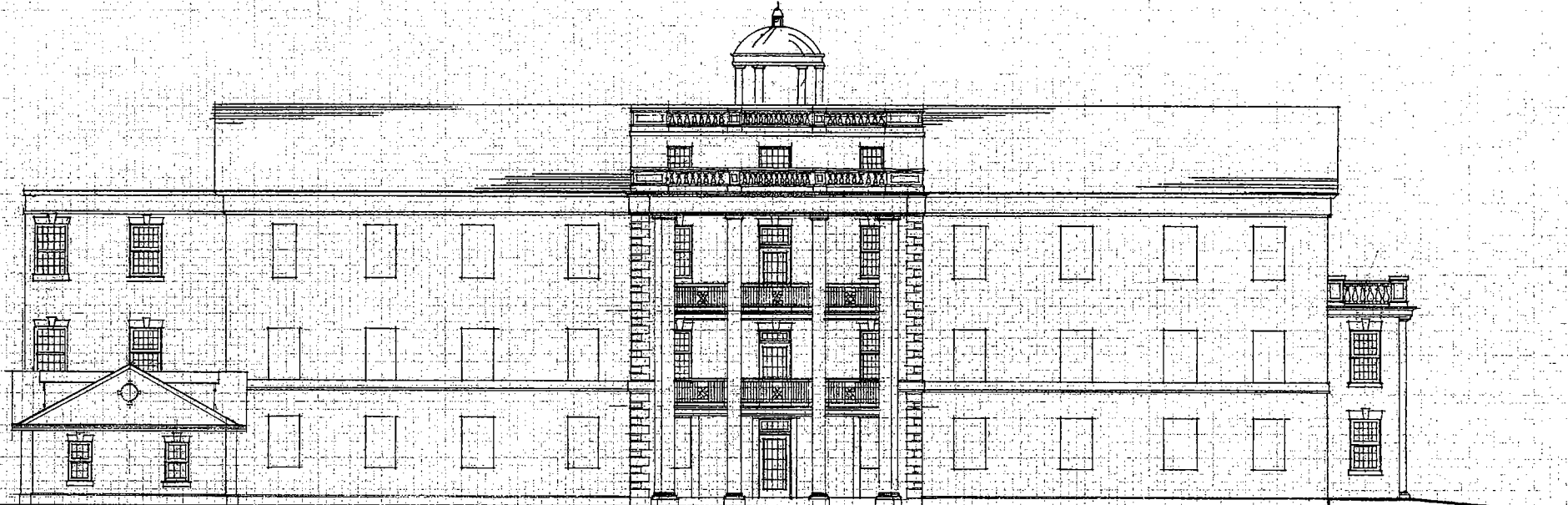
A Request to Rezone an Area from FR-3 to RMF-35



Current Zoning	
	FR-3
	SR-1
	I
	PL
	UI
	OS



ANNEX BUILDING



NORTH ELEVATION

Exterior Modifications
for
Wally and Karen Wright

HORN PARTNERS
ARCHITECTURE

November 2004

AVENUES COMMUNITY

Future Land Use Plan

EXISTING LOCATION
ENTRANCE GATE
CITY CREEK CANYON

**SUBJECT
REZONE
AREA**

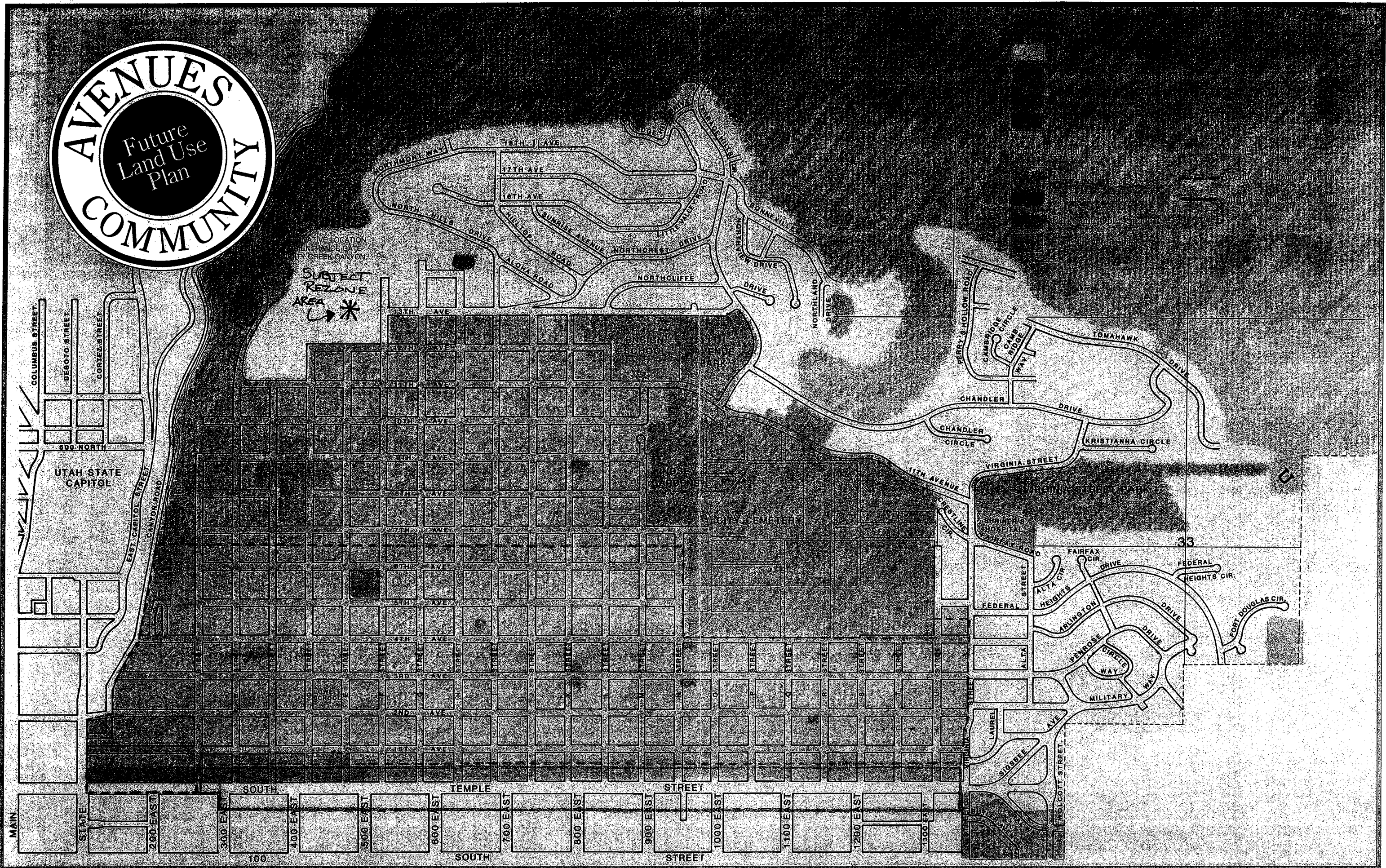

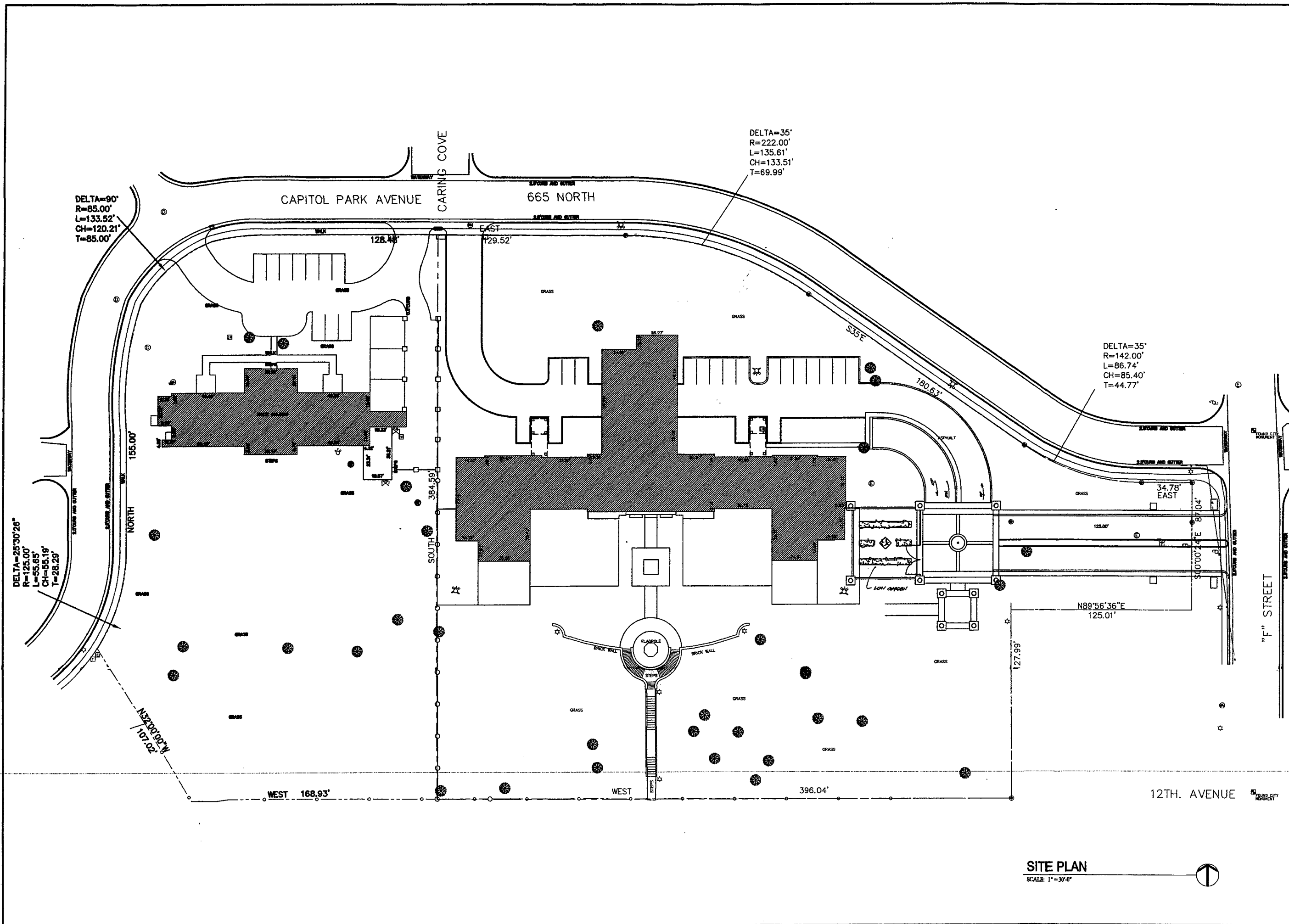


Exhibit 2
Site Plan and Elevation Drawings



DELTA=90°
R=85.00'
L=133.52'
CH=120.21'
T=85.00'

DELTA=25°30'28"
R=125.00'
L=55.85'
CH=55.19'
T=28.29'

DELTA=35°
R=222.00'
L=135.61'
CH=133.51'
T=69.99'

DELTA=35°
R=142.00'
L=86.74'
CH=85.40'
T=44.77'

SITE PLAN
SCALE: 1"=30'-0"

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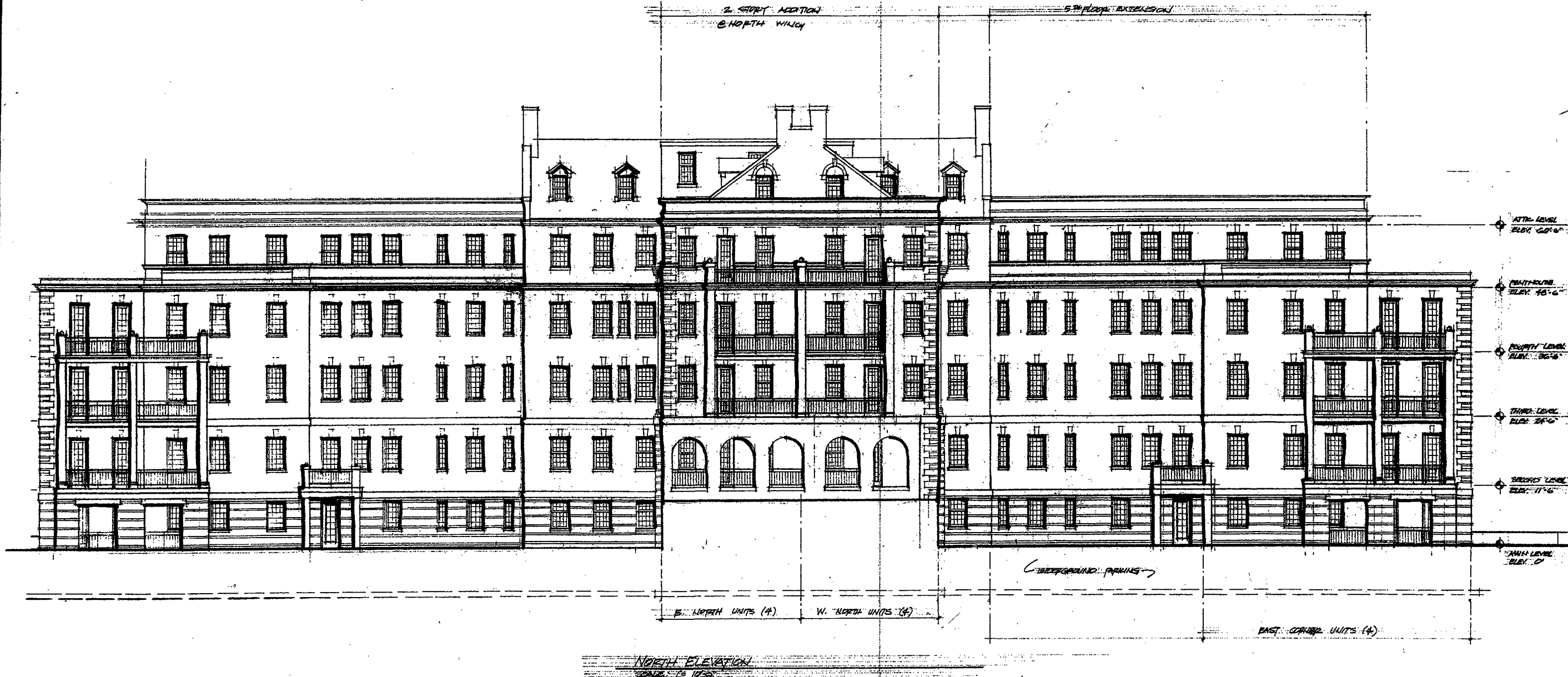
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SITE PLAN
A1.01

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(EAST BLDG.)



