

A. LOUIS ZUNGUZE
PLANNING DIRECTOR

BRENT B. WILDE
DEPUTY PLANNING DIRECTOR

DOUGLAS L. WHEELWRIGHT, AICP
DEPUTY PLANNING DIRECTOR

SALT LAKE CITY CORPORATION
COMMUNITY DEVELOPMENT
PLANNING AND ZONING DIVISION

ROSS C. ANDERSON
MAYOR

COUNCIL TRANSMITTAL

TO: Rocky Fluhart, Management Services Director **DATE:** March 4, 2005

FROM: Louis Zunguze, Community Development Director

RE: **Petition 400-01-37** a request by **Overland Development/Salt Lake Apartment Builders, LLC** for an extension of time relating to previously adopted ordinances for map amendments to change the zoning of the properties generally located at 321-331 South 500 East, 550-558 East 300 South and 326-348 South 600 East from RMF-35 and RO to R-MU.

STAFF CONTACT: Doug Dansie, Principal Planner 535-6182

RECOMMENDATION: That the City Council review and approve an extension of time for ordinance 11 and 12 of 2003.

DOCUMENT TYPE: Resolution

BUDGET IMPACT: There are no budget impacts associated with the proposed amendments.

DISCUSSION: The Planning office received a letter from Salt Lake Apartment Builders, LLC, requesting an extension of time to their previous approval noted in ordinances 11 and 12 of 2003. Salt Lake Apartment Builders are in the process of constructing the Emigration Court Apartments. The project was originally approved for Overland Development, but was subsequently transferred to Salt Lake Apartment Builders, LLC.

The original project was approved in three phases. There are three separate ordinances for zoning changes adopted by the City Council, with three separate expiration dates. The first phase is for a mixed-use building facing 500 East; the zoning change has taken effect and the building is under construction. The second phase is for an apartment building facing 300 South; the ordinance for zoning change expires on March 20, 2005 (ordinance 11 of 2003). The third phase is for a condominium building facing 600 East; the ordinance for zoning change expires on March 20, 2006 (ordinance 12 of 2003).

There are also three permit approval phases associated with this project. The first phase Planned Development has been approved by both the Planning Commission and the Historic Landmark Commission and the building is presently under construction.

The second and third phases of the Planned Development were conceptually approved by the Planning Commission but are required to return to the Planning Commission for final approval. Historic Landmark Commission approval is also required for the second and third phases. All three phases share a common parking garage and/or amenities.

Because of financing provisions that preclude Salt Lake Apartment Builders from beginning the construction of phases II and III within the ordinance timeframes, they are asking that the City Council provide an extension of the time. **Please refer to the attached letter from Salt Lake Apartment Builders for more details.** Both ordinances (ordinance 11 and 12 of 2003) were originally approved by the City Council on March 20, 2003 and specifically state: SECTION 5 "The City Council may for good cause shown, extend the time period for satisfying the conditions identified above".

The existing approval for the zone change for phase two (ordinance 11 of 2003) is due to expire on March 20, 2005. The approval for phase three (ordinance 12 of 2003) is due to expire on March 20, 2006. Salt Lake Apartment Builders is asking that phase two be extended 18 months to September 20, 2006 and phase three be extended 36 months to March 20, 2008 to complete the project.

The Planning Commission and the Historic Landmark Commission have previously recommended approval of the proposed rezone and will continue to be involved in the Planned Development approvals for phases two and three. Therefore the Planning Division recommends to that the City Council grant the requested time extensions for the rezone ordinance for phases II and III of the Salt Lake Apartment Builders project.

Salt Lake Apartment Builders, LLC

750 East 9000 South, Suite A
Sandy, Utah 84094

February 17, 2005

Mr. Louis Zunguze
Planning Director
Salt Lake City
451 South State Street, Room 406
Salt Lake City, Utah 84111

Ms. Cindy Gust-Jenson
Executive Director – City Council Office
Salt Lake City
451 South State Street, Room 304
Salt Lake City, Utah 84111

RE: Emigration Court Apartments

Dear Mr. Zunguze and Ms. Gust-Jenson:

On March 20, 2003 the Salt Lake City Council approved the rezoning of a parcel of land located between 500 to 600 East and 300 to 400 South in Salt Lake City for a project known as the Emigration Court Apartments. Please see the attached ordinances 11 and 12 of 2003. The zoning approval was contingent upon the issuance of a building permit and will expire in March 2005 and 2006 respectively, if not met. Phase I (Ordinance 10) was met and the rezone on that parcel was enacted last March.