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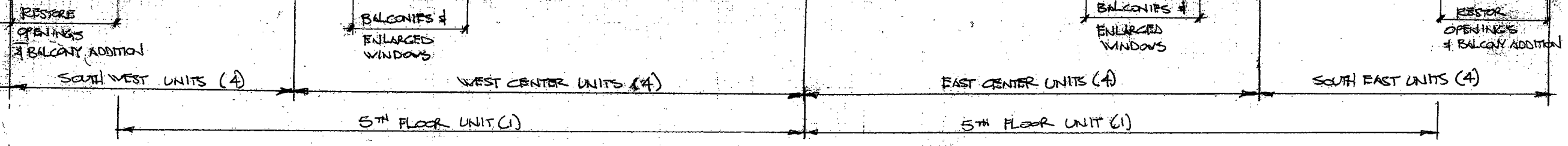
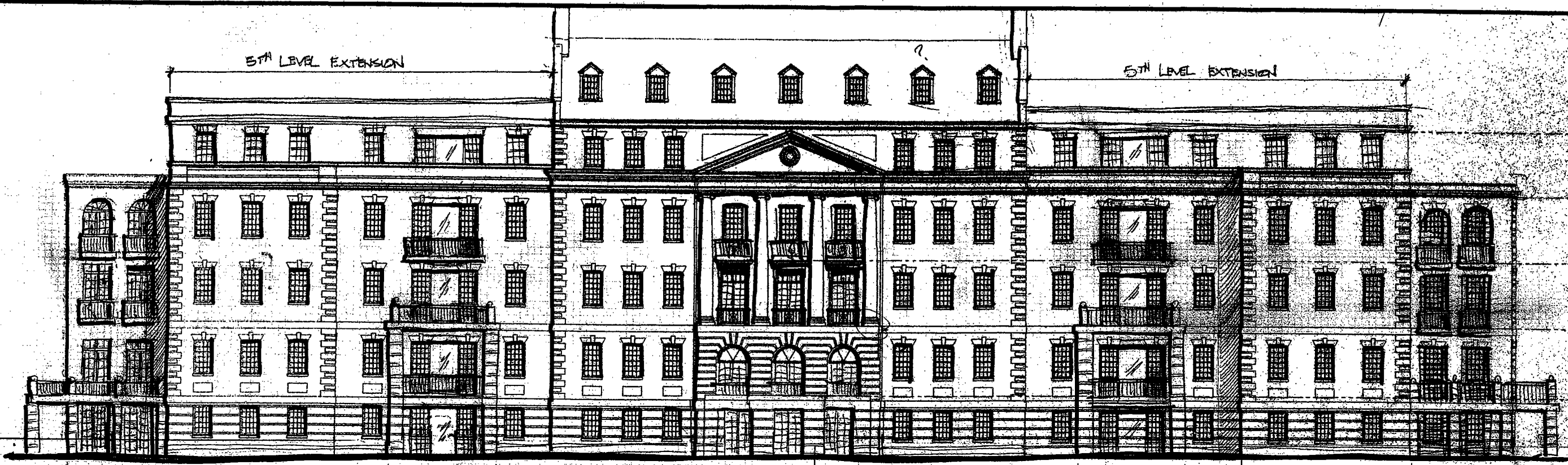
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BUILDING
ELEVATION

A3.03



SOUTH ELEVATION
SCALE 1" = 10'

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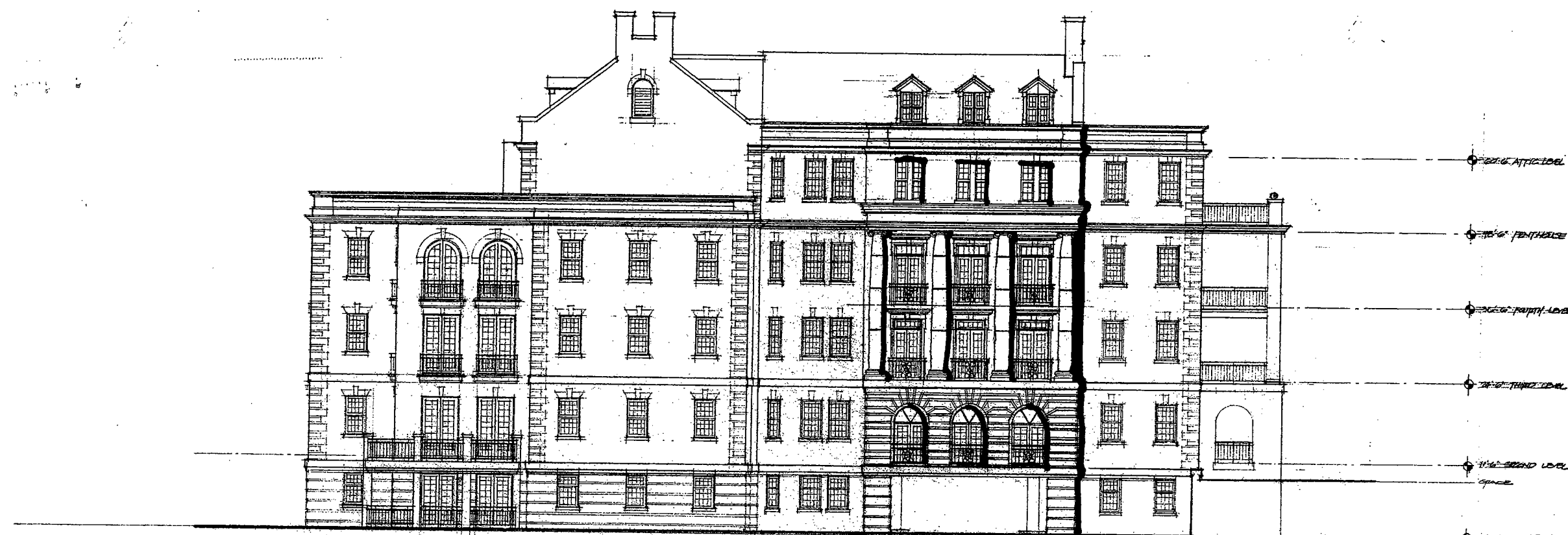
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ELEVATION
A3.01

V. A. HOSPITAL
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EAST ELEVATION
SCALE 1/8" = 1'-0"

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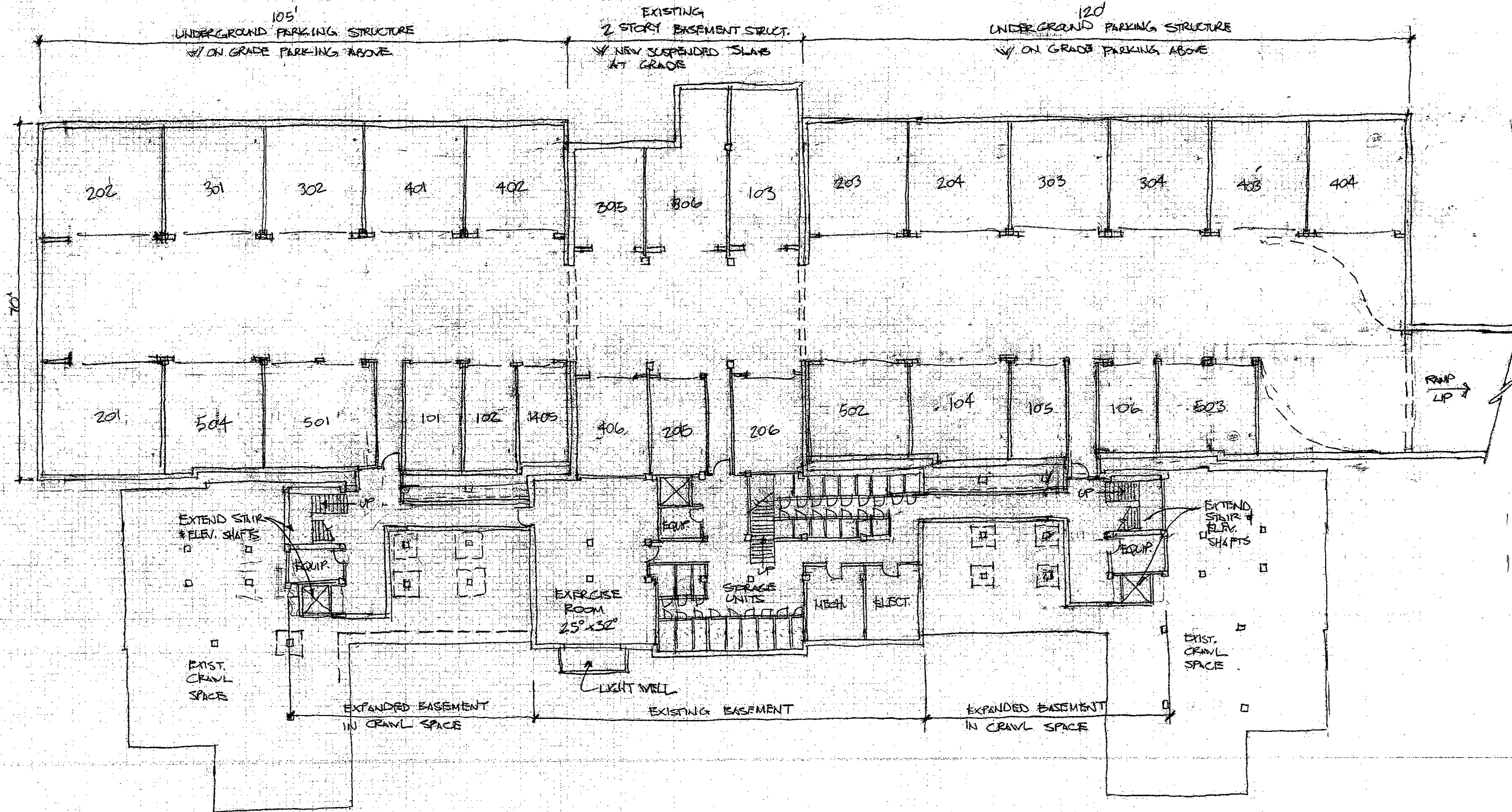
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BUILDING ELEVATION
A3.02

V. A. HOSPITAL
(EAST BLDG.)



SCALE 3/32" = 1'-0"

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LOWER LEVEL

A2.01

V. A. HOSPITAL
(EAST BLDG.)

RESIDENT
MANAGER/COACHE
APARTMENT

DRIVE UNDER BUILDING

PLANTERS ON UNDERGROUND
PARKING STRUCTURE

MEETING ROOMS

MANAGER/COACHE

EDGE OF UNDER GROUND
PARKING STRUCTURE

COVERED
WALK

COVERED
WALK

(2) CORNER UNITS
OPPOSITE

2640 GROSS
2500 NET

2890 SF GROSS
2650 SF NET

1426 SF GROSS
1340 SF NET

1600 SF GROSS
1450 SF NET

SCALE 1/8" = 1'-0"

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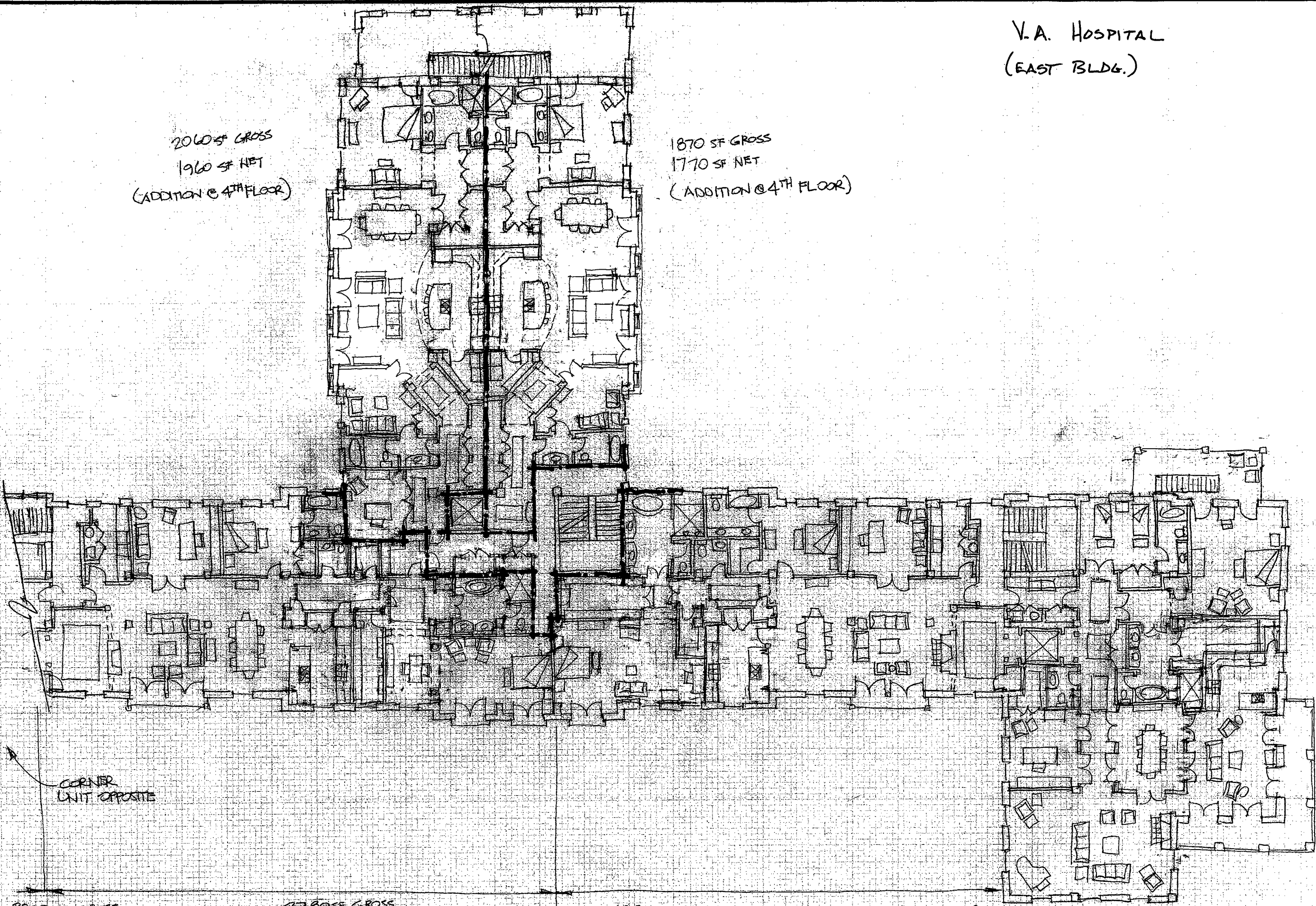
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MAIN LEVEL
FLOOR PLAN
A2.02

V.A. HOSPITAL
(EAST BLDG.)