The purpose of this letter is to request an extension of the timeframe periods associated with these ordinances permitted in Section 5. Appropriate timeframes for the remaining development would be an extension of 18 months (September 20, 2006) on Phase II and 3 Years (March 20, 2008) on Phase III.

Phase I is currently under construction and includes financing provisions that do not allow the beginning of construction on Phase II within the current approved re-zone timeframe. While the project is moving ahead, there have been delays associated with a change in development team and economic market conditions that have required the phasing to be structured in conjunction with the actual build times associated with the construction of the prior phase. Phase I will take until the end of this year to reach completion. Phase II is projected to take 14 to 16 months, and Phase III will take approximately 18 months.

It is exciting that this project is finally moving forward as planned and we thank the City for all their help and cooperation. We feel, as we are sure you do, that this project is a wonderful addition to downtown Salt Lake and an integral part of the housing that will return people to the

downtown area. We respectfully request that this extension be granted to continue the overall development.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard Ellsworth". The signature is fluid and cursive, with the first name "Richard" and last name "Ellsworth" clearly distinguishable.

Richard Ellsworth
Manager

cc: Mr. Doug Dansie, Community Planner
Ms. Elizabeth Giraud, Historic Landmark Preservation Planner
Mr. Brent Hilton, Hilton Associates
Mr. Craig Nielsen, Manager Salt Lake Apartment Builders, LLC

SALT LAKE CITY ORDINANCE
No. 11 of 2003

Conditions

(Rezoning property located at 550-558 East 300 South)

AN ORDINANCE REZONING THE PROPERTY LOCATED AT 550-558 EAST 300 SOUTH, FROM RESIDENTIAL OFFICE (RO) TO RESIDENTIAL MIXED USE (R-MU), PURSUANT TO PETITION NO. 400-01-37.

WHEREAS, the Planning Commission and the City Council have held public hearings and have taken into consideration citizen testimony, filing, and demographic details of the area, the long range general plans of the City, and any local master plan as part of their deliberations. Pursuant to these deliberations, the City Council has concluded that the proposed change of zoning for the property identified herein 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 550-558 East 300 South, which is more particularly described on Exhibit A attached hereto, shall be and hereby is rezoned from Residential Office (RO) to Residential Mixed Use (R-MU).

SECTION 2. Amendment of zoning map. The Salt Lake City zoning map, as adopted by 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. Conditions. The rezoning approved herein is conditioned upon the following:


- a. The zoning for this property shall not take effect until a building permit has been issued by the City for that property.

- b. The mid-block walkway between 500 and 600 East shall be improved with landscaping and pedestrian oriented amenities. The final landscaping plan must be approved by the Salt Lake City Planning Director.
- c. The development of this property must be processed as a planned development with approval obtained from the Salt Lake City Planning Commission.
- d. Approval of the final design of the buildings must be obtained from the Salt Lake City Planning Director and the Historic Landmark Commission.

SECTION 4. Effective Date. This ordinance shall become effective on the date of its first publication and shall be recorded with the Salt Lake County Recorder. 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 5. Time. If the conditions identified above have not been met within two years 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 conditions identified above.

Passed by the City Council of Salt Lake City, Utah, this 20th day of March, 2003.


CHAIRPERSON

ATTEST:

Christine Meeker
CHIEF DEPUTY CITY RECORDER

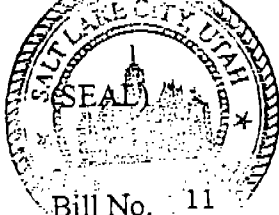
Transmitted to the Mayor on 3/21/03

Mayor's Action: X Approved. Vetoed.

[Signature]
MAYOR

ATTEST:

Christine Meeker
CHIEF DEPUTY CITY RECORDER



Bill No. 11 of 2003.