2060 SF GROSS
1960 SF NET
(ADDITION @ 4TH FLOOR)

1870 SF GROSS
1770 SF NET
(ADDITION @ 4TH FLOOR)



3200 SF GROSS
2860 SF NET

2780 SF GROSS
2640 SF NET

2930 SF GROSS
2790 SF NET

3200 SF GROSS
2860 SF NET

CORNER UNIT OPPOSITE

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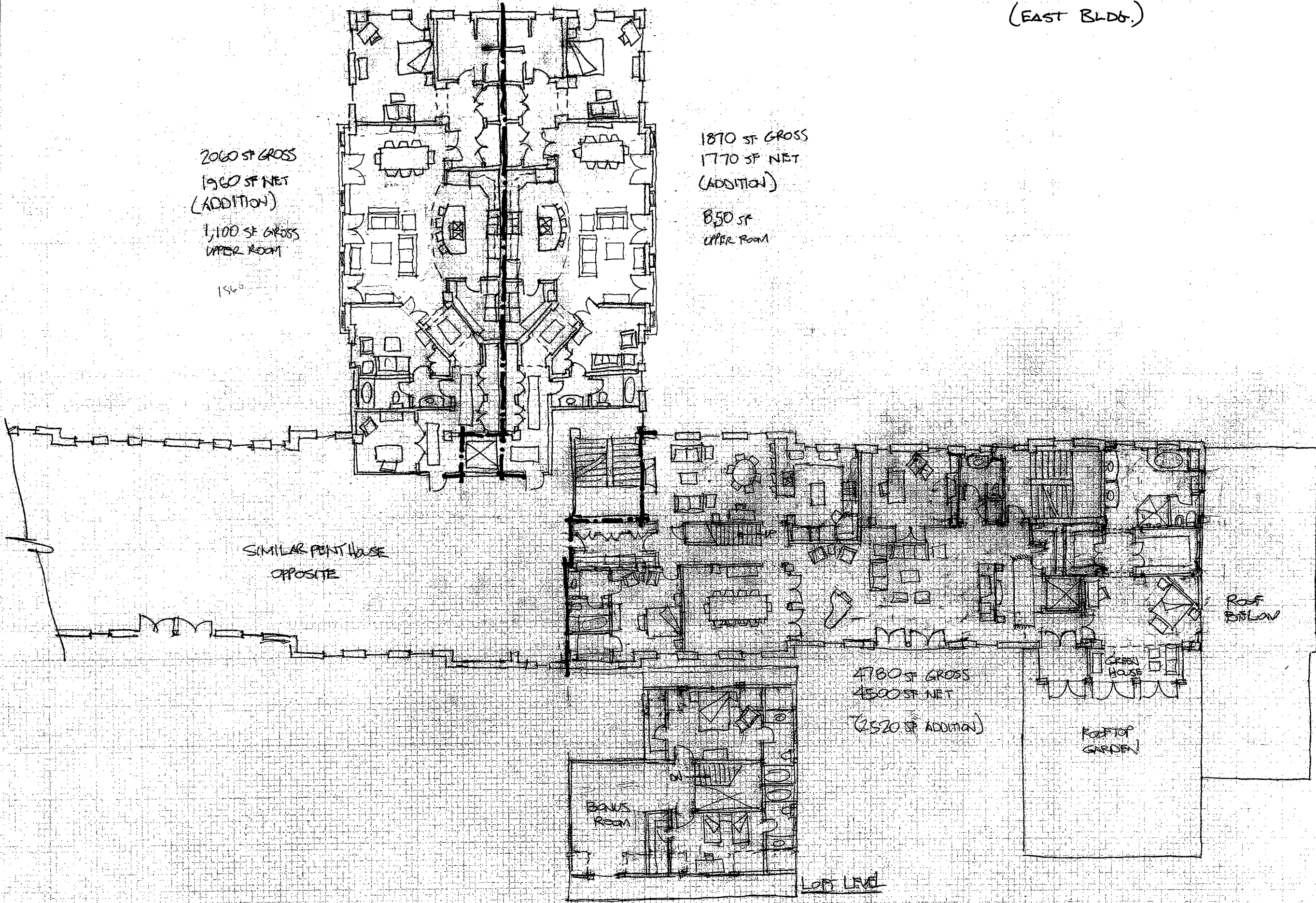
LEVELS 2-4
FLOOR PLAN
A2.03

V. A. HOSPITAL
(EAST BLDG.)

2060 SF GROSS
1960 SF NET
(ADDITION)
1,100 SF GROSS
UPPER ROOM
1560

1870 SF GROSS
1770 SF NET
(ADDITION)
850 SF
UPPER ROOM

4780 SF GROSS
4500 SF NET
(2520 SF ADDITION)



SIMILAR PENTHOUSE
OPPOSITE

ROOF
DISLOV

GREEN
HOUSE

ROOFTOP
GARDEN

BONUS
ROOM

LOFT LEVEL

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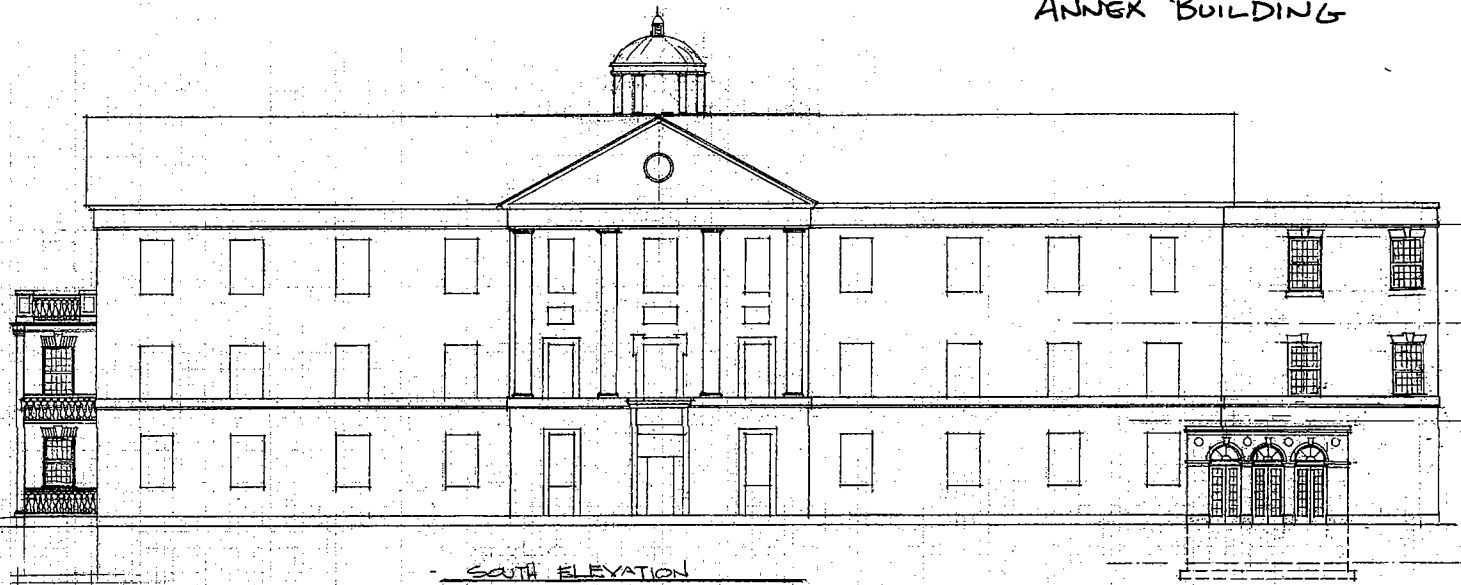
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LEVEL 5
FLOOR PLAN

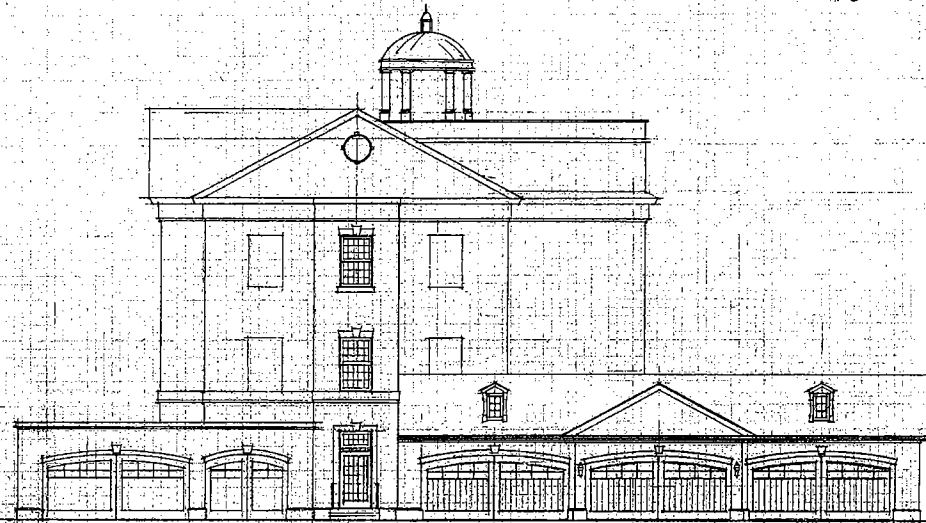
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ANNEX BUILDING



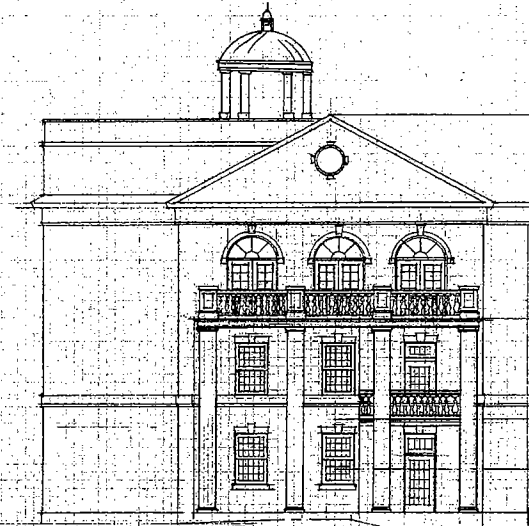
SOUTH ELEVATION

1/8" = 1'-0"



EAST ELEVATION

1/8" = 1'-0"



WEST ELEVATION

1/8" = 1'-0"

Exterior Modifications
for
Wally and Karen Wright

HORN+PARTNERS
ARCHITECTURE

November 2004

Exhibit 3
Department Comments

A. LOUIS ZUNBUZE
PLANNING DIRECTOR

BRENT B. WILDE
DEPUTY PLANNING DIRECTOR

SALT LAKE CITY CORPORATION
COMMUNITY DEVELOPMENT
PLANNING AND ZONING DIVISION

ROBB C. ANDERSON
MAYOR

DOUGLAS L. WHEELWRIGHT, AICP
DEPUTY PLANNING DIRECTOR

MEMORANDUM

Date: October 1, 2004

To: Engineering, Craig Smith, Dell Cook
Fire, Brad Larson
Police, Linda Johnson
Public Utilities, Brad Stewart
Transportation, Barry Walsh
Permits Supervisor, Orion Goff

From: Wayne Mills, Principal Planner

Re: **Petition #400-04-38**, A request for a zoning map amendment to reclassify the old Veterans Administration Hospital property from FR-3 to RMF-35.

The Planning Division is reviewing Petition #400-04-38, a request to rezone an area in the upper Avenues from FR-3, Foothills Residential District (single-family residential) to RMF-35, Moderate Density Multi-Family Residential District. The properties in the requested rezone area are addressed as 358 E. Capitol Park Ave., 364 E. Capitol Park Ave., 635 N. F Street, and 633 N. F Street and contain the old Veterans Administration Hospital. The proposed rezone area is 5.1 acres in size.

Currently, the old Veterans Administration Hospital consists of two buildings connected by a three story enclosed corridor. Future plans for the project area include demolishing the connecting corridor and applying for subdivision approval to legalize the north-south property line that separates the two buildings. The properties would then be developed under separate ownership as condominiums. The east building is proposed as a 28-unit condominium with access from F Street and Capitol Park Avenue, which is a private street. Required parking for the site would be satisfied by an underground parking facility and new surface parking to the north of the existing building. The west building is proposed as a seven unit condominium with access from Capitol Park Avenue (private street). Parking for this condo project would be satisfied by an underground parking structure and new surface parking to north of the existing building.

Included with this memo is a map showing the proposed rezone area, a preliminary site plan of the future proposed development, and the base RMF-35 zoning regulations. Please review this information and respond with any comments by October 15, 2004. If I do not receive a response by this date, I will assume that you have no comments or concerns regarding the proposal. If you have questions or need additional information, please contact me by phone at 535-6173 or by e-mail at wayne.mills@slcgov.com.

Thank you.

Mills, Wayne

From: Mills, Wayne
Sent: Friday, October 01, 2004 10:19 AM
To: Boskoff, Nancy; Campbell, Tim; Clark, Luann; Dinse, Rick; Fluhart, Rocky; Graham, Rick; Harpst, Tim; Hooton, Leroy; Martinez, Lee; McFarlane, Alison; Oka, Dave; Query, Chuck; Rutan, Ed
Cc: Zunguze, Louis; Wheelwright, Doug
Subject: Petition #400-04-38, Departmental Review
Categories: Program/Policy

Directors:

The Planning Division is currently reviewing Petition #400-04-38, a request for a zoning map amendment to reclassify the old Veterans Administration Hospital property located at 358 E. Capitol Park Ave., 364 E. Capitol Park Ave., 635 N. F Street, and 633 N. F Street submitted Capitol Park Penthouses, LLC and Karen S. Wright. This request has been sent to appropriate City Staff members who have been asked to review the technical details of the project and respond in writing with any pertinent comments. The following City staff members have received the above attachment and associated documentation for review:

Brad Stewart – Public Utilities
Brad Larson – Fire
Craig Smith – Engineering
Barry Walsh – Transportation
Orion Goff – Permits Supervisor
Linda Johnson - Police

If you would like to review the details of this proposal, please let me know by October 8, 2004 and I will forward information to you. If you have any questions, please do not hesitate to e-mail or you may call me at 535-6173.

Thank you.

SALT LAKE CITY CORPORATION

A. LOUIS ZUNGUZE
PLANNING DIRECTOR

BRENT B. WILDE
DEPUTY PLANNING DIRECTOR

DOUGLAS L. WHEELWRIGHT, AICP
DEPUTY PLANNING DIRECTOR

COMMUNITY DEVELOPMENT
PLANNING AND ZONING DIVISION

ROSS C. ANDERSON
MAYOR

October 18, 2004

Kent Stephens
Salt Lake City School District
440 East 100 South
Salt Lake City, UT 84111

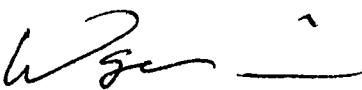
Dear Mr. Stephens:

The Salt Lake City Planning Division is reviewing Petition #400-04-38, a request to rezone an area in the upper Avenues from FR-3, Foothills Residential District (single-family residential) to RMF-35, Moderate Density Multi-Family Residential District. The properties in the requested rezone area are addressed as 358 E. Capitol Park Ave., 364 E. Capitol Park Ave., 635 N. F Street, and 633 N. F Street and contain the old Veterans Administration Hospital. The proposed rezone area is 5.1 acres in size.

Currently, the old Veterans Administration Hospital consists of two buildings connected by a three story enclosed corridor. Future plans for the project area include demolishing the connecting corridor and applying for subdivision approval to legalize the north-south property line that separates the two buildings. The properties would then be developed under separate ownership as condominiums. The east building is proposed as a 28-unit condominium and the west building is proposed as a seven unit condominium.

The purpose of this letter is to inform you of the proposed increase in housing units within the Avenues area. If you need additional information or have comments/concerns, please contact me by October 29, 2004. I can be reached by phone at 535-6173 or by e-mail at wayne.mills@slcgov.com.