Published:

FILED IN TO ROOM
Salt Lake City Planning Office
Date 1-8-03
By [Signature]

PHASE 1 BOUNDARY

East

331

74

4F-35

20

BEGINNING AT THE NORTH WEST CORNER OF LOT 4, BLOCK 38, PLAT "B", SALT LAKE CITY SURVEY, SAID POINT ALSO LYING ON THE EAST LINE OF 500 EAST STREET; THENCE N89°57'40"E 361.114 FEET ALONG THE NORTH LINE OF SAID LOT 4, AND LOT 7 OF SAID BLOCK 38; THENCE SOUTH 24.585 FEET; THENCE EAST 153.750 FEET; THENCE SOUTH 181.083 FEET; THENCE WEST 153.750 FEET; THENCE SOUTH 17.736 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 7; THENCE S89°57'40"W 361.028 FEET ALONG SAID SOUTH LINE AND ALONG THE SOUTH LINE OF SAID LOT 4 TO THE SOUTH WEST CORNER OF LOT 4, SAID POINT ALSO LYING ON THE EAST LINE OF 500 EAST STREET; THENCE N0°01'19"W 223.404 FEET ALONG SAID EAST LINE TO THE POINT OF BEGINNING. CONTAINS 2.491 ACRES.

revised 11/12/02 cb

PHASE 2 BOUNDARY

-558 E

South

2

BEGINNING AT THE NORTH WEST CORNER OF LOT 6, BLOCK 38, PLAT "B", SALT LAKE CITY SURVEY, SAID POINT ALSO LYING ON THE SOUTH LINE OF 300 SOUTH STREET; THENCE N89°57'38"E 181.496 FEET ALONG SAID SOUTH LINE; THENCE S0°01'22"E 190.346 FEET TO A POINT ON THE NORTH LINE OF PHASE 1; THENCE ALONG THE NORTHERLY BOUNDARY OF SAID PHASE 1 THE FOLLOWING THREE COURSES: WEST 151.056 FEET; THENCE NORTH 24.585 FEET; THENCE S89°57'40"W 30.450 FEET TO A POINT ON THE EAST LINE OF SAID LOT 6; THENCE N0°01'22"W 165.657 FEET ALONG SAID EAST LINE TO THE POINT OF BEGINNING. CONTAINS 0.776 ACRES.

PHASE 3 BOUNDARY

10 East

4F-35

BEGINNING AT THE SOUTH EAST CORNER OF LOT 6, BLOCK 38, PLAT "B", SALT LAKE CITY SURVEY, SAID POINT ALSO LYING ON THE WEST LINE OF 600 EAST STREET; THENCE S0°01'25"E 290.061 FEET ALONG SAID WEST LINE TO A SET REBAR AND CAP # 158397; THENCE S89°57'38"W 330.667 FEET TO THE EAST LINE OF LOT 3 OF SAID BLOCK 38; THENCE N0°01'22"W 66.664 FEET ALONG SAID EAST LINE TO THE NORTH EAST CORNER OF SAID LOT 3, SAID POINT ALSO LYING ON THE SOUTH LINE OF PHASE 1; THENCE ALONG THE SOUTHERLY AND EASTERLY BOUNDARY OF SAID PHASE 1 THE FOLLOWING FIVE COURSES: N89°57'40"E 30.361 FEET; THENCE NORTH 17.736 FEET; THENCE EAST 153.750 FEET; THENCE NORTH 181.083 FEET; THENCE WEST 2.694 FEET TO THE SOUTH EAST CORNER OF PHASE 2; THENCE N0°01'22"W 24.682 FEET ALONG THE EAST LINE OF SAID PHASE 2 TO A POINT ON THE SOUTH LINE OF THE AFOREMENTIONED LOT 6; THENCE N89°57'38"E 149.167 FEET ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING. CONTAINS 1.321 ACRES.

file: U:\86301148 Emmigration Court\design\legals\PHASE 1-2-3 BOUNDARY.doc

Affected Sidwell Numbers

16-06-427-036

16-06-427-013

16-06-426-008

16-06-283-001

16-06-283-006

SALT LAKE CITY ORDINANCE
No. 12 of 2003

Conditions

(Rezoning property located at 326-348 South 600 East)

AN ORDINANCE REZONING PROPERTY LOCATED AT 326-348 SOUTH 600 EAST FROM MULTI-FAMILY RESIDENTIAL (RMF-35) TO RESIDENTIAL MIXED USE (R-MU), PURSUANT TO PETITION NO. 400-01-37.