Sincerely,



Wayne Mills
Principal Planner

TO: WAYNE MILLS, PLANNING

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

DATE: OCTOBER 4, 2004

SUBJECT: **Penthouses at Capitol Park Zoning Map Amendment**
Petition #400-04-38

City Engineering review comments are as follows:

1. SLC Engineering has no objection to the proposed zone change.
2. If the proposed site develops as condominiums, the developer must enter into a subdivision improvement construction agreement. This agreement requires the payment of a stepped 5% fee based on the estimated cost of constructing the roadway improvements.
3. Design drawings for the proposed roads/driveways must comply with the Salt Lake City Engineering design standards. Some of the significant requirements are as follows:
 - The engineering drawings must show the profile view for top back of curb grade and centerline grade.
 - The horizontal scale for the drawings shall be 1" = 20', 1"=30' or 1"= 40'. The vertical scale shall be one tenth of the horizontal scale.
 - The minimum size lettering shall be 1/10" and capital letters shall be used.
 - The text shall be readable from one of two directions on a given sheet.
 - The north arrow shall point toward the top of left of the sheet with stationing progressing from west to east or from north to south.
4. The subdivision plat must conform to the requirements on the attached plat checklist. A plat should be submitted as soon as possible to allow the SLC Surveyor to begin his review.
5. If a new street name is desired, the proposed street name should be submitted as soon as possible to Judy Stevens (Salt Lake County, 468-3294) for review. SLC Engineering will provide final approval of the street name and suffix.
6. The developer must enter into agreements required by the SLC Public Utility Department and pay the required fees.

cc: Rick Johnston
Brad Stewart
Barry Walsh
Vault

LEROY W. HOOTON, JR.
DIRECTOR

SALT LAKE CITY CORPORATION

DEPARTMENT OF PUBLIC UTILITIES
WATER SUPPLY AND WATERWORKS
WATER RECLAMATION AND STORMWATER

ROSS G. "ROCKY" ANDERSON
MAYOR

October 15, 2004

Wayne Mills
Salt Lake City Planning
451 South State Street
Salt Lake City, Utah 84111

RE: Petitions 400-04-38, A request for a zoning map amendment to reclassify the old Veterans Administration Hospital property from FR-3 to RMF-35

Dear Wayne,

Salt Lake City Public Utilities has reviewed the above-referenced petition and offers the following comments:

Within these proposed properties there is a 12-inch public water main, an eight-inch public sanitary sewer main and a 15-inch public storm drain main. A thirty-foot wide easement must be dedicated to Salt Lake City Corporation for these existing facilities centered along each pipe as they are located through this property. A legal description for these easements must be prepared and stamped by a licensed surveyor and must be provided to Public Utilities for review and approval. Easement documents, as prepared and recorded by Public Utilities (Karryn Greenleaf @ 483-6769), must be signed by the property owner(s). These recorded easement documents must be referenced on this plat with each easement clearly shown and labeled. No new buildings, structures, trees, other utilities or any other object that would impede Public Utilities access to maintain these facilities will be allowed within the easement.

For shared private water, fire, sanitary sewer and/or storm drain utility systems, maintenance agreements must be prepared, approved and recorded prior to final plat approval. This agreement must be referenced on the amended plat. The maintenance agreements must address each individual lot owner's responsibilities and ownership related to these shared utility systems. The agreement must clearly address who is responsible to perform and pay for the operation, repair, maintenance and construction of these shared systems. A maximum allowable timeline to perform these duties must also be addressed within this agreement. Easements must be provided for any utility service crossing through a neighboring property.

Public Utilities is currently assessing the need to reroute a portion of the 12-inch water main near the eastern portion of these properties. Additional construction and easements may be required related to this potential water main relocation.

October 15, 2004

Page 2

Future Construction Requirements

General:

All design and construction must conform to State, County, City and Public Utilities standards and ordinances. Design and construction must conform to Salt Lake City Public Utilities General Notes.

All environmental issues must be approved by the appropriate governing agency prior to Public Utilities approval. The developer must provide written documentation to Public Utilities showing these conditions have been met.

Fire Department approval will be required prior to Public Utilities approval. Fire flow requirements, hydrant spacing and access issues will need to be resolved with the fire department.

Sanitary Sewer and Water:

Engineered Utility Plans must be submitted to Public Utilities for review and approval for this proposed construction. The anticipated water and fire needs and sanitary sewer discharges of this proposed use must be provided to Public Utilities. From this information Public Utilities will assess existing utility infrastructure capacities and determine if there is a need for any utility infrastructure improvements. Offsite sanitary sewer improvements may be required if the existing downstream sewer system is not able to handle expected discharges meeting Public Utilities' 75% maximum pipe capacity criteria. All water, fire and sewer service connections must meet Public Utilities standards and requirements. According to our records numerous existing sewer and water service laterals are connected to these properties. As determined by Public Utilities unused water laterals must be disconnected at the main and unused sanitary sewer laterals must be capped at property line per Public Utilities requirements.

Storm Water Design and Construction:

A Grading and Drainage Plan must be submitted to Public Utilities for review and approval for this proposed construction. This development will be restricted to a maximum surface storm water discharge rate of 0.2 cfs per acre. No retention facilities will be allowed. It must be shown that proposed detention areas will not negatively impact neighboring properties and basements. Pumped groundwater discharges from these properties will not be allowed.

Proposed ditch sections or detention facilities must have 3:1 or flatter side slopes with minimum two-foot bottom. Concrete roll gutters are recommended at the bottom of ditch facilities. Bubble-up inlets or sumps used as control structures in detention areas will be discouraged. Temporary and permanent erosion control within detention areas or ditches must be detailed. The developer must comply with UPDES Construction Storm Water Permits. At a minimum, silt fence must be provided along open drainage ways, hay bales must protect any existing grates or inlets and the City's clean-wheel ordinance must be followed. A copy the proposed Storm Water Pollution Prevention Plan required for the UPDES permit must be submitted to Public Utilities for review and approval. An engineered stamped drainage report is required showing all the above-mentioned requirements have been met.

October 15, 2004

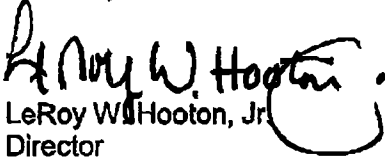
Page 3

Agreements and Fees:

Utility mainline extension and service connection agreements must be entered into between the developer and Public Utilities for all approved water, fire, sewer and storm drain mains and services. The agreements will outline developer and Public Utilities' responsibilities related to construction, maintenance and warranty of the utility mains and services. Based on an approved engineer's estimate, work for all public water, sewer and storm drain mains must be bonded. All mainline extension agreements must be executed and bonds received by Public Utilities prior to full construction plan set approval and plat sign-off from our department. Prior to full plan set approval and plat recordation all water, fire, sewer, drainage and connection impact and inspection fees must be paid in full. This will include sanitary sewer connection fees assessed for all proposed living units and common fixtures. A \$343 per quarter acre drainage impact fee will be assessed for all new hard surface introduced by this proposed construction.

Public Utilities can approve this petition if the above-mentioned issues are addressed. If you should need further assistance with this matter, please contact Jeff Snelling at 483-6889.

Sincerely,


LeRoy W. Hooton, Jr.
Director

Co:file

pg\jn\LWH

Mills, Wayne

From: Walsh, Barry
Sent: Monday, October 04, 2004 2:42 PM
To: Mills, Wayne
Cc: Young, Kevin; Weiler, Scott; Stewart, Brad
Subject: Pet 400-04-38
Categories: Program/Policy

October 4, 2004

Wayne Mills, Planning
451 South State Street, Room 406
Salt Lake City Corporation

Re: Petition #400-04-38 to rezone FR-3 to RMF-35 at 358 E. Capitol Park Ave. 364 E. Capitol Park Ave. 635 No. "F" Street & 633 N. "F" Street for the Veterans Administration Hospital property Zoning Map Amendment.

The Division of Transportations review comments are as follows:

The proposed zoning change is acceptable from a transportation aspect, in that the proposed west building, a 7 Unit building accessing Capitol Park Avenue a private roadway and the east building a 28 Unit condominium with frontage on "F" street a public roadway and access to Capitol Park Avenue a private roadway should not greatly impact the level of service in that area.

The enclosed preliminary site plan does not show existing driveway approaches or existing parking areas to be removed. It also shows proposed driveways that are in excess of city standard widths and will require review coordination for function and location in relation to existing roadways, etc. – the 46 foot wide approach on "F" street and the two driveway approaches at Caring Cove with only 8 foot separation do not comply.

Final development will require compliance to current city design standards.

Sincerely,

Barry Walsh

Cc Kevin Young, P.E.
Scott Weiler, P.E.
Brad Stewart, Utilities
File

Mills, Wayne

From: Larson, Bradley

Sent: Monday, October 18, 2004 10:41 AM

To: Mills, Wayne

Subject: Petition #400-04-38 - Request for a Zoning Map amendment to reclassify the old Veterans Admin. Hospital property from FR-3 to RMF-35

Wayne,

There are Fire Apparatus access Code violations with the site plan as shown. Approval from the Fire Department for the request for rezoning is granted. However, before the project may proceed, a new site plan complying with Section 503, (Fire Apparatus Access Roads) will be required for approval.

Please feel free to contact me should you have any questions or need further assistance.

Thank you.

*Brad Larson
Deputy Fire Marshal*

10/18/2004

Mills, Wayne

From: Johnson, Linda
Sent: Thursday, October 14, 2004 4:24 PM
To: Mills, Wayne
Subject: Petition #400-04-38
Categories: Program/Policy

Wayne,

I have reviewed the materials that you submitted regarding the old Veterans Administration Hospital property. I think the proposed use will be an asset to the area, and would be a good use of that space. One concern that I would have, however, is that of keeping the property secure during construction. There has been a lot of foot traffic through the park just south of this property and on up to the old buildings. As you are probably aware, there are many young people who have heard that the old buildings are "haunted" and are going onto the property out of curiosity. I think that the developer should make every attempt to secure equipment and materials during the building phase. Also, I would recommend that a security-type fence be incorporated into the final project design. Other than these concerns, everything else seems to be in order at this time.

Linda

Exhibit 4
Community Council Comments



Greater Avenues Community Council

The Agenda

www.slc-avenues.org

Volume VIII, Issue 7

July 2004

In support of our local businesses by Jill Van Langeveld

City planners these days are using the concepts of 'walkable communities' and 'multi-use developments,' to make communities more people rather than car oriented.

When the Avenues were first being developed the walkability concept was very important. People depended on mass transit (note the lack of off-street parking) or they walked, so numerous markets were found scattered throughout the Avenues.

When I first moved to 259 Sixth Avenue in 1966, I could walk to a number of stores within just a few blocks. There was Stoneman's Market on B Street between 4th and 5th Avenues. Over on 6th Avenue between E and F Streets we had Folland's Pharmacy, Jaynee's Bakery, Safeway, and a shoemaker's shop. If I wanted to walk a couple of blocks north there was Eighth Avenue Meat and Grocery, affectionately known as Bud's or Bill's.

The only business of that group still around is Eighth Avenue Meat and Grocery. My husband Dave, a life long Avenues resident, and I were talking about this a few days ago, and we discovered that the only business still on the Avenues that was here as he was grew up is Eighth Avenue Meat and Grocery.

Bud Spencer bought the building in 1922, before LDS Hospital was even built. Two previous stores had failed there, but he thought that he could succeed with high quality meats and produce as well as exceptionally good, friendly service. Bud made you feel that you were his most important customer. His strategy worked.

Bill Spencer went to work with his Dad and after Bud died in the mid 1970's, most of the shoppers started calling the store on 8th Avenue by the longer name Bill's. Bill continued his Dad's legacy of crisp apples (always refrigerated), eggs that are so fresh that the yolk stands up, and meats that people come from all over the valley to buy.

I was taking a foods class at the University of Utah and two classmates from Magna were talking about this "great little store on the Avenues that has the best meats." It was, as you have guessed, Bill's.

Have you ever read in your recipe, "Brown the ground beef and then drain off the fat?" Bill's regular ground beef has nothing to drain off and his lean is almost too lean to barbeque with not much fat to hold it together. Ask for a roast and tell him how many you want to serve. He will cut just the right size and then write the cooking directions on the paper wrapping. For Thanksgiving and Christmas you can order a fresh or frozen turkey just the right size, and it will be there even if you arrive one minute before closing.

GACC Community Meeting

Wednesday, July 7th, 2004, 7:00 p.m.
Sweet Library, 9th Avenue and F Street.

Agenda (times approximate)

- 7:00 Welcome and Announcements**
- Peter Corroon, 2004 GACC Chair
- 7:15 Reports**
- Police
 - Committees
 - City/County Council
 - Legislature
 - School Board
 - Mayor's Office
- 7:40 Avenues Street Fair Report** – The date and location for the 2004 Avenues Street Fair will be announced, with a call for Fair planning volunteers.
- 7:45 The Village Project** – Willie Johnson will present this youth mentoring program and will request volunteers to mentor at-risk youth.
- 8:00 Olympic Memory Trail** – Phil Carroll will discuss using proceeds from the Street Fair to partially fund this Olympics Legacy project. A vote may be taken.
- 8:10 VA Hospital Condo Project** – Doug Wheelright from SLC Planning will discuss the proposal to turn the old VA hospital into condo residential use.
- 8:30 Salt Lake Regional Medical Center Renovation** – Hospital officials will present their renovation and remodeling plans and timeline.
- 8:40 Traffic Calming** – Jim Jenkin and/or Transportation Dept personnel will discuss the City's funding of traffic calming projects.
- 8:50 Open Forum** (limited to one minute per person)
- 9:00 Adjournment**

Bill knows his regular customers on a first name basis as well as their children. Bill gets me concentrated mincemeat in the box for Thanksgiving that I can't find anywhere else.

Eighth Avenue Meat and Grocery has thrived under two generations of Spencer's and is working on the third and fourth. Bill is now 81; his sons-in-law are found behind the meat counter along with grandson Billy, who often wears strange T-shirts under his white apron yet has a smile as big as Bill's.

I'm sure they would love a few new customers. Try them out. We encourage support of all our Avenues businesses – the new ones and the old ones like the 82-year-old Eighth Avenue Meat and Grocery at 376 8th Avenue. We don't want to lose the last and longest family-operated mom-and-pop market in the Avenues, as it is a real treasure in our community.

To access emergency room, go in on 10th East side. We guarantee you won't wait more than 30 minutes.

VA Hospital Project:

Doug Wheelwright, SL Planning Commission: There is a proposal to convert the old VA Hospital building into residential condominiums. We've met with the owner and architect and they are here tonight, Kevin Horn and Richard Sheinberg. They want to rezone from 1.5 acre parcels to multi-family zone.

Question: What are the implications of the rezoning?

Answer: Over past 15 years, we've discussed developments ranging in units from 27 to 44 units. Current proposal is at 33 units. We haven't received the application yet.

Phil Carroll: There was an agreement with previous Council to limit units.

Question: What about traffic access?

Answer: The majority of the access will be from 13th and F streets. Traffic increase is estimated at 30 additional trips at peak times. We are not anticipating that 33 additional units will change the level of service on local streets.

Phil Carroll: This was a major concern in previous discussions, leading us to bring total number of units down by 50 percent. But we got bigger houses.

Question: Is there still a plan for a new LDS Church building in the area?

Answer: The LDS Church does own a meetinghouse site in the area and has sought conditional use permits twice in recent years, but those permits have expired. We have no application for a conditional use and haven't for a number of years.

Question: Is the planning commission expecting an expression of support/nonsupport from the council?

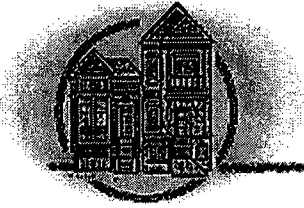
Answer: Yes.

The architect and property owner reviewed the proposed project.

Main building will have 26 penthouse-style units. The smaller building will have six units. We will be doing the larger building, the Wrights, who live in the smaller building, will be doing that property. Construction will take 18 months.

Design and style will be in keeping with surrounding homes. There will be 3,000 square feet average, with couple larger and few smaller. Price range: \$700,000 to \$1 million.

Traffic Calming:



Greater Avenues Community Council

SALT LAKE CITY, UTAH

[News](#) | [Next Meeting](#) | [Newsletter](#) | [Upcoming Events](#) | [Contact Us](#)

Home

GACC Community Meeting
Wednesday, October 6th, 2004, 7:00 p.m.
Sweet Library, 9th Avenue and F Street.

**Schools, Churches,
Community Groups**

Agenda (times approximate)

**Avenues
Businesses**

7:00 p.m. Welcome and Announcements--Peter Corroon, 2004 GACC Chair

2004 Street Fair

**7:15 p.m. Reports --Police, Legislature, Committees, School Board, City/County Council, M
Office**

Our Advertisers

**7:45 p.m. GACC Nominating Committee - The committee will accept nominations for the
GACC Board of Directors, including Chair-elect, Secretary, Treasurer and general Board Me**

**GACC Board
Members**

**7:55 p.m. Run 4 Your Life - Devine Racing Director Greg Reid will announce Saturday, Oc
30th's Halloween-themed four-mile Fun Run, Block Party and training program kickoff for th
Salt Lake City Marathon.**

Committees

District Map

**8:05 p.m. Capitol Park/V.A. Hospital Remodel - Developer Richard Scheinberg and Archi
Kevin Horn will present updated plans for the old V.A. Hospital.**

**GACC Vision
Statement / By-Laws**

**8:15 p.m. Blue Sky Challenge - SLC Environmental Advisor to the Mayor, Lisa Romney, a
Utah Clean Energy Director Sarah Wright will present the Mayor's "Twice as Nice" challeng
increase participation in Utah Power's Blue Sky renewable energy program.**

Past Minutes

**Salt Lake City
Government**

**8:25 p.m. Welcome to LDS Hospital Administrator Mikelle Moore - We welcome the nev
of LDS Hospital who will introduce herself, speak on the future of LDS Hospital, and identif
hospital services currently available to Avenues residents.**

**Association of
Community
Councils**

8:45 p.m. Open Forum (limited to one minute per person)

9:00 p.m. Adjournment

**Salt Lake County
Government**

**Utah State
Government**

Greater Avenues Community Council

October 21, 2004

Wayne P. Mills
Salt Lake City Corporation
Planning Division
Board of Adjustments
451 South State, Room 406
Salt Lake City, UT 84111

Dear Mr. Mills

At our October 6, 2004 GACC meeting we heard from Developer Richard Scheinberg and Architect Kevin Horn regarding an update of plans for the Capitol Park/V.A. Hospital remodel.

After the presentation, a motion was made from the floor that the GACC give approval to the plans that were shared with us. The motion carried unanimously.

Sincerely,



Jill Van Langeveld
Chair-elect

November 9, 2004

Wayne Mills
451 S. State St.
Room 406
Salt Lake City, UT 84111

RE: Capital Park Condo Project

Dear Mr. Mills,

Thank you for your time on the phone yesterday regarding the above referenced matter.

As I mentioned in our telephone conversation I own lot 101 in the Capital Park development (.24 acre lot just east of the old VA Hospital.) I am currently in the process of finishing structural drawings for a single-family house for this lot and hope to break ground sometime around the end of April 2005.

My concerns with the development of the condominium project are numerous, but primarily relate to the proposed access from "F" street to the condominiums. As you are aware, there is an existing road (dirt road) that connects from Capital Park Avenue (a private road) to the existing hospital and it was my initial understanding that this would remain as the sole access point on the east side. I understand that the developers intend to build an underground parking garage and roughly 36 condo units. This, of course, would necessitate the need for easy access. However, I believe that one access point from Capital Park Avenue would certainly be sufficient to handle this small amount of traffic. I understand also that access from a public street is desirable however this, I believe, would severely compromise the aesthetic appeal of the property by crowding the already limited area. As "F" street is the only option which I have for a driveway to my residence, if another drive were allowed to the condo project I believe this would result in an overly paved "look" for the area. Likewise, and perhaps of more concern, a drive from "F" street to the condo project would significantly detract from my privacy as it would likely border my property by less than 20 feet and even closer if they should decide to move it to the south. The designs for my house, which are already in the final structural stages, call for an open courtyard facing north. I intend to use trees etc to create privacy but a road within a few feet, and the resulting traffic, would make a courtyard impossible to enjoy.

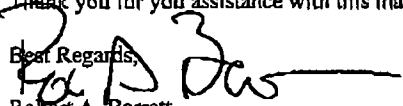
When I purchased lot 101 (May of 2003) I was lead to believe that the lot to the north of mine was "unbuildable" as a water main ran through the property and it was not designated as a buildable piece of land. Conversations with the owner of the unbuildable lot suggested that a road or structure would not be built on this lot. Likewise, conversations with several city planners indicated that the land would not be used for an access point to the condominiums. The initial proposal by the owners of the Condo Project (proposed to the Capital Park owners last spring) likewise did not include any suggestions of an access road from "F" street.

I purchased lot 101 with the understanding that I would enjoy a certain measure of privacy. Already I am faced with the inevitability of increased traffic and noise. I believe that most of the Capital Park owners are of the impression that the proposed condominiums will eventually yield an improvement to the area in many respects. However, I believe the proposed "F" street access is not in the interest of the community as a whole, or myself in particular.

I would appreciate it if you would forward my concerns to the owners/developers of the condominium project and express my interest in working out an amiable solution to this problem. I have included my email, phone and address and hope that you will encourage them to contact me at their earliest convenience to discuss this matter in more detail.

Thank you for your assistance with this matter.

Best Regards,


Robert A. Barrett
Rbarrett@Kempandassociates.com
219 East 4th Ave.
Salt Lake City, UT 84103
801-879-4321

November 17, 2004

Richard Sheinberg
P.O. Box 4590
Park City, UT 84060

RE: Capitol Park Penthouse Project

Dear Mr. Sheinberg,

Thank you for taking the time to meet with us the other day regarding the Capitol Park Penthouse project. I do appreciate you time and your willingness to consider our concerns. It was an important meeting for us in that we now have a much better understanding of the project and your commitment to developing a very high quality product and, of course, we look forward to this addition in the area.

When I first learned of your plan to access the condominiums from "F" street I was naturally somewhat disappointed and concerned as I was under the impression that this piece of land would remain somewhat unchanged - naive perhaps, but this was what was communicated to us. However, from your presentation it is obvious that this is the most efficient and reasonable access point and it appears this will fit in well with the lay of the land. I, therefore, will support your efforts to affect an access from "F" street with the understanding that you will cooperate in an effort to assuage the concerns we expressed on Tuesday. In short these concerns amount to the following:

1. Light and noise from the traffic on "F" street access drive and garage ramp - mitigated by the use of trees, shrubs and a berm or wall to prevent excessive headlights in my courtyard and upstairs master bedroom.
2. Lighting from the property - mitigated by the use of low, indirect lighting.

I believe we both understand each other's needs and goals in this matter and I trust that we can work together to ensure that our concerns are aptly addressed. As we may be under construction and/or landscaping on a similar schedule, I do hope that we can communicate closely during the building phase in order to coordinate thoughtful and effective solutions to the stated concerns above. I can be reached anytime Monday - Friday on my cell phone or email.

For your records, during the last 18 months I have been in contact with various city planners at the city county building including Doug Wheelwright (Deputy Planner) and Wayne Mills (Principal Planner). Most of my contact was with Mr. Wheelwright and he and his staff reviewed my initial building plans back in the spring of this year. I have also kept in touch with the directors of the Capitol Park board and have presented my initial plans to the head of the committee there.

I am grateful for your commitment and passion for a beautiful condominium project and I look forward to working with you in the near future. Please keep me informed of any major changes to your project that might directly affect me. I will of course do the same.

Thank you again Richard for your time and consideration.

Best Regards,



Robert A. Barrett

Wayne Mills
Salt Lake City Corporation

November 16, 2004

Re: Application #400-04-38

In lieu of appearing at the public hearing Weds. Nov. 17 I am writing to oppose the request for conditional approval for a multi-family conversion of the former Veterans Administration Hospital into condominiums.

I do not believe developers Richard Shimbeburg and Wally Wright will ever be able to sell 29 + 9 condo units. I owned and occupied a condominium on South Temple and K Street for years and sold the property because low-occupancy in the property forced the condo association to continually increase condo fees levied to maintain common services. This is a continual problem for condominium projects in the Avenues. Just ask people at the Mayflower, the Dorius, or the Maryland. Each of these is a charming historic building converted into condos, and has low occupancy and high turnover. While I want to see the old VA Hospital renovated and occupied, I am convinced that people investing in real estate will not pay Avenues square-foot prices to own a fraction of a 38-unit complex. The city and other developers have great plans for multi-family residential projects in more appropriate downtown locations: along the TRAX line, Library Square, Main Street, Gateway, and South Temple. Given the traffic impact on the Avenues, I believe you will find extreme opposition to a change of zoning to accommodate a large condo project on 12th Avenue. When Intermountain Health Care sold this property, I recall assurances to the community that there would only be single-family homes left where Primary Children's Medical Center and the old VA Psychiatric Hospital once stood. Let's keep it that way.

Thank you for considering my recommendation not to approval this conditional use.

Anne Peterson
640 K Street
Salt Lake City, Utah
595-0456

Wayne Mills
application # 400-04-38

We wish to state our opposition to
the zone change from single family to
multi-family on this property.

at 370 11th ave. we are
concerned with traffic and
believe the best land use for the
neighborhood remains single family.

Thank you for your help in
this matter. We are unable to attend
the Nov. 17th public hearing.