WHEREAS, the Planning Commission and the City Council have held public hearings and have taken into consideration citizen testimony, filing, and demographic details of the area, the long range general plans of the City, and any local master plan as part of their deliberations. Pursuant to these deliberations, the City Council has concluded that the proposed change of zoning for the property identified herein 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 326-348 South 600 East, which is more particularly described on Exhibit A attached hereto, shall be and hereby is rezoned from Multi-Family Residential (RMF-35) to Residential Mixed Use (R-MU).

SECTION 2. Amendment of zoning map. The Salt Lake City zoning map, as adopted by 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. Conditions. The rezoning approved herein is conditioned upon the following:

- a. The zoning for this property shall not take effect until a building permit has been issued by the City for that property.

- b. The proposed development along 600 East is approved only with the following stipulations:
 - 1. New commercial uses along the 600 East frontage are prohibited;
 - 2. A 15 foot landscaped front yard setback shall be provided along 600 East, unless the Historic Landmark Commission approves an alternative design; and
 - 3. The height of the buildings along 600 East is limited to 45 feet unless the Historic Landmark Commission approves an alternative design.
- c. The mid-block walkway between 500 and 600 East shall be improved with landscaping and pedestrian oriented amenities. The final landscaping plan must be approved by the Salt Lake City Planning Director.
- d. The development on this property must be processed as a planned development with approval obtained from the Salt Lake City Planning Commission.
- e. Approval of the final design of the buildings must be obtained from the Salt Lake City Planning Director and the Historic Landmark Commission.

SECTION 4. Effective Date. This ordinance shall become effective on the date of its first publication and shall be recorded with the Salt Lake County Recorder. 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 5. Time. If the conditions identified above have not been met within three years 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 conditions identified above.

Passed by the City Council of Salt Lake City, Utah, this 20th day of March, 2003.


CHAIRPERSON

ATTEST:


CHRISTINA MECKER
CHIEF DEPUTY CITY RECORDER

Transmitted to the Mayor on 3/21/03.

Mayor's Action: X Approved. Vetoed.

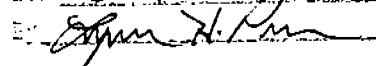

MAYOR

ATTEST:


CHRISTINA MECKER
CHIEF DEPUTY CITY RECORDER

(SEAL)



3-14-03


Bill No. 12 of 2003.

Published: .

PHASE 1 BOUNDARY

500 East
21-331
South
RMF-35
20

BEGINNING AT THE NORTH WEST CORNER OF LOT 4, BLOCK 38, PLAT "B", SALT LAKE CITY SURVEY, SAID POINT ALSO LYING ON THE EAST LINE OF 500 EAST STREET; THENCE N89°57'40"E 361.114 FEET ALONG THE NORTH LINE OF SAID LOT 4, AND LOT 7 OF SAID BLOCK 38; THENCE SOUTH 24.585 FEET; THENCE EAST 153.750 FEET; THENCE SOUTH 181.083 FEET; THENCE WEST 153.750 FEET; THENCE SOUTH 17.736 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 7; THENCE S89°57'40"W 361.028 FEET ALONG SAID SOUTH LINE AND ALONG THE SOUTH LINE OF SAID LOT 4 TO THE SOUTH WEST CORNER OF LOT 4, SAID POINT ALSO LYING ON THE EAST LINE OF 500 EAST STREET; THENCE N0°01'19"W 223.404 FEET ALONG SAID EAST LINE TO THE POINT OF BEGINNING. CONTAINS 2.491 ACRES.

revised 11/12/02 cb

PHASE 2 BOUNDARY

50-558 E
300 South
20

BEGINNING AT THE NORTH WEST CORNER OF LOT 6, BLOCK 38, PLAT "B", SALT LAKE CITY SURVEY, SAID POINT ALSO LYING ON THE SOUTH LINE OF 300 SOUTH STREET; THENCE N89°57'38"E 181.496 FEET ALONG SAID SOUTH LINE; THENCE S0°01'22"E 190.346 FEET TO A POINT ON THE NORTH LINE OF PHASE 1; THENCE ALONG THE NORTHERLY BOUNDARY OF SAID PHASE 1 THE FOLLOWING THREE COURSES: WEST 151.056 FEET; THENCE NORTH 24.585 FEET; THENCE S89°57'40"W 30.450 FEET TO A POINT ON THE EAST LINE OF SAID LOT 6; THENCE N0°01'22"W 165.657 FEET ALONG SAID EAST LINE TO THE POINT OF BEGINNING. CONTAINS 0.776 ACRES.