Mr + Mrs. Joseph J. Palmer

Exhibit 5
Public Notification



BESTOR, KURT R &
Sidwell No. 0931226014
473 E TWELFTH AVE
SALT LAKE CITY UT 84103

CAUMET, FERNAND J & ANNE
Sidwell No. 0931229009
574 N 'E' ST
SALT LAKE CITY UT 84103

FEHR, JOHN W &
Sidwell No. 0931226005
468 E THIRTEENTH AVE
SALT LAKE CITY UT 84103

BEDELL, EDWARD W &
Sidwell No. 0931209005
423 E TWELFTH AVE
SALT LAKE CITY UT 84103

CAUMET, FERNAND J &
Sidwell No. 0931229012
574 N 'E' ST
SALT LAKE CITY UT 84103

DUFFIN, DEIDRA C
Sidwell No. 0931204007
367 E ELEVENTH AVE
SALT LAKE CITY UT 84103

BEBBINGTON, RACHEL M; TR
Sidwell No. 0931202006
343 E PENNY PARADE DR
SALT LAKE CITY UT 84103

CALDERON, PEDRO A
Sidwell No. 0931204001
588 N 'D' ST
SALT LAKE CITY UT 84103

DIMINO, ROBERT A &
Sidwell No. 0931204005
353 E ELEVENTH AVE
SALT LAKE CITY UT 84103

BARRETT, ROBERT A
Sidwell No. 0931209002
219 E FOURTH AVE
SALT LAKE CITY UT 84103

BUCKWORTH, ALBERT B &
Sidwell No. 0931229001
586 N 'E' ST
SALT LAKE CITY UT 84103

DENCKER, JOHN P
Sidwell No. 0930477008
475 E THIRTEENTH AVE
SALT LAKE CITY UT 84103

AZZI, JENNIFER L
Sidwell No. 0931229005
430 E TWELFTH AVE
SALT LAKE CITY UT 84103

BRUNKERN, DALE W; TR
Sidwell No. 0930454017
341 E CHARITY CV
SALT LAKE CITY UT 84103

DENCKER, JOHN P
Sidwell No. 0930477007
475 E THIRTEENTH AVE
SALT LAKE CITY UT 84103

AVENUE HEIGHTS CONDOMINIUM
Sidwell No. 0931209001
627 N 'F' ST
SALT LAKE CITY UT 84103

BROWN, DIANA L
Sidwell No. 0931226012
459 E TWELFTH AVE
SALT LAKE CITY UT 84103

DECKER, RODNEY W &
Sidwell No. 0931230004
474 E TWELFTH AVE
SALT LAKE CITY UT 84103

AVENUE HEIGHTS CONDOMINIUM
Sidwell No. 0931208012
2121 AMERICAN SADDLER
PARK CITY UT 84060

BRONSTON, KENNETH A &
Sidwell No. 0930477002
668 N 'F' ST
SALT LAKE CITY UT 84103

CRAWFORD, ALAN E
Sidwell No. 0931226001
456 E THIRTEENTH AVE
SALT LAKE CITY UT 84103

AVENUE HEIGHTS CONDOMINIUM
Sidwell No. 0930455022
457 E 300 S
SALT LAKE CITY UT 84111

BRANDT, LEANNE M
Sidwell No. 0931226006
472 E THIRTEENTH AVE
SALT LAKE CITY UT 84103

CORP OF PB OF CH JC OF LD
Sidwell No. 0930455021
50 E NORTHTEMPLE ST #2200
SALT LAKE CITY UT 84150

ANDERSON, ELAINE R
Sidwell No. 0931209004
433 E TWELFTH AVE
SALT LAKE CITY UT 84103

BRAND, VANCE
Sidwell No. 0931230002
460 E TWELFTH AVE
SALT LAKE CITY UT 84103

COLVIN, KELLEY A; TR
Sidwell No. 0931204009
374 E TWELFTH AVE
SALT LAKE CITY UT 84103

ANDERSON, ELAINE R
Sidwell No. 0931209003
727 CLIFF DR
LAGUNA BEACH CA 92651

BLAKE, EDWARD &
Sidwell No. 0931229003
416 E TWELFTH AVE
SALT LAKE CITY UT 84103

CHACHAS, GREGORY A
Sidwell No. 0930455015
689 N CARING CV
SALT LAKE CITY UT 84103



HENDRIX, ROGER A SR &
Sidwell No. 0931208001
353 E TWELFTH AVE
SALT LAKE CITY UT 84103

KRAMER, TODD E &
Sidwell No. 0931230009
572 N 'F' ST
SALT LAKE CITY UT 84103

MARKOSIAN, NICHOLAS T
Sidwell No. 0931204008
1580 E STABLEWOOD CIR
SALT LAKE CITY UT 84117

HAYES, GERNY A; TR
Sidwell No. 0931226011
453 E TWELFTH AVE
SALT LAKE CITY UT 84103

KIRKHAM, JOAN B &
Sidwell No. 0931230001
380 W 825 N
SUNSET UT 84015

MANGELSON, MICHAEL W &
Sidwell No. 0931208003
369 E TWELFTH AVE
SALT LAKE CITY UT 84103

HAMILTON, RUTH ANN
Sidwell No. 0931208005
385 E TWELFTH AVE
SALT LAKE CITY UT 84103

KING, WILLIAM L &
Sidwell No. 0931226007
480 E THIRTEENTH AVE
SALT LAKE CITY UT 84103

MACKIE, ROBERT W JR &
Sidwell No. 0930477003
685 N 'G' ST
SALT LAKE CITY UT 84103

GROW, RICHARD F &
Sidwell No. 0931203015
1547 E TOMAHAWK DR
SALT LAKE CITY UT 84103

KEEN, THOMAS W
Sidwell No. 0931208008
415 E TWELFTH AVE
SALT LAKE CITY UT 84103

LONG, MICHAEL E &
Sidwell No. 0930455020
PO BOX 25572
SALT LAKE CITY UT 84125

GROSSMAN, DOUGLAS; TR ET
Sidwell No. 0930455018
674 N CARING CV
SALT LAKE CITY UT 84103

KEARNS, MICHAEL J; TR
Sidwell No. 0931204012
381 E ELEVENTH AVE
SALT LAKE CITY UT 84103

LINDSEY, MARK
Sidwell No. 0931203016
615 N CAPITOL PARK AVE
SALT LAKE CITY UT 84103

GLENN, G VON &
Sidwell No. 0930454018
2194 E LONSDALE DR
SALT LAKE CITY UT 84121

KARTI, KARIM &
Sidwell No. 0931203023
322 E PENNY PARADE DR
SALT LAKE CITY UT 84103

LEVINE, HENRY L &
Sidwell No. 0931203005
340 E PENNY PARADE DR
SALT LAKE CITY UT 84103

GLEASON, JUDY L; TR
Sidwell No. 0930454019
343 E REDBRICK CT
SALT LAKE CITY UT 84103

JONES, WALTER R & HELEN W
Sidwell No. 0931229002
412 E TWELFTH AVE
SALT LAKE CITY UT 84103

LEONARD, JAN W &
Sidwell No. 0931202010
3160 W 500 S
SALT LAKE CITY UT 84104

GAY, PATRICIA E; TR
Sidwell No. 0931226002
626 N 'F' ST
SALT LAKE CITY UT 84103

JACK, TYLER A &
Sidwell No. 0930455017
684 N CARING CV
SALT LAKE CITY UT 84103

LANZL, DIANE B
Sidwell No. 0931202013
329 E PENNY PARADE DR
SALT LAKE CITY UT 84103

FLINT, LOU J
Sidwell No. 0931229004
420 E TWELFTH AVE
SALT LAKE CITY UT 84103

HIGUCHI, WILLIAM I &
Sidwell No. 0931202008
342 E CAPITOL PARK AVE
SALT LAKE CITY UT 84103

KUBOTA, ALBERT K. & BETTY
Sidwell No. 0930477010
483 E THIRTEENTH AVE
SALT LAKE CITY UT 84103

FLETCHER, MARC
Sidwell No. 0930476017
11075 S STATE ST # 25
SANDY UT 84070

HIGGINS, THOMAS F
Sidwell No. 0930477012
688 N 'F' ST
SALT LAKE CITY UT 84103

KUBOTA, ALBERT K. & BETTY
Sidwell No. 0930477009
483 E THIRTEENTH AVE
SALT LAKE CITY UT 84103

MURRELL, DAVID G IV &
Sidwell No. 0931203011
337 E ELEVENTH AVE
SALT LAKE CITY UT 84103

REITZ, BRUCE A &
Sidwell No. 0931204004
560 N 'D' ST
SALT LAKE CITY UT 84103

SCOTT, JEFFERY K &
Sidwell No. 0931226015
489 E TWELFTH AVE
SALT LAKE CITY UT 84103

MOSS, WILLETTA H. & R. DA
Sidwell No. 0930477004
671 N 'G' ST
SALT LAKE CITY UT 84103

REICHMAN, MARK V
Sidwell No. 0931208004
377 E TWELFTH AVE
SALT LAKE CITY UT 84103

SCHUTZ, BRADLEY C
Sidwell No. 0931204003
547 N 'D' ST
SALT LAKE CITY UT 84103

MILLO, KENNETH C &
Sidwell No. 0930477013
308 W 300 S # 101
SALT LAKE CITY UT 84101

POLLOCK, DANA D
Sidwell No. 0931208002
363 E TWELFTH AVE
SALT LAKE CITY UT 84103

SARGENT, WILLIAM &
Sidwell No. 0930477011
655 N 'G' ST
SALT LAKE CITY UT 84103

MICHIE, JAMES R; TR
Sidwell No. 0931208007
822 N GRANDRIDGE DR
SALT LAKE CITY UT 84103

PEIFFER, SHARON D
Sidwell No. 0931226008
633 N 'G' ST
SALT LAKE CITY UT 84103

SALT LAKE CITY CORPORATIO
Sidwell No. 0931208006
451 S STATE ST # 225
SALT LAKE CITY UT 84111

MEHRYAR, ROBERT A
Sidwell No. 0931226013
463 E TWELFTH AVE
SALT LAKE CITY UT 84103

PAYNE, DANIEL H &
Sidwell No. 0931203014
315 E CAPITOL PARK AVE
SALT LAKE CITY UT 84103

SALT LAKE CITY CORPORATIO
Sidwell No. 0930402002
451 S STATE ST # 225
SALT LAKE CITY UT 84111

MEEKER, LINDA A
Sidwell No. 0931229014
429 E ELEVENTH AVE
SALT LAKE CITY UT 84103

PATTEE, JEFFREY W
Sidwell No. 0931229013
423 E ELEVENTH AVE
SALT LAKE CITY UT 84103

SAGERS, PAUL S SR &
Sidwell No. 0931230010
568 N 'F' ST
SALT LAKE CITY UT 84103

MATTHEWS, ROSS
Sidwell No. 0931202012
610 N CAPITOL PARK AVE
SALT LAKE CITY UT 84103

OWENS, ELIZABETH
Sidwell No. 0931226009
623 N 'G' ST
SALT LAKE CITY UT 84103

RUGA, TINA B
Sidwell No. 0930455014
357 E CHARITY CV
SALT LAKE CITY UT 84103

MATTHEWS, ROSS B
Sidwell No. 0931202009
610 N CAPITOL PARK AVE
SALT LAKE CITY UT 84103

OUYANG, MING &
Sidwell No. 0931230003
466 E TWELFTH AVE
SALT LAKE CITY UT 84103

RUGA, TINA B
Sidwell No. 0930455013
357 E CHARITY CV
SALT LAKE CITY UT 84103

MARTINEZ, DENISE
Sidwell No. 0931229007
577 N 'F' ST
SALT LAKE CITY UT 84103

OBLC
Sidwell No. 0931226010
754 N HILLTOP RD
SALT LAKE CITY UT 84103

RUGA, TINA B
Sidwell No. 0930455012
357 E CHARITY CV
SALT LAKE CITY UT 84103

MARKOSIAN, PAUL N &
Sidwell No. 0931204002
3581 E WARR RD
SALT LAKE CITY UT 84109

NORTHPOINT ESTATES CONDM,
Sidwell No. 0930452001
798 N NORTHPOINT DR
SALT LAKE CITY UT 84103

ROMAN CATHOLIC BISHOP OF
Sidwell No. 0931229010
27 N 'C' ST
SALT LAKE CITY UT 84103



WAYNE MILLS
954 S. 800 EAST, APT. B
SALT LAKE CITY, UT 84105

TYLER, MATTHEW &
Sidwell No. 0931208009
354 E CAPITOL PARK AVE
SALT LAKE CITY UT 84103

CAPITOL PARK PENTHOUSES, LLC
PO BOX 4590
PARK CITY, UT 84060

TURNER, DAVID O
Sidwell No. 0931204011
386 E TWELFTH AVE
SALT LAKE CITY UT 84103

SWENSON, HAL N &
Sidwell No. 0930455019
580 EASTBORNE CT
FARMINGTON UT 84025

YOUNG, DAVID B
Sidwell No. 0931229006
585 N 'F' ST
SALT LAKE CITY UT 84103

STARKS, GEORGE
Sidwell No. 0931229011
411 E ELEVENTH AVE
SALT LAKE CITY UT 84103

YOON, JOHN Y &
Sidwell No. 0931202005
601 N 'D' ST
SALT LAKE CITY UT 84103

SPRINGER, KEVIN D &
Sidwell No. 0931204010
380 E TWELFTH AVE
SALT LAKE CITY UT 84103

WRIGHT, KAREN S
Sidwell No. 0931208011
364 E CAPITOL PARK AVE
SALT LAKE CITY UT 84103

SPENCER, ELVA J; TR
Sidwell No. 0930477006
461 E THIRTEENTH AVE
SALT LAKE CITY UT 84103

WRIGHT, J W
Sidwell No. 0930477005
669 N 'G' ST
SALT LAKE CITY UT 84103

SOTIRIOU, LEO &
Sidwell No. 0931202007
250 E BROADWAY ST # 330
SALT LAKE CITY UT 84111

WIGHTMAN, JASON &
Sidwell No. 0931204006
359 E ELEVENTH AVE
SALT LAKE CITY UT 84103

SINE, H SCOTT &
Sidwell No. 0931229016
437 E ELEVENTH AVE
SALT LAKE CITY UT 84103

WELTMANN, RONALD F &
Sidwell No. 0930455011
349 E CHARITY CV
SALT LAKE CITY UT 84103

SILBERBERG, CARYN &
Sidwell No. 0931226016
620 N 'F' ST
SALT LAKE CITY UT 84103

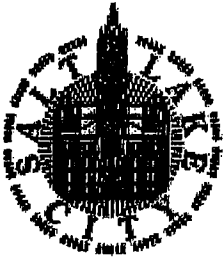
VANVLEET, SHERRY
Sidwell No. 0931229008
567 N 'F' ST
SALT LAKE CITY UT 84103

SHUPUT, STEPHEN R &
Sidwell No. 0930455016
690 N CARING CV
SALT LAKE CITY UT 84103

UDARBE, CLARENCE C. & VIR
Sidwell No. 0931229015
433 E ELEVENTH AVE
SALT LAKE CITY UT 84103



Exhibit 6
Application Submittal



Zoning Amendment

Filing fee 1000.00
postage 40.70.00

FOR OFFICE USE ONLY

Petition No.	_____
Receipt No.	_____ Amounts _____
Date Received	_____
Reviewed by	_____

SALT LAKE CITY PLANNING

Address of Subject Property Old Veterans Administration Hospital Property and Capitol Park Avenue and F Street

Name of Applicants Capitol Park Penthouses, LLC and Karen S. Wright
Phone _____

Address of Applicant See Attached Exhibits

E-mail address of Applicant " " _____ **Cell / Fax** " " _____

Applicant's Interest in Subject Property " " _____

Name of Property Owner " " _____ **Phone** " " _____

County Tax Parcel # (Sidwell #) See Attached Exhibits **Zoning of Property** SFR-3/12000

Existing Use of Property _____

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

Amend the Zoning Map by reclassifying the following property: _____
From a SFR-3 classification to a RMF-35 classification.

287
35 units
51 ac

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 Richard Sheinberg and Karen S. Wright
or authorized agent By: Richard Sheinberg, Managing Member Karen S. Wright
Title of agent: _____
By Wright

Zoning Amendment Application
Old Veterans Administration Hospital Property
Capitol Park Avenue and F Street
364 East Capitol Park Avenue
Salt Lake City, UT 84103

Name of Applicant: The Applicants are Capitol Park Penthouses, LLC, a Utah limited liability company ("CPP"), and Karen S. Wright, an individual ("Ms. Wright").

Addresses and other Contact Information of Applicants:

Capitol Park Penthouses, LLC
PO Box 4590
Park City, UT 84060

Karen S. Wright
364 E. Capitol Park Ave.
Salt Lake City, UT 84103

Phone No. 435 649 4393
Fax No. 435 649 4384
E-mail address jrshein@sisna.com

Phone No. 801 532 3348
Fax No. 801 532 3348

Sidwell Parcels:
09 31 208 012
09 31 209 001
09 30 455 022

Sidwell Parcel:
09 31 209 011

OVERVIEW

The two properties which are the subject of this application total 5.1 acres and were originally set aside in the mid 1990's for future condominium development purposes in connection with the subdivision of the former VA Hospital and Primary Children's Hospitals campus. The surrounding property, which formed the bulk of the acreage of the VA Hospital and Primary Children's Hospitals campus, became a single family dwelling subdivision styled Capitol Park Estates.

Applicant CPP is the contract vendee of the old Veterans Administration Hospital building, which has been in disuse for approximately fifteen years. CPP proposes the rehabilitation and renovation of the existing 80,000 square foot building into a multifamily condominium residence having a maximum of twenty-eight premium condominium units with amenities. Parking requirements for the residents will be satisfied by an underground garage containing approximately 42 spaces and by 28 supplemental surface parking spaces which will be approximately 8 feet below the grade of Capitol Park Avenue. Primary access to the property will be from F Street with secondary access and egress from Capitol Park Avenue. As shown on the site plan, the property to be acquired by CCP is approximately 3.1 acres.

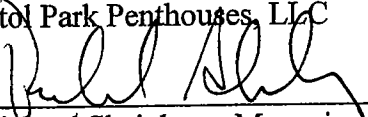
As a part of the project, CPP expects to build an additional two stories on the north leg of the existing structure thereby adding approximately 7,600 square feet of living space and raising the height of that portion of the building to the same height as the portion of the building running on the east-west axis. CCP also expects to extend the penthouse structure on the east-west axis thereby adding 3,600 square feet of living space.

Applicant Ms Wright is the owner of the Doctors Building, which is sometimes known as the Annex Building, which constitutes the remainder of the 5.1 acre parcel. Ms Wright proposes the rehabilitation and renovation of her existing 17,000 square foot building into a multifamily condominium residence having a maximum of seven luxury condominium units with amenities and surface garages. An underground garage will satisfy parking requirements for residents with supplemental surface parking for guests. Access to the property will be from Capitol Park Avenue with two locations; the main entrance will be across from Caring Cove and the secondary access secondary will be to the west. As shown on the site plan, Ms Wright's property consists of approximately two acres.

The VA Hospital Building and the Annex Building are currently connected by a three story enclosed brick corridor. This structure will be demolished as part of the redevelopment Plan for the properties. The VA Hospital Property and the Annex Building will remain in separate ownership and their respective owners will enter appropriate Covenants, conditions and restrictions to ensure the maintenance of the grounds, the exterior of the two buildings and related matters. Applicants will also be filing a Preliminary Subdivision Application setting forth the north/south boundary line between the CPP property and the separate parcel of Ms. Wright.

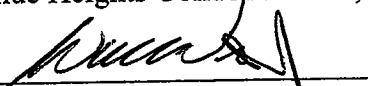
Both parcels were included into the FR-3/12000 zone of the surrounding properties. Applicants desire that the property be reclassified to a RMF-35 Moderate Density Multi-Family classification which will bring the use of these properties in line with the Avenues Master Plan.

Capitol Park Penthouses, LLC

By 
Richard Sheinberg, Managing Member


Karen S. Wright

Consented To By Fee Owner :
Avenue Heights Condominiums, LLC

By 
Wallace Wright, Managing Member

Capitol Park Penthouses, LLC
PO Box 4590
Park City, UT 84060
435 649 4393

September 10, 2004

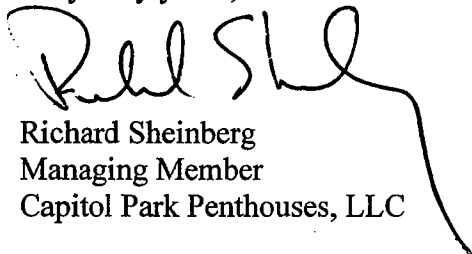
Salt Lake City Planning and Zoning
City and County Building
Salt Lake City, UT 84111

To Whom It May Concern:

This will confirm that the remodel of the Old Veterans Administration Hospital Building and its conversion into multi-family condominiums has been presented to and reviewed by the Avenue Heights Community Council. This will also confirm that the plan to remodel the Annex Building owned by Karen S. Wright, located on the adjoining property, into a multi-family condominium has been presented to and reviewed by the Avenue Heights Community Council

Please feel free to contact the writer with any further inquiries relating to the subject matter of this letter.

Very truly yours,



Richard Sheinberg
Managing Member
Capitol Park Penthouses, LLC

Capitol Park Penthouses, LLC
PO Box 4590
Park City, UT 84060

T 435 649 4393
F 435 649 4384
M 435 901 9163
jrshein@sisna.com

October 6, 2004

Wayne P. Mills
Principal Planner
Salt Lake City Corporation
451 South State, Room 406
Salt Lake City, UT 84111

Dear Wayne:

Re: Old VA Hospital
Capitol Park Ave. and F Street

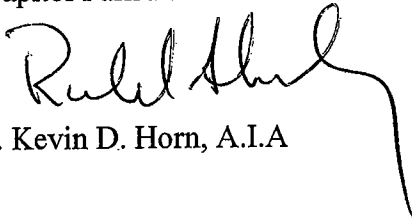
Confirming our discussion of yesterday there will be a resident manager apartment of approximately 900 square feet on the first floor in the northerly tower of the building. This unit will be owned by the Association as part of the Common Area and is not one of the twenty-eight units described in the Zoning Application that is on file. It will be made available for personal use of the resident manager of the building.

Accordingly, please consider the Zoning Application modified to reflect the apartment for the resident manager.

Thank you for your cooperation.

Very truly yours,

Richard Sheinberg
Managing Member
Capitol Park Penthouses. LLC



c. Kevin D. Horn, A.I.A

LAW OFFICES
ANDERSON & KARRENBERG
A PROFESSIONAL CORPORATION

THOMAS R. KARRENBERG
FRANCIS J. CARNEY
STEVEN W. DOUGHERTY
SCOTT A. CALL
JOHN P. MULLEN
JON V. HARPER
NATHAN B. WILCOX
STEPHEN P. HORVAT
SHAYNE R. KOHLER
JENNIFER R. ESHELMAN
HEATHER M. SNEDDON
JOHN A. BLUTH

700 BANK ONE TOWER
50 WEST BROADWAY
SALT LAKE CITY, UTAH 84101-2006

TELEPHONE (801) 534-1700
TELECOPIER (801) 364-7697
www.aklawfirm.com

JOHN T. ANDERSON
Of Counsel

October 14, 2004

VIA: Hand-Delivery

Mr. Wayne Mills
Salt Lake City Corp.
Salt Lake City Planning Department
451 South State, Room 406
Salt lake City, Utah 84111

Re: VA Hospital and Karen S. Wright Properties Re-Zoning Application

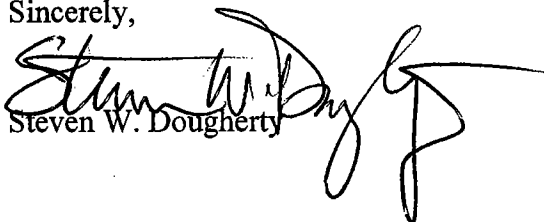
Dear Mr. Mills:

This firm represents Capitol Park Penthouses, LLC as the contract vendee of Avenue Heights Condominiums, L.L.C. with respect to the former VA Hospital Building in the Capitol Park area. A Re-Zoning Application concerning the VA Hospital and the contiguous property known as the Annex Building owned by Karen S. Wright is currently pending in your office. A small parcel of property contiguous to the Annex Building property and Capitol Park Avenue (sometimes refereed to as the "Half-Moon Parcel") is to be included in the Re-Zoning Application. However, under an executory settlement agreement the ownership of the Half-Moon Parcel is unclear.

Because the consummation of the settlement agreement may take some time, and to permit inclusion of the Half-Moon Parcel in the Re-Zoning Application in advance of that time, enclosed please find a Consent to Inclusion in Re-Zoning Application signed by Capitol Park Development, L.C., Capitol Park Homeowners Association, Avenue Heights Condominiums, L.L.C., and Karen S. Wright, all parties to the settlement agreement. Richard Sheinberg of Capitol Park Penthouses has previously discussed this consent with you and in his absence we are forwarding it to you for inclusion in the file and in order to permit expeditious processing of the Re-Zoning Application.

Should you have any questions, please feel free to contact me.

Sincerely,


Steven W. Dougherty

SWD/kar
Enclosures
cc: Richard Sheinberg

CONSENT TO INCLUSION
IN RE-ZONING APPLICATION

RECITALS

Capitol Park Penthouses, LLC, as Contract Vendee of Avenue Heights Condominiums, L.L.C. and Karen S. Wright, as Fee Owner of the contiguous property known as the Annex Building, have made an application to Salt Lake City Corporation to rezone their respective properties from single family to multi-family.

Salt Lake City Corporation has requested that the perimeter of the properties to be rezoned include the small triangular property that is contiguous to both the Karen S. Wright property and Capitol Park Avenue (sometimes referred to as the "Half-Moon Parcel") be included in the re-zoning application. Capitol Park Development, L.C. is the registered owner of the Half-Moon Parcel over a part of which one must drive to enter the Karen S. Wright property from the west. The disposition of the Half-Moon Parcel is subject to the provisions of that certain Stipulation and Settlement Agreement (the "Settlement Agreement") dated December 4, 2003, entered into by and among Capitol Park Development, L.C., Capitol Park Homeowners Association, Inc., Avenue Heights Condominiums, LLC and Karen S. Wright.

NOW, THEREFORE, for good and valuable consideration the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. Each of the signatories hereto consents to the inclusion of the Half-Moon Parcel in the re-zoning application described above.
2. Nothing herein contained shall affect, modify or otherwise amend any term or condition of the Settlement Agreement including, without limitation, any provision thereof relating to the Half-Moon Parcel.
3. This instrument may be executed in counterparts, each of which shall be deemed an original but all of which shall constitute a single instrument.

IN WITNESS WHEREOF, each of the undersigned has executed this Consent as of the 5th day of October, 2004.

Capitol Park Development, L.C.

By: *Christopher R. McLaughlin*
Name: Christopher R. McLaughlin
Title: Manager

Capitol Park Homeowners Association

By: *Jonathan M. Kuya*
Name: _____
Title: Secretary

Avenue Heights Condominiums, L.L.C.

By: _____
Name: _____
Title: _____

Karen S. Wright

CONSENT TO INCLUSION
IN RE-ZONING APPLICATION

RECITALS

Capitol Park Penthouses, LLC, as Contract Vendee of Avenue Heights Condominiums, L.L.C. and Karen S. Wright, as Fee Owner of the contiguous property known as the Annex Building, have made an application to Salt Lake City Corporation to rezone their respective properties from single family to multi-family.

Salt Lake City Corporation has requested that the perimeter of the properties to be rezoned include the small triangular property that is contiguous to both the Karen S. Wright property and Capitol Park Avenue (sometimes referred to as the "Half-Moon Parcel") be included in the re-zoning application. Capitol Park Development, L.C. is the registered owner of the Half-Moon Parcel over a part of which one must drive to enter the Karen S. Wright property from the west. The disposition of the Half-Moon Parcel is subject to the provisions of that certain Stipulation and Settlement Agreement (the "Settlement Agreement") dated December 4, 2003, entered into by and among Capitol Park Development, L.C., Capitol Park Homeowners Association, Inc., Avenue Heights Condominiums, LLC and Karen S. Wright.

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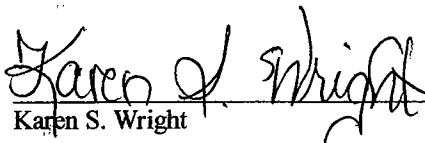
Capitol Park Development, L.C.

Capitol Park Homeowners Association

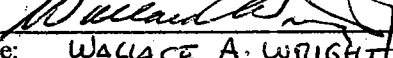
By: _____
Name: _____
Title: _____

By: _____
Name: _____
Title: _____

Avenue Heights Condominiums, L.L.C.



Karen S. Wright

By: 
Name: WALLACE A. WRIGHT JR.
Title: MEMBER

CONSENT TO INCLUSION
IN RE-ZONING APPLICATION

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Avenue Heights Condominiums, L.L.C.

By: _____
Name: _____
Title: _____

Karen S. Wright

Agenda and Minutes

**AGENDA FOR THE
SALT LAKE CITY PLANNING COMMISSION MEETING
In Room 326 of the City & County Building at 451 South State Street
Wednesday, November 17, 2004, 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. REPORT OF THE CHAIR AND VICE CHAIR

2. REPORT OF THE DIRECTOR

3. CONSENT AGENDA – Salt Lake City Property Conveyance Matters:

- a. Smith-Scott Properties, Inc. and Salt Lake City Property Management – Request by Smith-Scott Properties to be allowed to continue to encroach upon the City street right-of-way along 1100 East street with a non-complying on-premise pole sign which overhangs the public sidewalk by 6 feet. The property is located at 2005 South 1100 East, in the Sugar House Planning Community, and is zoned Sugar House Business “C-SHBD”. A lease agreement is being required by property management Staff, who recommended that the encroachment lease be approved.
- b. Armand Johansen, representing McClelland Retail Partners and Salt Lake City Property Management – McClelland Retail Partners is requesting that property management issue a lease to allow aerial encroachments for four canopies/awnings, which are architectural features of the new building, to overhang the street right-of-way and public sidewalk by 2.5 feet. The property is located at 1006 East 2100 South Street, in the Sugar House Planning Community, and is zoned Sugar House Business District “C-SHBD” Property Management Staff recommend that the encroachment lease be approved.
- c. Questar Gas Company and Salt Lake City Property Management – Questar Gas is requesting a utility easement to allow a natural gas service line to be extended within Liberty Park, to provide gas service for new heaters in the new tennis court bubble structure, which is being erected to allow winter tennis court use. The proposed utility easement is located at approximately 1050 South 650 East and will extend from an existing gas line easement within the park. The park is zoned Open Space and is located in the Central City Planning Community. Property Management and Public Services Staff recommend approval of the utility easement.
- d. Big-D Construction and Salt Lake City Property Management – Big-D Construction is requesting an encroachment lease agreement to allow the construction of a wheelchair access ramp for the new headquarters building located at 404 West 400 South, which would encroach into the public street right-of-way on 400 South Street by 3.5 feet. The subject building is located in the Central City Planning Community and is zoned Downtown Warehouse/Residential “D-3”. Property Management and the City DRT Staff recommend the approval of the encroachment lease.
- e. Doerken Properties and Salt Lake City Property Management – Doerken Properties is constructing a new parking structure to support the existing office building at 324 South State Street. The City is requiring the construction of a sand/grease trap interceptor on the storm water drain prior to entering the City storm water drain system. Doerken Properties is requesting a public way encroachment lease to allow the sand/grease trap interceptor to be constructed under the City sidewalk on Exchange Place. The subject building property is zoned Central Business District “D-1”, within the Central City Planning Community. Property Management and the City DRT Staffs recommend approval of the encroachment lease.

Property Conveyance matters located outside of Salt Lake City:

- f. Highland Care Center/Daywest Properties and Salt Lake City Public Utilities Department – Highland/Daywest Properties is requesting approval of a proposed box culvert construction and a surface use lease for an approximate 300 foot portion of the Jordan and Salt Lake City Canal right-of-way, located at 4285 South Highland Drive. This portion of the canal right-of-way property is located in Holladay City. Public Utilities and Property Management Staff recommend approval of the surface use lease and box culvert construction request.
- g. Quest Communications and Salt Lake City Public Utilities – Quest is requesting a standard utility permit to allow the installation of 2 fiber optic cable conduits to cross a portion of the Jordan and Salt Lake City Canal right-of-way property, located at 35 West 9000 South in Sandy City. Public Utilities Staff recommends approval of the utility permit request. (Staff – Doug Wheelwright at 535-6178; John Spencer at 535-6398; Matt Williams at 535-6447; and Karryn Greenleaf at 483-6769)

4. PUBLIC HEARINGS

- a. **PUBLIC HEARING** – Petition No. 400-04-38, by Capitol Park Penthouses, L.L.C. and Karen S. Wright requesting a zoning map amendment to reclassify the property located at 635 North “F” Street, consisting of the 5.1 acre site of the old Veteran’s Administration (V.A.) Hospital, from “FR-3/12000” Foothills Residential District to “RMF-35” Moderate Density Multi-Family Residential District, in order to convert the V.A. Hospital Buildings into two condominium projects. The main V.A. Hospital building is proposed as a 29-unit residential condominium and the Annex building is proposed as a 7-unit residential condominium. The requested rezone also requires that the future land use map in the Avenues Community Master Plan be amended to reflect a higher density residential use rather than a “very-low density” residential land use category. (Staff – Wayne Mills at 535-6173).
- b. **PUBLIC HEARING** – Petition No. 400-03-26, by the Salt Lake City Administration requesting to amend the Salt Lake City Sign ordinance regarding portable signs, such as “A-frame” signs. The petition proposes to make the portable sign regulations permanent by removing reference to a November 30, 2004 sunset date. (Staff – Joel Paterson at 535-6141)

5. UNFINISHED BUSINESS

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.

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.

PUBLIC HEARINGS

Petition No. 400-04-38, by Capitol Park Penthouses, L.L.C. and Karen S. Wright requesting a zoning map amendment to reclassify the property located at 635 North "F" Street, consisting of the 5.1 acre site of the old Veteran's Administration (V.A.) Hospital, from "FR-3/12000" Foothills Residential District to "RMF-35" Moderate Density Multi-Family Residential District, in order to convert the V.A. Hospital Buildings into two condominium projects. The main V.A. Hospital building is proposed as a 29-unit residential condominium and the Annex building is proposed as a 7-unit residential condominium. The requested rezone also requires that the future land use map in the Avenues Community Master Plan be amended to reflect a higher density residential use rather than a "very-low density" residential land use category.

This item was heard at 5:54 p.m.

Principal Planner Wayne Mills presented the petition as written in the staff report. He noted that the proposal before the Commission this evening is to rezone the subject 5.1 acre site, containing the old Veterans Administration Hospital, from "FR-3", Foothills Residential to "RMF-35", Moderate Density Multi-Family Residential. Mr. Mills stated that the site is located in the upper Avenues area, west of the intersection of F Street and 13th Avenue.

Mr. Mills stated that currently, the old Veterans Administration Hospital consists of two buildings connected by a three story enclosed corridor. He stated that the requested rezone would facilitate future development plans of converting the two structures into two separate condominium projects. The said rezone is required because the "FR-3" zone does not permit multi-family development. The requested rezone also requires amendment of the Avenues Community Master Plan Future Land Use Map from "Very Low Density Residential" to a land use category that permits a slightly greater density. Mr. Mills stated that future plans for the project include demolishing the connecting corridor and application for subdivision approval to legalize the north-south property line that separates the two buildings. The properties would then be developed under separate ownership as separate condominium projects.

Mr. Mills stated that the Annex building (west building) is proposed as a seven-unit residential condominium project, which would have access from Capitol Park Avenue. The main building (east building) is proposed as a 28-unit condominium project with an additional dwelling unit that would be utilized as a caretaker's home, totaling 29-units.

Mr. Mills noted that the main concern associated with multi-family projects is the potential for increased traffic. He noted that the Salt Lake City Transportation Division has indicated that the requested 36-units would not impact the level of service on the major intersections on the streets in the Avenues community. He noted that the Greater Avenues Community Council has submitted a letter in support of the request, which has been included in the staff report.

Mr. Mills stated that based on the review, analysis, and findings in the staff report, Planning Staff recommends that the Planning Commission forward a favorable recommendation to the City Council to rezone the subject property from "FR-3" to "RMF-35" to allow the conversion of the old V.A. Hospital and Annex buildings into multiple family residential uses. The Planning Staff also recommends an amendment to the Avenues Community Master Plan Map to show the subject property as "Low-Density" Residential to allow 36 residential dwelling units to be developed within the subject rezone area. The Planning Staff's recommendation is contingent upon the conditions noted in the staff report.