PHASE 3 BOUNDARY

600 East
RMF-35

BEGINNING AT THE SOUTH EAST CORNER OF LOT 6, BLOCK 38, PLAT "B", SALT LAKE CITY SURVEY, SAID POINT ALSO LYING ON THE WEST LINE OF 600 EAST STREET; THENCE S0°01'25"E 290.061 FEET ALONG SAID WEST LINE TO A SET REBAR AND CAP # 158397; THENCE S89°57'38"W 330.667 FEET TO THE EAST LINE OF LOT 3 OF SAID BLOCK 38; THENCE N0°01'22"W 66.664 FEET ALONG SAID EAST LINE TO THE NORTH EAST CORNER OF SAID LOT 3, SAID POINT ALSO LYING ON THE SOUTH LINE OF PHASE 1; THENCE ALONG THE SOUTHERLY AND EASTERLY BOUNDARY OF SAID PHASE 1 THE FOLLOWING FIVE COURSES: N89°57'40"E 30.361 FEET; THENCE NORTH 17.736 FEET; THENCE EAST 153.750 FEET; THENCE NORTH 181.083 FEET; THENCE WEST 2.694 FEET TO THE SOUTH EAST CORNER OF PHASE 2; THENCE N0°01'22"W 24.682 FEET ALONG THE EAST LINE OF SAID PHASE 2 TO A POINT ON THE SOUTH LINE OF THE AFOREMENTIONED LOT 6; THENCE N89°57'38"E 149.167 FEET ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING. CONTAINS 1.321 ACRES.

Affected Sidwell Numbers

16-06-427-036

16-06-427-013

16-06-426-008

16-06-283-001

16-06-283-006

MAR 11 2005

RESOLUTION NO. _____ OF 2005

A RESOLUTION EXTENDING THE TIME PERIOD
FOR SATISFYING THE CONDITIONS SET FORTH
IN ORDINANCE NO. 11 OF 2003

WHEREAS, the City Council enacted Ordinance No. 11 of 2003 on March 20, 2003; and

WHEREAS, that ordinance imposed certain conditions and required that those conditions
be met within two years from the date that the ordinance was signed; and

WHEREAS, the ordinance also provided that the City Council may extend the time
period for satisfying the conditions set forth in the ordinance; and

WHEREAS, the City Council finds that there is good cause to extend the deadline for
satisfying the conditions set forth in the ordinance;

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

SECTION 1. The deadline for satisfying the conditions set forth in Ordinance No. 11 of
2003 shall be and hereby is extended for a period of 18 months, from March 20, 2005 to
September 20, 2006.

DATED this _____ day of _____, 2005.

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

SALT LAKE CITY COUNCIL

By: _____
CHAIRPERSON

APPROVED AS TO FORM
Salt Lake City Attorney's Office
Date 3-11-05
By [Signature]

ATTEST AND COUNTERSIGN:

CHIEF DEPUTY CITY RECORDER

APPROVED AS TO FORM:

SALT LAKE CITY ATTORNEY

MAR 11 2005

RESOLUTION NO. _____ OF 2005

A RESOLUTION EXTENDING THE TIME PERIOD
FOR SATISFYING THE CONDITIONS SET FORTH
IN ORDINANCE NO. 12 OF 2003

WHEREAS, the City Council enacted Ordinance No. 12 of 2003 on March 20, 2003; and

WHEREAS, that ordinance imposed certain conditions and required that those conditions
be met within three years from the date that the ordinance was signed; and

WHEREAS, the ordinance also provided that the City Council may extend the time
period for satisfying the conditions set forth in the ordinance; and

WHEREAS, the City Council finds that there is good cause to extend the deadline for
satisfying the conditions set forth in the ordinance;

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

SECTION 1. The deadline for satisfying the conditions set forth in Ordinance No. 12 of
2003 shall be and hereby is extended for a period of 3 years, from March 20, 2005 to March 20,
2008.

DATED this _____ day of _____, 2005.

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

SALT LAKE CITY COUNCIL

APPROVED AS TO FORM
Salt Lake City Attorney's Office
Date 3-11-05
By [Signature]

By: _____
CHAIRPERSON

ATTEST AND COUNTERSIGN:

CHIEF DEPUTY CITY RECORDER

APPROVED AS TO FORM:

SALT LAKE CITY ATTORNEY