Commissioner Diamond asked Staff why the project was presented as rezone request rather than a planned unit development.

Mr. Wheelwright replied that the planned unit development would not allow a multi-family use under the base zoning requirements. Mr. Wheelwright stated that Staff felt that the rezoning option was the most straight forward approach.

Commissioner Diamond asked for clarification regarding the specific modifications from the plan that the Commission has previously reviewed.

Mr. Zunguze stated that the Planning Commission reviewed the original concept plan at an "Issues Only Hearing". At that time Staff was seeking direction as to the best approach in presenting the request to the Commission. He stated that the product this evening is a result of the "Issues Only Hearing" discussions. Mr. Zunguze referred to Commissioner Diamond's question regarding the planned unit development option. He stated that the planned unit development process allows creativity in how to site projects, but does not allow a change in density requirements. He stated that the intent behind the current proposal is to utilize the building while keeping in mind the base zoning. He said that the Applicant and the City agreed on the rezone proposal and a development agreement that limits the number of units to be compatible with the area.

Mr. Wheelwright added that the additional changes from the last plan will be addressed by the Applicants. He briefly noted that the entry treatment has shifted from the parking and access on the west side to parking and access on the north side. The Applicant is not building a porte-cochere extension on the south side which was originally presented. The parking layout has been modified from underground parking on the south side to underground and surface parking on north side.

Commissioner Seelig referred to the Fire Department concerns regarding the fire apparatus access road. She asked if those changes have been made and are reflected in the plans.

Mr. Mills replied that the Applicant has been working with the Fire Department and some of the modifications are reflected in the proposed plans.

Commissioner Seelig asked if the Staff recommended condition number 4 will help mitigate those issues.

Mr. Mills replied that the Fire Department approval is required as part of the subdivision approval.

Chair Chambless asked regarding the status of the smoke stack.

Mr. Mills deferred to the Applicant to respond to that question.

Chair Chambless opened the public hearing.

Mr. Richard Sheinberg addressed the Commission. He noted that there is a letter in support from the Avenues Community Council, which has been included in the staff report. He said that in terms of the proposed changes, they have tried to preserve the historic nature of the site.

Mr. Kevin Horn, Architect for the project, addressed the Commission. He referred to diagrams of the site identifying the proposed modifications as noted in the staff report. He stated that they plan to demolish the smoke stack.

Commissioner Diamond asked regarding the location of the fire truck access to the structure.

Mr. Horn replied that fire truck access is through the porte-cochere. He stated that in working with the Fire Department, they asked the Applicant to develop a concept to mitigate the Fire Department's concerns. He stated that they have not met with the Fire Department to discuss the particulars of the current plan; however, he believed that this is the direction that the Fire Department requested.

Commissioner Diamond asked regarding the development schedule.

Mr. Sheinberg replied that they plan to begin the internal demolition by the end of December, 2004 or beginning of January 2005. He said that they hope to begin new construction in March 2005.

Commissioner Diamond noted that demolition and construction can be an inconvenience for the adjacent residents. He requested that the Applicant work to communicate with the adjacent community to mitigate those issues.

Mr. Wheelwright noted that the Commission received three letters regarding the proposal. The first letter was from Mr. Robert Barrett which was forwarded to the Commission a day before the meeting by email. Mr. Barrett was not necessarily opposed to the petition; however, he indicated concerns with the potential increase in traffic. He hoped to discuss his concerns with the developer to find a solution. Mr. Wheelwright noted that the two additional letters were placed in front of the Commissioners this evening. A letter from Ms. Anne Peterson, a resident of 640 "K" Street, indicated that she is not necessarily opposed to the petition; however, she questioned the marketability of being able to sell the proposed amount of condominiums. The Commission also received a letter from Mr. and Mrs. Palmer stating their concern with traffic. They recommended that the zoning not be changed and that the site be developed as single family homes.

Commissioner De Lay asked regarding the price point per unit.

Mr. Sheinberg replied that the units will start in the high \$500,000-range.

Commissioner De Lay referred to Ms. Peterson's letter. She said that she appreciates that Ms. Peterson recognizes the charming historic feel of the Mayflower, Dorius, and Maryland condominiums, unfortunately most of those buildings are failing and the maintenance fees are so high that the condos are very hard to sale. Commissioner De Lay said that she did not feel that the information presented in Ms. Peterson's letter is quite accurate. Commissioner De Lay said that she appreciates that the Applicant is trying to keep the historic integrity of the green space and the buildings. She said that there is very little high-end housing in Salt Lake City, and the current proposal will help fill that need.

Mr. Sheinberg agreed that there is a need for high-end housing. He referred to the fire concern, saying that they are removing every interior wall in the structure. He stated that the brick veneer, structure, and the cement floors will be retained. Otherwise the structure will be new, therefore eliminating much of the fire concern.

Commissioner Diamond asked if the Applicant will be building all of the units at the same time.

Mr. Sheinberg replied that they will be built at the same time with the exception of the finishing work of the individual condos. He stated that all of the major construction will be finished by the second quarter of 2006.

Mr. Jonathan Ruga, adjacent property owner and representative of the Capitol Park Home Owners Association, addressed the Commission. He asked how the coordination of construction of the two buildings will proceed, given the two separate ownerships. He also asked how the look of the structures and landscaping will be coordinated between the owners.

Mr. Jim Michee, adjacent property owner, addressed the Commission representing himself and his wife. He said that they appreciate that the Applicant is preserving the historic nature of the site as well as the reduction in the number of units. He said that they support the proposal and feel that there is a market for such a project.

Commissioner De Lay asked if Mr. Michee believes that the proposal will impact his property value.

Mr. Michee replied that he believes that the project will greatly enhance his property value. He added that the project will be a great addition for the City as a whole.

Ms. Ruth Ann Hamilton, an adjacent property owner, addressed the Commission. She said that she agrees with the concerns already expressed. She said that she is in support of the project. She said that if this type of housing were available when she moved to Salt Lake City she would have bought into it. She noted that the Capitol Park Home Owners Association has met with the developers regarding the project and they support the proposal.

Mr. Sheinberg referred to the question regarding the coordination of the development of the two structures. Mr. Sheinberg stated that he and Mr. Wally and Mrs. Karen Wright, owners of the Annex Building, have all agreed that the renovation and construction of both buildings will take place concurrently. He added that they have agreed to work together to coordinate the landscaping.

Mr. Wally Wright addressed the Commission saying that the two owners have been working to coordinate their plans, and will continue to do so.

Commissioner De Lay noted that the Wright's currently live in the Annex Building. She asked if the Wright's will develop the building into separate units.

Mr. Wright stated that they eventually plan to develop the building into separate units.

Commissioner Diamond asked for clarification saying that the request is for seven units in the Annex Building.

Mr. Wright stated that they are currently requesting the rezone which would allow for seven units in the future.

Commissioner Diamond indicated concern with the duration of the development. He asked if there is a sunset on this approval. He said that the rezone will allow the 36-units as

discussed. He said that there have been projects in the past that have been required to adhere to sunset dates.

Mr. Wheelwright replied that the petition before the Commission is a request to rezone. He said that the subdivision and condominium requests will be presented in the future. He said that there have been no discussions regarding a sunset date to try to limit the duration of the zoning, pending the Applicant proceeding with development applications.

Mr. Zunguze added that the priority for Staff was to ensure that the density is compatible with the rest of the area.

Commissioner De Lay suggested that a display of the historic facts of the site be incorporated into the main structure.

Mrs. Karen Wright addressed the Commission saying that she has compiled historic information and would be happy to share this information with the developer.

Chair Chambless closed the public hearing.

Commissioner Diamond reiterated that he believes the current proposal exceeds beyond rezoning because it will impact the number of units.

Chair Chambless clarified that the current proposal before the Commission is for a rezone.

Mr. Wheelwright noted that there are two safeguards in the proposal; one, the density limit of 36-units which will be embodied in a development agreement between the City and the developers. The second safeguard is that the rezoning petition is limited to reuse of the existing buildings.

Commissioner Scott asked if the demolition issues will be addressed in the demolition permitting process.

Mr. Zunguze replied that that is correct.

Motion for Petition No. 400-04-38

Commissioner De Lay made a motion based on the review, analysis, and findings noted in the staff report that the Planning Commission forward a favorable recommendation to the City Council to rezone the subject property from "FR-3" to "RMF-35" to allow the conversion of the V.A. Hospital and Annex buildings into multiple family residential uses. The Planning Commissioner further recommended the amendment to the Avenues Community Master Plan Map to show the subject property as "Low-Density" Residential to allow 36 residential dwelling units to be developed within the subject rezone area, subject to the following conditions:

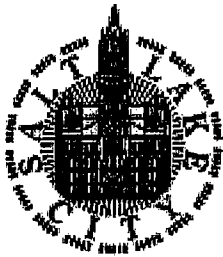
1. The property owners' sign a Development Agreement to be recorded on the property stating that the total number of dwelling units within the rezone area may not exceed thirty-six.
2. The V.A. Hospital building and Annex must be reused for residential development. The three-story corridor connecting the V.A. Hospital Building to the Annex may be demolished if required under the subdivision process.

3. If the V.A. Hospital building and Annex are developed under separate ownership, subdivision approval shall be obtained in conformance with Salt Lake City and State of Utah laws, ordinances, and policies.
4. Condominium approval must be obtained in conformance with Salt Lake City and State of Utah laws, ordinances, and policies.

Commissioner Scott seconded the motion.

Commissioner De Lay, Commissioner Diamond, Commissioner Galli, Commissioner Scott, and Commissioner Seelig voted "Aye". Tim Chambless as Chair did not vote. All voted in favor, and therefore the motion passed.

5 Original Petition



Zoning Amendment

Filing fee 1000.00
postage 40.70.00

FOR OFFICE USE ONLY

Petition No.	_____
Receipt No.	_____ Amount \$ _____
Date Received	11/10/2004
Reviewed by	[Signature]

SALT LAKE CITY PLANNING

Address of Subject Property Old Veterans Administration Hospital Property and Capitol Park Avenue and F Street

Name of Applicants Capitol Park Penthouses, LLC and Karen S. Wright Phone _____

Address of Applicant See Attached Exhibits

E-mail address of Applicant " " Cell / Fax " "

Applicant's Interest in Subject Property " "

Name of Property Owner " " Phone " "

County Tax Parcel # (Sidwell #) See Attached Exhibits Zoning of Property SFR-3/12000

Existing Use of Property _____

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

Amend the Zoning Map by reclassifying the following property: _____

From a SFR-3 classification to a RMF-35 classification.

28
35 units
5.1 ac.

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 [Signature] and [Signature]
or authorized agent By: Richard Sheinberg, Managing Member and Karen S. Wright
Title of agent Karen S. Wright
By [Signature]

Zoning Amendment Application
Old Veterans Administration Hospital Property
Capitol Park Avenue and F Street
364 East Capitol Park Avenue
Salt Lake City, UT 84103

Name of Applicant: The Applicants are Capitol Park Penthouses, LLC, a Utah limited liability company ("CPP"), and Karen S. Wright, an individual ("Ms. Wright").

Addresses and other Contact Information of Applicants:

Capitol Park Penthouses, LLC
PO Box 4590
Park City, UT 84060

Karen S. Wright
364 E. Capitol Park Ave.
Salt Lake City, UT 84103

Phone No. 435 649 4393
Fax No. 435 649 4384
E-mail address jrshein@sisna.com

Phone No. 801 532 3348
Fax No. 801 532 3348

Sidwell Parcels:
09 31 208 012
09 31 209 001
09 30 455 022

Sidwell Parcel:
09 31 209 011

OVERVIEW

The two properties which are the subject of this application total 5.1 acres and were originally set aside in the mid 1990's for future condominium development purposes in connection with the subdivision of the former VA Hospital and Primary Children's Hospitals campus. The surrounding property, which formed the bulk of the acreage of the VA Hospital and Primary Children's Hospitals campus, became a single family dwelling subdivision styled Capitol Park Estates.

Applicant CPP is the contract vendee of the old Veterans Administration Hospital building, which has been in disuse for approximately fifteen years. CPP proposes the rehabilitation and renovation of the existing 80,000 square foot building into a multifamily condominium residence having a maximum of twenty-eight premium condominium units with amenities. Parking requirements for the residents will be satisfied by an underground garage containing approximately 42 spaces and by 28 supplemental surface parking spaces which will be approximately 8 feet below the grade of Capitol Park Avenue. Primary access to the property will be from F Street with secondary access and egress from Capitol Park Avenue. As shown on the site plan, the property to be acquired by CCP is approximately 3.1 acres.

CONSENT TO INCLUSION
IN RE-ZONING APPLICATION

RECITALS

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IN WITNESS WHEREOF, each of the undersigned has executed this Consent as of the 5th day of October, 2004.

Capitol Park Development, L.C.

By: _____
Name: _____
Title: _____

Capitol Park Homeowners Association

By: _____
Name: _____
Title: _____

Avenue Heights Condominiums, L.L.C.

By: Wallace A. Wright Jr.
Name: WALLACE A. WRIGHT JR.
Title: MEMBER

Karen S. Wright
Karen S. Wright

CONSENT TO INCLUSION
IN RE-ZONING APPLICATION

RECITALS

Capitol Park Penthouses, LLC, as Contract Vendee of Avenue Heights Condominiums, L.L.C. and Karen S. Wright, as Fee Owner of the contiguous property known as the Annex Building, have made an application to Salt Lake City Corporation to rezone their respective properties from single family to multi-family.

Salt Lake City Corporation has requested that the perimeter of the properties to be rezoned include the small triangular property that is contiguous to both the Karen S. Wright property and Capitol Park Avenue (sometimes referred to as the "Half-Moon Parcel") be included in the re-zoning application. Capitol Park Development, L.C. is the registered owner of the Half-Moon Parcel over a part of which one must drive to enter the Karen S. Wright property from the west. The disposition of the Half-Moon Parcel is subject to the provisions of that certain Stipulation and Settlement Agreement (the "Settlement Agreement") dated December 4, 2003, entered into by and among Capitol Park Development, L.C., Capitol Park Homeowners Association, Inc., Avenue Heights Condominiums, LLC and Karen S. Wright.

NOW, THEREFORE, for good and valuable consideration the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. Each of the signatories hereto consents to the inclusion of the Half-Moon Parcel in the re-zoning application described above.
2. Nothing herein contained shall affect, modify or otherwise amend any term or condition of the Settlement Agreement including, without limitation, any provision thereof relating to the Half-Moon Parcel.
3. This instrument may be executed in counterparts, each of which shall be deemed an original but all of which shall constitute a single instrument.

IN WITNESS WHEREOF, each of the undersigned has executed this Consent as of the 5th day of October, 2004.

Capitol Park Development, L.C.

By: _____
Name: _____
Title: _____

Capitol Park Homeowners Association

By: Jonathan M. Kuya
Name: _____
Title: **Secretary**

Avenue Heights Condominiums, L.L.C.

By: _____
Name: _____
Title: _____

Karen S. Wright

REMARKS

Petition No. 400-04-38

By Capitol Park Penthouses, LLC
& Karen S. Wright

Is requesting a Zoning Map Amendment to reclassify the Old Veterans Administration Hospital Property and Capitol Park Avenue and 'F' Street from a SFR-3 classification to a RMF-35 classification.

Date Filed _____

Address _____